



Dummerston Planning Commission

Unapproved Minutes

Tuesday, September 6, 2016, 6:30 pm, Dummerston Town Office

Members present: Maria Glabach, Sarah Bergh, Sam Farwell, Deb Forrett, Bev Tier, Joe Little

Absent: Andrew MacFarland, Annamarie Pluhar

Also present: Kathleen Hathaway, Zoning Administrator; John Bennett, Windham Regional Commission

Meeting was called to order by Deb Forrett

1. Approve minutes of 8/2/16

Joe moved to approve as written; seconded by Bev; motion passed

2. Correspondence

Email between Sam and BDCC Kristin Mahelick – she will attend 10/4 meeting

Email from ZA re Air B-n-B, attached to minutes;

Sam reported MPG requisition processed;

3. Public Comment -- None

4. Old Business - none

5. ZA Report- (moved up from new business)

Kathleen Hathaway reported on permit applications and DRB decisions in the last three months; presented a report on current listings in Dummerston on “Air B-n-B” (attached). Sam asked for and received authority to communicate with the Selectboard and/or the DRB, if appropriate, regarding future amendments to the zoning bylaw, and the use of “Unspecified Use” as a stopgap measure.

6. Town Plan Update

Transportation; Community Facilities, Services and Utilities; Town Profile chapters were reviewed with revisions. More revisions were discussed and will be incorporated by John Bennett.

7. New Business

Items for next meeting agenda, **October 4**

Sam will have a draft with all updated chapters, including Housing, for review and approval for the public forum. He will try to have printed copies available before the meeting.

K. Mahelick, from BDCC, will present on regional efforts in economic development and what could be included in the Town Plan Economic Development chapter. Sam will communicate that 20 minutes will be allotted for this.

The November regular meeting will be held before the public forum, 6:30-7

Sam brought up the grant funds dedicated to postage and printing for a town-wide mailing to be used at some point in the update process to bring the town plan update to residents' attention.

Deb said she would be submitting the article for the *Views* and if anyone had ideas they could contact her.

Maria asked for and received approval for expenses related to registration and travel to Town Fair in Chittenden.

Sam will review WRC invoices and clarify use of grant funds with WRC as needed.

8. Meeting Adjourned at approximately 8:20pm

Next Meeting: October 4

Public Forum November 1, 7:00, church basement



Town of Dummerston

1523 Middle Road East Dummerston, Vermont 05346

TO: Planning Commission

FROM: Kathleen Hathaway, Zoning Administrator

DATE: September 1, 2016

RE: AirBnBs in Dummerston

Recently I received a letter from a West Street resident inquiring about the town and state compliance status of a couple of properties that are being advertised as AirBnB's. As a result of this inquiry, I decided to look into not only those properties to see if they had zoning permits to allow such rentals, but also see whether there were other property owners in Dummerston engaging in similar activities. I have found that there are several and that only one (the Outer Green lodge on Beaver Pond Rd) has a zoning permit.

I also read some emails among other Zoning Administrators in the State who were wondering how to regulate AirBnBs, as well as some articles and regulations that indicate this is a state wide and issue. I am bringing it to your attention so that you can ponder whether you want to create a new category for AirBnBs or if you want to treat them as Bed and Breakfasts or some other entity that is already defined in the Zoning Bylaw. I am also sending this to the Selectboard and perhaps the two boards could confer about how to regulate these properties.

I note that B&Bs are allowed by conditional use in most zoning districts, allowed with site plan review in the Rural Commercial zone and not allowed in Commercial/Light Industrial. Rural Commercial zones also allow country inns by conditional use. Bed and Breakfasts are single family dwellings and require that the principal occupants reside on the premise. Country Inns are "lodging establishments" and do not require owner occupancy. The Bylaw also has definitions for "dormitory" and "tourist home" though I do not see where either is an allowed use in any zone.

In my review of the AirBnB website, I found 14 properties listed in Dummerston. Three of them are owned by Landmark/Scott Farm, two are at KOA, and 9 are at residences. I have the individual AirBnB listings in the office and have attached a summary of the Dummerston listings

Please note that while I believe this is a complete list of Dummerston properties listed on AirBnB, that it is possible I missed one or two and it is also possible that people rent rooms or homes through other venues, such as Home Away (which one can also find the Church property on West St), or others of which I am unaware.

There has been a little discussion on email about AirBnBs among other Zoning Administrators. It looks like Woodstock limits the number of times units can be rented, requires State fire marshall approval and has a few other prohibitions to protect neighbors. Randolph treats them as B&Bs, requires owner occupancy, requires site plan approval if it's a 1 or 2 family dwelling, and limits rooms to 3. If over 3, they treat them as motels.

I am attaching a document from the Vermont Department of Taxes entitled "Renting Your Room With a View?". It is a primer on collecting the Vermont Meals and Rooms tax and states that anyone one offering sleeping accommodations to the public for a total of 15 or more days in a year, consecutive or not, needs to collect and remit the tax to the state. It also talks about tax liability if the tax has not been collected and remitted. It seems that by virtue of this document that the State considers renting rooms to be a business in Vermont.

Below are the Dummerston Zoning Bylaw definitions that seem relevant to consider:

BED&BREAKFAST: a single family dwelling in which not more than seven (7) rooms are offered to rent to transient guests on a nightly basis, in addition to the principal occupants who shall reside on the premise. Central dining and food preparation facilities may be provided sufficient to serve guests; cooking facilities shall not be provided in individual guest rooms.

COUNTRY INN: a lodging establishment serving meals, usually developed from a classic home in a rural or village settings, having a rustic comfortable ambiance. For this Bylaw, a Country Inn is limited to a maximum of twenty (20) guest rooms.

DORMITORY: a building, or part of a building, with many rooms that provides sleeping and living accommodations for a number of people.

TOURIST HOME: a place where overnight accommodations are offered to transients, usually of short duration.

Dummerston AirBnB Listings

Natalie Blake, 2 listings for the Church at 156 West Street, Parcel 509. One is for the lower level and the other is for the remainder of the building. Natalie has a couple of permits for this building, the most recent allowing her to convert the SFR to a two-family dwelling. The entire building is for rent, which indicates the owner does not reside here.

Natalie Blake and Nick Marchese, 154 West Street, Parcel 510. Nick has two permits for this dwelling, one for an addition and one for a deck. The entire building is for rent, which indicates the owner does not reside here. This listing also directs renters to park extra cars across the street.

Leslie Wilson & Nathaniel Weeks, 237 Camp Arden Road, Parcel 104. This property formerly belonged to Bill Menezes. There are 3 permits for minor additions to the building. The owner is renting the entire building and notes that she lives in Boston.

William and Kathleen Fleischmann, 251 Camp Arden Road, Parcel 103. Formerly the Zopf property. This parcel has several zoning permits for various additions. The listing says the entire house is for rent, but also states it would be shared with owners so it is unclear whether it is owner occupied.

Catherine & Ed Powers, 351 Beaver Pond Road, Parcel 479.1A. The listings says “we recently bought this house from our neighbor... we renovated it for a few months, and now it's ready to share”. I believe they live on the abutting parcel and guests have “total access” to this house.

Outer Green, 615 Beaver Pond Road, Parcel 479 , David Hodges & Natalie Pelham. They applied for town zoning approval and in February 2016, the owners received a conditional use permit & site plan approval from the DRB to turn their cooperative living home, a SFR, into a B&B.

Gina Corea and Helen Hawes, 25 High Bridge Road, Parcel 589. I believe the owners MAY reside here and rent the loft area in the main house.

Patricia Austin, 1014 Stickney Brook Road, Parcel 581. This appears to be a room for rent in an owner-occupied dwelling.

Catherine Dianich Gruver, 1022 East West Road, Parcel 255. This is a rental of a guest house attached to the main dwelling where the owners live. It has 2 bedrooms, and a bathroom.

Mary Ellen Britt, 1127 U.S. Route 5, Parcel 803. Rents out entire first floor that includes bedroom and bath. I believe it is owner occupied and the house is for sale.

KOA has 2 listings – one for a second floor apartment and another for a cabin.

Dummerston AirBnB Listings

Landmark/Scott has three listings – one for Kipling's Carriage House, 2 bedrooms(entire home), one for the sugar house. 1 bedroom (entire home) and one for the Dutton Farm House (entire home), 4 bedrooms. None of these is owner occupied.