Planning Commission Minutes via Zoom 5/12/25

**Present:** Bill Dunkel, Vance Bell, Cathy Edgerly, John Finley, Tom Johnson, Chris Cummings, Michael Pelton, Dawn Bower, Abby Pelton, Antje Ruppert

Bill started the recording and called the meeting to order at 6:33 PM.

**I. Act on Minutes of March Meeting**

Vance moved to adopt the minutes, Cathy seconded. Motion passed unanimously.

**II. Update on Interim Zoning Bylaw**

Bill provided an update on the status of the interim zoning bylaw related to the Frendly Gathering. Bob Fisher had advised the town to pass an interim bylaw to allow the event to go longer than 6 PM with noise exceeding 39 decibels. A decision on that was tabled until the next Select Board meeting. However, a gentleman attended the meeting who together with his wife operates a beverage business that provides alcohol for such events. This would exclusively be offered to the performers, their company and the organizers of the festival (estimated at 200 persons) not the public. Bill asked if anyone on the PC remembered hearing about this during the public hearing. No one did.

Michael said that the interim bylaw was passed and is not just for this particular event. The liquor dispensary was a surprise for the Select Board as well and will be decided at their next meeting.

**III. Discussion of Short Term Rentals**

Michael had provided a document on short rentals (STR.docx) that was sent to all PC members prior to the meeting.

The biggest issues for Michael with regard to short-term rentals are health and safety concerns, i. e. overtaxing septic systems, fire safety.

John then asked why this topic would be something for the Planning Commission to discuss which is responsible for developing and updating a town’s long-term land use plan. Decisions on short-term rentals should be made by the Select Board. Michael responded to John that he sees it as a zoning issue, i. e. an ordinance that says if someone is going to rent out a piece of property, they must provide documentation that they have insurance, that they are in compliance for the septic use, and that their fire safety is up to code. Michael would advocate implementing a registry in order to have documentation of the town’s short-term rentals and charge a nominal fee to provide for this documentation and the related admin costs. Chris agreed with Michael.

Vance made the point that the Planning Commission cannot regulate septic systems.

Bill asked how the safety and septic compliance could or would be enforced. Chris said that the fire safety would be enforced by the State’s Fire Marshal. Someone who makes their property available for rent has to comply with the State’s fire and safety regulations.

Compliance with the septic safety is also fairly easy to verify on the publicly accessible lister card which states the number of bedrooms in a house.

John asked who would be policing such compliance. Michael responded that some towns require B&B rentals to list a registry number on their listings.

Chris noted that some towns in Vermont are more impacted by short-term rentals than others. In Windham, according to Michael’s numbers there are only about 20-30 short-term rentals. Bill agreed and asked if there really is a problem here or if there has ever been any complaint.

In Michael’s opinion it would be wise to predict potential challenges ahead of time rather than having to make rash decisions in a crisis situation.

To Bill’s question how the town could enforce compliance, e. g. with septic overuse, Chris replied that it is the landowner’s responsibility. Overtaxing a septic system and having it fail has a $30,000 - $40,000 price tag on it which is a pretty strong incentive for landowners to make sure that the property is rented within the confines of what the septic system allows.

Tom asked whether people are aware that there currently is bill at the State House about implementing a state-wide registry. He offered to send it to everyone. This bill asks about fire safety, but not septic since that falls under already existing State regulations.

Chris cautioned to wait on the outcome of this bill since the legislature is still in session. He is on the Government Affairs Committee for the Vermont Association of Realtors and will share any new developments. In Tom’s opinion, if the State is already considering instituting a registry, another town registry and fee may be redundant.

Bill raised a different point by stating that restricting short-term rentals would not help the current housing crisis in the State. Chris agreed.

Vance then moved to table the conversation until the State legislature makes some decision. Chris agreed

Bill asked if the town would be in any way liable for issues with short-term rentals. Chris replied that the landlord’s or owner’s liability would be exposed, not the town’s. Cathy also agreed with Chris and Vance and pointed out that there will be two full-town meetings in June or July regarding the Community Needs Assessment which will provide opportunity for discussion and even a conversation with John Gordon about fire safety and public safety.

In summary of the discussion, Bill said that the PC will wait and see how the State legislature is going to act and then come back to the issue.

Chris moved to adjourn, Dawn seconded. The meeting adjourned at 7:44.