

Nantucket Short Term Rental Working Group

Meeting Summary

Session 2 | October 25, 2022 | 5 PM – 8:00 PM ET

MEETING OBJECTIVES

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

DECISIONS & ACTION ITEMS

- Next WG meeting will be November 8th, 2022 from 5pm – 8pm ET.
- Data subgroup meeting this Friday, October 28th from 10am – 11am ET.
- All meeting materials will be posted to the project website.
- CBI will create a meeting summary that will be sent to WG members for comments.

WELCOME & INTRODUCTIONS

Stacie Smith, Consensus Building Institute, welcomes Working Group (WG) members and members of the public to the second session of the STRWG. She reviewed the agenda, and discussed zoom norms.

Stacie asked WG members to give any feedback about the Session 1 meeting summary written by CBI that will act as the official meeting minutes of the WG. The meeting summaries will be posted on the website, and Stacie encourages WG members to share these minutes with their constituents.

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

ACHIEVING SUCCESS

Draft Policy Goals

Stacie shared a slide that summarized her understanding of the group's goals based on the discussion at the first meeting. Generally, this was to "preserve Nantucket's unique character and traditions, neighborhoods, sense of community, and quality of life" through meeting various objectives (the full set of facilitator slides can be found [here](#)). The purpose of the statement and strategies is to try and connect people's concerns around STRs and build relationships with their policy goals. She then asked the WG members for feedback on this draft set of goals, and members raised the following points. Stacie's responses in italics.

- All the goals, such as preventing and reversing the loss of housing, need to be explicitly related to STRs. This group cannot reduce things like noise and nuisances for all homeowners.
- The core reason this group was formed was to figure out how to work STRs into our zoning use chart in a way that is livable for the community. This needs to be highlighted as an important outcome.
- These goals include things that are unrelated to STRs, like year-round housing.
 - *The goals include issues that some, but not all, members believe are related to STRs. They are not to imply that the group all accepts this connection. Our examination of data will hopefully help us figure out whether and the extent to which these goals are impacted by STRs.*
- There is language not included in your goals around corporate rentals or other specific rental types. Why is that?
 - *I wanted to focus this on goals – things that have value in and of themselves – rather than*

strategies, which is how we get there. We will get to the strategies next, but first want to identify the "why."

- This is missing important points about legal protections and guidelines that the outcome must adhere to.
- The beginning statement needs to mention STRs. Maybe something along the lines of "Establish fair/reasonable policy of STRs on Nantucket to preserve...". We know our work will not solve every issue, but we hope that our policy helps with the issues that are proven by the data.
- I want to address the point about economy – we need to make sure that what we do does not cause undue harm on the economy or businesses of Nantucket.

Stacie thanked everyone for their comments and produced the revised policy statement below [tweaked a bit since the meeting to incorporate all ideas.] She emphasized that this is a work in progress, but that having a baseline can be helpful to help guide the process forward.

Propose clear and enforceable policies to regulate the acceptable use of Short-Term Rentals for Nantucket, in order to contribute to the following goals:

- *Preserve Nantucket's unique character and traditions, neighborhoods, sense of community, and quality of life*
- *Increase, or prevent or reverse the loss of, available year-round housing*
- *Reduce or prevent increase in year-round rental and purchase costs*
- *Reduce or prevent increase in traffic, congestion, overcrowding, and strains on civic and environmental infrastructure*
- *Avoid noise, nuisance, and other "bad neighbor" behaviors*
- *Protect residents' (year-round and part-time) interests/needs for rental income and flexibility*
- *Ensure benefits of and avoid harms to the tourism economy for the people of Nantucket*
- *Preserve tax and fee income for the municipal budget and other Nantucket priorities*

Data Gathering

Stacie then introduced the group to Jeffery Goodman, from Granicus, who will be assisting the working group with their data needs. Jeffery is an urban planner and STR expert based out of New Orleans working for Granicus, a firm that works with hundreds of government agencies to provide digital information and solutions. He gave an overview presentation on the general regulation process for STRs, noting the importance of clarifying goals, determining a set of policy tools, and recalibrating as needed. He explained the range of data points that Granicus draws on to help answer key questions, and shared some initial data about STRs on Nantucket, drawn from information from the large STR platforms (his full presentation can be found [here](#)). He then opened to comments and questions from WG members. He urged people to consider why the data they are requesting is important, and what question it will answer. Members offered comments and questions around the following themes. *Responses for Granicus are in italics.*

Data Sources

- The major platforms only give us a partial story – can we supplement the information with the State registry?
 - *The registry gives listings but doesn't designate active listings. There are many people who register but use it very little, so it will be important to understand the relationship between the registry and the major platforms.*
- We should get data from real estate agents on the island. We need to look at how many rentals realtors have relative to everyone else. How many of the VRBO/AirBnB listings are run by realtors? Where do realtors post their rentals?
 - *Some realtors have their own sites, but they might also post to online platforms. Property managers typically use public sites for shorter stays or different audiences (because each site has a specific audience).*

Occupancy and Use

- Can we compare average occupation of a a four-bedroom depending on whether it is owner-occupied or an STR?
 - *Water and waste are a good indicator for how many occupants are staying in places. That is beyond our scope, but that might be a good question to investigate.*
- Can we find out the typical room nights/weeks of rentals per unit?
 - *We can figure out minimum nights per stays, and we have access to the calendar to see how often STRs are booked (but we do not have detailed calendar dates from past years).*
- Is there data about cars?
 - *We are taking all information from listings, which includes parking spaces and occupancy.*

Town Resources

- Can we get data on the strain that STRs are putting on town resources (like police and infrastructure), and does the town have the resources to continue the level of tourism related to STRs?
 - *We can look at the relationship between calls made to the police and STR locations. To be exact, we would need data from first responders.*
- How will we know the data we are gathering to address our concerns is caused by STRs, versus other factors like hotels?
 - *Quality of life complaints are very difficult to analyze for this point and because people don't often report it. Whether it is related to other lodging options such as hotels, we can look at changes over time in the complaints and where people stay to understand it in context to STRs, but it won't give us full information.*

Residency

- Can we learn how many STR units are owned by residents vs. non-residents?
 - *The information we have is tied to parcels, so we can figure out the names and addresses tied to each STR, and map which of those addresses are off island (there will likely be a couple of exceptions).*
- Do we know how many residents there are on Nantucket so we can contextualize the numbers in your presentation?
 - *American Community Survey and the Census would have that information.*

Process Issues

- We should have data subgroup meetings on our off weeks so we can process all the data and bring it to the full group.
 - *Stacie: I was going to propose a data meeting this Friday to discuss any legal questions we have for the town attorneys, and we can continue to discuss the group's data needs.*
 - *I am happy to continue joining data subgroup meetings as long as there is a clear direction and goal for the group and the data you are requesting.*

Other Questions

- Please send the group some of the publications you have written.
- What other information will you be able to get outside of what you presented today?
 - *We have data for about 95% of online listings. We can take this data and compare it to other sources and analyze it against questions this group has.*
- Can you determine host revenue based on STR taxes?
 - *Much of the revenue information we have is from tax collectors, but they are estimates.*
- When is the full data going to be available? How long is it going to be before we get data that is going to be relevant to people's concerns.
 - *That will depend on the type or source of the data.*

REVISED OPERATING PROTOCOLS

After the data discussion, Stacie guided the WG to the revised Operating Protocols that were sent and posted in advance of the meeting. She reviewed her suggested changes, based on suggestions from group members, and specifically noted disagreement around Member Expectations H (prohibiting introducing competing warrant articles) and I (prohibiting attributing statements to or speaking on behalf of others or the group as a whole). She noted that Ack Now's member had raised concerns about these provisions and sent out a statement that they would not agree to follow them, and that the group could not require members to comply nor could they terminate memberships. She suggested the following options for the WG to consider: 1. Delete H and I from the operating protocols completely, allowing work group members to engage in whatever messaging and competing articles they want. 2. Eliminate H and change I to simply require sharing official group materials. 3. Keep H and I, accepting that all members of the group except Ack Now will follow them, or 4. disband the group.

The group had a spirited discussion about how to move forward. Many members expressed support for provisions H and I and deep concern and disappointment that Ack Now would not agree to these. Members spoke about their sense of the importance of these provisions to allow the group to meet its objectives, reminding the group that Town Meeting voted to have this issue resolved by a collaborative working group rather than by individual constituents. A few members suggested asking the Select Board to intervene or to replace the Ack Now representative with another member with similar views. Other members disagreed, observing the importance of having Ack Now at the table, and suggested that the group simply move forward, agreeing to the ground rules and addressing false messaging as it arises.

The Ack Now representative explained that she was not seeking to get the group disbanded, and they support the mission to seek agreement, but that she had never seen similar ground rules presented to a town body. While she understands the spirit of article I, she reflected that her constituents want her to share her thoughts and opinions about the meetings, and that H remains a concern for Ack Now because of the time pressures to get a policy suggestion submitted to this year for Town Meeting. She declared that Ack Now will be willing to get to work if H and I are put aside.

A member highlighted the memory of two seasons of contentious discussion on STRs at Town Meeting and the will of the voter to convene this group to bring the polarized opponents together to create shared policy around STRs. They suggested that the public can draw their own conclusions if one of the groups cannot follow the same guidelines as everyone else. They advocated that it not stop the group from trying to address this problem. Another member called out the tone and language used against Ack Now, and suggested that others on the group stood to benefit from this issue not being resolved. Other members questioned this assertion but urged that Ack Now remain at the table and that all others should follow the groundrules and move on.

In response to a question from a working group member to explain the purpose of provisions H and I, Stacie explained that article I is meant to avoid polarizing communications and weaponized messaging that can confuse and divide the public, while also breaking trust within the group. It is meant to help de-escalate the polarized "us vs. them" dynamics that have arisen, and help create a trusted, impartial, and accurate description of the work of the group. Item H was written to allow the space needed for a negotiated solution – if people are writing competing articles for town meeting, it goes against the purpose of bringing everyone together to find a solution.

Timeline

Several members remarked that the WG was not likely to come up with a solution by the 2023 deadline, and suggested that even if Ack Now brings its own article to this year's Town Meeting, the group should speak against it and continue to work on a consensus outcome. Other members agreed that this group should not rush the process and suggested a Special Town Meeting in the fall, and/or an official update at this year's Town Meeting to share the group's progress. A member asked how the group could reach consensus on

an article if Ack Now proposed a separate article. Stacie reminded the group that consensus was defined as 7 out of 9 votes, so any approach that meets that threshold can bring an article forward.

Following the discussion, Stacie asked the group to vote on the revised operating protocols, as shared in advance of the meeting. This would mean that, while the operating protocols cannot be legally enforced, WG members (with the exception of Ack Now) would agree to follow them. The following members voted yes:

- Thomas Dixon
- Kathy Baird
- Peter Kahn
- David Iverson
- Karen Zagayko
- Jim Sulzer
- Peter Schaeffer
- John Kitchener

With 8 votes, the operating protocols passed.

Stacie thanked everyone for their participation. She noted that this has been a difficult conversation and understands that people's feelings are running high about this. She urged members and alternates to move through the rest of this process with kindness and respect toward everyone.

PUBLIC COMMENT

Stacie then opened the discussion for public comment from WG alternates and the public:

- Jon Delano (WG Alternate): I am honored to be an At-Large alternate, and I appreciate the thoughtfulness people are putting into their roles here. There is a lot of data we will need to collect.
- Robin Nydes (WG Alternate): During the meeting, several people reached out to me to say they were shocked that 13 people had to follow guidelines that one member did not have to. I am aware of the dynamic that one member of this group is salaried, and that same member is working for an organization that has active lawsuits against the town and residents. I feel like Ack Now is not being bullied, but that they are bullying others.
- Bob Vidoni: Thank you for those of you who have volunteered your time to this effort, and for Stacie and her moderation expertise. My family would not be here without renting out home. We consider ourselves a part of the community, and we are deeply concerned about all the issues that have been mentioned. This is the islands biggest problem outside of climate change. There is a divide happening between seasonal and year-round residents, and I was scared to speak at this meeting because I do not want to harm relationships with my neighbors. The people who will suffer most from this divide and the lawsuits will be the working class on the island, and it will push out seasonal families like us who must rent.
- Scott Wilson: Ack Now was asked to join this working group because they represent and pursue certain interests, so it is ridiculous to then restrict what they can do outside of the group and ask them to waive their rights.
- Rebek Duhaime: I am a short-term rental operator, and I use the property Spring and Fall. I think of myself as a responsible STR operator, and I have a commitment to work with my renters to minimize the chance that someone staying at my home will disrespect the island and its residents. I hope the data helps recognize that there is actually a very small number of rentals that are in the demonized commercial category. MA has a lot of data regarding the real estate agency markets and the rentals. We must report our income and tax information to the state, and I hope the town uses this data in this process.

- Brook Gibbs: I have an MBA and MSC in economics and I have seen this happen my whole life. We are never going to agree on this topic because it's all about money. Whether its to let us stay on the island, stay above water, make as much money as we can, or something completely different. The non-economic solution is to look at how many people we would need on the island to sustain the community first, and deal with all other issues second. This work group is not being productive as its going. We need to determine how many service people we need year-round and seasonally and build a sustainable community off of that. The research should focus on that.
- Penelope Day: I am the president of Nantucket Association of Real Estate Brokers and I have 4 comments. 1. I think it's important to have local, qualitative data in the data base. The local data exceeds the online platforms, and that should then be supplemented by RE and state data. 2. An LLC Is just a legal form of ownership and is often times an individual. 3. There are many fewer rental listings on the market then there were a few years ago, much of it was sold during the pandemic. 4. When the local registry is in place, I think people will be quick to come forward with their complaints. Have you defined what the issues and problems are that were hoping to address in this group?
- Ronald Kokot: I have been a seasonal resident of Tom Nevis for 40 years. I would like to address the goals of the committee you talked about at the beginning: The first goal to prevent or reverse loss of year-round housing, I think that impact of STRs has been a key point in this process. One reason I have not seen that is because of the population growth over time. Has the year-round resident population grown faster than seasonal residents? I only rent my house to single families through realtors because the realtors take responsibility on the island. I think more rentals go through island realtors than the Granicus numbers indicated.
- Rick Atherton: I want to say to the working group members that it is transparent where you are coming from by listening to your comments. There is a perception that people can draw conclusions based on the question you raise and the topics you focus on. People might draw conclusions about where you are wanting this group to go, and I caution you to think about that.
- Charity Benz: As an economist and business owner, I am impressed with the Granicus presentation. I want to point out that in my career in Washington and in other legislative process's, I have never come across a negotiation where someone has been asked to relinquish their first amendment rights and I think it should raise serious warnings for the Nantucket community. Nantucket has become like a corporation that everyone is trying to pull money out of, so I hope you seriously consider how you are going to deal with cooperate ownership in the proposals you create.
- Grant Sanders: I appreciate your comment about being respectful in how we speak about each other. I hope the group understands that the data is never static, as you do your work, I hope you ask questions about trend lines and try to understand what actions we can take to change the trend lines we don't want to continue.
- Henry Sanford: I want to emphasize the availability of a lot of the data you are looking for. The assessor can give you tax information and revenue from the past 20 years. In my research I found that over the past 10 years, the Building Department has been focused on building second homes even though our year-round population has doubled. We have never seen data about how many houses were built and who is using those houses. What does it matter if the loss of year-round housing is related to STRs because the likelihood is that it's not going to year-round housing either way. I have a listing right now that is currently a STR, and the interested buyers don't want to rent. Please look at the landbank records, the building department records, and you will see a lot of trends around housing on the island.
- Paul Flanigan: I found it unbelievable that 8 of you have agreed to follow a different set of operating rules than one person. Everyone should be following the same rule. I find it inconsistent that one person can go to the press and weaponize their data, while everyone else cannot.

NEXT STEPS

Stacie Smith went over the next steps and action items:

- Next WG meeting will be November 8th, 2022 from 5pm – 8pm ET.
- Data subgroup meeting this Friday, October 28th from 10am – 11am.

- All meeting materials will be posted to the project website.
- CBI will create a meeting summary from this meeting that will be sent to WG members for comments.

Stacie thanked everyone for their participation and closed the meeting

APPENDIX A:

Working Group Members:

- 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:

- 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 (ABSENT)

Working Group Staff

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