

Burlington Joint Committee of the Planning Commission, City Council
Ordinance Committee and BTV Office of City Planning Staff
149 Church Street
Burlington, VT 05401
802-865-7144

To: Andy Montroll, Bruce Baker, Yves Bradley, Alexander Friend, Emily Lee,
Harris Roen, Jennifer Wallace-Brodeur, Chip Mason, Jack Hanson,
Zoraya Hightower, David White, Meagan Tuttle, Scott Gustin

From: Deb Ward Lyons
248 North Willard Street
Burlington, VT 05401
C 240-375-5106

Re. STR Proposal
October 28, 2020

Dear Committee Members and City Planning Staff,

First, thank you all for the many months and hours that you have taken to consider the issue of Short Term Rentals (STRs) in Burlington. It has been a **massive amount of work as you've configured and pondered various scenarios and listened to STR hosts as they've explained their** personal situations and needs. **I'm a firm believer that STRs can successfully exist within the ideals of protecting Burlington's housing stock.**

Today I'd like to respond to the current matrix that is under consideration. The **STR scenarios listed allow for renting rooms within one's home; renting one's** own home, an ADU or duplex when a resident of the property; renting within a multi-unit building as either a resident in one of the units or not; and renting all units of a multi-unity building as STRs (most restrictive option).

I request that the committee consider an additional scenario, one in which a landlord owns and rents a single, stand-alone STR while not a resident of the property (off-site host), **perhaps as "Scenario 4A"**. **I don't believe regulating this** option would be any more challenging than current regulations for long term rentals, or any of the options on the matrix. Please discuss this idea when you meet tonight.

My situation is unique in that I own two buildings side by side, which I purchased at separate times. All the other properties on my block have a house and back yard. When these twin houses were built, they were placed on one lot next to each other with a driveway between them. They were owned as one property for many decades by the original builder then the George Munson family. I purchased my home first (from Mr. Munson) 40 years ago, then 13 years later bought the companion house (again from George). I pay taxes on them as one lot (homestead and non-homestead); they are surveyed and listed as one lot in city records; and my Parcel ID Land Use lists them as “R2 – 2 family.” But they are not a duplex, as there is a 16 ft. driveway separating the walls of the two homes. **Sixteen feet...** Andre the Giant **and Shaquille O’Neal** could lay across the driveway head to toe. So could a 1964 VW Beetle with a cooler next to it. See attached photos (of driveway).

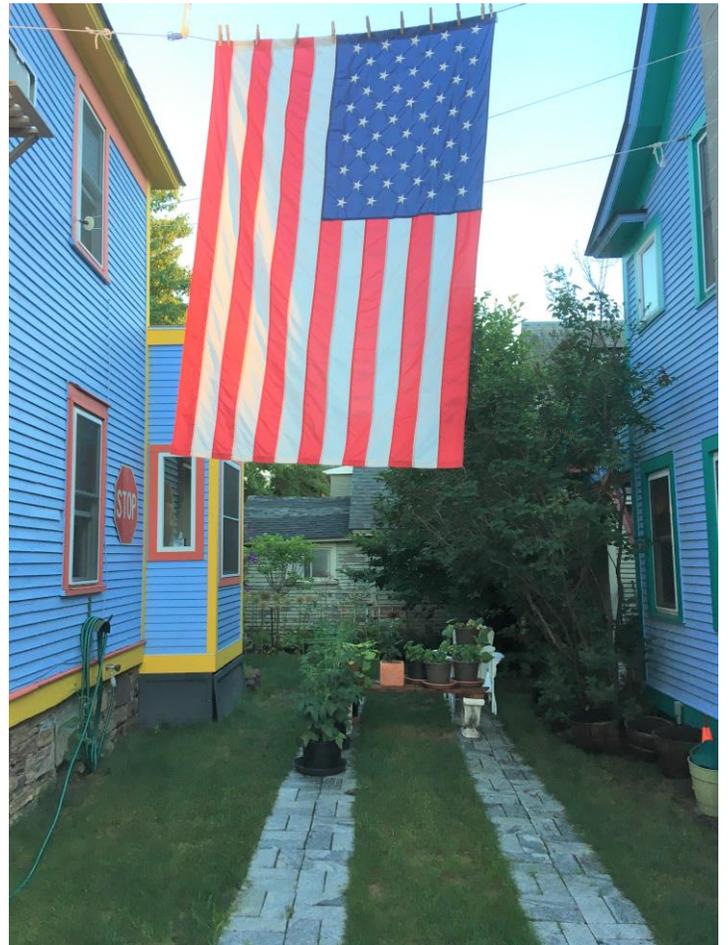
I would like to seek a path forward with my situation that will allow me to rent short-term if I so **desire. In my house next door I**’ve had family live there, long-term renters, short-term renters and monthly renters. When renting year-long, (from 2004-2015) 80% of my tenants were respectful of the property and neighborhood; 20% were not, and they cost me many thousands of dollars in repairs and lost rent. I avoided legal proceedings because taking the loss was better than 12-18 months of court dates and continued headaches. Because of this, I experimented with short-term interspersed with monthly renting. The balance of quiet neighbors/renters who care for the property with respect, and my attentive regular (weekly and monthly) upkeep/cleaning of the building has benefited the neighborhood greatly.

I also believe STRs have a much smaller impact on Long Term Housing than some believe. This is in large part, now, due to the pandemic; Airbnb hosts have pivoted in a major way since March 2020. The HostCompliance numbers quoted in the 10/22/20 Overview and Background document do *not* reflect the actual number of STRs in Burlington: ***“The total number of short term rentals within city limits in July of 2020 is 418.”*** As has been pointed out before, many of these 418 are either no longer actively renting on Airbnb, or there are multiple listings for one location. A quick search just now for Thanksgiving 2020 and the weekend following, for four adults in a stand-alone house, displayed TEN options in Burlington.

Still, if the pandemic were to “go away” I believe you would find landlords who operate a STR to be in the *minuscule minority* of overall rentals. We are mom &

pop hosts who rely on this income to stay in Burlington, not bigger operations with many multiple (or hundreds) of units. Please find a way to create a 4A scenario that allows for a landlady like myself to rent a single, stand-alone house as a STR, as an off-site host.

Thank you for this consideration,

A handwritten signature in black ink, appearing to read 'R. P. P.', written in a cursive style.

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 20-____-PET

Petition of New Cingular Wireless PCS, LLC d/b/a AT&T pursuant to 30 V.S.A. § 248a requesting a Certificate of Public Good for the attachment of telecommunications equipment on a replacement light pole in Burlington, Vermont	
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PETITION:
LIMITED SIZE AND SCOPE (REPLACEMENT LIGHT POLE)

By this Petition, New Cingular Wireless PCS, LLC d/b/a AT&T (“AT&T”), represents as follows:

1. AT&T holds a Certificate of Public Good to provide wireless services within Vermont pursuant to multiple cellular, PCS Broadband, Band 14 and other licenses granted by the Federal Communications Commission.

1. Pursuant to its licenses, AT&T is undertaking to improve and enhance its wireless network in the state to provide capabilities for use of devices employing AT&T’s Long Term Evolution (“LTE”) technologies. LTE is a high-performance air interface for cellular mobile communications, designed to increase the capacity and speed of telephone service and internet access through use of wireless devices.

2. Consistent with §I(a) of the ePUC Procedures for Electronic Filing (“ePUC Pr.”),¹ AT&T proposes to install a new telecommunication facility (the “Facility”) located in a public right of way near 6 Pine Street, Burlington, Vermont (the “Property” or “Site”), consisting of a replacement light pole (the “Pole”) supporting wireless telecommunications equipment on and within the Pole (the “Project”).

3. As demonstrated by the prefiled testimony and exhibits included with this Petition, the Project does not raise a significant issue with respect to the substantive criteria established by 30 V.S.A. § 248a, thereby allowing the PUC to certify the Project in accordance with the procedures established by subsection (f) of 30 V.S.A. 248a.

4. This proceeding is subject to the general authority and limitations of the federal Spectrum Act, 47 U.S.C. §1455(a)(1) and 47 C.F.R. Subpart U (State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless Service Facilities) (eff. 01/14/2019), as it involves the PUC’s review of a “small wireless facility” under 47 C.F.R. § 1.6002(l) (*i.e.*, a facility mounted on a structure of less than 50

¹ Although styled as a “petition” to conform with ePUC Pr., Petitioner requests that this filing be treated by the Public Utility Commission clerk as an application pursuant to 30 V.S.A. §248a(a) and (j).

feet, with antennas of less than 3 cu. ft. and structure-mounted operating equipment of less than 28 cu. ft.). Consequently, in addition to the 60-day review timeframe set forth in 30 V.S.A. §248a(f), the application is also subject to a 90-day review timeframe pursuant to 47 C.F.R. § 1.6003(c)(1)(iii), which includes any pre-application period asserted by the siting authority as set forth in 47 C.F.R. § 1.6003(e). AT&T hereby preserves its rights under the Spectrum Act and the corresponding FCC regulations, in addition to Section 248a(f), to the extent necessary to proceed with the Project.

5. The Facility complies with each applicable criterion established by 30 V.S.A. § 248a and, therefore, will promote the general good of Vermont.

In support of its Petition, AT&T hereby prefiles the following testimony and exhibits:

Witnesses	Subject Matter
David Ford	Overview and description of the wireless telecommunications facility, including an explanation of the coverage objective, the allocation of ownership of project components, and a description of compliance with the Section 248a criteria.

Dated at Burlington, Vermont this 22nd day of October, 2020

DOWNS RACHLIN MARTIN PLLC
Attorneys for Petitioner

By: 
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Email: EKohler@drm.com

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2. Pursuant to its licenses, AT&T is undertaking to improve and enhance its wireless network in the state to provide capabilities for use of devices employing AT&T’s Long Term Evolution (“LTE”) technologies. LTE is a high-performance air interface for cellular mobile communications, designed to increase the capacity and speed of telephone service and internet access through use of wireless devices. While presently AT&T deploys 4G LTE service, the company has set a goal of deploying its 5G network nationwide in 2020.
3. Consistent with §I(a) of the ePUC Procedures for Electronic Filing (“ePUC Pr.”),¹ AT&T proposes to install a new telecommunication facility (the “Facility”) located on the Church Street Marketplace near 120 Church Street, Burlington, Vermont (the “Property” or “Site”), consisting of a replacement light pole (the “Pole”) supporting wireless telecommunications equipment on and within the Pole (the “Project”).
4. As demonstrated by the prefiled testimony and exhibits included with this Petition, the Project does not raise a significant issue with respect to the substantive criteria established by 30 V.S.A. § 248a, thereby allowing the PUC to certify the Project in accordance with the procedures established by subsection (f) of 30 V.S.A. 248a.
5. This proceeding is subject to the general authority and limitations of the federal Spectrum Act, 47 U.S.C. §1455(a)(1) and 47 C.F.R. Subpart U (State and Local Government Regulation of the Placement, Construction, and Modification of Personal Wireless

¹ Although styled as a “petition” to conform with ePUC Pr., Petitioner requests that this filing be treated by the Public Utility Commission clerk as an application pursuant to 30 V.S.A. §248a(a) and (j).

Service Facilities) (eff. 01/14/2019), as it involves the PUC’s review of a “small wireless facility” under 47 C.F.R. § 1.6002(l) (*i.e.*, a facility mounted on a structure of less than 50 feet, with antennas of less than 3 cu. ft. and structure-mounted operating equipment of less than 28 cu. ft.). Consequently, in addition to the 60-day review timeframe set forth in 30 V.S.A. §248a(f), the application is also subject to a 90-day review timeframe pursuant to 47 C.F.R. § 1.6003(c)(1)(iii), which includes any pre-application period asserted by the siting authority as set forth in 47 C.F.R. § 1.6003(e). AT&T hereby preserves its rights under the Spectrum Act and the corresponding FCC regulations, in addition to Section 248a(f), to the extent necessary to proceed with the Project.

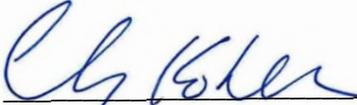
6. The Facility complies with each applicable criterion established by 30 V.S.A. § 248a and, therefore, will promote the general good of Vermont.

In support of its Petition, AT&T hereby prefiles the following testimony and exhibits:

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Dated at Burlington, Vermont this 21st day of October, 2020

DOWNS RACHLIN MARTIN PLLC
Attorneys for Petitioner

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AT&T Small Cell Project: Petition: Limited Size and Scope (Replacement Light Pole)
Burlington, VT: Church Street (BURLV_002)
Case No. 20-____-PET
October 21, 2020
Page 2 of 2

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STATE OF VERMONT
PUBLIC UTILITY COMMISSION

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3. Consistent with §I(a) of the ePUC Procedures for Electronic Filing (“ePUC Pr.”),¹ AT&T proposes to install a new telecommunication facility (the “Facility”) located in a public right of way near 55 Cherry Street, Burlington, Vermont (the “Property” or “Site”), consisting of a replacement light pole (the “Pole”) supporting wireless telecommunications equipment on and within the Pole (the “Project”).
4. As demonstrated by the prefiled testimony and exhibits included with this Petition, the Project does not raise a significant issue with respect to the substantive criteria established by 30 V.S.A. § 248a, thereby allowing the PUC to certify the Project in accordance with the procedures established by subsection (f) of 30 V.S.A. 248a.
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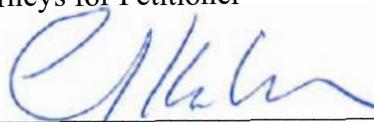
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3. Consistent with §I(a) of the ePUC Procedures for Electronic Filing (“ePUC Pr.”),¹ AT&T proposes to install a new telecommunication facility (the “Facility”) located in a public right of way near 131 Battery Street, Burlington, Vermont (the “Property” or “Site”), consisting of a replacement light pole (the “Pole”) supporting wireless telecommunications equipment on and within the Pole (the “Project”).
4. As demonstrated by the prefiled testimony and exhibits included with this Petition, the Project does not raise a significant issue with respect to the substantive criteria established by 30 V.S.A. § 248a, thereby allowing the PUC to certify the Project in accordance with the procedures established by subsection (f) of 30 V.S.A. 248a.
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