

Washington Town Plan Steering Group
Meeting Minutes
07/09/2022

DG Review the minutes from the June 11 meeting. Minutes accepted.
From the Planning Board perspective I have some questions on the STR bylaw draft recommendations.

KL And I have a few minor comments. On the first page, under Section II, General Statement, first graph, underscore not just revenue for the town, but also to generate money for townspeople, to consider doing this.
Personal income as well as revenue for the town.
Party houses are discouraged (remove limited)

DS I have a minor quibble with business development. They are the only businesses that pay revenue other than property and excise taxes.
Short term rental of dwellings are one of the of the few town revenue sources.

On the second page, we talk about LLCs. I think we've overdone the LLC aspect. There are all sorts of ways of limiting liability. It's the big business problem we are targeting.

KL The LLC category is limited and doesn't capture what we are trying to express. There are properties owned by trusts, which are not individuals. Many of us, as we get older, have properties owned by a trust. It's for the Planning Board to figure out how to thread that needle. We need to broaden it. To figure out how to define to limit STRs not owned by individuals. Don, do you think we should figure out what that is.

DG I'm looking for direction. Is there a special application they need to come with and what info do they need to provide?

DS Can we just limit the number of STRs owned by any entity.

CL Who owns it, how many are you renting out. One, that's clear. Would that be easier to monitor?

KL The planning board sets a bylaw, then we need to implement that bylaw. We would need a registration. Every STR must register with the town. A registration and somebody whose job it was to review that, a town administrator or the town clerk. I spoke with Allison and she asked, how many of these will there be? Probably not as many as dog licenses. The enforcement would be the bigger issue. There's some place to look to see if anyone is out of compliance.

DS Usually, you don't do anything until you get a complaint.

KL I don't want to call it a permit, it's allowed, you pay me a small fee for a registration. Technically, I could get that info from the state. Let's say they have to register with the town, with a small fee. And maybe that's all that's in the bylaw. And there will be a limit on the number of STRs operated by one owner.

CL If you live in town, the limit is this, if you don't, it is this. But defining "Live in the town," that's already a problem.

KL Second home owners, they can just do it.

DS My family lived in Wellfleet, and one neighbor owned four units, three of which were short term rentals.

KL The natural impression that passing a bylaw will give is that we are trying to restrict STRs. We are actually trying to encourage STRs, with something in place to keep from going too far. I want to make sure that message is clear. That the bylaw is slightly restrictive for future concerns.

CL To keep it simple, we say no more than three. So we don't have someone coming and taking a bunch of houses off the market. We hardly have any houses here. Keep it simple and keep the worst case scenario from happening. If we require a registration, we should require they sign up with a company.

KL I don't know that it's our business to demand they work with a third party, but we can require proof they have registered with the DOR.

DG Tuesday, Chris Brown will be meeting with the Planning Board about developing the Bylaw. I would like to run this by him and he might know of other situations in MA.

KL We recommend there be a registration, a requirement that they register with DOR, a limit, more than one, maybe three.

KL If we were talking about state legislation, we would need to enable a town to charge a fine. Do we need to enable our town through the bylaw? The limit needs to be referenced; but the fine does not.

DG Let's continue the discussion of non-tax revenue sources.

KL Two specific things, mostly by way of info sharing, marijuana. I don't want to go down a rabbit hole today, but there are some things that are active that I think we as a Steering Group are aware of. Marijuana was specifically mentioned for the Steering Group to discuss. We are now contending with a serious proposal. We've always had inquiries.

DG I have never received a call from someone interested in a retail operation. Everyone is talking cultivation.

KL There are three avenues for revenue from a Marijuana establishment in town. An improvement on the property will capture additional property tax.

The local excise option of a tax on sales is limited to retail operations. There may not be enough community support or enough foot traffic. It's not realistic that it will become a viable source for the town.

The second source is a community impact fee. Host community agreements are required, and a large component of that has been focused on the impact fee. However, the legislature has chipped away at what is allowed in the fee. It's like Lucy and the Football, they give it, then woops, they say no, you can't have that. There is legislation currently working through the legislature that are clarifying the statute and clarifying the commission. The Community Impact fee is not a revenue source, it is an offset. [Kent references various aspects of the legislation that make it onerous for a town to enforce an impact fee.]

Part of the focus of these laws is largely with retail operations in mind; the statute used to allow up to 3 percent of gross profit. The state's interest is in promoting a marijuana industry. Lobbyists have been saying these fees are onerous; the state is siding with them. Now you have to tie the impact fee to impacts.

We're never going to get anything from retail, what is the benefit of trying to negotiate community impact agreements.

JG Is there any structural parallel to a VAT that would provide income to the town from growers?

KL There have been efforts in the legislature to address the issue of growers, I may write to the legislature that they have incentivized rural communities to restrict growers. There is a lot of community opposition just on principle, or misinformation. Why would a town want to engage in allowing growers? If there were something like a VAT tax, there might be reason to hold onto it.

Though I do not encourage deciding in the face of everything I just said to change our bylaws and ban marijuana growers outright...it's something to keep our eyes on.

CL What businesses might we want here. We're identified one that is allowed in our bylaws; maybe we go to the town and say let's get rid of allowing marijuana, but how about these, I don't know what they are, but take away this thing that's not good, it could be a help to go with some other ideas. Just a strategic thought.

SC What is happening with the place on Simmons Road?

KL They were moving full-steam ahead; they are coming before the Select Board. The driveway crosses an abutter's property and they claim they don't allow commercial traffic. That is purely a private dispute and needs to be sorted out. We won't engage in any substantive discussion about a Host Community Agreement until that is resolved.

DG It's been three years now, and they haven't thought it through. They haven't discussed it with their attorney. I tell them you need to do your research first.

KL To give them the benefit of the doubt, they are leasing the property from the owner. The fault lies with Kayleen, she should have thought this through.

You say there will be no odor, here's what we will put in place to monitor that, and any cost will be yours to bear.

The statute says, all of this notwithstanding, this is not to preclude any marijuana establishment to give a contribution. This group seems sincere about being a part of the community. The bylaw only allows us to put non unreasonable restrictions on time, place and manner, We can limit to certain hours, to certain places, and how odor is treated, but we can't say give us a fee. They are making explicit that anything else is unenforceable, We can't put it in writing. There is no way for the establishment to sweeten the deal for the community.

DG This happens to be indoor. If people were to come and put in 20 acres of outdoor, then it's a burden on the town.

KL I think we should monitor what is happening in the legislature. In the context of our town plan discussions, I think we have to revisit this and make recommendations to the Planning Board

DG There's an outdoor growing operation near me. Down Route 8, cross the line to Hinsdale, the 30 MPH sign, an s curve, before you go down Blotz, it's a right, a dirt road. Bullets Crossing Road, the entrance is there at the bottom of the road. There's a point three quarters of the way up the hill where you can see the manufacturing facility. Everything is in a unique pot, they are a very professional organization. As soon as the plants blossom, depending on the direction of the wind, there is an odor.

KL I want to pivot us to a discussion of what we *do* want in town. The headline is glamping. For those who have been following the news, you may know that the proposed operation in Becket has been withdrawn. Is that something suitable on the Bucksteep property? How would the town react. Do we as a town attempt to actively encourage, invite or court that operation to consider our community. I have no control over the site. Is that something worth pursuing, or would I be bringing the same kind of reaction.

SC We could start writing the advantages of having a place for people to go camping. An encouragement of a sporting place.

A lot of people might not remember Bucksteep the way it was. There was x country skiing, lunch, dancing. We could write a nostalgic piece for the Tracks about Bucksteep. We could advance the idea.

KL I could imagine ways this could be sellable to the town. If you look at the narrative of their proposal, it's not RVs, it's not people's personal tents, so, it's not camping, but that's immaterial, it is predominantly fixed structures and it was contained, and there was this public space. The dining at Dream Away was kept separate. I could see many elements of that being superimposed on Bucksteep property. If I were to approach them, here are some things to put on the table. Would it be possible that the pools and entertainment places have access for day use by Washington residents, buy a day pass and use the pool at certain times. If some accommodation could be made. The same thing with the dining and entertainment. Can it be a place where community gathers.

The other thing I contemplated is the traffic. Washington Mountain Road can accommodate traffic more than County Rd. Would it be possible to negotiate a community impact fee, to offset the cost of additional speed enforcement.

In the developer's pitch, they pitched it would be a benefit to the town through room and meals tax. They seemed to be indicating that they would be subject to room tax. Becket didn't pass a local room tax. We already have it. They proposed 100 units. Let's say those units at peak would be occupied five nights a week, \$150 a night. If I put in zero for Jan through March, 10 in April, 50 in May, 75 June, July, August, 50 in Sept, 40 Oct,... It totals just shy of \$80k. That's significant non-property tax revenue.

SC It would be beneficial to call it something other than glamping.

KL What is the minimal viable business plan. Say, this would be viable and, if it works, we would like to expand out to this. It's a larger property than Dream Away and the Planning Board could consider buffers to accommodate the neighbors.

DG Matt White came before the Planning Board about a glamping operation on Lower Valley Road. He had a manager from the tenter group come to the Planning Board. The glamour part of the glamping experience— it's on a platform, everything is there for you. It's clean, nice and isolated. You're alone in the woods. That's how he presented it. If you were to consider Bucksteep, you would have trails set up to do xx-country skiing, you'd have to put in something for septic.

KL The glamping label was not useful for them. Matt White was one extreme, the tenter operation is closer to camping, a fixed platform with canvas tent, the isolation is a big part of it. He was offering four sites. You hike in and waste is handled in the space bag. That was a big

point of contention from the board of health and the neighbors. At Dream Away, the proposal was for cabins. Fixed structures with rest rooms in them. There would be large trails passable by electric carts. Like RV Camping without bringing in the RVs. If I were going to pursue something, that would not be my first choice. If we as a town could offer a different potential experience of exploring that, could we offer that, and would they be receptive.

CL It may be a good first step to ask people about it. What are the steps. We don't even have control over the building at Bucksteep.

KL Is this something that could fit into a special permit and would the PB be up for the kind of public hearings that might ensue?

DG The bylaws would allow it. Whether or not the PB would allow it or the town would allow it, I can't speak to it.

LL I never had any experience with Bucksteep. How much activity was there, versus how much would be anticipated from this new enterprise. I would want to check with the neighbors to see what they would think about it. You need to offer something to the people who are going to invest, but it should start small. You shouldn't call it glamping. But you've got the trails, you've got the state forest.

DS Linda, you have one in your backyard, you are impacted by it, would it be less than the RV operation.

LL It's hard to know what the clientele would be. Washington Mtn Rd is a larger road and can accommodate the traffic.

KL I see Summit Hill as much closer to what people were concerned about on County Road. If we were going to have those conversations today, it might be similar.

CL One difference between a campground and this, these people would be tourists, the people in the RVs, they use it like their summer home.

SC Now, especially after the pandemic, people want to be outside, hiking, kayaking, xx country skiing with warm food at the end of the day.

KL That's the business opportunity that exists in our town and, particularly, at that parcel. That particular developer in this environment may not be worth going after. But perhaps we can use this opportunity to come up with a process to talk with the neighbors about what would we like to see at Bucksteep, it creates an opening. Right now, it's just this nebulous thing. This is what Lanesboro tried to do with the empty mall, as a way to create a discussion.

DG Use Bucksteep as an example.

KL Lanesboro had a grant to do the whole process of site research and viability. I put in an expression of interest in a grant that has since passed on. I leveraged along the lines of, in other communities, what they are looking to do with mills that have been abandoned, we have an abandoned property and I got feedback that the grant proposal was viable. I could bring it back and share it with you and start looking for a grant to get us outside assistance, to look at businesses that would be viable there, what could be sustained, what their market viability is, then go to town and talk about what would be workable.

The pitch to the town, We can't make something happen, but we can try to take a few steps to actively engage in what might happen.

DG use the nursing home as an example of how things could go south.

SC The stone house would generate interest in the place. To get it back in the conversation, who knows what might come forward.

CL An insights article might help.

KL Will re-engage with BRPC, what other grant opportunities, what kind of process would be pitch. And I will bring that back to you with the steps, and money to engage some third party to help us. This could be the forum in which we would develop this. DG, would you be involved in these conversations?

DG You can let me know you're having them.

KL Nursing home as a counter example, a missed opportunity.

DG The best thing we did was we took all the hospital equipment and shipped it to Honduras.

KL I can use the same counter example when Rudy Sacco was trying to sell Bucksteep to begin with. We have no authority, but that doesn't mean we don't engage and help to steer it. We could have engaged with the new owner, in a non-antagonistic way.

DS There were promises made, that were not fulfilled.

KL We as a town have an interest in trying to engage productively.

CL Next meeting?

DG I free up on the 20th of August, that's the soonest for me. 21st 3:30 Sunday.