

Mark Pruhenski
Town Manager

E-mail: mpruhenski@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2900
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

Selectboard Regular Meeting via Zoom Order of Agenda for Monday, January 24, 2022, at 6:00 PM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/84727797185?pwd=NDFRUjFITE12eDN3bE5LaTNBQ0RmZz09>

Webinar ID: 84727797185

Passcode: 528528

Dial-in, audio-only: (929) 205 6099

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's June 16, 2021 Revised Order extending remote participation by all members in any meeting of a public body, this meeting of the Great Barrington Selectboard will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on town's website, at www.townofgb.org. For this meeting, members of the public who wish to listen to the meeting may do so in the following manner: See instructions at the top of the agenda. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means.

*****ALL VOTES ARE ROLL CALL*****

1. CALL TO ORDER SELECTBOARD REGULAR MEETING
2. CONVENE AS SEWER COMMISSIONERS
 - a. Sewer Abatements for the period of January 2021 to June 30, 2021
3. APPROVAL OF MINUTES
 - a. March 22, 2021
 - b. April 26, 2021
 - c. November 1, 2021
 - d. November 29, 2021 (joint with Planning Board)
 - e. January 10, 2022
4. SELECTBOARD'S ANNOUNCEMENTS/STATEMENTS
5. TOWN MANAGER'S REPORT
 - a. Housatonic Water Works
 - b. Update from W.E.B. Du Bois Legacy Committee
6. LICENSES AND PERMITS
 - a. Phornphimon Ezinga and Robbin Ezinga of Steam Noodle Café LLC for an Annual Common Victualler at 286 Main Street.
 - b. Karen Beckwith of Great Barrington Fish and Game Association for 10-one day liquor Licenses the following events:

- i. Ice Fishing Derby February 12, 2022 (with a February 26, 2022 alternate date if needed due to weather) from 7:00AM to 6:00PM.
- ii. Super Bowl Party February 13, 2022 from 3:00PM to 10:00PM
- iii. Ham Shoots, Sundays beginning February 20 and ending on April 10, 2022 from Noon to 6:00PM.

c. Francisco Javier Arango of GBMAM1, LLC for the Lantern House Motel requesting an Annual Innholders License for 256 Stockbridge Road.

d. Cherri Tanes of Extra Special Teas for an Annual Common Victualler for 226 Pleasant Street.

7. NEW BUSINESS

- a. Appoint Treasurer Collector Alicia Dulin as Custodian of Properties (*acquired by foreclosure of tax titles for the Town of Great Barrington*).
- b. Squaw Peak Road- Neighborhood meeting to discuss a potential street name change.

8. PREVIOUS BUSINESS

- a. Continued from January 18, 2022: Short-Term Rental Bylaw
 - i. Stockbridge Version
 - ii. Lenox Version

9. CITIZEN SPEAK TIME

Citizen Speak Time is an opportunity for the Selectboard to listen to residents. Topics of particular concern or importance may be placed on a future agenda for discussion. This time is reserved for town residents only unless otherwise permitted by the chair, and speakers are limited to 3 minutes each.

10. SELECTBOARD'S TIME

11. MEDIA TIME

12. ADJOURNMENT

NEXT SELECTBOARD MEETING

January 31, 2022 Priority Planning

February 14, 2022

February 28, 2022



Mark Pruhenski, Town Manager

Pursuant to MGL. 7c. 30A sec. 20 (f), after notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium. At the beginning of the meeting, the chair shall inform other attendees of any such recordings. Any member of the public wishing to speak at the meeting must receive permission of the chair. The listings of agenda items are those reasonably anticipated by the chair, which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion to the extent permitted by law.

Town of Great Barrington
Sewer Abatements - 01/01/2021 through 6/30/2021

Applicant	Service Address	Current Billing	Abatement	Duration	Reason Provided
Estate of Elijah Conaway	51 Dresser Ave	\$ 253.00	\$ 126.50	Temporary	Vacant
Emmanuel and Pauline Dongala	255 State Road	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant.
John Fitzgerald	114 Cottage Street	\$ 253.00	\$ 126.50	Temporary	House is vacant, water is shut off
Joyce Greenberg	26 Berkshire Heights	\$ 253.00	\$ 253.00	Perm.	House destroyed by fire
George Guerrero	127 - 129 Castle Hill Avenue	\$ 1,012.00	\$ 253.00	Temporary	Units 129 1&2 vacant - under renovation
Leslye Heilig	10 Alford Road	\$ 506.00	\$ 253.00	Temporary	House is gutted and vacant
Jeanne Holcomb	226 Prospect Street	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant
Robert Holcomb	34-36 Cottage Street	\$ 506.00	\$ 126.50	Temporary	There are two units, only one is occupied
Patrick Hollenbeck	1075 Main Street	\$ 506.00	\$ 126.50	Temporary	2nd unit vacant
Charles Lord	7 High Street	\$ 506.00	\$ 126.50	Temporary	Apartment is vacant
Shirley Snyder	945 Main Street	\$ 253.00	\$ 126.50	Temporary	Building is only used for storage, no one works or lives there, water is off
Gary Storti	77 East Street	\$ 253.00	\$ 126.50	Temporary	House is vacant
Clinton Church Restoration, Inc.	9 Elm Court	\$ 253.00	\$ 126.50	Temporary	Currently being renovated
Mountain Realty Trust	11 School Street	\$ 2,783.00	\$ 1,391.50	Temporary	Laundry formerly (closed now). Two apartments are being renovated Oct. 20 (no tenants)
Lynn Stonebridge & Julian Koemer	23 Giddings Street	\$ 253.00	\$ 126.50	Temporary	Only in residence 5 months
Francis River LLC	4 Francis Avenue	\$ 506.00	\$ 253.00	Temporary	Requesting an abatement after the due date because the house gutted
Anthony Prisenndorf	21 Elm Street	\$ 253.00	\$ 126.50	Temporary	
		\$ 9,361.00	\$ 3,921.50		

Selectboard Meeting Minutes Status
as of January 21, 2022

	Date	Meeting Type	Minutes Status
1	January 11, 2021	Regular Meeting	Approved & Posted
2	January 25, 2021	Regular Meeting	Approved & Posted
3	January 27, 2021	Special Meeting–Priority Planning	Approved & Posted
4	February 8, 2021	Regular Meeting Joint w/Housing	Approved & Posted
5	February 16, 2021	Budget Meeting Joint w/FinComm	Approved & Posted
6	February 17, 2021	Budget Meeting Joint w/FinComm	Approved & Posted
7	February 22, 2021	Regular Meeting	Approved & Posted
8	February 24, 2021	Budget Meeting Joint w/FinComm	Approved & Posted
9	March 2, 2021	Budget Meeting Joint w/FinComm	Approved & Posted
10	March 8, 2021	Regular Meeting	Approved & Posted
11	March 22, 2021	Regular Meeting	To be approved Jan. 24
12	March 30, 2021	Budget Meeting Joint w/FinComm	Approved & Posted
13	April 12, 2021	Regular Meeting & Executive Session	Approved & Posted
14	April 26, 2021	Regular Meeting	To be approved Jan. 24
15	April 29, 2021	Special Meeting Joint w/Planning Board	Approved & Posted
16	May 10, 2021	Regular Meeting	Approved & Posted
17	May 12, 2021	Regular Meeting –Reorganization	Approved & Posted
18	May 24, 2021	Special Meeting Joint w/ZBA	Approved & Posted
19	June 14, 2021	Regular Meeting	In process
20	June 21, 2021	Regular Meeting	In process
21	June 28, 2021	Special Meeting–Priority Planning	In process
22	July 12, 2021	Regular Meeting	In process
23	July 26, 2021	Regular Meeting	Approved & Posted
24	August 3, 2021	Special Meeting–Housatonic Community	Approved & Posted
25	August 9, 2021	Regular Meeting	Approved & Posted
26	August 23, 2021	Regular Meeting	Approved & Posted
27	August 27, 2021	Special Meeting–Executive Session	To be reviewed
28	September 13, 2021	Regular Meeting	Approved & Posted
29	September 27, 2021	Regular Meeting	Approved & Posted
30	October 4, 2021	Regular Meeting	Approved & Posted
31	October 12, 2021	Special Meeting–Housatonic Water Works	Approved & Posted
32	October 25, 2021	Regular Meeting	Approved & Posted
33	November 1, 2021	Special Meeting–ARPA Input	To be approved Jan. 24
34	November 8, 2021	Regular Meeting	Approved & Posted
35	November 15, 2021	Special Meeting–Executive Session	To be Reviewed
36	November 22, 2021	Regular Meeting	Approved & Posted
37	November 29, 2021	Special Meeting Joint w/Planning Board	To be approved Jan. 24
38	December 13, 2021	Regular Meeting	Approved & Posted
39	December 20, 2021	Regular Meeting	Approved & Posted
40	January 10, 2022	Regular Meeting	To be approved Jan. 24
41	January 18, 2022	Special Meeting	
42	January 24, 2022	Regular Meeting	
43	January 31, 2022	Special Priority Planning Meeting	

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE**

FEE: \$25.00 (Payable to the Town of Great Barrington) **DATE:** 13 January 2022

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: PHORNPHEIMON EZINGA and ROBBIN EZINGA

NAME OF BUSINESS: STEAM NOODLE CAFE LLC

D/B/A (if applicable): STEAM noodle cafe

BUSINESS MAILING ADDRESS: PO BOX 152 HOUSATONIC MA 01236

BUSINESS TELEPHONE: 413-566-6353 HOME TELEPHONE: 413-376-8286

LOCATION WHERE LICENSE IS TO BE USED: 286 MAIN ST FRONT

GREAT BARRINGTON MA 01230

DAYS OF OPERATION: SEVEN DAYS

HOURS OF OPERATION: 6 AM TO 11 PM

DESCRIPTION OF PREMISES: 1,004 sq ft Asian-fusion restaurant.

Initial phase limited menu, take-out only. Same as original location.
After selectboard approval, to open full dine-in restaurant w sake bar.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Phornpheimon Ezinga
Signature of Individual or Corporate Name

By: Robbin Ezinga
Corporate Officer (if applicable)

SS# _____ or FID# 82-463181

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Karen Beckwith

Organization Name: Gt. Barrington Fish and Game Association

Applicant's Address: 338 Long Pond Rd. Housatonic, MA 01236

Telephone Number: 413-528-9556

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Ice Fishing Derby

Date: Feb. 12, 2022 Start Time: 7 AM End Time: 6 pm

Event Address: 338 Long Pond Rd Housatonic, MA 01236

Is the Event on Town property? YES NO ALT. Date if Not enough Ice Feb 26, 2022

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Karen Beckwith
Signature of Applicant

1/5/2022
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Karen Beckwith

Organization Name: Gt. Barrington Fish and Game Association

Applicant's Address: 338 Long Pond Rd Housatonic, MA 01236

Telephone Number: 413-528-9556

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Super Bowl Party

Date: Feb 13, 2022 Start Time: 3 pm End Time: 10 PM

Event Address: 338 Long Pond Rd Housatonic MA 01236

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:
1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Karen Beckwith
Signature of Applicant

1/5/2022
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

Fee: \$25.00 (per day)



APPLICATION FOR ONE DAY LIQUOR LICENSE

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a License in accordance with the provisions relating thereto:

Applicant's Name: Karen Beckwith

Organization Name: GT Barrington Fish and Game Association

Applicant's Address: 338 Long Pond Rd Housatonic MA 01236

Telephone Number: 413-528-9556

Type of License: ONE DAY BEER & WINE ONE DAY ALL ALCOHOLIC
(Circle one)

Event: Ham Shoots

2/20 - 2/27 - 3/6 - 3/13
Date: 3/20 - 3/27 - 4/3 Start Time: 12 Noon End Time: 6 pm
4/10/2022

Event Address: 338 Long Pond Rd Housatonic, MA 01236

Is the Event on Town property? YES NO

PLEASE ATTACH THE FOLLOWING TO YOUR APPLICATION:

- 1. TIPS or ServSafe Alcohol certification for anyone serving alcohol.
- 2. Certificate of Insurance showing proof of Liquor Liability coverage.
(If the event is on Town property, the certificate must name the Town of Great Barrington as additional insured.)
- 3. If the event is not on applicant's property, a letter of permission from the owner is required.

Liability: The below individual agrees to take responsibility for the above-noted event and further agrees to indemnify, save harmless, and defend the Town of Great Barrington, its officers, employees and agents, from and against any and all liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto, which may occur in connection with this event.

Karen Beckwith
Signature of Applicant

1/5/2022
Date

FOR TOWN USE:

Approved _____

Denied _____

Postponed _____

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR INNOLDERS LICENSE**

FEE: \$50.00

DATE: 1/11/2022

LICENSE NUMBER: _____

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for an Innholders License in accordance with the provisions relating thereto:

OWNER(S) NAME: Francisco Javier Arango, manager

NAME OF BUSINESS: GBMAM1, LLC

D/B/A (if applicable): The Lantern House Motel

BUSINESS MAILING ADDRESS: 9120 Lytham Ct, Orlando, FL 32819

BUSINESS TELEPHONE: 808-216-8676 HOME TELEPHONE: _____

LOCATION WHERE LICENSE IS TO BE USED: _____
256 Stockbridge Road, Great Barrington, MA 01230

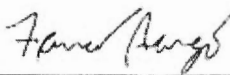
DAYS OF OPERATION: 7

HOURS OF OPERATION: 24

DESCRIPTION OF PREMISES: House, a row of 10 rooms behind the house,
then 4 rooms next to a row of rooms. 3 acre lot.

NUMBER OF ROOMS: 14

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.



Signature of Individual or Corporate Name

By: Francisco Javier Arango
Corporate Officer (if applicable)

SS# _____ or FID# _____

**COMMONWEALTH OF MASSACHUSETTS
TOWN OF GREAT BARRINGTON
APPLICATION FOR COMMON VICTUALLER LICENSE**

FEE: \$25.00 (Payable to the Town of Great Barrington) **DATE:** 1/12/22

NOTICE:

As provided by MGL Chapter 140, the sale of food for immediate consumption on the premises of the vendor has an intimate relation to the public health, and such activity cannot be conducted without the proper license and permit.

TO THE LICENSING AUTHORITY:

The undersigned hereby applies for a Common Victualler License in accordance with the provisions relating thereto:

OWNER(S) NAME: CHERRI JAMES
NAME OF BUSINESS: EXTRA SPECIAL TEAS HOUSATONIC
D/B/A (if applicable): _____
BUSINESS MAILING ADDRESS: 2 ELM STREET, GREAT
413-274-5059 BARRINGTON, MA 01230
BUSINESS TELEPHONE: _____ HOME TELEPHONE: 413-429-6500
LOCATION WHERE LICENSE IS TO BE USED: 226 PLEASANT
STREET, HOUSATONIC, MA 01236
DAYS OF OPERATION: MONDAY - SUNDAY
HOURS OF OPERATION: 9-5
DESCRIPTION OF PREMISES: vocational teahouse

Pursuant to M.G.L. Ch. 62C, Sec. 49A, I certify under the penalties of perjury that I, to my best knowledge and belief, have filed all state tax returns and paid all state taxes required under law.

Cheri James
Signature of Individual or Corporate Name

EXTRA SPECIAL TEAS
By: Cheri James
Corporate Officer (if applicable)
DIRECTOR/CLERK

SS# _____ or FID# 46-3705034

Part I	ADMINISTRATION OF THE GOVERNMENT
Title IX	TAXATION
Chapter 60	COLLECTION OF LOCAL TAXES
Section 77B	MANAGEMENT, SALE, OR LEASE BY MUNICIPALITIES; LAND ACQUIRED THROUGH FORECLOSURE OR UNDER SEC. 80; NOTICE

Section 77B. The mayor of any city or the selectmen of any town which holds property acquired by foreclosure of tax titles or acquired under section eighty may appoint a custodian who shall have the care, custody, management and control of all property heretofore or hereafter so acquired by said city or town. The custodian shall serve during the pleasure of the mayor or selectmen and shall receive as his compensation, if any, a sum fixed by the mayor or by the selectmen.

The custodian, acting on behalf of the city or town, may, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, sell at public auction any such property, first sending a notice thereof as herein provided to the owner of record immediately prior to the acquisition by the city or town of the title to such property. Such notice shall contain a description of the property to be sold sufficient to identify it, shall state the date, time and place appointed for the sale thereof and the terms and conditions of such sale, and shall be sent by registered mail to the address

of such owner as appearing upon the records of the assessors of the city or town, at least fourteen days before such sale. The custodian shall also, not less than fourteen days before such appointed date, post a similar notice in two or more convenient and public places in the city or town. Failure to send or to post a notice as herein provided, or any insufficiency in the notice sent or posted, shall not invalidate the title to any property sold hereunder. The custodian may reject any and all bids at such sale or any adjournment thereof if in his opinion no bid is made which approximates the fair value of the property, and he may adjourn the sale from time to time for such periods as he deems expedient, giving notice thereof at the time and place appointed for the sale or for any adjournment thereof. After any such sale and upon payment by the purchaser to the city or town of the amount of a bid accepted by the custodian, the treasurer of said city or town shall, on its behalf, execute and deliver any instrument necessary to transfer the title of the city or town to any such property sold under this section. This section shall not be construed to prevent a city or town from disposing of such property under section three of chapter forty, or in any other manner authorized by law.

Any officer or board which executes a deed to convey property acquired by a city or town by foreclosure of a tax title or under section eighty, shall not execute such deed to any person unless such person has submitted to said board or officer a statement signed under the pains and penalties of perjury that neither he nor any person who would gain equity in the property as a result of such conveyance has ever been convicted of a crime involving the willful and malicious setting of a fire or of a crime involving the aiding, counseling or procuring of a willful and malicious setting of a fire, or of a crime involving the fraudulent filing of a claim

for fire insurance; or is delinquent in the payment of real estate taxes to the city or town in which the property is being sold, or if delinquent, that a pending application for abatement of such tax, or a pending petition before the appellate tax board or the county commissioners has been filed in good faith. If there is more than one grantee of such deed, each grantee must file such statement, and no such deed shall be valid unless it contains a recitation that the board or officer granting the deed has received such statement.

If the custodian is of the opinion that a sale of any such property is not immediately practicable, the custodian, acting on behalf of the city or town, may, subject to the approval of the mayor or the selectmen, notwithstanding any provision of law, ordinance or by-law inconsistent herewith, lease such property for a term not exceeding three years, and may on behalf of the city or town execute and deliver such lease.

The custodian, subject to appropriation, may employ one or more assistants as may be necessary for the proper performance of his duties. Such assistants shall receive as compensation such amounts as may be approved by the mayor or by the selectmen.

Mark Pruhenski
Town Manager

E-mail: mpruhenski@townofgb.org
www.townofgb.org



Town Hall, 334 Main Street
Great Barrington, MA 01230

Telephone: (413) 528-1619 x2900
Fax: (413) 528-2290

TOWN OF GREAT BARRINGTON MASSACHUSETTS

OFFICE OF THE TOWN MANAGER

January 12, 2022

Name

Address

Great Barrington, MA 01230

Dear :

Please be advised that the Selectboard will host a virtual neighborhood meeting on **Monday January 24, 2022 at 6:00 PM** to discuss a potential name change for Squaw Peak Road at the request of a resident and neighbor.

We invite you to attend and provide feedback that evening. The agenda will be posted on our website (www.townofgb.org) within 48 hours of the meeting and a link to join as well as a call-in option will be provided. For now, please save-the-date.

If you have any questions, please don't hesitate to reach out.

Best,

Mark Pruhenski
Town Manager

MP/cm

In the spirit of compromise and community cohesion, I have asked that the Lenox bylaw be included on tonight's agenda. In the end, what we all want is what is best for the community.

Using Lenox as a point of reference, I would like to propose the following guidelines for a Great Barrington short-term rental general bylaw:

1. An entire dwelling unit may be rented up to 90 days per calendar year by right.
2. No distinction between primary and non-primary residences.
3. Up to two bedrooms may be rented year-round, provided that the owner is present.
4. Short-term rental occupancy limited to two persons per bedroom with a maximum of ten, whichever is fewer.
5. If more than one dwelling unit exists on a single parcel (e.g., ADU), the 90 days applies to the parcel, the limit apportioned among those dwelling units.
6. Only one dwelling may be used as a short-term rental on the parcel at a time.
7. Registration required. The registrant shall be the name of a natural person who is the property owner.
8. Registration includes attesting to compliance with building, sanitary, zoning, or fire code requirements, laws, or regulations.
9. Registration also includes attesting to the posting of instructions at the rental for recycling, waste disposal, parking, and locally available contact information.
10. Annual inspection required—costs covered by the property owner.
11. Inspection includes verification of functional smoke detectors and carbon monoxide alarms.
12. Tenants prohibited from operating short-term rentals. (no short term rental sub-leasing)

Leigh Davis
January 21, 2022

8.4 Short-Term Rental of Residential Properties

Definition

Short-Term Rental – An accessory lodging use in owner-occupied, tenant-occupied or non-owner occupied dwelling unit including, but not limited to, an apartment, house, accessory dwelling unit, cottage, condominium, or a furnished accommodation that is not a hotel, motel, inn, resort, lodging house, or bed and breakfast establishment, where at least 1 room or unit is rented to an occupant or sub-occupant for 1-31 consecutive calendar days; and all accommodations are reserved in advance; except for certain lodging types excluded from such regulation by Massachusetts General Law.

8.4.1 Purposes:

Short-Term Rentals (STRs) as defined in this section are allowed for residential properties in conformance with the following regulations. These regulations aim to balance private, neighborhood, and public interests by establishing middle-ground intensity limits that will:

1. Protect and maintain the residential character of existing neighborhoods.
2. Preserve housing options for new residents by deterring commercial interests from buying housing to use primarily as short-term rental businesses.
3. Enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community.

8.4.2 General requirements for all Short-Term Rentals:

1. During the Short-Term Rental use:
 - a. All overnight parking must be within the property's driveway or garage.
 - b. Events that include tents or amplified music or which would customarily require a license or permit are not allowed.
2. Signs advertising the Short-Term Rental are not allowed.
3. A Short-Term Rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, or Town General Bylaws.
4. Except as allowed in 8.4, the regulations of the underlying districts apply.

8.4.3 Short-Term Rental of Rooms

1. Up to two bedrooms in a dwelling unit may be rented year-round by right provided that the owner or tenant is occupying the dwelling unit at the time of the rental.

8.4.4 Short-Term Rental of Entire Dwelling Units

1. An entire dwelling unit may be rented up to 75 days per calendar year by right.
2. An entire dwelling unit may be rented for an additional 35 days (up to 110 days) per calendar year by Special Permit.

8.4.5. Multiple dwelling units on a parcel

1. If more than one dwelling unit exists on a single parcel:
 - a. The above totals apply to the parcel. The day limits defined above shall be apportioned among those dwelling units.
 - b. Only one dwelling may be used for either Short-Term Rental of Rooms or Short-Term Rental of an Entire Dwelling Unit on the parcel at a time.

Table 5.2 - Schedule of Uses:

		R3A	R1A	R30	R15	C3A	C1A	C	I	References
H.	Accessory Uses and General Off-street Parking									
1	Short-Term Rental of Rooms	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.4
2	Short-Term Rental of Entire Dwelling Units up to 75 days per calendar year	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.4
3	Short-Term Rental of Entire Dwelling Units an additional 35 days (up to 110 days total)	BA	BA	BA	BA	BA	BA	BA	BA	Section 8.4

Short-Term Rental of Residential Properties

Purpose and intent.

The purpose and intent of this article, “Short-Term Rental of Residential Properties,” is to provide a process through which certain residential premises and rooms not otherwise regulated and licensed as lodging houses or bed and breakfasts may be registered with the Town of Great Barrington for use as “short-term rentals” so as to provide for the orderly operation of short-term rentals within the Town and minimize public safety and health risks. Further, this article is intended to reduce commercial activity in residential neighborhoods; enable residents to earn extra money from their properties to better afford to live here, maintain their properties, and contribute to the community; and preserve housing options for residents by deterring commercial interests from buying housing to use primarily as short-term rental businesses.

Definitions.

As used in this article, the following terms shall have the meanings indicated:

Booking Agent. Any person or entity that facilitates reservations or collects payment for a Short-Term Rental on behalf of or for an Operator.

Inspector. The Building Inspector or his/her designee.

Operator. A natural person who is the Residential Unit owner that he/she seeks to offer as a Short-Term Rental. Only one owner may be registered as an Operator on the Short-Term Rental Registry for a Residential Unit, and it shall be unlawful for any other person, even if that person is an owner and meets the qualifications of Primary Resident, to offer the same Residential Unit for Short-Term Rental.

Owner-Adjacent Unit. An entire residential unit offered as a Short-Term Rental that is not the owner's Primary Residence, but that is located within the same dwelling or is otherwise within the same property as the Primary Residence of, and is owned by, said owner.

Primary Residence. A Residential Unit in which an Operator resides for at least six months out of a twelve-month period. Primary residence shall be demonstrated by showing that as of the date of usage as a Short-Term Rental, the Operator has resided in said Residential Unit for six of the past twelve months or that the Operator intends to reside in the Residential Unit for six of the next twelve months, in accordance with the Proof of Primary Residence requirements set forth below.

Proof of Primary Residence. A copy of the deed, a driver's license or state-issued identification, and one other document showing residency at the Residential Unit for the Short-Term Rental, such as utility bill, cable bill, or motor vehicle registration.

Residential Unit. A dwelling unit, guest room, accessory dwelling unit, other residential structure, or portion thereof classified under the Building Code as residential use. This term shall not include a hotel, motel, or any other non-residential use.

Secondary Unit: An additional, self-contained dwelling unit located on the same tax parcel as the Operator's Primary Residence and owned by the same unique owner-occupant. (Also known as an in-law apartment, accessory dwelling unit, or ADU).

Short-Term Rental. A Residential Unit, rented in whole or in part, to any Person(s) for a duration of fewer than thirty (30) consecutive calendar days including, but not limited to, an apartment, house, accessory dwelling unit, cottage, condominium, or a furnished accommodation that is not a hotel, motel, inn, resort, lodging house, or bed and breakfast establishment. Such a rental may or may not be facilitated through the use of a Booking Agent.

Applicability.

No Residential Unit shall be offered as a Short-Term Rental except in compliance with each of the provisions of this article.

Short-Term rental registration.

Applicants for Short-Term Rental uses must complete a registration application with the Town Clerk. Requirements include:

- a) Name, address, telephone number(s), email address. Contact information must include a telephone number that is available twenty-four hours per day, seven days a week to tenants, Short-Term Rental occupants, and public safety agencies.
- b) The registration number shall be displayed at all times in online listings, or any other form of listing, and at the Short-Term Rental property.
- c) Local contact information (name, address, telephone number(s), and email address) of an individual who is able to respond in person to any issues or emergencies that arise within two hours of being notified in the event that the Operator is not present during the Short-Term Rental.
- d) Provide the State Department of Revenue (DOR) number as proof of registration with the DOR.

The application shall be in a format approved by the Selectboard. The Town Clerk will issue a registration number upon approval of an application. Short-Term Rental registrations shall be renewed annually. Registration shall be valid for a one-year term, from January 1 through

December 31 of each year, or for such an alternative twelve-month period as determined by the Selectboard.

Requirements for the operation of short-term rentals.

(a) *Operator's Primary Residence.* A Residential Unit offered as a Short-Term Rental shall be the Operator's Primary, Permanent Residence or located on the same tax parcel as the Operator's Primary, Permanent Residence.

(b) *One Party of Renters.* A Residential Unit offered as a Short-Term Rental shall be rented to only one party of short-term renters at a time, not rented as separate bedrooms, beds, or spaces to separate parties.

(c) *Number of Short-Term Renters.* A Residential Unit offered as a Short-Term Rental shall be limited to two persons per bedroom with a maximum of ten persons, whichever is fewer.

(d) *Listing with Booking Agent.* If an Operator lists a Short-Term Rental on multiple hosting platforms, those listings must be consistent so as to not offer separate bedrooms, beds, or spaces to separate groups, and only one listing may be booked at any given time. The registration number shall be displayed at all times in online listings or any other form of listing.

(e) *Secondary Unit.* A Secondary Unit may be offered as a Short-Term Rental. However, only one Residential Unit per parcel at a time shall be offered as a Short-Term Rental. Further, Short-Term Rentals of a Secondary Unit shall not exceed in the aggregate, one hundred ten (110) consecutive or nonconsecutive calendar days per year, when the Operator is not occupying their Primary Residence.

(f) *Owner-Adjacent Unit.* An Owner-Adjacent Unit may be offered as a Short-Term Rental. However, only one Residential Unit per dwelling at a time shall be offered as a Short-Term Rental. Further, Short-Term Rentals of an Owner-Adjacent Unit shall not exceed in the aggregate, one hundred ten (110) consecutive or nonconsecutive calendar days per year when the Operator is not occupying their Primary Residence.

(g) *Parking.* A Residential Unit offered as a Short-Term Rental shall provide all parking on-site or in assigned parking space(s).

(h) *Events.* A Residential Unit offered as a Short-Term Rental shall not utilize the premises for holding special events or gatherings, and tents or amplified music shall be prohibited.

(i) A Residential Unit offered as a Short-Term Rental shall comply with all standards and regulations promulgated by the Inspector.

(j) *Smoke Detectors and Carbon Monoxide Alarms.* Each Short-Term Rental shall contain functional smoke detectors and carbon monoxide alarms. In addition, the Operator shall provide and maintain one 2.5 lb. multi-purpose fire extinguisher in the dwelling unit or secondary dwelling unit in which the Short-Term Rental exists. Extinguishers shall be maintained or replaced in accordance with the manufacturer's specifications. Operators shall test and perform maintenance on every smoke detector, carbon monoxide alarm upon renewal of the Short Term Rental Registration. Any detector or alarm found to be defective shall be repaired or replaced forthwith. The Occupant(s) shall be notified to report faulty or inoperative smoke detector unit(s) and carbon monoxide alarm(s) to, first, the Operator and, second, the Inspector.

(k) *Short-Term Rental of a Shared Residential Unit.* An Operator may offer bedrooms within their Residential Unit as a Short-Term Rental three hundred sixty-five (365) days per year. One bedroom in the unit shall be reserved for, and occupied by, the Operator during the entire term of the rental.

(l) *Short-Term Rental of an Unoccupied Residential Unit.* Short-Term Rentals shall not exceed in the aggregate, 110 consecutive or nonconsecutive calendar days per year when the Operator is not occupying the Residential Unit during the entire term of the Short-Term Rental.

(m) *Rental Period and Use.* Renting for an hourly rate or for rental durations of fewer than ten consecutive hours shall not be permitted. Commercial meetings and uses are prohibited in Short-Term Rentals.

(n) *No Outstanding Violations.* The Residential Unit offered as a Short-Term Rental shall not have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop-work orders, or other requirements, laws, or regulations that prohibit the Operator from offering the Residential Unit as a Short-Term Rental. If a violation or other order is issued, upon notice of said violation or order Short-Term Rental use shall be terminated until the violation has been cured or otherwise resolved.

(o) *Three or More Violations in a Six-Month Period.* Should a property receive three or more violations within a six-month period under this article, or of any municipal ordinance, state law, or building code, any Residential Unit within the property shall be ineligible to be used as a Short Term Rental for six months from the third or subsequent violation.

(p) *Compliance and Interaction with Other Laws.* Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, GL c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings. Demonstration of compliance shall be in the form of a sworn affidavit submitted as part of the registration application to the Inspector prior to occupancy.

(q) *Retention of Records.* The Operator shall retain and make available to the Inspector, upon written request records to demonstrate compliance with this article, including but not limited to: records demonstrating the number of months that the Operator has resided or will reside in the Residential Unit, if applicable, and records demonstrating the number of days per year that the Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for as long as he or she desires to use the Residential Unit as a Short-Term Rental.

(r) *Notifications.* The Operator shall post and maintain a sign on the inside of the Short-Term Rental on the entry-level, visible to and reasonably likely to be readily accessed by individuals utilizing the Short Term Rental, with the following information:

- (1) proof of registration;
- (2) evacuation plan for the unit showing emergency exit routes and fire extinguisher location;
- (3) instructions for recycling and the disposal of waste;
- (4) information regarding the Town's parking regulations, if applicable, including but not limited to on-street parking limitations and overnight ban of on-street parking during winter months;
- (5) local noise ordinances of the Town;
- (6) contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period. Contact information must include a telephone number that is available twenty-four hours per day, seven days a week to tenants;
- (7) the maximum number of occupants permitted in the unit.

No sign shall be posted on the exterior of the premises to advertise the availability of the Short-Term Rental to the public.

Complaints, enforcement, and violations.

(a) *Complaints.* A complaint alleging that a Short-Term Rental is in violation of this article or any applicable law, code, or regulation may be filed with the Inspector. The complaint must contain the Residential Unit's address, unit number, date and nature of the alleged violation(s), and name and contact information of the complainant.

(b) *Review of Complaint.* Within thirty (30) days after receipt of a complaint, the Inspector shall review the Complaint and refer it to the appropriate Town Department, official, Board, or Commission for findings. The Inspector shall not make a determination of a violation under any

bylaw, regulation, or law vested within another body or official's jurisdiction, but may utilize such determinations as evidence of a violation of this bylaw.

Upon a finding of a potential violation, the Inspector, or its designee, shall serve notice of the violation upon the Operator of the Short-Term Rental at issue, if such unit is listed on the Short-Term Rental Registry, and upon the owner or resident agent or owner of record of the premises at issue, if such unit is not listed on the Short-Term Rental Registry.

(c) *Right to Hearing.* A person upon whom a notice of violation has been served under this bylaw may request a hearing from the Inspector by filing a written petition requesting a hearing on the matter within fourteen (14) days of receipt of a notice of violation. The Inspector shall render a decision within a reasonable time after the close of the hearing. Any direction to correct conditions at the short-term rental and fines assessed shall be stayed until the Inspector issues his/her decision.

(d) *Violations, Suspensions, and Fines.*

1. Any person who offers a Residential Unit as a Short-Term Rentals, where such premises or unit is not an eligible Residential Unit, or offers otherwise eligible premises or units but has not complied with the registration requirements of this bylaw, shall be fined three hundred dollars (\$300) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.
2. Short-Term Rentals found to be in violation of this bylaw, or which are found to have any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, or stop-work orders, or other requirements, laws, or regulations that prohibit the operation of the premises as a short-term rental, shall be suspended from the Short-Term Rental Registry and prohibited from operation until all violations have been cured or otherwise resolved.
3. The Inspector may enter into agreements with Booking Agents or any other third parties for assistance in enforcing the provisions of this article.

Regulations.

The Inspector shall have the authority to promulgate regulations to carry out the provisions of this article.

Severability.

If any provision in this article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Room occupancy excise and community fees.

Short-term rentals subject to the provisions of this article are subject to the Room Occupancy Excise under GL c.64G and short-term rental community impact surcharge.

Effective date.

The provisions of this article _____ “Short-Term Rental of Residential Properties” shall take effect on January 1, 2023.

Proposed new general bylaw regulation short term rentals

Recommended to the Selectboard by the Planning Board on January 13, 2022

SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES

Purpose. This Chapter is established pursuant to the authority of G.L. c.64G to set forth regulations governing the short term rental of dwelling units. This regulation is intended to:

- i. Protect neighborhoods from undue commercial activity;
- ii. Minimize public safety and health risks;
- iii. Minimize nuisances for abutters; and,
- iv. Ensure short-term rentals do not negatively affect property values.

Definitions. For this Chapter, the following terms shall have the definitions indicated.

Inspector. The Building Inspector of the Town of Great Barrington or his or her designee.

Operator. An owner or legal tenant of a Residential Unit who seeks to offer said Residential Unit as a Short-Term Rental.

Primary Residence. A Residential Unit in which an Operator resides for at least six months out of a twelve-month period.

Proof of Primary Residence. A copy of the deed, driver's license, or state-issued identification, as well as one other document showing residency at the Residential Unit for the Short-Term rental, such as utility bill, motor vehicle or voter registration.

Residential Unit. A dwelling unit or a secondary dwelling unit located on the same tax parcel as the principal dwelling, classified under the Building Code as residential use.

Short-Term Rental. The rental of a Residential Unit , or individual rooms within the Residential Unit, in exchange for payment, as residential accommodations for a duration of not more than thirty consecutive days, excluding a Hotel, Motel, or Lodging House or Tourist Home for Transient Guests as defined and permitted under the Zoning Bylaw.

Applicability

Residential Units shall be offered as a Short-Term Rental only in compliance with each of the provisions of this Chapter and any applicable regulations of the Building Code and Fire Code for non-owner occupied Short-Term Rentals.

Requirements for the Operation of Short-Term Rentals.

- a. *Operator's Primary Residence.* A Residential Unit offered as a Short-Term Rental shall be the Operator's Primary Residence or shall be located on a common lot with the Operator's Primary Residence. This specific provision shall not apply to Short-Term

Rentals registered with the Commonwealth of Massachusetts in accordance with G.L. c. 64G as of January 1, 2022.

- b. *Non-primary Residence.* Residential Units on properties that are Non-Primary Residences may be offered as Short-Term Rentals for up to a maximum of 120 nights per year. This specific provision shall not apply to Short-Term Rentals registered with the Commonwealth of Massachusetts in accordance with G.L. c. 64G as of January 1, 2022.
- c. *One Party of Renters.* A Residential Unit offered as a Short-Term Rental shall be rented to only one party at a time, not rented as separate bedrooms, beds, or spaces to separate parties, unless the number of short term renters does not exceed three (3).
- d. *Number of Short-Term Renters.* A Residential Unit offered as a Short-Term Rental shall be limited to ten guests, or two guests per guest bedroom, whichever is fewer.
- e. *Secondary Unit.* A Secondary Unit located on the same tax parcel as the Operator's Primary Residence may be offered as a Short-Term Rental.
- f. *Parking.* A Residential Unit offered as a Short-Term Rental shall provide all parking on-site, or in assigned parking space(s).
- g. *Events.* A Residential Unit offered as a Short-Term Rental shall not utilize the premises for holding special events or gatherings. Tents or amplified music shall be prohibited.
- h. *Building and Fire Code.* Any Residential Unit offered as a Short-Term Rental shall comply with all standards and regulations found in the Building and Fire Code.
- i. *Short-Term Rental of a Shared Residential Unit.* An Operator, or a long term tenant subject to the Owner's approval, may offer bedrooms within their Residential Unit as a Short-Term Rental by right. One bedroom shall be reserved for, and occupied by, the Operator during the entire term of the rental.
- j. *Rental Period and Use.* Renting for an hourly rate, or for rental durations of fewer than ten consecutive hours shall not be permitted. Commercial meetings and uses are prohibited in Short-Term Rentals in residential zones.
- k. *Registration and Inspection.* All Short-Term Rentals shall be registered with the Town Clerk and inspected by the Building Inspector as required by the Building Code or Fire Code. Fees for registration and inspection and any application or registration forms shall be as determined by the Town. Registration shall be renewed on an annual basis and is the responsibility of the property owner. Owner occupied short term rentals shall be inspected at the time of registration and at five (5) year intervals thereafter. Non-owner occupied short term rentals shall be inspected at the time of registration and on an annual basis thereafter.
- l. *No Outstanding Violations.* The Residential Unit offered as a Short-Term Rental shall not have any outstanding building, sanitary, health, zoning, or fire code violations. If a violation or other order is issued, upon notice of said violation or order. Short-Term Rental use shall be terminated until the violation has been cured or otherwise resolved.

- m. *Three or More Violations in a Six Month Period.* Should a property receive three or more violations within a six month period under this section, or of any municipal bylaw, state law, or building code, any Residential Unit within the property shall be ineligible to be used as a Short Term Rental for a period of one year from the third or subsequent violation.
- n. *Compliance and Interaction with Other Laws.* Operators shall comply with all applicable federal, state, and local laws and codes, including but not limited to the Fair Housing Act, G.L. c. 151B and local equivalents and regulations related thereto, and all other regulations applicable to residential dwellings.
- o. *Retention of Records.* The Operator shall retain and make available to the Inspector, upon written request records to demonstrate compliance with this section, including but not limited to: records demonstrating the number of months that the Operator has resided or will reside in Residential Unit, if applicable, and records demonstrating a number of days per year that the Residential Unit is offered as a Short-Term Rental. The Operator shall retain such records for as long as he or she desires to use the Residential Unit as a Short-Term Rental.
- p. *Notifications.* The Operator shall post and maintain a sign on the inside of the Short-Term Rental on the entry-level, visible to and reasonably likely to be readily accessed by individuals utilizing the Short Term Rental, with the following information:
 - (1) Proof of registration and inspection;
 - (2) Signage indicating the routes to exits;
 - (3) instructions for recycling and the disposal of waste;
 - (4) information regarding the Town’s parking regulations, including but not limited to on-street parking limitations and overnight ban of on-street parking during winter months;
 - (5) contact information for the Operator, or in the absence of the Operator, the contact information for a locally available contact designated to respond to all emergencies and problems that may arise during the rental period.
- q. *Room Occupancy Taxes and Community Fees.* Short-term rentals are subject to the Room Occupancy Excise under G.L. c.64G and applicable short term rental community impact fees.

Penalties; Enforcement.

No person or entity may offer a Residential Unit as a Short Term Rental in violation of this ordinance. All violations of this section shall be penalized by a noncriminal disposition as provided for in G.L. c. 40, s. 21D and shall be subject to a fine of \$300 per day. Each day on which a violation exists shall be deemed a separate and distinct offense. Nothing herein shall be construed to preclude the Town from seeking any additional penalties or taking any additional enforcement action as allowed for by law.

Regulations.

The Inspector shall have the authority to promulgate regulations to carry out the provisions of this section

of the bylaw.

Severability.

If any provision in this section shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

Effective Date.

The provisions of this Chapter “Short-Term Rental of Residential Properties” shall take effect on January 1, 2023.

ARTICLE XXXI

Short Term Rental of Residential Property

1. Purpose

Short-term rentals (STRs) are allowed for residential properties in conformance with regulations that aim to balance private, neighborhood, and municipal interests by ensuring compliance with applicable Massachusetts General Law regarding Short Term Rentals and ensure observance of residential health and safety regulations.

2. Definition

"Short-term rental", an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such. Short-term rentals are rentals of 31 consecutive days or less duration.

3. Registration and Regulations

3.1. Registration – All short-term rentals must register annually with the Stockbridge Town Clerk. A registration fee may be required as determined by the Board of Selectmen. The following information must be provided:

- a. Owner Name;
 - i. If owned by a Trust, Trustee and Beneficiary name and contact information in addition to a copy of the Trust;
 - ii. If owned by an LLC, the members of the LLC, contact information and a copy of the Articles of Organization and Bylaws.
- b. Primary Manager name - the name and contact information of the local responsible party (required) who would respond in the event of any problem, complaint or emergency reported by a guest, Stockbridge residents or Town government.
- c. Booking Agent, if any (such as a Realtor).
- d. Copy of Certificate of Registration with the Massachusetts Department of Revenue (DOR)
- e. Applicants shall attest under the penalties of perjury that a dwelling unit or bedroom offered for short-term rentals shall comply with all state and local requirements for health and safety and the Standards of Fitness for Human Habitation as stated in Massachusetts State Sanitary Code-Chapter II-105 CMR 410.000 by including at a minimum the following:

- i. Compliance with residential smoke and CO detector law pursuant to M.G.L. c 148 s. 26F
- ii. A fire extinguisher shall be mounted in (or near) kitchens used for the STR in a clearly visible location or if the unit offers no kitchen a fire extinguisher will be mounted in a location easily accessible to occupants.
- f. Indication of service by a septic system or municipal sewer;
 - a. if served by a septic system:
 - i. number of bedrooms rated under permit
 - ii. A private wastewater system pumping record within the past three years must be on record in the Stockbridge Board of Health.
 - iii. A valid maintenance agreement on file if served by an Innovative/Alternative system.
 - b. if served by municipal sewer:
 - i. number of bedrooms and bathrooms as indicated by the Assessor's tax card.
- j. Indication of service by a well or municipal water supply;
 - a. if served by a well:
 - i. specify if a flow meter is in place.
 - ii. Well water used for drinking or cooking (potable) purposes must be tested prior to initial registration and every subsequent 5 years for attachment to the registration form to ensure that it is safe to use for personal consumption.
- k. Number of off-street parking spaces provided.

4. Regulations:

4.1 The following residential property is prohibited from being offered as a short-term rental:

- a. Residential property owned by a corporation (other than an LLC);
- b. residential premises designated as affordable or otherwise income-restricted, which are subject to affordability covenants or are otherwise subject to housing or rental assistance under local, state, or federal programs or law, may not engage in short term rentals;
- c. units that meet the definition of "Professionally Managed Units" under M.G.L. Chapter 64G, Section 1.

4.2 A short-term rental is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws, Zoning Bylaws, Planning Board regulations, or Conservation Commission regulations.

4.3 A short-term rental is required to have a local manager or responsible party who will respond with two (2) hours to any problem or complaint and within 30 minutes in an emergency; failure to do so may result in imposed fines.

4.4 Off-street parking on the property adequate to house all guest occupant vehicles for overnight parking is required.

4.5 Events that include tents or amplified music or which would customarily require a license or permit are not allowed.

4.6 Occupancy is limited to total legal occupancy per dwelling; if total occupancy is exceeded, fines may be applied on a daily basis until brought into compliance.

4.7 No advertising in any media shall exceed legal occupancy total; non-compliance shall result in fines levied on a daily basis until brought into compliance.

4.8 No commercial trash receptacle such as a dumpster may be maintained on the property to be used for regular trash pickup; trash removal must be limited to regular, weekly (or more frequent as needed) residential trash removal services or regular weekly trips to the Town transfer station. Trash removal shall be the responsibility of the owner/operator.

4.9 STRs may be subject to inspection by Stockbridge Board of Health, Fire Department, and/or the Stockbridge Building Inspector.

4.9.1 Inspections may be scheduled in response to complaints by renters or by owners or tenants of neighboring properties. A complaint process shall be made available on the Town of Stockbridge website.

4.9.2 Failure to provide updated contact information will be a failure to comply with this bylaw and may result in the refusal to allow registration renewal if there is a failure to respond after a reasonable attempt is made to contact the Operator/Owner, Booking Agent or Trustee.

4.9.3 Failure to provide access to properties for inspection or failure to comply with orders to correct deficiencies may result in fines or in the refusal to allow registration renewal. Appeals of these penalties may be made within ten business days to the Stockbridge Board of Selectmen.

4.10 In the event that there are three or more violations within a twelve-month period, the right to renew registration may be denied by vote of the Board of Selectmen.

5. Additional Requirements

5.1 The maximum occupancy shall be set at one (1) more than twice the number of bedrooms (e.g., five (5) for a two (2) bedroom unit). In addition to the dwelling's bedroom count as noted in the assessors' records, a space that meets the Title 5 definition of a bedroom may be used for occupants in the STR; provided, however, that in the case of STR properties serviced by a septic system, the maximum occupancy shall not exceed the capacity of the system. All septic systems must be Title 5 compliant and must be inspected and serviced as required by M.G.L. 310 CMR 15.000, with pumping at least once

every three years. Evidence of Title 5 pumping within the past three years must be on file in the Stockbridge Board of Health and filed with the application for a permit.

5.2 A dwelling unit or bedroom offered for STR use shall comply with all standards and regulations promulgated by the Stockbridge Board of Health.

5.3 Commercial meetings and uses are prohibited in short-term rentals.

5.4 The Operator or booking agent of an STR shall keep either paper or electronic records that include the number of occupants present during each rental period. The records must be produced upon demand by the Stockbridge Board of Health, the Board of Selectmen, or either Board's designee and such records must be maintained for two (2) years after the date of the rental.

6. Marketing Information

Each Town registration of a Short-Term Rental shall include a registration number. Any listing offering the STR for rent shall include the Town-issued registration number and the maximum occupancy allowed.

7. Adoption of Regulations

The Board of Selectmen and the Board of Health may adopt and amend regulations in furtherance of the implementation of this bylaw.

8. Penalties

If any Occupant, Operator or Owner violates any provision of this bylaw, the Owner or Operator may be subject to a civil penalty in accordance with the following:

- \$100 1st Offense
- \$200 2nd Offense
- \$300 3rd Offense – and each subsequent offense

Each day that a violation exists constitutes a separate offense.