

**Commonwealth of Massachusetts  
Town of Alford  
Special Town Meeting  
Alford Town Hall  
5 Alford Center Road  
Alford, Massachusetts 01230  
March 14, 2023 6PM**

**Berkshire ss:**

**To: Timothy Ortwein**

**Greetings:**

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Alford, qualified to vote in Town affairs, to meet at the Alford Town Hall in said Town, at the above address, on Tuesday, March 14, 2023 at 6 P.M. to vote on the following Articles:

**ARTICLE 1.** To see if the Town will vote to amend the Zoning Bylaw to regulate the Short-Term rental of rooms and the Short-Term rental of entire dwellings (i) by amending Appendix B to said Zoning Bylaw, entitled "Accessory Use Regulations," by adding new Sections 12 and 13 thereto, and (ii) by adding a new Section 8.4 to said Zoning Bylaw, entitled "Short-Term Rental of Residential Properties," all as follows; or take any other action in relation thereto.

**Town of Alford Accessory Use Regulations**

12. Short-Term Rental by an Owner, as defined in Section 8.4.1, of up to two bedrooms in a dwelling unit for up to 45 days per calendar year, provided that the Owner is occupying the dwelling unit at the time of the rental.*	Yes
13. Short-Term Rental by an Owner of an entire dwelling unit for up to 30days per calendar year.*	Yes

\*Short-Term Rental is limited to 45 days total per calendar year, whether such rental is under Paragraph 12 or 13.

**8.4 SHORT-TERM RENTAL OF RESIDENTIAL PROPERTIES**

**8.4.1 Definitions.** The following terms shall have the following meanings in Section 8.4.

Short-Term Rental: An accessory lodging use in an Owner-occupied dwelling unit including, but not limited to, an apartment, house, accessory dwelling unit, barn, 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 for payment to an occupant for 1-31 consecutive calendar days.

Owner: An Alford resident, whether the owner of record or a resident tenant, who occupies, more than 26 weeks per calendar year, a dwelling unit on the same property as a dwelling unit to be used for Short-Term Rental

#### **8.4.2 Purposes.**

1. Short-Term Rentals (STRs) as defined in this section are allowed for residential properties in conformance with this Section 8.4. These regulations aim to balance private, neighborhood, and public interests by establishing intensity limits that will:
  - a. Protect and maintain the residential, community and agricultural character of the Town.
  - b. Preserve housing options for current and new residents by deterring commercial interests from buying housing to use primarily as short-term rental businesses.
  - c. Enable residents to earn extra income from their properties to afford to remain in the Town, to maintain their properties, and to contribute to the community.
  - d. Preserve and protect the health, safety and welfare of Owners, other Alford residents and short-term renters.

#### **8.4.3 General Requirements for all Short-Term Rentals.**

1. Prior to Short-Term Rental use:
  - a. The Owner shall register with the Select Board, as required by General Bylaws of the Town of Alford, and shall notify the Select Board of such Short-Term Rental at least twenty-four (24) hours in advance of the Short-Term Rental's check-in time. Such notification shall be made by the Homeowner. The Select Board may adopt further rules, regulations, and standardized forms relative to and in furtherance of this notification requirement.
2. During Short-Term Rental use:

- a. The registration requirements set forth in the General Bylaws shall be fully observed at all times.
  - b. All overnight parking must be within the property's driveway or garage.
  - c. Events that include tents are prohibited.
  - d. Commercial events, including conferences, meetings, retreats, and associated uses, are prohibited.
  - e. Amplified exterior noise is prohibited.
  - f. Occupancy is limited to the total legal occupancy for the dwelling unit.
  - g. Animals owned by short-term renters shall be leashed at all times outdoors.
  - h. Hourly rentals or rentals for less than a 24-hour period are prohibited.
  - i. Signs advertising Short-Term Rentals are prohibited.
  - j. The use of the property shall not interfere the with the use and enjoyment of surrounding properties by reason of odor, dust, noise, traffic, lighting, accumulation of trash or debris, or vehicle parking, or in any other manner.
3. Owner must maintain a record of the names and contact information of all short-term renters, including their dates of rental, and shall make such record available to Town officials upon request.
  4. A property may not be used for a Short-Term Rental unless all taxes and fees, including real property taxes, personal property taxes, excise taxes, town transfer station fees, and the like, are current.
  5. Short-Term Rentals are prohibited on any property with outstanding violations of the Building Code, Fire Code, Board of Health, or Zoning or General Bylaws.
  6. Except as allowed in Section 8.4, no dwelling unit shall be used for Short-Term Rental and all regulations of this Zoning Bylaw shall apply.

#### **8.4.4 Multiple Dwelling Units on a Parcel.**

1. If more than one legal dwelling unit exists on a single parcel:
  - a. The limitations on the number of consecutive calendar days of Short-Term Rental and on the total number of calendar days of Short-Term Rental per

year shall apply to the entirety of the parcel. The latter shall be apportioned among the several dwelling units.

- b. Only one dwelling unit may be used for either Short-Term Rental of room(s) or Short-Term Rental of an entire dwelling unit on the parcel at a time.

**ARTICLE 2.** To see if the Town will vote to amend the General Bylaws by adding a new section, entitled “Inspection and Registration of Short-Term Rentals,” as follows; or take any other action in relation thereto.

### **Inspection and Registration of Short-Term Rentals**

Applicants for short-term rental uses must complete a registration application with the Building Inspector. Requirements include:

#### **Section 1 - A Certificate of Registration from the Building Inspector.**

The Building Inspector shall inspect the premises to determine adherence to applicable zoning, building, health and safety, and housing codes, and to determine maximum occupancy in accordance with the same. A copy of the application for a Certificate of Registration shall simultaneously be submitted to the Health Agent for review and the opportunity to comment. Any comment by the Health Agent shall be considered by the Building Inspector if received within 14 days of receipt of the application. The Building Inspector shall issue a Certificate of Registration if the premises meet all applicable codes, regulations, statutes, and bylaws; said Certificate of Registration shall specify maximum occupancy as aforesaid. If the Building Inspector and applicant are unable to schedule an inspection within sixty (60) days, the Building Inspector shall issue a temporary Certificate of Registration, which shall expire upon inspection, or within thirty (30) days after issuance, whichever occurs first.

#### **Section 2 – Information Required for Issuance of Certificate of Registration.**

Prior to the issuance of a Certificate of Registration, an applicant must submit the following information to the Building Inspector:

- a. Name, address, telephone number(s) and email address of or for the applicant. If the applicant is not the owner of record (e.g., resident tenant, family member), this information must also be supplied for the owner.

- b. Local contact (name, address, telephone number(s) and email address) on file.
- c. Certification signed by the applicant and the record owner (if different) stating that they have reviewed and understand the Town's Zoning and General Bylaws governing short-term rentals.
- d. Proof of compliance with laws of the Commonwealth regulating short-term rentals, including registration.

### **Section 3 - Annual Renewal.**

Certificates of Registration shall expire three (3) year from the date of issuance. Annual inspections for years 2 and 3 through the Building Inspector may be required at the Building Inspector's option. Should the Building Inspector determine at any time that the owner has failed to adhere to zoning, building, health and safety, and housing codes, the registration may be revoked by the Select Board upon reasonable notice to the Owner, in writing, and following a public hearing before the Select Board at which said Owner shall have the opportunity to be heard.

### **Section 4- Fees.**

The Select Board or its designee may set and periodically revise a schedule of fees for registration, permit application, and inspections of short-term rental properties.

### **Section 5 – Penalties.**

If any owner, tenant, occupant, or renter violates any provision of this bylaw, the owner of record may be subject to the following fines: \$150 1<sup>st</sup> Offense; \$300 2<sup>nd</sup> Offense and each subsequent offense. Each day that a violation exists constitutes a separate offense. See also Section 3, regarding revocation.

### **Section 6 – Enforcement.**

The Select Board may enforce the provisions of this bylaw by any or all of the following means: noncriminal disposition process pursuant to General Laws Chapter 40, Section 21D; by seeking to restrain a violation by injunction; and/or by filing a complaint in any court of competent jurisdiction.

### **Section 7 – Severability.**

Each provision of this bylaw shall be construed as separate. If any part of this bylaw shall be held invalid for any reason, the remainder shall continue in full force and effect.

**ARTICLE 3.** To see if the Town will vote to accept G.L. c. 64G, § 3A, and to impose a local room occupancy excise at the rate of 6 % percent in accordance with applicable law; or take any other action relative thereto.

**ARTICLE 4.** To see if the Town will vote to transfer \$30,000.00 from Retained Earnings of the Alford Link Enterprise Fund to the Alford Link Capital Replacement / Improvements Expense or take any other action relative thereto.

And you are further required to serve this Warrant by posting attested copies at the Town Hall and other places, as the Select Board deems appropriate at least fourteen (14) days before said meeting.

Hereof and fail not to make return of the Warrant with your doings thereon to the Clerk of said Town on or before the time of said meeting.

**POSTED:**\_\_\_\_\_ **DATE:**

**Constable**

**SELECTMEN TOWN OF ALFORD**

\_\_\_\_\_  
**Charles F. Ketchen, Chairman**

\_\_\_\_\_  
**Peter Puciloski**

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**Peggy Rae Henden-Wilson**