

1 **TOWN OF CHESTER**  
2 **SELECTBOARD MEETING**  
3 **October 5, 2022, Minutes**

4 **Board Members Present:** Arne Jonynas, Ben Whalen, Lee Gustafson, Leigh Dakin, and Heather  
5 Chase at Town Hall.

6 **Staff Present:** Julie Hance, Town Manager, at Town Hall; and Susan Bailey, Recording Secretary  
7 via Zoom.

8 **Visitors Present:** Shawn Cunningham of The Chester Telegraph, Tim Roper, Russell Fearing,  
9 Preston Bristow, Cathy Hasbrouck, Peter Hudkins, Steve Mancuso, Jane Gurzenda, Bill Lindsay,  
10 Lori Quinn, Ian and Polly Montgomery, Justin and Amy Anderson, Nick Boke, Beverly Boke, and  
11 Nancy Pennell at Town Hall; and SAPA TV, Douglas Curtis, Joshua Gorham, Jim Goodfellow,  
12 Cheryl Joy Lipton, Robert Nied, Scott Wunderle, Linda Diak, Gary Cogger, Peter Freudenberger,  
13 Greg Bongiorno, Jeremy Fleming, Laurie Fearing via Zoom.

14  
15 **Call to Order**

16  
17 Chair Arne Jonynas called the meeting to order at 6:30 p.m. with the pledge of allegiance. He  
18 welcomed everyone to the meeting.

19  
20 **Agenda Item 1, Approve minutes from the September 21, 2022, Selectboard Meeting**

21 Lee moved and Ben seconded a motion to approve the September 21<sup>st</sup> minutes. There were no  
22 changes. A vote was taken, and the minutes were approved. Heather abstained because she had  
23 not attended the meeting.

24 **Agenda Item 2, Citizens Comments/Answers from Previous Meeting**

25 Arne asked for any comments and there were none.

26 **Agenda Item 3, Old Business**

27 Report given by the Town Manager:

28 Brookside Bridge

29 It is almost completed and should be done by the middle of next week.

30 Ash Tree Inventory

31 Julie read the names of the volunteers who completed the inventory: John and Lynn Russell, Evan  
32 Parks, Frank and Julie Kelly, Ken and Ruth Walker, Arne Jonynas, The Huffers, and Jay Bogett  
33 and his wife. This very small group of people walked 98 miles of road twice and completed the  
34 inventory of all ash trees within the town's right-of-way in a year. It was a huge undertaking and  
35 would have cost the town thousands of dollars to hire a firm to do it. Arne added that John Russell  
36 was the lead person and walked 90% of the roads and coordinated the effort. Arne said they met a  
37 lot of people, some of whom were happy and some not. Julie thanked the group.

38 Historical Society

39 Ron Patch has resigned as President of the Historical Society and Julie wanted to acknowledge his

1 years of work with the organization. Arne said Ron was a wealth of information and helpful in  
2 getting a lot of the historical pieces in Town Hall and had written a few books about the area.

#### 3 **Agenda Item 4, Adopt Amendment to Unified Bylaws – Legacy Use**

4 Arne announced the hearing was being reconvened on Legacy Use, Article II of the document  
5 presented at the last meeting. They left off Legacy Use to see if there was any more input from the  
6 town. Arne had received no input from anyone for or against it. Heather said land use goes back a  
7 long way and possibly forever rather than just to the point of when zoning started. Preston said  
8 they wrote it open ended so that it didn't have an end date. Two weeks ago, during discussion it  
9 was brought out that in all the zones, quarry and sawmill were conditional use so legacy wouldn't  
10 affect it. Lodging was also a conditional use, so what legacy would allow in rural or residential  
11 districts were retail stores, restaurants, and light industry. There was talk last time that various  
12 remedies could be adopted saying legacy applies to things in existence at the time zoning was  
13 adopted in the 1970s. Preston's personal feeling was Legacy Use would be invoked rarely and the  
14 DRB had the full ability to say no if neighbors didn't think it appropriate. Arne thought they were  
15 where they were 2 weeks ago. They could tweak it if desired or adopt it the way it was. Lee wanted  
16 to vote. They had sufficient time to discuss it and, as Preston stated, it was a tool in the box for the  
17 DRB to use and who would still be the ones making the final decision. He saw it as an opportunity  
18 to enable use of properties that have been used before but with checks and balances as normal  
19 procedure by the DRB.

20 Lee moved and Ben seconded to approve Section II, Legacy Uses of the amendment to the UDB.  
21 There was no discussion. A vote was taken and passed unanimously. The Board thanked the  
22 Planning Commission for their hard work.

#### 23 **Agenda Item 5, Short Term Rental Ordinance**

24 Arne said the Planning Commission had been working on the proposed ordinance and this was a  
25 first step. Tim Roper presented for the Planning Commission. The Planning Commission has been  
26 focusing on the housing issue that's statewide and in Chester. More than one reason has contributed  
27 to the housing shortage. Some housing was purchased for short-term rentals removing them from  
28 the housing stock. Rents increase when there is less housing. The Commission realized they didn't  
29 have good data. Preston and Hugh Quinn met with a company, Granicus, who collects data. Out  
30 of that meeting, they learned there were 81 short-term rental properties in Chester. Short-term  
31 rentals have doubled since COVID. They thought hard data would be helpful and neither the Town  
32 nor the State keeps data. If people are required to register short-term rentals, they will have data.  
33 They wanted to do it in the fairest way possible. They viewed rentals as two categories: hosted and  
34 unhosted.

35 Russell Fearing from the Stone Village questioned the definitions for short-term rental and hosted  
36 and unhosted, ghost host and other terms he read in the paper.

37 Tim said part of the concept was they needed to know data: how many short-term rentals there  
38 were and whether they were hosted or unhosted. The proposed fee schedule would pay to have the  
39 company monitor rentals for them. They can look at online advertisements to see the number of  
40 occupants they would host. Safety is an issue and how it affects the police department. Someone  
41 staying at a rental may not have enough information available to relay information to the  
42 authorities about where they are staying so the ordinance would require they post appropriate  
43 information. In Vermont, a public building is defined as a building that is open to the public and

1 requires an inspection by the state fire inspectors. The Commission considered a short-term rental  
2 should be subject to those same inspections. Tim said they could have recommended limiting the  
3 number of short-term rentals in town. There were a lot of different levels of regulations that could  
4 have been imposed and they opted for a crawl, walk, run approach. They are proposing a crawl by  
5 requiring rentals register. If it's a rental that hosts more than 8 people, it's subject to inspection  
6 and if less, folks can self-certify that they comply. The fees they felt were appropriate and were to  
7 fund the data collection service, so it was budget neutral to the town. They don't want to penalize  
8 anyone, only to cover the cost of services needed to know what's going on with short-term rentals.

9 Preston said he worked for Killington before coming to Chester so he had rolled out the short-term  
10 rental ordinance there and has a lot of experience with regulation, knew how it works, and was not  
11 fearful it would be a big problem for Chester. If they hire a company that services it, it won't  
12 overwhelm his workload. Killington has 700 short-term rentals and Chester is talking about 81.  
13 Killington had situations with 30 people staying in a 3-bedroom house, fireworks, shooting pistols,  
14 and hooting and hollering in a hot tub at 3 a.m. Preston hasn't experienced that in Chester, and he  
15 didn't come to Chester with an agenda saying they needed an ordinance. The Planning  
16 Commission got input from people saying it was needed.

17 Preston went through the bylaw line by line. Julie saw it as a first reading meeting and based on  
18 the input received, they would send it to the town's counsel, Jim Carroll, for review. Short-term  
19 rental regulation in Vermont is new. It is more common on the west coast and the mountain states.  
20 The Vermont legislature tried to adopt a regulation twice and it failed both times, so towns are  
21 now taking up the issue. Several towns are considering them but it's still evolving. Vermont law  
22 was amended in the past two years to give towns the right to regulate short-term rentals by  
23 ordinance which is enforceable by the Selectboard. Section 2 stated its purpose which covers  
24 public health, safety, welfare, convenience of the town, preservation of residents' rights to the  
25 quiet enjoyment of their homes and property, and to ensure the safety of occupants of short-term  
26 rentals. Section 3 is definitions and defined short-term rental per the State's definition: a dwelling  
27 unit rented to the transient, traveling, or vacationing public for a period of fewer than 30  
28 consecutive days and for more than 14 days per calendar year. A rental to someone more than 30  
29 consecutive days or less than 14 days would not qualify as a short-term rental. Hosted would be a  
30 house that someone in town lives in, which they encouraged. Unhosted would be someone who  
31 lives out of the area and hires a service here to come in and clean the rental.

32 Russell Fearing was concerned with unhosted. They own a house here and have since 2013. They  
33 come here with their family and friends and on occasion, they rent it out. As their children have  
34 gotten older, they are unable to visit their house as much as they would like. They rent it out in the  
35 summer and during the holidays when they are in other places to offset the expenses and upkeep  
36 of owning a home in the Stone Village and keeping it to the standards of the Stone Village  
37 neighborhood. He thought the definition of unhosted was broad and he would argue the way they  
38 run theirs is a little in the middle. They spend a lot of time here and have a caretaker and rent it out  
39 less than 6 weeks a year.

40 Preston said it was defined as primary residence which is where you vote and where your  
41 homestead is. They could consider changing it but that was the current wording. He pointed out  
42 that tourist lodging as defined and permitted under the Chester bylaws is not a short-term rental so  
43 The Fullerton or anyone else who was running a hotel would not fall under this requirement. The  
44 short-term rental administrator would likely be Preston who would be responsible for enforcing  
45 the ordinance. Section 4 requires getting a short-term rental registration from the administrator if

1 you run a short-term rental. It also covered how many occupants you can rent to. Preston stated a  
2 standard 3-bedroom home could rent to a maximum of 8 occupants and a rental that had more than  
3 8 occupants required approval by the Department of Fire and Safety. 8 or less occupants required  
4 self-certification that the fire safety requirements were met. Public sewers could have more  
5 occupants. If it's 8 or less, you must indicate how many bedrooms there are, the host's name,  
6 email, cell phone, and mailing address. Part of the registration program requires contact  
7 information so they can reach a responsible person if there's a problem. The ordinance would be  
8 enforced by a ticket in the judicial bureau. Issuance of a ticket requires information about the  
9 owner, such as driver's license information, that the short-term rental registration will require upon  
10 application. If you don't live in Windham or Windsor Counties, you will be required to designate  
11 an agent for service of process. It will also require posting contact information for the occupants  
12 to give to emergency responders in the event of an emergency. These are things the owners are  
13 supposed to do but this would be another way to require them to do so. They would also be required  
14 to confirm liability insurance coverage. If your septic was permitted after 2007, it's a state permit.  
15 If it was before 2007, it was a town permit and if before 1970, no permit. If there is no permit, they  
16 will go by the lister record. They will also be required to have an inspection report from the  
17 Division with occupancy permission. Preston didn't think Chester had a lot of short-term rentals  
18 renting to more than 8 but he wasn't sure. Registrations will expire April 30<sup>th</sup> every year and must  
19 be renewed annually. The fees will be \$150 annually for a hosted rental and \$300 annually for an  
20 unhosted. \$300 may seem like a lot but it's likely one night's rental and the host company  
21 suggested charging a fee equal to two nights. The company is willing to perform their service for  
22 \$10,000 per year and based on the current number of rentals and under the proposed fees charged,  
23 Chester would collect about \$20,000 per year. Although they may not collect as much revenue as  
24 suggested, the service should be budget neutral to Chester. Any person who violates the ordinance  
25 could be subject to penalties of up to \$800 per day while the violation continues. The  
26 Administrator, the Chester Police, the Zoning Administrator, or the Town Manager can all issue  
27 tickets to appear before the judicial bureau.

28 Jane Gurzenda of 408 Kingsbury Road was concerned about the fees for the tickets. She asked  
29 how they would determine if someone had renters. She is a lawyer and said the town would have  
30 the ability to have a judgment entered for nonpayment of tickets. She thought it was scary for  
31 homeowners to defend a ticket. Preston said the company, Host Compliance, has ways of data  
32 mining the host platforms and could provide proof of advertisements from the short-term rental  
33 platforms and that's how they could determine if an owner was renting.

34 James Goodfellow wondered if the owner lived in Chester and owned multiple rentals and would  
35 it be 8 individuals per location or per host. He wondered if they were hosted or a commercial  
36 business. Preston said the way it was currently written, hosted would only apply to the unit the  
37 owner lived in. The other units would be unhosted. Hosted is a room or group of rooms in a host's  
38 primary residence or an accessory dwelling or cabin on the premise of the host's primary residence.  
39 Preston said 8 is based on the building. Preston said it wasn't something the town could change  
40 but that the State defines.

41 Heather Chase asked if the penalty was up to \$800. Preston said the State says up to \$800 per day.  
42 Preston said for the fourth offense, they would charge \$800 per day. Preston said the reason  
43 Vermont is so picky about getting all the information from someone a ticket is issued to is because  
44 they don't want the situation where someone has a judgment entered against them and they aren't  
45 aware. He added if there was a judgment and the person knows and they don't pay it, the fines

1 could accumulate over time and that was just the way it worked. Preston addressed waiver fees  
2 which would be used when someone committed a violation and was willing to make it right without  
3 going through the formal process. The fees were a little lower and were an incentive to get them  
4 to comply.

5 Russell Fearing grew up in Vermont. He and his wife and 3 boys purchased a house in the Stone  
6 Village at a time when they could come to Chester most weekends. In communities supported by  
7 tourism, people have been renting homes forever and are only using a new technology platform  
8 like VRBO and Airbnb. He questioned why the need to regulate now. They have chosen to test the  
9 waters for short-term rental due to other commitments. They are choosy as to who they approve  
10 of as guests. They take safety precautions and use local trades and people to maintain their house  
11 in Chester. They encourage guests to use local businesses. The platforms automatically collect 9%  
12 tax that is remitted to the State of Vermont. He didn't know how the tax revenue went to Chester.  
13 As non-residents, they already pay a higher tax rate. He thought they occupied the house 12 weeks  
14 a year out of the 52. His son even donated an image he took to the Yosemite Fire House. The plan  
15 is to retire in Chester, but they aren't ready yet. He didn't feel the short-term rentals required  
16 regulation other than possible safety requirements. If the town required safety requirements for  
17 short-term rentals, they should require them of all homes. They vet their renters, and they have a  
18 caretaker in Springfield if something happens while they aren't in town. They don't allow  
19 gatherings and tend to attract mature renters. He didn't see a linkage between the housing shortage  
20 and regulating short-term rentals. His house was on the market for two years and nobody made an  
21 offer before they purchased it in 2013, so he didn't see the linkage there. He questioned how in a  
22 town that relies on tourism this could be a good thing and noted that businesses in Chester are  
23 closing.

24 Arne said they are trying to figure it out and get people's opinions and this was a first step to put  
25 it out there, get the information and data, and decide from there.

26 Russell Fearing didn't see the problem they were trying to solve.

27 Beverly Boke of Meadow Road asked if there were plans to limit the number of short-term rentals.  
28 Preston said the current ordinance is registration only. Preston said there were towns that do that,  
29 such as Woodstock where he lives. There could come a time when it would be necessary, but they  
30 don't feel it's warranted now.

31 Justin Anderson of 295 Main Street who, with his wife Amy, owns Meditrina Wine and Cheese  
32 and Sama Yoga Studio. Tourism is the economic engine of Vermont. Chester is a gateway to the  
33 Green Mountain State and without tourism, his building doesn't exist. He isn't opposed to  
34 registration but only heard policing of registration. He suggested utilizing the data for advertising  
35 and marketing for the community. Preston said he went through the ordinances because that's what  
36 ordinances do, and they say here's what happens if you don't do it. He added he was also the Town  
37 Planner and was always thinking of ways Chester could be promoting itself and that data mining  
38 was great.

39 Nick Boke stated he and his wife had been in Chester for a couple of years and had lived in  
40 Weathersfield for 20 years before. He remembered research done by a Stone Village neighbor who  
41 recommended limiting the number somehow as well as the interesting and well-articulated  
42 editorial in The Chester Telegraph today. He thought 18 different towns in Vermont, New  
43 Hampshire, and Maine had been looked at and advised to get on it early. He thought of making  
44 houses available for local rentals and for local purchase. He has talked to four people lately who

1 cannot find an apartment to rent. He advised keeping that fact in mind that's affecting all of  
2 Vermont and much of the country where people can't rent a house or buy one.

3 Joshua Gorham, Nick Boke's neighbor on 187 Church Street, asked when data was collected if it  
4 was since 2019. Arne thought 2019 through 2021. Joshua thought it was an exceptional period and  
5 questioned the data and recommended decisions be put off for two or three years until there was a  
6 return to some form of normalcy in the market. He wondered if his mother-in-law would stay more  
7 than one month in July, if he must register. Preston said he could have any number of non-renting  
8 guests in his house. Preston said it exploded during COVID but seemed short-term rentals were  
9 here to stay but Joshua's point was taken, and they don't know what long term is.

10 Ian Montgomery, Russell Fearing's neighbor, thought Russell was an example of why they can't  
11 create categories of hosted and unhosted. They are dealing with a much bigger issue of how people  
12 are taking vacations. He thought there were three categories and not just two. There was an article  
13 in the Times recently about a shortage of beginner/starter homes. Chester is a prime example of  
14 that. He doesn't see any small starter homes being built. People who can afford to live in Chester  
15 tend to be old people like him who have retired. A young family with the best will in the world  
16 isn't going to be able to afford a house in the Stone Village unless it's a wreck. He didn't want to  
17 see short-term rentals become the whipping boys for what is a fundamental issue of housing. As a  
18 clergyman, he deals with a fair housing value for taxes which is called a parsonage allowance. The  
19 fair rental value of his home would be above the threshold most people wanting to come to Chester  
20 could afford. It's just the way it is. Bellows Falls is addressing the housing issue and he questioned  
21 why Chester isn't.

22 Nancy Pennell lives in Chester and is a business owner and an Airbnb host. She wants them to  
23 think in the big picture and asked them to consider providing affordable housing rather than  
24 focusing on the short number of unhosted rentals. She referenced a study Londonderry will conduct  
25 to explore critical housing issues in their community leading to a comprehensive housing strategy.  
26 She wasn't aware of Chester doing the same. She thought short-term rentals need to be part of a  
27 larger housing strategy. She suggested the town donated a parcel of the town forest as an incentive  
28 to individuals or builders who wanted to build to offer for sale or for rent a housing community  
29 for middle income persons.

30 Preston noted the town, with the Planning Commission's encouragement, got a municipal planning  
31 grant for the purpose of studying affordable housing and removing barriers in the zoning bylaw to  
32 affordable housing. The study was ongoing. He said when they have meetings about what people  
33 want to see in the bylaws, housing is always number one. People are saying nobody can afford to  
34 live here and businesses close early because they don't have enough laborers. They have met with  
35 the Windham & Windsor Housing Trust. Pleasantbrook is a project with 23 units and there are  
36 possibilities, and the Town Forest is one of them to try to build another one.

37 Julie added they have discussed formulating a housing committee. They have 130 acres up where  
38 the new gravel pit is. Act 250 for housing units, extending water and sewer, and taking things into  
39 consideration. The conversations are early and take place behind the scenes and maybe it's time  
40 to move them up a little quicker. She and Preston could continue the conversations.

41 Steve Mancuso said he is going on for four decades as a tradesman and interfaces with the State  
42 authorities all the time and their biggest frustrations are rentals trying to fly under the radar and  
43 not playing the game. It's a huge problem for them. The last Airbnb he showed up for he was  
44 telling them about Chester's progressive Planning Commission and Granicus and he had to email

1 them their information because the State wants to use it too. They're sick and tired of it. People  
2 come from out of state and think it's the wild west. If you rent out anything in this state, you're in  
3 business and must play the game and all the Board was asking tonight is to play the State's game.  
4 He said they were foolish as a businessman and landlord not to subscribe to State standards.

5 Joshua Gorham asked if he doesn't charge rent and the timespan falls within the ordinance, does  
6 he have to register. Preston said no, it was all about charging.

7 Susan Goodfellow asked what was being done differently in Woodstock. The town of Woodstock  
8 has taken the position that short-term rentals are mini hotels operating in residential districts and  
9 are disruptive to neighborhoods. They are also concerned it's taking away from affordable  
10 workforce housing. In Woodstock, having a short-term rental is a conditional use and requires  
11 appearing before the DRB and explaining your parking, rules, and use of the property to your  
12 neighbors. During foliage season, you have unlimited rights to rent, but during the rest of the year  
13 it's restrictive how many times you can rent. They are very restrictive to short-term rentals. Susan  
14 thought it was interesting and something to consider.

15 Lori Quinn said they used to be people in Connecticut who came here every weekend when they  
16 bought their house in 2009. They scraped their pennies and waited for their children to graduate  
17 because it was expensive and the taxes here were half the price of their tiny little lot and house in  
18 Connecticut. They got married here, met a lot of people, and felt part of the community. Then her  
19 husband had an opportunity to work from home, so they sold their house and moved here in 2017.  
20 They moved into what is now a short-term rental neighborhood. At the time, they thought they  
21 were living in a planned subdivision with written rules and quality of life. Something in their rules  
22 says they can't have commercial operations. Two out of the three lots are now short-term rentals  
23 owned by out-of-state people who very infrequently visit. She believed those people were doing  
24 the best they could by maintaining their properties and using housekeepers and lawn mowing  
25 companies and they shared a plow person. She thinks the owners believe they're doing a good job.  
26 The Quinns live next door and experience things daily that aren't desirable. There are cars every  
27 weekend, parties, and probably the owners aren't aware. The neighbors across the street didn't  
28 appreciate it and called the cops, for which the owners blamed the Quinns and think they lied about  
29 it. As neighbors, they've been asked to report to the owners which is uncomfortable. There are a  
30 lot of concerns about emergency vehicle access. And ashes were left on the hearth uncovered and  
31 fortunately the housekeeper came by. There is noise, trash, and constant negatives. The greatest  
32 loss has been no longer having good relationships with their neighbors. They had a full-time owner  
33 of the property next to them who sold it to an out-of-state owner who lived there for a full year.  
34 Short-term rentals are way more attractive financially. Erosion of relationships and neighborhood  
35 and ill will have come because of short-term rentals. She would love to have regulations taking  
36 the responsibility away from them. She thought the registry would help accomplish that and would  
37 help their quality of life be closer to what they had envisioned when they chose to move here. She  
38 hoped they would consider the quality of life for them as residents. Her husband has put hours into  
39 it. There wasn't an easy solution, but she thought this was a good first step.

40 Arne received email from a woman in Stone Village who was away and asked her letter to be read.  
41 It was from Kathy Giurtino. Her letter stated she wasn't concerned with hosted short-term rentals  
42 but the unhosted short-term rentals most often owned by someone who doesn't live locally. Short-  
43 term rentals are being seen as money makers and people are buying multiple properties for the sole  
44 purpose of renting to vacationers thereby creating competition for housing vying against big  
45 money from out of state, including companies such as Marriott. The number of homes being

1 bought for short-term rentals is growing quickly, even in Chester. Short-term rentals bring in  
2 tourists but there is no guarantee the money will be spent in Chester. Homeowners will be better  
3 consumers locally and frequent stores like Erskine's, Chester Hardware, and others that few  
4 tourists will ever visit. She hoped to always look across the street and see a neighbor and not a  
5 pretty house with transients coming and going. Ludlow has lost its community and school due to  
6 most homes being owned by people from out of state and questioned if that was the path Chester  
7 wanted to take. The ordinance is good but does not put a cap on the number of unhosted short-  
8 term rentals that can be in town or on a specific street. It would be easier to impose limits now  
9 than later. If an attempt is made later, the town could end up in lawsuits. She wondered if they  
10 want to wait until the character of the neighborhoods have been changed to impose limits.

11 Lee Gustafson commented regarding a crawl, walk, run. He said they're crawling along and part  
12 of what intrigues him is they would collect data and he didn't know how they could decide without  
13 data. For them to decide without data is unwise. He recommended they move forward with it to  
14 collect data. They could get rid of it or change it later. He doesn't like government interference but  
15 thought they owe it to themselves and the community to learn what the issues are related to short-  
16 term rentals. Regarding the housing crisis, many comments have been made about the lack of  
17 affordable housing in Chester. There are multiple reasons, and it was something they need to  
18 address. He looked forward to hearing more from Julie and Preston. There were good ideas about  
19 solutions they could take and were open to additional ideas.

20 Heather Chase thought they needed to look at it globally and how to incentivize long-term rentals.  
21 There are economic benefits to the community for short-term rentals but there is a housing crisis.  
22 She thought registration would be a good place to start. They could do more work on definitions  
23 and categories versus a home hardly ever lived in or a second home rented occasionally. She  
24 thought they could drill down more on the definitions and look at the fees. She thought short-term  
25 rentals were part of the housing issue, but it was at least a 20-to-30-year span of not building  
26 enough homes. Every business owner she has talked to lately is having issues finding help. She  
27 was not ready to vote on it and possibly wanted to see some changes regarding the definitions,  
28 enforcement, fees, and the effective date.

29 Leigh Dakin gained a lot of knowledge from the discussion and presentation and was happy that  
30 they went more into depth. She agreed with Heather to digest it, to hear more, and respond to them  
31 if they wanted. She thought it was an important discussion and could be positive.

32 Ben Whalen was fine moving a motion tonight and moving forward. He grew up in Chester as a  
33 very very poor individual and struggled hearing this. He said a home is a home. Chester is a place  
34 for business and growth but it's a community. Tourism is great and he was happy they go to  
35 Meditrina and to the local places, but these people need a home to stay in. He wondered where  
36 someone making a blue-collar wage in town could find a rental apartment. Where can they stay?  
37 It's not a thing right now. You can't find it. It doesn't exist. Go to the real estate office and ask to  
38 find an apartment for under \$1,000 a month. It's slim pickings. A rental home on VRBO is \$1,500  
39 a night. He was interested in knowing the average rental fee per night. He understood as a  
40 homeowner, if he can rent his house for \$500 a night, why should he rent it to someone for \$1,000  
41 a month or \$800 a month. Those are the things they should be thinking about. He was glad they  
42 could come retire here but he wants his children to stay here or at least have that choice. He was  
43 very happy they were discussing where it goes and moving forward but some of the comments hit  
44 home to him. As far as the ordinance, Preston rocks. He told Julie she did a great job finding him.  
45 It's a registration process to get information, build a database and move forward. It is a major



1 major crawl and not a walk. It will lead them someday to a walk. He thanked Preston and the  
2 Planning Commission for their work. Ben's opinion was they would continue having conversations  
3 whether a motion passed, and he would rather start collecting data and actually moving forward.

4 Ben made a motion and Lee seconded the motion to approve the Short-Term Housing ordinance  
5 as written. Lee asked Preston if it would be 60 days before it went into effect. Preston said if  
6 adopted, they need to publish it in the paper and post it publicly and give the public an opportunity  
7 to appeal. The way to appeal is 5% of the voters must sign a petition to ask the Selectboard to  
8 reconsider.

9 Arne thought what Ben said about affording a home in Chester was a tough one. The issue was  
10 they should look bigger, and they are starting to consider other things as far as affordable housing  
11 goes. He looked across the country and saw the middle class being gutted and prices have  
12 skyrocketed. He wasn't sure what drove it but possibly COVID and climate change refugees. He  
13 didn't see the ordinance was asking that much. It was just the registration and wasn't limiting  
14 anyone from doing anything. There was a fee associated but it was basically to pay for the  
15 organization monitoring the data for their use. It was trying to keep the community safe with some  
16 basic requirements that were requested and not having to put our neighbors in the position of being  
17 the local police. There would be something in place and this was a basic first step. It was  
18 disappointing the State had a chance to have a registry and it was vetoed. He wondered why they  
19 had done that and put it onto the towns, making a special law to give them permission to do it.  
20 Arne thought it was more than fair and they weren't asking much. The definitions could be  
21 tweaked. Heather said she wasn't opposed to it but thought there was much more to it than hosted  
22 and non-hosted. Lee said the data would tell them that. Preston said the reason there was hosted  
23 and unhosted was simply to lower the registration fee for the hosted. It wouldn't affect the data  
24 collection. Heather thought if 48% of Chester was second homeowners and they were just renting  
25 out the homes they had, it was different than Marriott buying properties. Lee wondered if a form  
26 had been created yet and Preston said he would probably do a similar form to Killington, but  
27 Granicus allows for direct entry of the information from an app or online and would rather not deal  
28 with paperwork. Heather thought there was a difference between someone who rented it out for 30  
29 days and 14 days, supported the community and provided people with nice places to stay and  
30 probably put the money into maintaining their house supporting the Grand List and someone who  
31 rented it out 365 days per year, which seemed super commercial to her. She was afraid the  
32 definitions may not capture the variations. Arne thought they could task the Planning Commission  
33 to tweak the definitions, whether it passed or not, and make an amendment afterwards. When the  
34 forms got filled out and the information was received, they may realize another category was  
35 needed.

36 Julie thought if their primary purpose appeared to be data collection, there were ways it could be  
37 collected without charging the fee. There are grants for housing studies and the board could budget  
38 \$10,000 for the study and collect that data. Ben loved the data but thought the folks profiting from  
39 it could help pay to obtain that data.

40 Russell Fearing asked what data was being collected and once collected, who would have access  
41 to it from a privacy issue. He thought there were implications that will carry on into the walk, run  
42 by only having two definitions. He thought the implications would be much farther reaching than  
43 a registry.

44 Preston said the host platforms like Airbnb don't give addresses of where places are. Part of what

1 the company does is match a physical address with an ad. He agreed with Julie, they can do it for  
2 less than \$10,000. The \$10,000 is for their entire service which was more than data collecting. He  
3 didn't want them to think he could just go online and find the stuff. It wasn't that easy.

4 Lori Quinn understood they needed more information and suggested if they talked to citizens who  
5 lived near them, there was way more going on than how many people have them and how many  
6 people are impacted because they are looking for a home. A lot of it data won't tell them. She  
7 hoped a registry would give them more of an idea of what is going on and the extent and whether  
8 it fits their neighborhoods.

9 Ian Montgomery spent 40 years chairing church board meetings and one principle he followed was  
10 never to decide the night it was on the agenda but rather give people a month to reflect. In this  
11 case, they were deciding without having a form. He suggested they postpone it for a month and  
12 come back with a draft form.

13 Cathy Hasbrouck was speaking as a Lister and was solidly behind Lee that they need data. The  
14 Grand List tells them who owns the property, but they can't tell if it's being rented unless it's  
15 partly rented, or they can tell if someone lives there if they've filed a homestead declaration. The  
16 information about who is renting will be helpful in the long run. The concern people have about  
17 corporations buying up property and having mini hotels can be dispelled or confirmed by having  
18 this information. As a lister, she hasn't seen Marriott coming in and buying up anything in Chester,  
19 but they want to keep track of that.

20 Heather thought she had read 8% were short-term rentals and asked what other town percentages  
21 were for short-term rentals and what did they want to see and what wasn't a good percentage. She  
22 also wondered how they would work around it being a national trend and possibly an international  
23 trend.

24 Preston said Cathy had passed him something from the Vermont Tax Department that wasn't  
25 completely accurate. It stated there were 53 rentals in Chester, but they believe there are 80. It said  
26 there were 456 in Ludlow, and they think it's double that. There are about 700 registered in  
27 Killington. In ski resort towns, often 25% of the housing stock is short-term rentals. Preston  
28 thought he gets 25 calls a year about short-term rentals. He said often they are thinking about  
29 buying a house in Chester and are thinking about retiring someday but until then, would like to  
30 rent it out and ask about the rules for short-term rentals. There are some places in the country  
31 where people feel it's out of control. Preston confirmed that it was 8% of the housing in Chester  
32 and it was a little bit of a surprise that it was that high. Arne thought unhosted short-term rentals  
33 are not allowed in Burlington and Chester was lucky the Commission was addressing it. This  
34 would be the first step and he didn't see it being the last step.

35 Lee asked how soon they would get the data if they paid \$10,000. Lee asked where the money  
36 would come from, and Julie said they have money in their marketing line, and it would be used as  
37 a marketing tool. Lee asked how soon it could happen. Preston thought soon. If the board approved  
38 the program before them, they would sign a contract on January 1<sup>st</sup> and set the first deadline for  
39 people to register as April 30<sup>th</sup>. It would include on-going data monitoring. If they just wanted a  
40 survey of all the online host platforms and to connect an address with each ad, it would probably  
41 cost less than \$10,000 and could be done quickly. Julie thought if they took that approach, they  
42 would know who the people were and could send their information to them and receive more  
43 detailed information. Lee was thinking he would rather go that way at this point as his main  
44 purpose was to collect data rather than regulate. But he also agreed with Ben that they have a huge

1 problem with housing. Collecting the data now rather than waiting until April would be better and  
2 that data would help them guide their decision. They needed to start the ball rolling. He would vote  
3 in the affirmative if it did come to a vote. Arne reminded him there was a motion and a second on  
4 the floor. Ben asked if the ordinance would force them to get a fire inspection done to ensure the  
5 residences were safe. Preston agreed as currently the Department of Fire Inspection can't go into  
6 a home unless they're invited in, and they don't know who is renting to more than 8 people. If the  
7 registration requires them to provide a copy of their inspection if they are going to rent to more  
8 than 8, they must contact the division and have it inspected. The registration program would  
9 compel people to have the inspection and if they were just collecting data, it wouldn't. Lee asked  
10 if the data they collected would indicate the number of occupants and Preston said it would because  
11 they would provide the ads for each unit and the ads indicate how much room is in them. Ben said  
12 they would have the data but not the inspection. Preston agreed but said they could adopt the  
13 ordinance that said it was required. Julie informed them that the ordinance had not yet been vetted  
14 through legal counsel.

15 Jim Goodfellow noted while they were talking, he searched Chester on the VRBO app and it came  
16 up with 300 available properties. It starts from the dead center of town and goes out in a circle for  
17 about 14 to 15 miles. It was only on VRBO.

18 Ben asked if it was Julie's recommendation not to adopt it before the attorney reviewed it and she  
19 agreed, even as wonderful as Preston is. They weren't going to spend the money until they knew  
20 how it was received. Arne said there was a motion.

21 Nancy Pennell pointed out that there were not 300 Airbnbs in Chester, as they could be Bellows  
22 Falls, and other surrounding towns.

23 Ben withdrew the motion due to lack of review by the town attorney. Lee withdrew his second and  
24 then moved to spend up to \$10,000 to collect the data. Ben seconded the motion. Heather wanted  
25 to know the cost and what data they would receive for that money. Julie recommended they gather  
26 information regarding what the data would cover, the cost, and come back on October 19<sup>th</sup>. Lee  
27 rescinded the motion and Ben withdrew his second.

28 Arne said they need more information. Arne didn't think the town should spend the money, but  
29 the registration fee from the short-term rental folks involved in it. He thought part of the  
30 registration should be funded by short-term rentals. Ben would not be at the next meeting but  
31 would vote the same way for the sake of costs coming from the providers and additionally for the  
32 sake of public safety.

33 Arne didn't understand if they went without the fees and only the information from the  
34 organization it would happen in a short amount of time instead of April. He wondered if that could  
35 be moved up too. Preston believed they could get in a short period of time but suggested he and  
36 Julie talk with the company to see. Preston thought it would cost less because it would be one  
37 snapshot in time, but if they hire them, they are out there cycling every other week to make sure  
38 someone hasn't changed their ad or someone new hasn't come on. Arne noted it would be a big  
39 difference between a snapshot versus continued monitoring, but they could discuss it at the next  
40 meeting. Preston said the salesman would be willing to talk to them on Zoom. Arne asked if it was  
41 only one organization. Preston said if they wanted to put it out for bid, he could come up with three  
42 companies. The company they have been talking with is the biggest one. Arne thought it would be  
43 wise to go that route.

1 Arne thanked Preston and the Planning Commission for their work, and they would revisit it again  
2 in two weeks.

3 (9:01 to 9:05 recess)

4 **Agenda Item 6, New Business/Next Agenda**

5 The following will be on the next agenda:

6 Short-term rental and housing.

7 Naomi will be there to discuss the Depot Street Forest Main and the secondary well.

8 The first week in November they will get the first draft of the general fund budget.

9 **Agenda Item 7, Executive Session**

10 Arne said Julie would give a synopsis of the item, but he didn't think there was a need for an  
11 executive session. Julie said there was a public records request submitted for the Whiting Library  
12 that was received last week while she was on vacation. The library chair wasn't certain what she  
13 needed to do. When Julie got back, she noticed it and forwarded it to legal counsel and thought it  
14 was being addressed as the library isn't her authority. She learned at the beginning of this week  
15 that it had not been forwarded to the people who needed to produce the documentation.  
16 Technically, they are beyond the allowed time response for a public records request. The requester  
17 submitted an email today. By statute, if they don't respond within a certain period, it's deemed by  
18 law a denial. They weren't denying anything. There was some confusion about the documentation  
19 being gathered. The attorney has drafted a response to the requester. By statute, they can reverse  
20 the denial and require an additional number of days. They are avidly working on it. Julie didn't  
21 know that it required an executive session, but it did require that she update the Board, who is  
22 referred to as the head agency. Heather was happy with the update and didn't feel executive session  
23 was warranted. The others agreed. Lee said the request was made to the library and they didn't  
24 report to them so technically they didn't have a dog in the fight. Julie said there was question when  
25 the statute referred to the head agency of a municipal building or institution, was it the Selectboard  
26 or the Board of Trustees? For insurance purposes, the trustees are covered by the Vermont League  
27 of Cities and Towns and the Selectboard appoints them. Lee was glad it was being addressed. Arne  
28 said they take any kind of request like that seriously and this one slipped through.

29 **Agenda Item 8, Adjourn**

30 Heather moved to adjourn, and Ben seconded the motion. A vote was taken, and the motion passed  
31 unanimously, and the meeting was adjourned at 9:11 p.m.