

## Short-Term Rental Committee

Minutes October 25, 2022

*Approved December 6, 2023*

Present: Bea Phear, Dan Rossi, Karen Overtoom, and John Rau

Also present: Laura Silber, Jeffrey DuBard, Doug Ruskin, and Samantha Look

The Minutes of the October 13, 2022 meeting were approved as distributed.

Bea read her draft definition for the Zoning By-Law proposal to go with a note in the table of use to regularize the current practice of rentals in residential zones:

“A dwelling unit, or portion thereof, that is offered or provided to an occupant or sub-occupant by a short term rental owner or operator for a fee for fewer than 30 consecutive days and where all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental.

Short-term rentals are allowed as of right on residential properties unless specifically prohibited in a special permit issued by the Planning Board in accordance with this bylaw.”

After discussion, and understanding that this will need to have a public hearing and be approved by the Planning Board and Town Counsel, it was agreed to go ahead and submit it to the Town Warrant in February.

The committee then moved to the question of any future regulations.

Dan asked about how to include ownership under a LLC. John read a definition of resident. “A “resident” is an individual who has lived in the property subject to the short term lease as his or her primary residence for 182 days in the calendar year prior to the commencement of the short term lease.” He clarified that people use a LLC for tax purposes, but the fact of being a resident doesn’t affect it.

He said looking at other towns for definitions showed that Nantucket uses the place where a person files a tax return. Karen pointed out that some people do not file. Bea said she wanted to include all people with a stake in the community, including seasonal owners.

Doug suggested limiting the total number of STRs allowed up to a cap such as 9%. Karen thought that would hurt long time owners who only decided late in the game to rent, and it would encourage people to rush to register even if they had no plans to rent now.

Bea suggested defining owner-occupant by a minimum number of days in residence, to exclude those who are totally absentee. John said full time equals six months. There was discussion about limiting seasonal owners to one property as a rental.

Laura suggested restricting to owner-occupants now, while we do the definition, and then considering other components down the road. It is hard for a volunteer committee to sort through the variables without professional help. She will attend a conference on the Cape next month and also will start at MVC soon.

Jefrey said he has a property that he does not live in that he wants to rent as STR in summer, but as affordable to teachers in winter. How would that fit? Karen said people used to do that, buying several properties for future family use and current rental but prices are so high now, that it is rare.

Samantha said she is impatient, as it is hard to believe that STRs are not affecting affordability and open space to some degree, as the market is so lucrative. These are what we need to protect, and VCS is eager to help with research. Is there a low hanging fruit version that could carve out non-owner occupied properties?

Jefrey asked the committee to support a proposal that 75% of the STR tax be dedicated to the Affordable Housing Committee. He is asking this of all towns, since the STRs are affecting affordability so the funds should go to protecting it.

There was discussion about stopping here, while the All Island Planning Board has its considerations and Laura gets more information after she starts at the MVC. People agreed not to rush but want to keep talking.

Bea said she would try to draw up a chart with the various parameters we had discussed, such as multiple properties, seasonal owners, year-round owners, and investors.

Next meeting: Tuesday, November 29, at 5:30 pm

Respectfully submitted,  
Bea Phear