

Written Comments on Short Term Rentals

Compiled from Emails sent to the Dummerston Planning Commission

Posted on line June 18, 2017

By Annamarie Pluhar, Secretary
Dummerston Planning Commission

Dear planning commission, select board, and zoning administration,

We are Cat and Ed Powers. We own a house on Beaver Pond Rd that we have listed on Airbnb as Pinecone Pond. We've read about possible issues concerning short term rentals in the west Dummerston village and are aware of the meeting on June 6th. We likely will be unable to attend (as our kids keep us very busy with tennis, hockey and lacrosse).

To tell you a bit about us:

We have lived on Beaver Pond Rd for 17 years. Ed has worked at the Putney Coop for 17 years and has volunteered as girls lacrosse coach for Brattleboro Rec Dept for the past 6 years. Cat has worked as a server at the Marina in Brattleboro for about 8 years as well as making all of their napkins and cushions. Cat also makes children's clothing and napkins under the name Booba Ruba which are sold in local businesses. She has volunteered along with her daughter for 6 years at Windham Humane Society. We have two kids-- one a junior at BUHS and one in 8th grade at Dummerston.

When our next door neighbor decided to list her rental house, we jumped at the chance to buy it for our kids (future as they are 17 and 14 now). We refinanced our house to make the down payment, and were able to buy it. The house was a rental when we purchased it, and having watched our neighbor struggle with her tenants (skipping payment and "altering" the property), we weren't sure we wanted to go the same route. We wanted to bring it back to its original beauty and be able to maintain it inside and out.

We had also lived across from a family for four years out here that became squatters and trashed the property that they possessed (along with other unpleasant characteristics that definitely affected our outdoor time for FOUR years). The owners went through long legal struggles to get their property back. I point these out because they not only influenced our decision to go short term rentals, but because we've also read the complaint (VPR article) from a West St resident that when "out of town renters" are on west st, she doesn't know who her neighbors are. I would venture to say (from experience) that we can never control who our neighbors are. The only issues we've had were with long term "neighbors", including burglaries a few years back (our Airbnb house being one of the burglarized houses). I think it's less likely you would see these issues from an Airbnb guest who has given all their ID and credit card information to Airbnb, as well as paid sometimes hefty deposits to stay in a place.

Our experience so far with Airbnb has been a great one. Not only have we met many wonderful families, but it has allowed us to make mortgage payments (the house really only pays for itself, as we supply everything to our guests), as well as keep the property in great condition (as was not the case before). We have not received any complaints from any neighbors, and every neighbor we've talked to has been enthusiastic about the idea. Quite a few were relieved, and in fact several have even reserved it for extended family when they come to visit.

The property (4 acres) abuts our own property (11 acres), so we are right there should any issues arise. We don't rent if we're out of town, and we let our guests know that we live next door. Our guests have loved being able to bring their families here, and we love being able to give them a Dummerston experience.

To tell you a bit about our past guests (temporary neighbors):

For the most part we have families that want to bring their kids here for a country Vermont experience and to escape whatever city life they may grow up in. We have one family from NY that comes up every New Year with their two kids, and love to bring us Italian beer and chat about how great Vermont is. They call it the Snow House (even if there's no snow).

We had a guest that just needed a quiet healing place to remember her husband that passed.

We have a family that lost loved ones in 9/11 that visit every year and always brings us bagels.

We've had a cellist with the Boston symphony along with his wife who is an amazing artist and their 3 kids.

We had a family from London with 3 teens that helped our kids build a chicken pen.

A few dance teachers from Texas that were attending seminars at NECCA.

A German family that excitedly showed us their purchases from Twice upon a Time while sharing goodies from the Farmers Market with us. Their two adorable kids fed me grapes the whole time-- it was a treat!

We even had a lovely couple get engaged during their stay here.

The list goes on, but just to give you an idea of our experience with some wonderful folks :)

Airbnb keeps a record of all earnings for each host for tax purposes. We claim all income on the house to state and federal. Airbnb collects and pays Vermont room tax on our behalf. We do not accept any payments except through Airbnb because Airbnb insures our property as well as any accidents that may occur during a visit.

We take great pride in offering our home and work very hard to make it possible to do so, earning the highest ratings and reviews because we sincerely care about others' experience. And because we wouldn't be able to make the mortgage payments without it, we hope to continue to share our home in this manner.

Sincerely, Cat and Ed Powers

Dear Selectboard (and Planning Commission),

I am writing regarding a proposed new regulation on short-term rentals in the Town—concerned that a decision on how to define and regulate short-term rentals may already have been made.

I understand that the Planning Commission is beginning a process to consider how to regulate short-term rentals in Dummerston and has scheduled a public meeting to begin that discussion in the town. That is a proper process, in my opinion, and I plan to be at the meeting on June 6th. But I also understand that the Town plans to send out a letter to residents in the Town who have been renting rooms or buildings—for months or years—to advise them that those short-term rentals are now considered commercial operations and to continue with those uses the property owners must file for conditional-use permits with the Development Review Board. I believe that to preemptively impose this new regulation by fiat is improper. Residents should have an opportunity to weigh in on a regulation that could have such a significant impact on them. It sounds as if this is being rushed through in response to one situation in the town, without the broader ramifications being fully considered.

For the Town to rule that all short-term rentals will now be considered commercial enterprises and require approval by the DRB would shift the discussion in the upcoming Planning Commission process of considering how to regulate such uses. Without such a ruling by the Town, the Planning Commission would start with a blank slate in discussion how to regulate these properties. If, by contrast, the Dummerston Zoning Administrator sends out a letter to those who are renting properties through Airbnb, presumably doing so with the Selectboard's approval, opponents of this new regulatory burden will have to overturn an existing policy. Doing so—overturning an existing regulation—will be more difficult than crafting an appropriate regulation from scratch.

Are short-term rentals already regulated in Dummerston?

One could argue that short-term rentals fall under the bed & breakfast (B&B) category in our Zoning Bylaw, but I would argue that they are not currently addressed in our Zoning Bylaw. Nor are short-term rentals even defined. Without the Planning Commission having completed a process—with suitable input from residents—of what a short-term rental is, I believe it is improper for the Town to impose regulations on this use.

Consider the following examples:

Example 1 – home exchanges. There exists a mechanism for homeowners wanting to travel to a far-away place to do so affordably through a “home exchange” program. In this model—for example, through HomeExchange.com—a Dummerston homeowner might plan a three-week trip to New Zealand by finding a family in New Zealand who wants to visit Vermont, and they would “swap” houses for that period. This could make it financially feasible for that Dummerston family to take a vacation and explore a new place—by avoiding the cost of hotel accommodations in New Zealand. If Dummerston imposes a new short-term rental regulation, would it be necessary for that Dummerston resident to first file for a short-term rental permit? I believe that with the current interpretation of short-term rentals, the answer would be “yes” and the option for home exchange vacations for Dummerston residents would effectively be removed.

Example 2. Let's say a Dummerston family is struggling financially and having a hard time keeping up with taxes. They decide to fix up an old cabin in the woods (well away from neighbors and roadways and with plenty of parking) as a secluded get-away for writers. Would that cabin need to be brought up to full commercial-property standards, including inspections, for the resident to receive a short-term rental permit for that building? Would a hunting camp that a resident wants to rent out now have to get a state wastewater permit and other inspections? Or

should there be a mechanism to allow a certain type of short-term rental that is more akin to camping without adding significant new burdens?

Example 3. If a family in Dummerston finds themselves empty-nesters after their last child has gone off to college and wants to earn a little extra money by renting out a room at their house—and they have plenty of off-street parking—should that house now be considered a commercial property and would the homeowners have to file the same permits as if that house were being turned into an inn?

I don't know the answers to these questions, but I believe that it would be wrong to impose new regulations in advance of the discussions about definitions and reasonable requirements.

The Selectboard held a public meeting about a potential new ordinance to regulate parking in Dummerston, and as a result of the input received through that process, decided against imposing new parking regulations. But with short-term rentals, it sounds as if a decision is being made to go ahead and impose new regulations before receiving public input. I think this is wrong.

With the publicity Dummerston has received on the proposed parking ordinance and now on short-term rentals, our Town is becoming known as the regulation capital of Vermont, and I find this troubling. I can support regulations when there is a demonstrated need for those regulations, but to impose new regulations on an entire town based on complaints about one situation seems to me regulatory overreach.

I would like to see a process in which all of the issues relating to short-term rentals are considered carefully by the Planning Commission and then—if deemed necessary—the Town can impose new regulations, or define short-term rentals as a use that is already regulated. I hope that the town will hold off on sending out a letter informing residents who list rooms on Airbnb of new regulations until a thorough process is completed to consider all of the ramifications of a significant new regulation.

Respectfully submitted,

-Alex Wilson

Leonard Farm

251 Leonard Road

Dear planning committee, zoning board members,

I am sending this email to let you know that I am in full support of my neighbors Cat and Ed Powers, doing short term rentals via airbnb.

I would like to ask you as a group to try to be clear about the origin of this complaint, is this really about short term rentals by homeowners or is this a contained neighborly issue.

Thanks for your attention to this matter.

Best

Gilles Gerard

Dear Planning Commission,

Thank you for hosting the open forum in West Dummerston Village tonight.

I live directly behind the post office, right down the road from the beautiful former Catholic Church and the lovingly restored Craftsmen House. Both of these properties have been well cared for by Nick and Natalie ever since they purchased them. I am sad to say that some of the concern that has been expressed to the selectboard and the planning commission regarding Nick and Natalie's properties is laced with personal animosity. I do not completely understand the origin of this animosity, but I think the commission should take it into account.

As for me, I have only had positive experiences with guests in the village. I walk my dog, Emma, by the Church and often chat with guests. Last summer, in fact, I was delighted to detect an Irish accent in a guest from New York City. When I inquired as to his home, he said, "Macroom, County Cork". This happens to be a remote village that my mother's family comes from!

Last summer my husband and I hosted a family reunion in the Church and were thrilled to celebrate my son's graduation in such a lovely venue, laden with history and spirit. The central stained glass window depicts the legend of St. Martin offering his cloak to a stranger he meets on the road. The rentals in the village have enhanced my experience and enlarged my sense of community.

Tonight I was struck by the level of "stranger" fear that was repeatedly voiced. While I do understand the climate of fear that we live in given the recent terror events, I do not think the answer is to assume that we must fear the "stranger" and attempt to close our Village. Nick and Natalie have created beautiful homes that they graciously open to guests and villagers alike. I urge the commission to proceed with care and balance.

"There are no strangers here; Only friends you haven't yet met." (Yeats)

Sincerely,

Catherine O'Callaghan
25 Lyons St.
West Dummerston

Planning commission,

Thanks for hosting the meeting on 6/6/17 at the community center and staying with your timeline.

There are several takeaways I have from the meeting. First and foremost, the issue of "**short term rentals**" needs to be addressed. The effects of **short-term** rentals on the feelings of a community are real.

The **short-term** rental must be identified as a *conditional use* specifically and then the sub-categories of the bylaws applied accordingly to that application to minimize or eliminate adverse effects.

The regional economic argument

This has absolutely no bearing on the issue. That short-term rentals are good for area businesses is a fact. However, it is unjust and certainly not community spirited for a business to advocate for **short-term rentals** in every community to their benefit, while expecting each community to assume all of the burden and associated risk. Caution should be used on allowing outside regional groups or “alliances” to have an undue influence.

The emotional argument

Another argument that is not relevant to the decision. The members of a community choose to live here. Vermont is a wonderful place to live. We welcome visitors to our state. However, when deciding on how zoning will be done for the permanent residents, it is totally irrelevant how a visitor felt on their stay. Once again you are asking the permanent residents to accept any potential risk to the community, infrastructure or simply the feeling of community.

Being comfortable and safe where you choose to live

It was very apparent last night the majority of the discussion was centered on two areas; the village settlement area and the rest of the Town. It is time to put some clarity to the issue and separate out the districts in the discussion. I am glad to see the involvement in the process; the residents of the Village (and each zoning district) should clearly have the influence on how zoning will affect their quality of life where they live.

The **short-term** rental is an appropriate conditional use for some zoning districts in town and of limited use in others.

Hugh Worden

To members of the Dummerston Planning Commission,

Thank you for hosting the public forum and balancing the concerns of citizen opinion. As a resident of West Dummerston living in close proximity to Nick and Natalie who utilize AirB&B to share their homes, I am within earshot and have a clear line of sight up my driveway at 25 Lyons Street. I cannot drive or walk away from my house without passing by the former Church, which has been beautifully restored as a residence for guests. This is in keeping with the residential nature of the village and does not alter its character. In my opinion, concerns by other neighbors about parking, fire hazards and failing septic systems are overstated, as is the fear of strangers in the neighborhood. There are many more unknown and undocumented people parking for private events at the adjacent community center than at the two properties in question, and those visitors do not inspire such fears of criminality or inappropriate behavior. A

single instance of disagreeable behavior should not drive public policy. While it is in the eye of the beholder to determine whether short term rentals have an adverse impact, certainly no reasonable and balance assessment could conclude that they have an *undue* adverse impact on our residential neighborhood.

Let me reiterate my oral statement at the forum by saying that Nick and Natalie's homes have improved the properties, thereby raising tax revenue for the town, and they provide a community resource by accommodating short term guests of my family who have stayed there on several occasions. I see no need for further regulation.

Sincerely,
Gurudharm Khalsa
Justice of Peace
Town of Dummerston

I am a Dummerston resident with an apartment listed on Airbnb and also owner of the 1868 Crosby House B&B in Brattleboro. I am unable to make the meeting this week, so thought I would forward a letter I sent to the State of Vermont Committee (can't remember the name) who are looking closely into the issue at the State level for possible legislation.

If you have any questions, please feel free to contact me and I would be happy to work on any committee that may be formed to research the issue in Dummerston - it's close to "home" for me!

Thank you,

Lynn Kuralt

AirBnB vs. Vermont

Although I am from Brattleboro, I am appealing to you about the "Summer Work Group" provided in the S113 bill sponsored by Sen. Ginny Lyons. It greatly affects me and my small Bed & Breakfast business in our beautiful state. In Vermont we are dependent on tourism, thus this issue requires considerable research and careful legislation.

I actually have a foot in both situations. I own a 5 room Bed & Breakfast in Brattleboro and also have a one-unit Airbnb at my home in Dummerston. I understand the dilemma in both and hope you will be willing to take the extra effort to understand the impact that is being made on tourist accommodations and housing, not only here in Vermont, but also throughout the world where Airbnb is available. It is causing quite a ruckus!

I attended a Brattleboro Chamber mixer last week and was pulled aside by other accommodation providers - one a small hotel - who are deeply worried, as I am, what the huge impact of Airbnb hosts (There are over 180 in our area!) has had on our businesses! Each of us have seen a huge

drop in reservations and income in the last months. When I saw the report from Vermont Tourism that the R&M Tax revenues are up 7.54% (as you know, Airbnb is recently paying R&M Taxes) and my occupancy in the same period is down 5.4%, it reminded me that the future looks pretty bleak for properly licensed accommodation properties, if this trend continues.

All we ask is for you to at least "level the playing field", making it fair for established businesses and safe for the tourists visiting our state. I have commercial insurance for my Airbnb and they inspect me every year. I have had to raise my deck railing and fill it to 4" gaps...put a fence around my pool, provide fire safety equipment, good lighting, etc., etc. All that is required by the state for my B&B, too and should also be required to protect both the hosts and their guests of short term lodging accommodations. It is only logical. Unfortunately, most of the Airbnb hosts do not have proper insurance on their properties and seem completely naive as to the danger it can bring to themselves as well as their guests

Thank you for taking the time to read my appeal. Please consider carefully how very important it is to be fully educated on the issue facing Vermont accommodation businesses, tourists in our state and even the Airbnb hosts themselves. Please support the Summer Work Group planned in the S113 bill.

Lynn Kuralt.

1868 Crosby House Bed & Breakfast

Hello,

Please find the Downtown Brattleboro Alliance's letter, attached.
Thank you for your time and consideration.

Respectfully submitted on behalf of the DBA,
Michelle

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Michelle Simpson-Siegel
Executive Director



6/1/17

To: Dummerston Selectboard
From: Downtown Brattleboro Alliance
Re: Short Term Rentals/Airbnb

Short term rentals have been a valuable asset to Vermont's economy for many years. As Brattleboro's downtown association we applaud the efforts the Airbnb hosts make to bring tourists and their vacation money into our community and downtown. It is essential to the well being of our Main St. Airbnb has helped to make this home-based business model more accessible, safer and cost effective for renters, guests, and the states they serve. These home-based rentals have never been subject to the same regulations as traditional hoteliers and B&B owners, nor should they be. The models are not directly comparable and the cost of regulating these rentals will cost taxpayers money and offer no real benefit to our community.

As leaders and members of DBA, we have a vested interest in the economic development of the Brattleboro region and have extensively studied tourism and its beneficial economic impacts. Therefore, DBA gathered 22 Airbnb owners in the greater Brattleboro area (including Dummerston). Our goal was to support these hosts, offer a networking opportunity to learn from each other and see how we could help them further draw attention to downtown Brattleboro to continue to inspire economic development.

We learned many things. Primarily, there was not one Airbnb owner in attendance that was pursuing it as a "commercial" venture---no one intended to scale it as a business. In fact,

everyone at the meeting was opening their home in the true spirit of Airbnb: to welcome guests on a small scale to our region of which they are proud.

Some other important considerations are:

- According to Vermont Business Magazine, Brattleboro Airbnb hosts served more than 4,000 tourists and collected more than \$500,000 in rental income.
- Windham County has one of the highest median property taxes in the United States. Many homeowners who rent rooms, apartments, etc most often do so in order to pay their taxes.
- Are long term rentals regulated by the town of Dummerston? Long term tenants can be more likely to be disruptive, abusive, careless, and disrespectful. It is very difficult for a property owner to evict a long term tenant.
- Airbnb automatically collects rooms and meals tax from guests.
- Airbnb property owners can purchase insurance to cover any gaps that the Airbnb insurance does not cover.

DBA celebrates the success of these home based businesses and will continue to work to support this small business model that contributes to the vitality of our town, helps residents pay their property taxes, upkeep their homes, and diversify our community.

Respectfully submitted,
Downtown Brattleboro Alliance

June 6, 2017

To who it may concern:

I host paying guests in an attached guest house with two adjoining bedrooms, no more than 14 days a year, in accordance with the number of days allowed by the state of Vermont, for homeowners renting rooms from their house. Since being notified last week of the need for a permit for change of use/conditional use, I have executed the application and it is now in process.

The history: Our attached guest house is mostly used for housing family and close friends. Our house is surrounded by professionally designed gardens in keeping with an upland historical agricultural village. Maintaining the character and neighborly nature of Dummerston Center is important to us. Our attached addition was designed and built by an architect to be a green building with renewable energy and solar hot water for our family. It has become a guest house and now is in occasional use as a short term rental property. We have insured our property for short term rentals. I have rented to less than a handful of guests (1 car each) with 100% positive reviews through airbnb. I look forward to slowly building my B&B business, including airbnb. As of now, we most often host folks who have

been referred by friends and neighbors, The Putney School, as well as The Scott Farm and The Stone Trust.

We are on site when renting to guests. The one time we could not be onsite, we hired a neighbor and dear friend to handle all aspects of our rental. We maintain our house, lawns and gardens to a high standard. It is a pleasure to open our home to guests that have traveled to Dummerston to participate in events unique to Dummerston such as: Apple Pie Festival, Open Farm Days, Maple sugaring, as well as visitors to local businesses including Scott Farm and Bunker Farm and Dwight Miller Farm, Walker and Elysian Farms and The Stone Trust.

Over the last several years some of the appreciative visitors who have stayed at our guest house have returned and bought land and decided to live here. Some now make a visit to Dummerston an annual event, others keenly need a clean, quiet place to stay while attending workshops and being part of annual events important to our local economy. And often and just as importantly, we are able refer guests to other B&B's during peak visiting times when housing is at a premium. We know for a fact there is room for more housing of this kind in Dummerston.

Our guests typically leave laden with home-made jams, heirloom cider and apples, Christmas trees and wreaths, fresh and frozen meats, plants, wool, all manner of all-local arts and crafts, brimming with the pleasure of an authentic Dummerston experience.

In Summary, our experience running this B&B using common sense and being thoughtful of our neighbors has been a positive, respectful endeavor for both guests and our community. We know that our B&B is an asset to Dummerston. A well-thought out B&B or Airbnb — is good for community, tourism, commerce, culture, our farms and families and the state of Vermont. It encourages collaboration and connection among residents and makes for many new found, valuable connections with our visitors.

My Very Best,

Catherine Dianich Gruver