



BRPC

Berkshire Regional Planning Commission

1 Fenn Street, Suite 201
Pittsfield, MA 01201
T: (413) 442-1521 · F: (413) 442-1523
TTY: 771 or (800) 439-2370
berkshireplanning.org

REGIONAL ISSUES COMMITTEE – Meeting Minutes

Wednesday, March 23, 2022

via Zoom

I. Call to Order

The meeting was called to order at 4:02 pm by CJ Hoss. The meeting was recorded.

Committee Members Present

John Duval, Chair of BRPC

Andrew Groff, Williamstown

Kyle Hanlon, North Adams

CJ Hoss, RIC Chair, Pittsfield

Sheila Irvin, Pittsfield

Christine Rasmussen, Stockbridge

Chris Rembold, Great Barrington

Committee Members Absent

Eleanor Tillinghast, Mount Washington (non-Commission member)

BRPC Staff Present

Tom Matuszko, Executive Director

Laura Brennan, Economic Development Program Manager

Chris Brown, Community Planner

Guests Present

Jason Moran, Williams College

II. Approval of October 2021 Meeting Minutes

Sheila I. made a motion to approve, Chris R. seconded. No discussion. Minutes from October 2021 were approved via roll call vote, with John Duval abstaining.

III. Draft Net-Zero Stretch Energy Code

Chris R. made a motion to ratify the comment letter as submitted, with changes incorporated during its review by the Commission. Sheila I. seconded. Attendees voted via roll call to ratify, with Kyle Hanlon abstaining.

IV. Williams College low carbon heating project

During previous meetings, one of the items of interest identified by the group was the issue of whether the grid can support a movement to improved efficiency, particularly in the pursuit of net zero energy provision. CJ provided this background, indicating the topic also had relevance to previous discussions regarding large solar installations and connections to the grid in those circumstances. He invited Jason Moran of Williams College to share overview information regarding their experience. Jason has been working on their energy and carbon master plan for approximately eight months and has had the opportunity to be

part of many conversations about grid capacity. Current approach to heating buildings using steam is extremely inefficient. A greater efficiency can be achieved through a low temp hot water distribution system, combining heat pumps with ground source thermal applications. In his estimation, all signs are pointing to a greater campus electrification and that will lead to questions regarding grid capacity not just for the campus but for the municipality at large. A holistic plan for the entire community is likely to be pursued.

They are currently reviewing several possible scenarios for the campus, considering sources (natural gas/steam boilers is current approach, but exploring opportunities such as geothermal, heat pumps, heat recovery chillers, thermal energy storage, solar thermal energy production, recovering heat from sewer lines, etc.) as well as distribution (potential to replace the couple miles of steam piping with low temp hot water and chilled water piping). There will also be building upgrades needed to accommodate the changes to lower temperatures. In some cases, existing radiators may not be able to maintain desired temperatures using lower temperature distribution.

The increased consumption of electricity is already a topic between Williams College and National Grid, and it is clear that their current capacity is not going to be enough, particularly with the anticipated shift to EV charging stations throughout campus. Implementation will need to be phased. The college has set a goal of 80% reduction in Scope 1 emissions by 2035, as compared to 1991 levels. Without increased grid capacity, decarbonization goals will only progress so far.

CJ commented that communities in Berkshire County are at a disadvantage in preparing for the needed changes and moves away from fossil fuels. Jason responded that even after transitions in terms of sources, the resiliency of the grid is also a concern moving forward. As we become more dependent on the grid, if resiliency is not improved, end users will be increasingly vulnerable during outages. Sheila I. asked if anyone had more information about how the utility companies were preparing for such increased demand, and it was agreed to continue the discussion at future meetings.

V. Short Term Rentals

Several Berkshire County communities have been discussing components of this topic in recent months, including North Adams and Great Barrington, and committee members had agreed to ask BRPC Staff member Chris Brown to present overview information which he has researched within the context of the Regional Housing Strategy initiative. According to Chris B., the renewed interest in regulating short-term rentals is due in part to an influx of renters utilizing such properties during the pandemic. The precise number of units being offered as short-term rentals is difficult to track. Chris indicated that in a region such as the Berkshires, a balance of affordability – which short term rentals can impact negatively – with the importance of tourism, needs to be struck.

Chris shared slides indicating that there are approximately 1,000 units available in Berkshire County for STR. Almost all of them (85%) are full-home rentals. Lenox specifically has a lower than typical proportion of full-home rentals. Average daily rents range from \$192 in the less expensive areas to \$451 for STRs in the more expensive communities. Seasonal rentals have grown from 13.7% of all households in 2010 to just above 18% in 2019. This increase is impacted both by an increase in short term rentals as well as a decrease in available households.

Fifteen Berkshire County communities have adopted some form of the local excise tax on room occupancy. While there is a 5.7% state room occupancy excise tax, Massachusetts cities and town are permitted to add a local room occupancy excise tax of up to 6% (6.5% in Boston). On average, municipalities in Berkshire County with the local room occupancy excise tax are collectively raising about \$350,000 (2021 excluded), and that level is again

anticipated for fiscal year 2022.

Additionally, as of July 1, 2019, cities and towns may charge a community impact fee of up to 3% to short-term rentals if an operator has more than one property in that locality or is renting an owner-occupied 2- or 3- family home as part of a short-term rental. This only applies to certain professionally managed units, and 12 communities in the Commonwealth have adopted this additional fee. The only community in Berkshire County that has adopted the community impact fee is Egremont, and this was very recent.

Issues that have come up most often in BRPC staff discussions with communities addressing STR issues are length of stay and ownership. Chris B. shared examples of Short-Term Rental bylaws from Lenox, Egremont, and Stockbridge. Lenox's bylaw does not speak to ownership but does limit the number of days per year. Egremont's bylaw adopted both the local excise tax and community impact fee simultaneously. Stockbridge's bylaw does speak directly to ownership. If a property is owned by a corporation that is not an LLC, it cannot be offered as a short-term rental, which is more restrictive than the state level. They also restrict anything that is designated as affordable or has an affordability covenant.

Chris B. added that he has heard anecdotally that the presence of some level of regulation may have somewhat of a chilling impact on those looking to rent properties for short-term use. In his analysis of registered owners and the communities in which they exist, he is not sure that this bears out.

Chris R. shared his experience having difficulty getting data from the state's Department of Revenue, and that in the past it has blended short-term rental results with that of hotels. Moving forward, that data is supposed to be separated for more clarity.

Andrew G. discussed the non-compliance of most short-term rentals with building code in terms of safety measures including sprinklers and fire alarms. Chris R. stated that he believes pending revisions to the building code may help to address this issue. Andrew said he expects the revisions to be released in January of 2023. Tom M. asked whether this should be something that BRPC provides comments on, and whether there is any mechanism for providing comments. CJ asked that BRPC staff find out whether there is a public process in place, for possible consideration as a future RIC topic. He also asked that when Chris B. is further along with his research, this subject also be included in a full Commission agenda as an educational topic. Tom M. also suggested that this could be a topic for a 5th Thursday dinner.

Topics for Future Consideration

The group prioritized further exploration of electrical grid capacity for the next meeting, as well as potential changes to OML. Tom M. felt it would be worthwhile to determine our stance, and proactively work with our delegation to further that approach. April's agenda will include a guest speaker regarding grid capacity, and discussion by RIC members regarding Open Meeting Law/remote participation.

Next Committee Meeting Date – April 27, 2022

VII. Adjournment

The meeting was adjourned at 5:04 p.m.

HOUSE No. 3213

The Commonwealth of Massachusetts

PRESENTED BY:

James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act updating the Open Meeting Law to support remote participation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/18/2021</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>2/23/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>5/20/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/20/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>6/7/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>6/14/2021</i>

HOUSE No. 3213

By Mr. O'Day of West Boylston, a petition (accompanied by bill, House, No. 3213) of James J. O'Day and Rebecca L. Rausch for legislation to further regulate the Open Meeting Law to support remote participation. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act updating the Open Meeting Law to support remote participation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 30A of the General Laws, as appearing in the 2018 Official
2 Edition, is hereby amended by striking out paragraph (d) of section 20.

3 SECTION 2. Chapter 30A of the General Laws, as appearing in the 2018 Official
4 Edition, is hereby amended by inserting after section 20 the following section:-

5 Section 20A. (a) A public body may allow remote participation by any member for any
6 meeting of the public body. For the purposes of this section, the term remote participation means
7 participation by a member of a public body during a meeting of that public body where the
8 member is not physically present at the meeting location.

9 (b) Members remotely participating in a meeting may vote, shall be considered present
10 and in attendance for all purposes, including for purposes of determining a quorum and for the
11 purposes of section 23D of chapter 39.

12 (c) All members of the public body participating either remotely or at a meeting location
13 shall be clearly audible to one another.

14 (d) For any meeting conducted through remote participation, the public body shall make
15 provisions to ensure public access to the deliberations of the public body for interested members
16 of the public through adequate, alternative means. Adequate, alternative means of public access
17 shall mean measures that provide transparency and permit timely and effective public access to
18 the virtual meeting. Such means may include, without limitation, providing public access
19 through telephone, Internet or satellite enabled audio or video conferencing or any other
20 technology that enables the public to clearly follow the proceedings of the virtual meeting while
21 those proceedings are occurring. Documents used for any such meeting should be made available
22 to the public before or at the time of the meeting of the public body. Where allowance for active,
23 real-time participation by members of the public is a specific requirement of a general or special
24 law or regulation, or a charter, local ordinance or by-law, pursuant to which the proceeding is
25 conducted, any alternative means of public access shall provide for such participation. A public
26 body shall offer its selected alternative means of public access to virtual meetings without
27 subscription, toll, or similar charge to the public.

28 (e) A public body that elects to conduct its proceedings remotely shall ensure that any
29 party entitled or required to appear before it may do so through remote means, as if the party
30 were a member of the public body participating remotely.

31 (f) The executive body of a municipality shall develop and adopt standards and
32 guidelines for remote participation of public bodies that is sufficient for the municipality prior to
33 any remote meeting held pursuant to this law.

SENATE No. 2104

The Commonwealth of Massachusetts

PRESENTED BY:

Rebecca L. Rausch

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act updating the Open Meeting Law to support remote participation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/23/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/24/2021</i>

SENATE No. 2104

By Ms. Rausch, a petition (accompanied by bill, Senate, No. 2104) of Rebecca L. Rausch, James J. O'Day and Joanne M. Comerford for legislation to update the Open Meeting Law to support remote participation. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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33 any remote meeting held pursuant to this law.