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SAVOY SELECT BOARD MEETING
SAVOY TOWN HALL
August 26, 2026

MINUTES

Select Board Members Present: Justin Kaczowski, Marie Saucier, Brenda Smith

The meeting was called to order at 5:00pm by Justin Kaczowski; seconded by Brenda Smith.

Marie Saucier moved to accept the August 11, 2026, Select Board minutes; seconded by Justin Kaczowski. Vote: 2-0-0.

PUBLIC COMMENT:

COMMITTEE REPORTS:

Conservation Commission: April LeSage, Chair

- Member, Chloe Martel is resigning as a member of the Conservation Commission. Dan Harris has agreed to fill the vacancy.
- The Conservation Commission would like to propose hiring a Conservation Commission Agent on an hourly basis as needed. The Conservation Commission Agent would report to the Conservation Commission and be responsible for:
  - Enforcement
  - Keeping up with wetland laws
  - Delineation of wetlands
- The Select Board was in agreement that having a Conservation Commission Agent would alleviate some of the burden put on the Commission members as long as there is money in the Conservation Commission budget to cover the cost for the remainder of FY27 until it can be properly budgeted for in FY28.
- Inquiries of interest will be made to known individuals who are qualified to act as an agent.

Westfield Wild & Scenic: Melanie Glynn, Savoy Representative

- An Authorization to Proceed was presented to the Select Board for Stockman Associates, LLC to access the Town Park property in order to move forward with the Japanese Knotweed Removal Project being funded by Westfield Wild & Scenic.

- Marie Saucier made a motion for Justin Kaczowski to sign the Authorization to Proceed; seconded by Brenda Smith; unanimous. Vote: 3-0-0

Planning Board: Tony Facchetti, Chair

- An Approval Not Required (ANR) was presented to the Select Board to act on as the Planning Board has only one member currently.
- The Select Board reviewed the subdivision plans along with Planning Board Chair.
  - Marie Saucier made a motion to sign the ANR; seconded by Brenda Smith; unanimous. Vote: 3-0-0.

DEPARTMENT REPORTS:

BUSINESS TOPICS:

Open & Review Bids: Town Office Roof Project-Pending Review Notice of Award

- Four bids were submitted for the Town Hall Roof Replacement Project with a base bid as follows:
  - Larochelle Construction, Inc $24,500
  - Hocol Remodeling Group, Inc $28,700
  - K & G Remodeling, Inc $34,650
  - Pappas Industries, Inc $58,500
- After careful review the Select Board chose Larochelle Construction, Inc. to replace the roof at the Town Hall.
  - Marie Saucier made a motion to accept and award the Town Hall Roof Replacement Project bid submitted by Larochelle Construction, Inc; seconded by Brenda Smith; unanimous. Vote: 3-0-0.
- Town Council will be contacted to draft the contract.

Short Term Rentals: Attorney Response (Tabled from 8/11)
& Discussion with Planning Board: STR Bylaw

- The Town Council response[1] to several issues regarding the defeated STR bylaw at the Annual Town Meeting was reviewed by the Select Board along with members of the Planning and Zoning Board who were present.
- Per Town Council there is no Savoy Bylaw governing STR, therefore it is illegal to operate a STR in Town. The Select Board determined that business licenses cannot be reissued to STR owners upon expiration.
- The attorney does not advise revoking the business license if the bylaw will be brought back to town meeting in the near future. However, if there are safety issues the STR can be closed by the Building Commissioner.
- Discussion ensued if a certified letter should be sent to the STR owners. It was decided the Attorney response[1] will be posted on the Town website for all Town residents to view.
- The Select Board recommended the Planning Board hold additional meetings with the Building Commissioner for discussion and consensus regarding interpretation of the building code for the sprinkler requirement.

- It was suggested this bylaw be brought back before the town along with the Accessory Dwelling Units (ADU's) bylaw that the Planning Board needs to draft.
- If a revised STR Bylaw proposal is reached the Select Board recommends holding public meetings to educate the Town residents on the amended version of the proposed STR Bylaw.

Foresight Land Services Proposal: Town Office Parking Lot Phases 3 & 4

- Marie Saucier made a motion to sign the Foresight Land Services proposal to proceed with phases #3 and #4 for the Town Office Parking Lot; seconded by Brenda Smith; unanimous. Vote: 3-0-0.

Select Board Items:

- Appointments were approved by the Select Board for the following positions:
  - Conservation Commission — Dan Harris
  - Planning Board — Julie Pavia
  - Planning Board — April LeSage
  - Planning Board — Tom Schwartz
  - Planning Board — Melanie Glynn
- Animal Control contacted the Select Board regarding horses in Town. A vet consulted and determined the horses were underweight.
- The Select Board would like to acknowledge members of Town committees, boards, volunteers, and employees. The Select Board Administrative Assistant will compile options for Select Board review.
- The cordless phone for the Highway Department is in and will be installed next week.

Correspondence:

Adjourn Meeting: Justin Kaczowski motioned to adjourn the meeting; seconded by Marie Saucier; unanimous. The meeting was adjourned at 6:50pm.

APPROVAL DATE: 9/8/26

Justin Kaczowski, Chair

Marie Saucier

Brenda Smith

Submitted by: Colleen Gibeau, Select Board Administrative Assistant

Dear Selectboard -

The purpose of this email is to respond to the July 9, 2026, letter from Mare Saucier requesting a legal opinion on several issues regarding short-term rentals (STR). I will answer your inquiries as they were presented.

1. Legal opinion regarding the basis for the conclusion that short-term rentals are not a lawful use in Savoy in the absence of a specific zoning bylaw authorizing or regulating them.

Under Massachusetts law, short-term rental (STR) use of a single-family home is generally not a permitted use under a municipal zoning bylaw that designates property for residential use. The Supreme Judicial Court (SJC) definitively addressed this question in 2021, and Massachusetts Land Court decisions through 2025 have consistently applied and extended that ruling. Courts have held that STR use is fundamentally incompatible with the residential character and permanency that single-residence zoning districts are designed to protect, and that STRs cannot qualify as permitted principal uses, permitted accessory uses, or protected prior nonconforming uses under standard permissive zoning bylaws. Styller v. Zoning Board of Appeals of Lynnfield, 487 Mass. 588 (2021).

The SJC held that the plaintiff's short-term rental use "was not a permissible use under the town's zoning bylaw, as it existed prior to its amendment in 2016." Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021) The Court's reasoning operated on two levels. First, the Court rejected the argument that STRs could be categorized as an unauthorized "additional use" in the form of a "lodging house" or "tourist home" — both of which, in the Court's analysis, contemplate the renting of individual rooms rather than the entire house and require the owner or operator to remain on premises. Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021) Second, and more significantly, the Court held that STR use could not qualify as a permitted principal use as a "one family detached house," because "short-term rental use of a one family home is inconsistent with the zoning purpose of the single-residence zoning district in which it is situated, i.e., to preserve the residential character of the neighborhood." Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021) Giving deference to the local zoning board's reasonable interpretation of its own bylaw, the SJC concluded that use of a "one family detached house" in a "single residence district" connotes a measure of permanency inconsistent with transient uses, because both "family" and "residence" imply "a certain expectation of relative stability and permanence." Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021)

Courts have also consistently rejected the argument that STRs qualify as a permitted accessory use. In Balser , Tr. of Finally Ann's Realty Tr. v. Bonvie, No. 23 MISC 000436 (RBF), 2025 WL 2536247 (Mass. Land Ct. Sept. 4, 2025), decided by the Massachusetts Land Court in September 2025, the court found that "STRs fail as an accessory use because they are not incidental to the principal residential use. When the

home is rented out on a short-term basis, the property owner is precluded from using it as a residence—the two uses are therefore mutually exclusive." Balser , Tr. of Finally Ann's Realty Tr. v. Bonvie, No. 23 MISC 000436 (RBF), 2025 WL 2536247 (Mass. Land Ct. Sept. 4, 2025)

The *Balser* court similarly found in 2025 that even where a bylaw contains a narrow rental provision — in that case allowing rental of no more than two rooms to no more than four persons — that provision itself confirms that STRs as generally practiced are not otherwise permitted, as allowing a broader interpretation "would render this distinct use category superfluous." Balser , Tr. of Finally Ann's Realty Tr. v. Bonvie, No. 23 MISC 000436 (RBF), 2025 WL 2536247 (Mass. Land Ct. Sept. 4, 2025)

In the Savoy Zoning Bylaws there are two provisions that may allow a form of STRs. Section 4.2.9 of the Bylaw allows for rental of no more than two rooms in a dwelling unit regularly occupied by a resident family provided the no separate cooking facilities are maintained. So, owner- occupied dwellings may rent no more than two rooms in the dwelling. This is dependent on the dwelling being owner-occupied and reinforces the prohibition of STRs as discussed in the Balser case above.

Also, Section 4.3.5 allows by special permit for a ski lodge use of a property. It appears that if a property can meet the requirements of Section 4.3.5 then that property maybe used as a short-term rental with a special permit. This does not appear to require the property be owner-occupied.

A critical framework underlying these decisions is the permissive zoning bylaw structure employed by many Massachusetts municipalities. Under such a bylaw, which lists permitted uses rather than prohibited uses, every use not expressly authorized is prohibited. In Balser , Tr. of Finally Ann's Realty Tr. v. Bonvie, No. 23 MISC 000436 (RBF), 2025 WL 2536247 (Mass. Land Ct. Sept. 4, 2025), the Land Court articulated this rule directly: "a permissive bylaw prohibits every use of a property that is not specifically authorized for a particular zoning district," and "the property owner must show that the bylaw expressly permits the challenged use."

The Savoy Zoning Bylaw is a permissive zoning bylaw (even with prohibited uses provided as well). Harvard v. Maxant, 360 Mass 432 (1971) . The SJC held that "there is no requirement that zoning bylaws or ordinances follow any particular pattern or structure. They may take the form of prescribing uses permitted or prescribing uses prohibited, or a combination of the both.

2. Enforcement for the two existing short-term rental operations that are currently active in Savoy. Does the fact that they were issued business licenses for these operations and have been paying taxes change or affect your advice?

These operations are not a lawful use at this time. Case law is clear that uses not allowed by a permissive zoning bylaw are not granted grandfathered status.

Because STR use was never a lawfully permitted use under standard residential zoning bylaws, it also cannot qualify for protection as a prior nonconforming use under M.G.L. c. 40A, § 6. The SJC in Styller held that the plaintiff's short-term rental use was "not a specifically permitted principal use of the property before the town adopted [its] new zoning bylaw," and therefore could not be grandfathered. Styller v. Zoning Bd. of Appeals of Lynnfield, 487 Mass. 588 (2021)

Whether the Town has an obligation to take enforcement action? Whether the Town takes enforcement action at this time is a determination by the Building Inspector as is the determination of what enforcement action needs to be taken including a transition period the Building Inspector may allow.

Whether the owners of the property gained any rights to continue the use of their property as STRs because they received business licenses and occupancy excise taxes were paid would be based on the legal theory of estoppel. Under this theory, the Town would be estopped from enforcing the zoning bylaw because their actions implied promises to the property owners that the use was lawful. Massachusetts courts strongly disfavor the application of estoppel — both equitable and promissory — against municipalities and other government entities. The general rule is that estoppel will not be applied against the government in the exercise of its public duties or against the enforcement of a statute. While Massachusetts courts have not categorically ruled out estoppel against municipalities in every conceivable circumstance, successful claims are exceedingly rare. The doctrine is consistently defeated by the overriding public interest in statutory compliance, the requirement of reasonable reliance (which is difficult to establish against a government actor), and the principle that the public cannot be deprived of legislative protections through the unauthorized or mistaken conduct of government officials.

In the zoning context, Massachusetts courts have held with particular consistency that a municipality cannot be estopped from enforcing its zoning laws or ordinances. As summarized in Williams St. Holdings, LLC v. Juaire, No. 18 MISC 000284 (HPS), 2020 WL 122703 (Mass. Land Ct. Jan. 10, 2020), courts have "frequent[ly] and consistent[ly] held that a municipality cannot ordinarily be estopped by the acts of its officers from enforcing its zoning by-law or ordinance," citing the foundational rule that "the right of the public to have the zoning by-law properly enforced cannot be forfeited by the action of its officers." Even where a building permit was erroneously granted and a structure was built in reliance on it, the doctrine of estoppel did not compel the municipality's zoning board to grant a variance to allow the illegal structure to remain Williams St. Holdings, LLC v. Juaire, No. 18 MISC 000284 (HPS), 2020 WL 122703 (Mass. Land Ct. Jan. 10, 2020).

3. Bringing the Short-Term Rental bylaw back before town meeting.

M.G.L. c. 40A Section 5 provides "No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action **unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board. "**

If the Savoy Planning Board recommended passage of the Short-term Rental Bylaw, then it may be re-introduced at a Special Town Meeting at any time.

4. Fire Safety Requirements

Massachusetts law requires automatic sprinkler systems primarily in buildings meeting certain conditions, such as having four or more units, or where major renovations or additions to buildings exceeding 7,500 square feet occur. In Pinecrest Village, Inc. v. MacMillan, 425 Mass 70 (1997) the Massachusetts Supreme Judicial Court held that automatic sprinkler installation is mandated in townhouses with four or more units by statute (M.G.L.A. c. 148, § 26 I), interpreting a "building" as the entire structure rather than individual units. Further, substantial renovations to large buildings can trigger sprinkler installation requirements under M.G.L.A. c. 148, § 26 G, as in Congregation Beth Sholom & Community Center Inc. v. Building Commission of Framingham, 27 Mass App Ct 276 (1989) where renovations justified sprinkler installation due to the cost-benefit balance. For other residential single-family dwellings, such as detached homes, the statute and cases suggest no automatic requirement for sprinklers unless housing codes or specific local ordinances apply. Fire sprinklers are more commonly required in lodging houses or multifamily residences involving unrelated tenants, as indicated in Massachusetts case law and statute interpretations

Regarding short-term rentals, zoning and fire codes do not expressly mandate sprinkler systems or enhanced fire safety measures for single-family residences used as short-term rentals in Massachusetts. Zoning statutes forbid local ordinances from regulating construction methods or materials governed by the state building code, and no specific building or fire code provisions uniquely regulate short-term rental single-family homes. National principles indicate some jurisdictions allow local fire safety ordinances to impose greater requirements on short-term rentals, but Massachusetts sources neither affirm nor reject such measures in this context 18A Mass. Prac., Municipal Law and Practice § 17.4 (5th ed.),

Whether Sprinkler Systems are required in STRs is not a simple yes or no answer. Whether Sprinkler systems are required is a determination to be made by the Building Inspector or Fire Chief and will depend on whether the property is primarily owner occupied, the size of

the building, the number of lodgers in the owner-occupied dwellings, when the STR began and other factors. The Massachusetts Comprehensive Fire Safety Code, 527 CMR 1.05 does not appear to separately impose sprinkler system requirements on single-family STRs. It does require particular smoke detectors, and carbon monoxide detectors and sets requirements for their locations.

M.G.L. c. 64G, section 14 imposes a fire safety posting obligation on all STR operators. "An operator of an STR shall post inside the STR unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

Regarding STRs, zoning bylaws should not expressly mandate sprinkler systems or enhanced fire safety measures for single family residences used as STRs in MA because there are matters for the fire code and building code. C. 40A ,Section 3 forbids local ordinances from regulating construction methods or materials governed by the state building code and no specific building or fire code provisions uniquely regulate short-term rental single-family homes.

Whether the State Building Code requires sprinkler systems is dependent on many variables and is a determination to be made by the Building Inspector based on the use classification determined in accordance with 780 CMR Chapter 3.

Please let me know if you have any other questions or concerns regarding this matter.

Donna.