

Nantucket Short Term Rental Working Group

Meeting Summary

Session 1 | October 11, 2022 | 4 PM – 8:00 PM ET

MEETING OBJECTIVES

- Refine and confirm process policy goals
- Overview of Short-Term Rental (STR) policy development process
- Initial discussion of data
- Finalize Short Term Rental Working Group (STRWG) Operating Protocols
- Discuss Next Steps

DECISIONS & ACTION ITEMS

- Members and alternates should tell CBI if they are comfortable with their emails and phone numbers being shared on the WG webpage
- WG members should send any additional comments about the Operating Protocols to CBI. CBI will refine the Operating Protocols and send a revised version prior to the next meeting.
- CBI will meet with Town staff to clarify deadlines for by-laws and Zoning articles for the 2023 Town Meeting Warrant.
- CBI will follow up with volunteers for the data subgroup and set up a meeting for next week.

WELCOME & ORIENTATION

Stacie Smith, Consensus Building Institute, welcomes Working Group (WG) members and members of the public to the first session of the STRWG. She reviewed the agenda, discussed zoom norms, and gave a quick overview of the CBI multi-stakeholder consensus building process.

All present WG members then went around to introduce them and their affiliation:

- Dave Iverson, Planning Board Member
- Peter Schaeffer, Finance Committee Member
- Peter Kahn, Advisory Committee of Non-Voting Taxpayers
- Julie Lindner, ACK Now
- Kathy Baird, Nantucket Together
- Thomas Dixon, Affordable Housing Advocate
- John Kitchener, At Large
- Jim Sulzer, At Large
- Karen Zagayko, At Large
- Meri Lepore, Board of Health Designee (Non-voting)

All present Alternates then briefly introduced themselves:

- Robin Nydes, Nantucket Together
- Carl Jelleme, ACK Now
- William Gardner, Advisory Committee of Non-Voting Taxpayers
- Barry Rector, Planning Board
- Jon Delano, At Large

Megan Trudel, PLUS-Land Use Specialist for the Town, and Adrian Rodriguez, Administrative Specialist, also introduced themselves as staff liaisons for the Work Group.

To see the full list of WG members, alternates, and WG staff please see Appendix A.

WHAT DO WE WANT TO DO? ENVISIONING A SUCCESSFUL OUTCOME.

Stacie Smith then asked working groups to think about what this WG would have achieved a few years from now if the process was successful. She asked the WG members to explain what would change, and what would they have achieved on the ground.

- Homes would not be owned by companies or LLCs without names attached to it. People would know their neighbors. All decisions would be fair and legal. There would be less traffic (and better quality of life), and we would have made inroads on the affordable housing problem.
- The decline of affordable housing for people with normal jobs has stopped. We will have resolved and healed from this very divisive issue on Nantucket. Noise and parking issues have gone away.
- We will have protected a vibrant local community and its neighborhoods. Protect enough houses in enough neighborhoods that enough locals are living there at a reasonable price. Codify use of STRs in our zoning to stop lawsuits.
- Full time residents and seasonal residents are treated the same. Noise and parking issues are addressed. There will not be a significant increase in high season population, and we do not see STR as a roadblock to affordable housing.
- The culture of the island has survived, and STRs are run by families like they always have been. Corporations are not able to snatch up properties to use as STRs. The stock of year-round housing and rentals increases. There are fair and legal policies that ensure natural persons are attached to STRs.
- It is easier for year-round residents to live and work on the island. Homes would be primarily used as residences, and we have a healthy housing market. We protect the fabric of our neighborhoods and make it fair to the people who want to know their neighbors.
- We have a culture of respect, and we educate everyone who comes to the island on how to treat the island and its residents with respect.

- We have defined fact-based metrics that are associated with STR and understand the cause and relationships of affordable housing. We are better neighbors to each other. And we have considered how our actions will impact all STRs on the island.
- We've drawn from examples of other similar places who are also dealing with this issue.
- Residents and stakeholders were heard throughout this process, and this WG was inclusive of public comment.

After each member answered the prompt, Stacie invited the group to have an open discussion about what they heard.

- We need to remember that we are going to take our approach to Town Meeting, and the people who vote at town meetings are the year-round residents of this island, not the visitors.
- It's important for us to spend time on defining what the problem is, and its important to have data. We need a fact driven process that does not rely only on anecdotal evidence.
- There is a difference between the make-up of this WG and the make-up of the voters at Town Meeting. Protecting year-round residents' right to STRs is a big priority. There is an intensity of use of many STRs that could be having an impact on local infrastructure, and people are concerned.
- Maybe we can replace anecdotal evidence with a survey because public experience is important. I want to see a broader base of what people are thinking.
- Is there a way to make sure we mark the things mentioned in this meeting as discussion topics, and not things that all WG members agree on? I do not agree with all the things mentioned, like year-round residents and seasonal residents being treated the same.
- We are trying to define success, but we have not defined the problem. Also, what time frame are we talking about? Will the rules change for people already participating in STRs? This WG must be very careful about what we put on paper as agreements.
- Town Counsel should be involved from the beginning because we need to understand and follow laws. What are the constitutional and legal requirements and precedents around differential vs. equal treatment of year-round and seasonal residents?
- I want to respect seasonal people, but that doesn't mean equal treatment. There is a way to treat people fairly while also having differences in requirements.
- There are a lot of differences (taxes, exemptions...) between year-round and seasonal residents. Equitable might be a better term.
- We need data and shared definitions or else it's hard to define success.

After the discussion, the WG took a short break.

PROCESS OVERVIEW

After the break, Stacie Smith went over the Draft Operating Protocols which reviewed the following about the STRWG: purpose and scope, working group membership, member

expectations, decision making, STRWG meetings, facilitation, public outreach and engagement, and initial work plan and schedule. These draft Protocols can be found [here](#).

WG members raised comments and questions on the following themes:

Open Meeting Law

Several members asked for clarification about Open Meeting Law (OML) and how it would affect deliberations. Megan Trudel clarified that all deliberations must take place in noticed public meetings. If the WG wants to develop a subgroup to discuss topics, it too must follow OML. MA OML can be found [here](#). Stacie noted that OML allowed the facilitators to talk with members between meetings and synthesize ideas to bring to the meetings.

Communication and Transparency

Several members made comments about the draft Protocol item (point i) asking that members not attribute statements to others or seek to represent the views of other members or the group as a whole. A concern was raised that this provision would limit how members share information with their constituents and would harm the spirit of transparency. Stacie responded that it is not meant to limit how WG members express their own opinions, but rather to prevent them from characterizing the statements of other members or of the full group. She reminded the group that CBI was creating meeting summaries that would seek to document the meetings in an unbiased manner, and that recordings were available. Another member stated support for this approach, to promote a spirit of collaboration and shared focus on solutions.

A member asked for a list of all the members with their phone numbers and emails, and was told that the list of all members can be found on the Town's website ([here](#).) CBI will ask members and alternates if they are comfortable with their emails and phone numbers being shared. A participant noted that the Draft Operating Protocols were not given to the public in advance of the meeting and asked that materials be posted in advance going forward. Stacie apologized for not getting the draft out in advance and promised to do their best to do that in the future.

Development or support of Alternative Articles

There was an animated discussion about a draft Protocol item (item h) requesting commitment from participants not to develop, submit, or promote any STR articles outside of the work of the Work Group during its process. A member expressed concern because of the lack of guarantees that this WG would succeed in finding an outcome that the public would support. Many other members countered with support for the provision, noting that helping bring other articles is counter to the purpose of this group, and that doing so would be counterproductive and harmful to the group's success, sending a bad message regarding buy-in to this process. A member also brought up concerns about draft Protocol item i, saying restricting communications by members of the public and the media was unnecessarily, unprecedented, and not in the spirit of Open Meeting Law. One member noted that the purpose of the STRWG is to seek proposals as a group, and if that doesn't work, then people can go do their own thing in future years. Another member reminded the group that all communications about the group would be made public through YouTube recordings and meeting summaries, so the public will have the opportunity to form their own opinions. Stacie clarified that these ground rules would apply not just to the individual representatives, but to the organizations that nominated them. So, in this case, no one from their organization will

making draft warrants. She noted that if a majority of the WG members want these in the articles of the WG but some disagree, members and their organizations can step away if they can't live with the final Operating Protocols.

Public Engagement

The draft Protocol suggests Some members expressed support for the idea of separate public engagement meetings. Stacie suggested holding separate in person and virtual public meetings in order to maximize interactive participation, and a member asked that remote WG members, at least, be able to listen in. One member suggested a public engagement meeting at the beginning to gauge the temperature.

Meeting Location(s)

The draft Protocols suggest that, because several STRWG members are located outside of Nantucket and the Town's capacity to host effective hybrid meetings are limited, most STRWG meetings take place as virtual meetings. If possible, though, it suggests the group seek to find at least one date that all or most group members will be able to meet in person for a longer meeting. Several members expressed support for hybrid and at least one in person meeting, noting that there is a lot of human connection that can happen with respect and good faith conversations that the screen cannot capture. A member noted the challenge of attempting an in-person meeting in November or December, as boats are liable to cancellation due to weather.

Timeline

A question was raised about the objectives to identify by-laws and/or Zoning to be voted upon at the 2023 Annual Town Meeting, suggesting that we should not sacrifice anything for the sake of a deadline. Stacie noted that this objective was part of the Town's Framework Another member noted that the time pressure might make us more productive, but that the process should be given the time it takes. Another member noted that some important data, especially the information coming from the new STR registration system, would not be available by then. The group then discussed what the actual deadlines would be for completing draft articles, given the need for Select Board review of by-laws and Planning Board review of Zoning articles. Stacie agreed to discuss the requirements and timing with the Town to get a better sense of what might be needed.

Following the discussion, Stacie Smith encouraged WG members to send any additional comments about the operating protocol to her via email and noted that she would send a revised version prior to the next meeting, with hopes for getting full group commitments at that time.

INFORMATION NEEDS AND METHODOLOGY

Stacie Smith then led the group into a discussion around information needs. She asked: What does the WG need to know, who can provide it, and how will it be used? WG members offered the following:

- We need to know to what degree STRs are contributing to the problems of noise and parking. What percentage of people staying on island in July and August are in STRs? I need to see data that STRs are related to affordable housing issues. How many permits are being pulled for parties at STRs? We need to establish whether STRs are impacting quality of life.
- We need macro data. How many people over the past 10 years have been coming to the island from May – September? How many police reports were there regarding parties? Have increases in public employees (police, healthcare workers...) matched the rise in the number of people coming here?
- We need a toolbox of policies that other communities have used, with information on what worked for them. We are not the only seasonal island.
- I want to know who, what, where, when, and how much. Police data exists but more importantly we need to understand the ownership and how it plays into the STR pool, and in what neighborhood.
- We need demographics related to growth, demographics of how STRs are operated, how many year-rounders are involved and dependent on STRs, and how STRs are growing across different neighborhoods. Where do people stay when they come to the island? We should also understand how things might change based on what we propose.
- I think we should consider the regulations that recently passed with 39 and the Board of Health Regulations. The impacts of those regulations might address some of the issues we are concerned about.
- Statistics on the number of corporate/non-natural person attached to them. What is the number of new STRs in the last 5 years, how has it increased?
- Some of this information is available on the GIS. Health department hired Granicus to look at this information for article 39.
- You don't learn a lot for knowing ownership of properties. Maybe corporations own homes people live in year-round, or a couple of people own property only for STRs. I suggest a focus on *use*. We should look at revenues to the town (cost of resources + infrastructure). Has growth of STRs impacted year-round housing?
- We do need to know what we can about ownership by people vs corporations. A lot of families have LLCs for liability purposes, and lots of LLCs on my street are not STRs. How many are being used for venues for events vs. vacation for families. Are there things that don't technically fall under zoning that we could use as a tool in this process?
- Community Data Platform has collected a lot of information and does a lot of work for other communities outside the island. They would be a credible source for what has been happening in other places.
- I have been frustrated with state data in the past because they only add, so it is not entirely accurate in terms of looking for growth. Let's look at registration on Nantucket.

A member proposed developing a subgroup to discuss what data is available and how we can get it for the group. Stacie Smith asked members who would be interested in volunteering to help with the data gathering subgroup. The following people volunteered:

- Karen Zagayko
- Peter Kahn
- David Iverson
- Kathy Baird
- John Kitchener
- Julie Lindner
- Peter Schaeffer

PUBLIC COMMENT

Facilitator Stacie Smith opened the meeting for public comment.

- Rick Atherton: I want to remind people what happened at the last town meeting. Article 42 came forward and the planning board decided it wouldn't pass and decided to work with other people and give it to a committee. This process included all the people who were in favor of this article. I am concerned a number of voters may not flow through this process. Town meeting has its own mind, and your solution needs to take into consideration the public. People feel like your group has a bias towards Article 42. You have a lot of work ahead of you and I wish you luck.
- Grant Sanders: Equity is more important than equality. Equity is when everyone gets what they need. We have a community that is housing distressed. There is a lot for this group to do, and you should work to get everyone interested coming. Make sure you are following laws and the 1st amendment with your Operating Protocol. If you only address year-round renters or business entities, you will have done 90% of the work people want you to do. I know people are meeting in good faith, and I hope members will look at all the data that is relevant to come to a solution.

[Note: Another member of the public was unable to stay through the end of the meeting, and so sent the following brief public comment by email to share with the group.]

- Paul Flanigan: As I listened to the STRWG meeting last evening I heard commentary that Nantucket should look into other similar communities that have STR regulations. One city mentioned was South Portland, Maine. I have lived in the Portland, Maine area for over 22 years and work in Portland. South Portland is a suburb of Portland. There are virtually no tourist attractions in South Portland and tourism is a virtually irrelevant part of the economy – it's a commuter suburb of Portland, benefitting from its broadly diversified economy. In contrast to Nantucket, the community does not economically depend on tourism whatsoever. South Portland businesses, shops, restaurants, and independent contractors (landscaping, maintenance, cleaning, you name it) do not depend on tourism in any way. As the STRWG seeks data and comparisons from which to draw conclusions, please be careful. South Portland, Maine is very different from Nantucket, comparing how they and other dissimilar

communities regulate STR's could result in material undue economic harm to many island families and the economy.

NEXT STEPS

Stacie Smith went over the next steps and action items:

- Proposed meeting times biweekly on Tuesdays from 5pm – 8pm. Next meeting, October 25th
- CBI will work on getting the data subgroup together before the next WG meeting.
- Next meeting date is subject to change depending on data gathering.
- CBI will bring a revised Operating Protocol to the next WG meeting.
- CBI will bring a synthesized statement from the defining success discussion.
- Town staff will post slides and draft Operating Protocol for the public and WG
- CBI will draft a meeting summary and send to the WG for comments or corrections. This will be approved at our next meeting.

Stacie thanked everyone for their participation and closed the meeting.

APPENDIX A:

Working Group Members Present

- John Kitchener, At Large
- Jim Sulzer, At Large
- Karen Zagayko, At Large
- Dave Iverson, Planning Board Member
- Peter Schaeffer, Finance Committee Member
- Peter Kahn, Advisory Committee of Non-Voting Taxpayers
- Julie Lindner, ACK Now
- Kathy Baird, Nantucket Together
- Thomas Dixon, Affordable Housing Advocate
- Meri Lepore, Board of Health Designee (Non-voting)

Working Group Alternates Present:

- Robin Nydes, Nantucket Together
- Carl Jelleme, ACK Now
- William Gardner, Advisory Committee of Non-Voting Taxpayers
- Barry Rector, Planning Board
- Jon Delano, At Large
- Joseph T Grause, Jr., Finance Committee Member

Working Group Staff

Stacie Smith, Consensus Building Institute
Simenesh Semine, Consensus Building Institute
Megan Trudel, Planning Department
Liaison Adrian Rodriguez,
Administrative Team