



**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Wednesday, February 29, 2024**

Present:

Selectboard Members: Lisa Hagerty, Billy Adams, Nick Donza, Paco Aumand, Jo Sabel Courtney

Attendees:

Town Manager Charles Safford, Assistant Town Manager Will Fricke, Interim Fire Chief Scott Reeves, Tim Meehan, Allison Beckwith, Allison Karosas, Missy Burgess, Tom Burgess, McKee MacDonald, Edward Cingle, Susan Fisher, Douglas Hendrick, Walter Frame, Barb Puddicombe, Jaime Williams, Jill Boardman, Lynn Altadonna, Kelly Shaw, Barb Baraw, Jeff Clarke, Heather Snyder, Mila Lonetto, Mary Skelton, Flynn Kearny, Emily Lev, David Lockard, Shauna Larson, Lynn Laflew, Marina Meerburg, Bill Shouldice, Susan Shouldice, Kim Legelis, Linda Hunter, Elaine Flynn, Karen Christ, Lynn LaFleur, Amanda Song, Barb Getty, Blake Blundell, Becca Blundell, Karen Yakos, Flynn Carney, Kimberly Ellis, George Gay

145 joined via Zoom.

Call to Order

Selectboard Chair Hagerty called the meeting to order at 5:30pm

Approval of the Agenda

On a motion by Ms. Courtney, seconded by Mr. Aumand, the Selectboard approved the agenda. All were in favor.

Short-term Rental Registry Ordinance Public Hearing and Potential Final Passage

Chair Hagerty explained that the hearing would begin with a read-through of the Ordinance, after which they would invite public comment. She proposed using the same rules as the previous meeting – two minutes per speaker – and asked the Selectboard to provide comment on the rules. Mr. Adams proposed three minutes per speaker. The Selectboard discussed the time limit, and agreed on three minutes per

speaker. Chair Hagerty added that once everyone has spoken who wishes to speak, the Selectboard will move to close the public hearing.

Chair Hagerty proceeded to read the Short-Term Rental Registry Ordinance in its entirety.

Chair Hagerty opened the public hearing at 6:06pm.

Speakers: Gary Markham, Lynn Altadonna, Jayla Siciliano, Barb Getty, Tony Schaffer, Bill Shouldice, Sandra Kuhl, Beth Gabois, Josie Kytile, Allison Beckwith, Tim Davis, Linda Hunter, Karen Ross, Scott Reeves, Lisa Griffin, Shauna Larson, Becca Blundell, Marina Meerburg, Chantal Kerivan, Allison Karosas, Maryellen Soloman-Auger, McKee MacDonald, Jason Baron, Blake Blundell, John Bennett, Karen Yakos, Kerry Sedutto, Flynn Carney, Brian Thomsen, Kimberly Ellis, Seb Sweatman, George Gay, Susan Stevens, Mary Skelton, Maurice Menendez, Jill Boardman, Brendan Gill, Kelly Shaw, Gerri Wilson, Missy Burgess, Jordan [No Last Name], Barb Puddicombe, Jaime Williams, Amanda Song, Zeph Bryant, Heather Snyder, Susan Graf, Emily Lev, Mina Penna, Lynn LaFleur, Etienne Morris, B Kelly, Tim Meehan, Nancy Dumont, Jeff Clarke, Brooke Dingledine, Nancy Dumont, Brooke Dingledine

Mr. Aumand moved to close the public hearing at 8:32pm. Mr. Donza seconded. All were in favor.

Mr. Aumand moved to table the Short-Term Rental Registry Ordinance as presented. Mr. Adams seconded. Ms. Sable Courtney asked for how long or why they would like to table the ordinance. Mr. Aumand responded that there was never data collection that properly identifies the problem, and he does not want to make policy based on anecdotal, innuendo, or speculative information. He said that what he heard tonight supports his previous feelings, and he would like to table any further action on this particular ordinance, though that would not mean it could not be revisited and work on a different process. Mr. Donza said that he doesn't feel that new information has arisen tonight that would change the perspective of what they are being asked to vote on, and that tabling it would not be fair to the community. He said he is in favor of voting on something tonight. Mr. Donza asked Mr. Aumand what further specific information or data he would need, adding that the Selectboard has had lots of discussion over the last ten months and has heard from the Fire Chief at multiple meetings. Mr. Aumand responded that he would like to know the economic impact of regulating STRs, the relationship between STRs and the housing stock, how many STRs are done by homesteaders, how many are second or vacation homes, and how many fit in the corporate category of creating a business around STRs. Ms. Hagerty said that she believes that is what this registry does. Mr. Aumand replied that it does, but it also creates a regulatory framework that is restrictive.

Ms. Hagerty asked what is wrong with fining someone for not registering their STR, when the registry is what we want, and they choose not to register. She said that would not be fair to the people who would voluntarily register. Mr. Aumand said that there is a lot of information that we could gather without creating a registry through a police ordinance. Ms. Sable Courtney said that she believes it is with the best intentions that people say they would volunteer their data, but that she doesn't believe that is the reality, and that it needs to be required.

Ms. Hagerty said lots of people came to speak at the beginning of this process who may not have been able to come and speak at this hearing, though it may not feel that way if we are keeping score tonight. She said that she feels it is their job to represent everyone they hear from, not just those who had a coordinated message or make an organized effort to lobby against the ordinance. She added that she did not learn anything new tonight, but that she personally appreciates the effort it took to come and speak. Ms. Hagerty said there were lots of questions asked tonight that they could answer, including questions about the process. She said that they negotiated with and took edits from Brook Dingedine and others, and that this is a paired down ordinance that can collect the data they are looking for.

Mr. Adams said he doesn't think it was a coordinated message, and that he responded to most of those people thanking them for writing. He said we're close but not quite there yet, and tabling the ordinance allows us to do additional work. He said he would like preexisting and nonconforming use protection included, and that he previously presented land use regulations that would do that. He said that a future Selectboard could use this ordinance to implement a cap without protections for preexisting STRs. He reiterated his opposition to the term "first" in Section IV 9(a). He said that the ordinance creates a framework for a moratorium, and that you don't need the teeth in order to have a registry. He said that people are interested in registration but not the punitive nature.

Mr. Donza said the rhetoric of these discussions leads to a lot of fear. He said that zoning is preclusionary, and that you would zone to stop uses of property, whereas the Selectboard is just looking to form a registry. He added that nothing stops someone from registering as there aren't any barriers in the ordinance. It would be a very simple process to register and keep using property as they are. He added that the zoning discussion is far more restrictive than where we are now, and that he doesn't want zoning because he doesn't want to restrict it to anyone.

Mr. Adams said that other communities have used collecting data as a foundation to implement a cap based on number of nights, districts, etc. He said that if it is just registration, then the previously mentioned component should be removed. Mr. Donza responded that if people will not take part in the registration if it is not required. Ms. Hagerty said that if other communities go in that direction after they collect data, then that may mean they had data indicating that is what they should do. She added that she believes there are those who do not want to collect that data, and that she is hearing a fear of what the data would show.

Mr. Aumand said the issue for him regarding data is that we are creating an ordinance that tells people they can't register until they give us data that tells us what the problem is. Mr. Donza said we have had data included in this conversation the whole time, and that the fire safety piece is important too. We as a community are given our authority to zone and to regulate STRs by the state. Our zoning gives everyone the right to rent their house, nothing in this ordinance that takes that right away. Mr. Adams said that Section IV 9(a) does that. Mr. Donza replied that he does not view it as taking it away, but as linking it with a requirement; no one says I can't drive my car, but I have to get a license first.

Mr. Adams said that you could cease registration to implement a moratorium. Mr. Donza replied that would require the Selectboard to go down that road, and it's not in this ordinance. Mr. Adams said that people have been saying all summer long they are in favor of a registration, but not this ordinance, and that he is in favor of tabling it for further discussion because he thinks we can get there.

Mr. Aumand asked to move the question. On the motion to table the Short-Term Rental Registry Ordinance as presented, the Selectboard voted two in favor (Mr. Adams, Mr. Aumand), three against (Ms. Hagerty, Ms. Sabel Courtney, Mr. Donza).

Mr. Donza moved to adopt the Short-Term Rental Registry Ordinance as written. Ms. Sabel Courtney seconded the motion. Chair Hagerty said that she would like to give the Selectboard the opportunity to say anything they would like to say before they take a vote.

Ms. Sabel Courtney said we've listened for eight months, done the process, and have been advised by counsel a number of times. She thanked everyone that spoke, and said she respects you all, and let's come together no matter what. She said this is for the good of the community and that we will have lots of discussions about housing in the future; this will help inform that. She said we will hold an informational session and that I will personally take on informing people how to register; Will is savvy guy, we will figure that out. She added that the testimony from the Fire Department meant a lot.

Mr. Adams said he is against the ordinance, and that he thinks we're close, but there are things for the community we can do that would not make it so punitive. He said there is room to do this in zoning, and that Stowe has some of the most robust zoning in the state, if not the country. He continued; Stowe is a great community, and we are fortunate to have a comparatively robust and, for the moment, resilient economy. As a Selectboard we should be helping to build a sense of community and go the extra mile to raise awareness amongst our fellow citizens about the importance of our future sustainability as a resort community. At this time, with education tax increases upon us at levels none of us predicted, it is vitally important that we demonstrate empathy for the dire financial situation that our state legislature has put us in and acknowledge the clear need many of our property owners have to rent their homes flexibly. Property owners are going to need to do whatever they can to survive these tax increases; it feels like a runaway train. Locally, the fear, stress, and anxiety is palpable. I'm not in favor of pushing an ordinance through that adds to this distress. Let me be clear. We are promising those impacted most by this ordinance nothing, I say again nothing, there are no promises, no guarantees, no certainty of being able to rent beyond one year. Family finances are and will be dependent on flexible rental income. I've spoken to many locals who do not rent today, but are now considering doing so solely based on the staggering increase in their education tax bill. As an elected official charged with a duty of care for the community as a whole, I will not be party to passing a punitive ordinance that provides a mechanism for putting a moratorium on STRs. I cannot support a law that sets out punitive regulations and unreasonable financial penalties for an already overburdened population of homeowners. There's been comments about loss of community. If you care to know anything about loss of community, then I urge you to read our history books. Stowe lost its sense of community in the early 1900's, when the 25 school districts that once existed in Stowe were forced into one. The impact on the community: valleys emptied, homes were abandoned, countless families left. So, all we have left today are the remnants of stone walls and cellar holes that serve to remind those of us who care to know what kind of community Stowe once was. Loss of community is a matter of perspective, and the length of lens you care to use to evaluate the loss. With foresight and credible leadership, we could have crafted a reasonable bipartisan solution that would have utilized our existing zoning regulations and mandated the enforcement of ordinances currently on the books, but historically ignored. But it's been abundantly clear that crafting good public policy was really never the goal. What will we accomplish by passing this ordinance?

Everything about this ordinance and how we got here is, to me, fundamentally flawed that the outcome can only harm the credibility of the Selectboard as a trusted local institution. This process has politicized the Selectboard at a time when our leadership is needed, only to divide the town needlessly and deeply, more importantly, given what's going on down the road in Montpelier. This proposed ordinance reflects to me a degree of callousness for the taxpaying residents and voters of this town. In closing, I would offer this to my colleagues. If you are so certain that you were right, that you have correctly read the community, let's forego tonight's vote and push this to a special town-wide vote, as this is the only way for you to know that your work reflects community sentiment. On the other hand, if you do vote tonight, I'm quite certain that we will see the impact of the only good outcome of this travesty, the general voting public will have been awakened. And as our charter states, the citizens of Stowe have the right to petition to rescind this ordinance.

Mr. Aumand said that he has nothing more to add, and that he has said his piece and tried to raise the issue relative to his feelings about this ordinance. He said he doesn't feel we need more debate and that everything has been said. Mr. Donza voiced agreement.

Ms. Hagerty said that when there are hard decisions to make, making them can begin the thing that begins the community healing. There have been things before that people think are going to kill the community, and they haven't. She said she does not think this is going to harm our community, and would not be in favor in any way if she thought it was. She continued; Early on in this process we heard from many homeowners who were in favor of much broader-reaching ordinance than what we are looking at tonight. In the latter part of this process, we heard from the other side, and for those of you who weren't here at the beginning, it certainly must have felt to many of you like this process was one-sided and rushed. I assure you that this is not the case. I'd like to take this moment to acknowledge that we did have a Planning Commission, individuals who are appointed by the Select Board, who did make recommendations that were much more far-reaching than are considered tonight. We have worked with the community to come to a place where, other than the group of people who just don't believe in regulation and some people who do, where we've got a registry that's mandatory in order to rent with some public safety in it. We've held 13 public meetings, and I've heard hours upon hours of testimony from individuals with a variety of opinions and knowledge on this topic. I'm deeply aware that short-term rentals and seasonal rentals have always been a significant part of the fabric of Stowe. I also know that the version of short-term rentals – the one that takes place on digital platforms in this new world of remote work and the advent of corporate investment vehicles comprised of residential housing income streams made up of short-term rental revenues – is not remotely the same animal that many of you envision when you think of STRs in this town. It may not exist now, it may not ever exist, but it is out there in many other communities. Talk to anybody who's been in Nantucket or Vail. I also acknowledge that addressing short-term rentals is but one part of a comprehensive and complex set of solutions that will need to be addressed, related to the housing supply and housing affordability. By passing this one ordinance we put one tool in place, a data tracking tool and a public safety tool, and open up the next Selectboard's agenda to tackle the many other pieces of the puzzle that need to be worked on in this community by this staff and by the next Selectboard. You may see this as jamming it through, or you can see it as finishing one piece of work. I won't be here to tackle what comes next, but I wish this town the continuation of the good work that all of us sitting here want for this town. We may see the road differently, but we all want a version of what we think is best for the town.

On the motion to adopt the Short-Term Rental Registry Ordinance as written, Mr. Donza, Ms. Sabel Courtney, and Ms. Hagerty voted in favor; Mr. Adams and Mr. Aumand voted against.

Adjournment

There being no further business, Chair Hagerty adjourned the meeting at 9:26pm.