

## Meagan Tuttle

---

**From:** Phil Draper <pdraper84@gmail.com>  
**Sent:** Friday, December 04, 2020 6:53 PM  
**To:** Meagan Tuttle  
**Subject:** 30 day limit on Airbnbs

[WARNING]: External Message

I think limiting people's income and experiences is absolutely terrible. Airbnb is popular for a reason, guests and host love it. There are already laws against excessive noise, bothering your neighbors and most negative impacts from an Airbnbs. Don't make laws against change, solely because you can't handle change and want to control people. People will move or not visit as much, there is zero reason to that, get a clue, stop worrying. 🐦

Phil Draper, host and guest

## Meagan Tuttle

---

**From:** Julie Marks <jlmarks722@gmail.com>  
**Sent:** Monday, December 07, 2020 7:00 PM  
**To:** Chip Mason; Andrew Montroll; Meagan Tuttle  
**Cc:** Cheri Campbell  
**Subject:** Re: Letter of Grievances from the Burlington Short Term Rental Host Coalition  
**Attachments:** STRHostGreivance\_BTVPC\_120320\_Revised.pdf

[WARNING]: External Message

Hello,

Please find the revised Letter of Grievances regarding the STR issue. In the original letter, one signature was mistakenly included, which has been removed in this "revised" version for public record.

Thank you and apologies for the mistake.

Julie

On Thu, Dec 3, 2020 at 2:07 PM Julie Marks <[jlmarks722@gmail.com](mailto:jlmarks722@gmail.com)> wrote:

Please see the attached letter, sent on behalf of select members of Burlington's Short Term Rental Hosts Coalition, as a motion to assert our grievances against the Joint Committee and the proceedings regarding Short Term Rental regulation.

Thank you for your time, attention, and response.

--

**Julie Marks**  
206.446.9572

--

**Julie Marks**  
206.446.9572

December 3, 2020

To:

Andy Montroll  
Burlington Planning Commission, Chair

Chip Mason  
Ordinance Committee, Chair

Burlington City Hall  
149 Church Street  
Burlington, VT 05401

Re: Public Grievance Against Burlington Planning Commission Proceedings

Dear Joint Planning Commission and Ordinance Committee Chairs,

We, a collective of Burlington's Short-Term Rental (STR) hosts and landlords, are writing to express our deep concerns for how recent Planning Commission meetings regarding proposed CDO amendments relating to STRs have been managed.

For over a year, the BTV-STR Host Coalition has amicably participated in the development of recommendations to regulate STRs in our city. As experts on STRs, we aided the Commission in accurately understanding the unique nuances of the STR landscape so that the proposed CDO amendments would be practical and enforceable, while still supporting the small business opportunities that many local residents rely on. At the beginning of this calendar year, the STR Host Coalition was in support of the revised draft.

However, since public meetings moved to an online format and some new members have joined the discussion, our voices have been lost. The meeting that occurred on November 24, 2020 best exemplifies our specific concerns, which are as follows:

1. The Committee's discussion has lost direction and purpose. New City Council Members do not appear to have been briefed on the reasoning behind previously made decisions. New members' contributions thus far have been mostly baseless and demonstrated a blatant unfamiliarity with the public testimonies, committee discussions, and data analyses that came before them. Their comments have created confusion and degraded the proceedings. Furthermore, some Committee Members have reversed decisions on the grounds that they "cannot remember why" that decision was made. This is unreasonable. We, the STR Host Coalition, remember why it was made and would be happy to remind members should we be allowed to participate in an actual discussion. **We ask the Committee Chair to defend the progress and decisions made prior to the delay in meetings caused by the pandemic.**
2. STR stakeholders cannot be adequately heard or represented via the virtual meeting format. Council and commission members often display behaviors of distraction while on the call. They cannot see our faces. We, the public, are being dehumanized and ignored. **We ask that the video of each attending member of the public be shared during the meetings and that Committee Members conduct themselves in the formal manner expected during regular meetings.** (No eating, leaving their seats, turning off their video, using cell phones, engaging in other distractions, etc.)

3. Planning Commission member, Emily Lee, has an egregious conflict of interest on the issue of STRs and should recuse herself. As described in a previous letter to the Chair, Lee has been active in her opposition to STR scenarios that compete with her own. **We ask the Committee to confirm all members are free of conflict of interest before proceeding further.**
4. The claim that STRs are the cause of the “housing shortage” in Burlington is false and unsubstantiated. According to the city’s own data, the average annual vacancy rate in Burlington was 0.7% from 2006-2011 and 1.5% from 2012-2018. There has never been more than 284 unique STRs in Burlington that would otherwise qualify as long-term housing (71% of 400). Out of the >10,200 apartments, 284 STRs is less than 3% of the rental market. And as stated in numerous testimonies, many STR listings simultaneously provide long-term housing opportunities in the same year. Available data does not support the claim that STRs significantly impact the availability or pricing of Long-Term Rentals (LTR) in Burlington. **We ask the City to publicly dismiss the notion that STRs are a cause of the “housing crisis” in Burlington at this point in time.**
5. In over a year, there has been no public opposition to STRs or the home-sharing marketplace that currently exists in Burlington. In reality, the opportunity to participate in the home-sharing marketplace under any scenario can be beneficial to our most vulnerable populations in times of financial need. **We ask that CDO amendment recommendations focus on incentivizing new and additional housing development while allowing property owners maximum flexibility in how they offer different types of housing to the community.**
6. The recommendations being pursued by the committee will not correlate with increased housing affordability. STRs are not affordable units and if forced to be converted to solely long-term rentals, there is no current incentive for property owners to contribute to the affordable house options. Furthermore, the number of entirely new LTR units that would be reintroduced to the market is too few to noticeably affect rental prices. **We ask for recognition that it is the responsibility of the Housing Authority—not STR providers—to provide an adequate supply of affordable housing options in the City of Burlington.**

The BTV-STR Host Coalition is frustrated. We are tired. We are hurt. Why, after almost 2 years of participating in this process, are we arriving back at square one? Please do not forget our stories or our insights. Do not forget that many of us are doing what we need to ensure our own housing stability. And please remember that mega landlords and developers are not at play in this arena. This letter comes to you from local, small-scale individuals and families doing everything we can to make ends meet and improve the city we love.

We respectfully ask that the Committee hear our grievances and conduct future Planning Commission meetings with more fairness and respect to the perspectives offered by the attending public.

Sincerely,

The BTV-STR Host Coalition:

- |                        |                    |                    |
|------------------------|--------------------|--------------------|
| 1. Kent Cass           | 6. Lucas Jenson    | 13. Gail Rafferty  |
| 2. Sam Catz            | 7. Lori Kettler    | 14. Ericka Redic   |
| 3. Mary Ann Ficociello | 8. Laurie Kotorman | 15. Jamie Sharp    |
| 4. Chris Haessly       | 9. Deb Lyons       | 16. Abbott Stark   |
| 5. Eric Hanley         | 10. Amy Magyar     | 17. Justin Vandett |
|                        | 11. Julia Marks    |                    |
|                        | 12. Ellis McArdle  |                    |

**ACT 250 NOTICE**  
**APPLICATION 4C0174-6,4C0368-3**  
**SITE VISIT AND PREHEARING CONFERENCE**  
**10 V.S.A. §§ 6001 - 6111**

On December 2, 2020, The Burton Corporation, 180 Queen City Park Road, Burlington, VT 05401 filed application number 4C0174-6,4C0368-3 for a project generally described as **redevelopment of an existing 83,000-square foot manufacturing building into a mixed-use facility, including a performing arts center, and associated parking improvements. The project is located at 180 and 266 Queen City Park Road in Burlington, Vermont.** This Project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A. § 6086(a).

Pursuant to Act 250 Rules 16 and 20, the Commission is convening an online prehearing conference ("PHC"). A PHC, in summary, has narrow goals and is designed to identify the parties and the issues. The PHC will be followed by the issuance of a Prehearing Conference Report and Order ("PHCRO"), which will prescribe any informational filing requirements, preliminary party status rulings, and the scheduling of a merits hearing at a later date.

**Note to Prospective Parties:** Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request "on or before the first prehearing conference." Accordingly, all prospective parties are obligated to log in or call into the PHC scheduled below, or to file a written party status petition in advance to the Commission at [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov). **Failure to timely appear on the PHC call or video conference call, or to timely file a written request by the date of the PHC, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission. Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email ([NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)) for receiving service of notices on the proceedings.**

**A prehearing conference is hereby scheduled to convene:**

**Date:** Wednesday, January 13, 2021

**In-Person Site Visit:** 8:30 AM at 266 Queen City Park Road, Burlington, VT 05401

**Virtual Prehearing Conference:** 10:00 AM via Microsoft Teams (see below)

**Site Visit Instructions:** All site visit participants shall be required to observe the following [protocol](#) prior to, and during the site visit:

- a. Prior to the site visit, all potential attendees **must confirm in writing, which may be via email** to the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)), that they will abide by this protocol.
- b. No more than 25 people may attend the site visit.

- c. If any portion of the site visit will be conducted inside, all occupancy limits established by the Agency of Commerce and Community Development must be followed even if that results in a limit of less than 25 people. See <https://accd.vermont.gov/content/maximum-retail-occupant-load-during-covid-19> (last visited June 10, 2020).
- d. No one may attend the site visit who has displayed [any of the symptoms of COVID-19 recognized by the Vermont Department of Health](#). No earlier than 24 hours prior to the appointment, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no-contact thermometer.
- e. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.
- f. No one may attend the site visit if they must travel from any location from which visitors to Vermont are required to self-quarantine unless they have self-quarantined for either 14 days or 7 days followed by a negative COVID-19 test. A map of such locations can be found at the Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/restart/cross-state-travel> (last visited August 19, 2020)
- g. Everyone attending the site visit must observe strict social distancing of six feet.
- h. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.
- i. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.
- j. Everyone attending the site visit must have completed a VOSHA-approved and employer-sponsored training program regarding COVID-19. Additional information about VOSHA-approved training may be found on the Vermont Agency of Commerce and Community Development's website. See <https://accd.vermont.gov/covid-19/business/restart> (last visited May 21, 2020).
- k. No more than three people shall occupy any single vehicle traveling to or from the site visit.
- l. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.

**Virtual Prehearing Conference Instructions:** Due to the coronavirus (COVID-19), this prehearing conference will necessarily be conducted **remotely** via **Microsoft Teams video conferencing software**. **To receive a Microsoft Teams invitation via email, please e-mail the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)) by no later than Wednesday January 6, 2021, at 4:30 PM.** If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667

- **Enter Conference ID:** 657 787 993#

**Prehearing Conference Preliminary Agenda:**

1. 9:55 AM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 10:00 AM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.
5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others** may participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing as Friends of the Commission without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the prehearing conference on behalf of a group or organization, please submit the following to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov): 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the prehearing conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

**If you would like further information regarding participation in this prehearing conference,**

**please contact the State Coordinator ([aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)) by no later than Wednesday January 6, 2021, at 4:30 PM.** If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are Thomas A. Little, Chair and Convening Officers Monique Gilbert and Pamela Loranger. If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the State Coordinator as soon as possible, and by no later than prior to the date of the prehearing conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C0174-6,4C0368-3.

Dated this 7<sup>th</sup> day of December 2020.

By:   
Aaron J. Brondyke, State Coordinator  
111 West Street  
Essex Junction, VT 05452  
802-595-2735  
[aaron.brondyke@vermont.gov](mailto:aaron.brondyke@vermont.gov)

## CERTIFICATE OF SERVICE

I hereby certify on this 7<sup>th</sup> day of December, 2020, a copy of the foregoing ACT 250 SITE VISIT AND PREHEARING CONFERENCE NOTICE #4C0174-6,4C0368-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

**Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to [NRB.Act250Essex@vermont.gov](mailto:NRB.Act250Essex@vermont.gov)**

The Burton Corporation  
c/o Justin Worthley  
180 Queen City Park Road  
Burlington, VT 05401  
[justinw@burton.com](mailto:justinw@burton.com)

District #4 Environmental Commission  
Thomas Little, Chair  
Monique Gilbert/Pam Loranger  
111 West Street  
Essex Junction, VT 05452

John Caulo  
LandPlan Development Services, LLC  
61 Central Avenue  
Burlington, VT 05401  
[John.caulo@gmail.com](mailto:John.caulo@gmail.com)

Natural Resources Conservation Service  
68 Catamount Park, Ste. B  
Middlebury, VT 05753  
[marybeth.whitten@vt.usda.gov](mailto:marybeth.whitten@vt.usda.gov)

Tyler Barnard  
Engineering Ventures  
208 Flynn Ave, Suite 2A  
Burlington, VT 05401  
[tylerb@engineeringventures.com](mailto:tylerb@engineeringventures.com)

Winooski NRCO Office  
617 Comstock Road, Suite 1  
Berlin, VT 05602  
[whiterivernrco@gmail.com](mailto:whiterivernrco@gmail.com)

Katherine Schad, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
City of Burlington  
149 Church Street  
Burlington, VT 05401  
[burlingtontownclerk@burlingtonvt.gov](mailto:burlingtontownclerk@burlingtonvt.gov); [lolberg@burlingtonvt.gov](mailto:lolberg@burlingtonvt.gov)

Ethan Tapper, County Forester/FPR  
John Gobeille/Toni Mikula, ANR/Dept. of Fish & Wildlife  
111 West Street  
Essex Junction, VT 05452  
[ethan.tapper@vermont.gov](mailto:ethan.tapper@vermont.gov)  
[john.gobeille@vermont.gov](mailto:john.gobeille@vermont.gov); [toni.mikula@vermont.gov](mailto:toni.mikula@vermont.gov)

Donna Kinville, Town Clerk  
Chair, Selectboard/Chair, Planning Commission  
City of South Burlington  
575 Dorset Street  
South Burlington, VT 05403  
[dkinville@sburl.com](mailto:dkinville@sburl.com); [abolduc@sburl.com](mailto:abolduc@sburl.com); [pconner@sburl.com](mailto:pconner@sburl.com)

Seven Days Classified Ad Section  
255 South Champlain Street, PO Box 1164  
Burlington, VT 05402  
[classifieds@sevendaysvt.com](mailto:classifieds@sevendaysvt.com)

Chittenden County Regional Planning Commission  
110 West Canal Street, Suite 202  
Winooski, VT 05404  
[permitting@ccrpcvt.org](mailto:permitting@ccrpcvt.org)

Green Mountain Power Corporation  
163 Acorn Lane  
Colchester, VT 05446  
[kim.jones@greenmountainpower.com](mailto:kim.jones@greenmountainpower.com)

Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05602-3901  
[ANR.Act250@vermont.gov](mailto:ANR.Act250@vermont.gov)

Vermont Gas Systems  
PO Box 467  
Burlington, VT 05402  
[efficiency@vermontgas.com](mailto:efficiency@vermontgas.com)

Dept. of Public Service  
112 State Street, Drawer 20  
Montpelier, VT 05620-2601  
[barry.murphy@vermont.gov](mailto:barry.murphy@vermont.gov); [PSD.VTDPS@vermont.gov](mailto:PSD.VTDPS@vermont.gov)

Efficiency Vermont  
128 Lakeside Ave., Suite 401  
Burlington, VT 05401  
[pics@veic.org](mailto:pics@veic.org)

VTrans Policy, Planning & Research Bureau  
Barre City Place  
219 N. Main Street  
Barre, VT 05641  
[AOT.Act250@vermont.gov](mailto:AOT.Act250@vermont.gov)

Champlain Water District  
403 Queen City Park Road  
South Burlington, VT 05403  
[mike.barsotti@champlainwater.org](mailto:mike.barsotti@champlainwater.org)

Agency of Agriculture, Food & Markets  
116 State Street, Drawer 20  
Montpelier, VT 05620-2901  
[AGR.Act250@vermont.gov](mailto:AGR.Act250@vermont.gov)

### ADJOINING LANDOWNERS

Available via:  
[https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0174-6,4C0368-3/Application%20Documents/001\\_Act%20250%20Application.pdf](https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0174-6,4C0368-3/Application%20Documents/001_Act%20250%20Application.pdf)

Dated at Essex Junction, Vermont, this 7<sup>th</sup> day of December, 2020.

Division for Historic Preservation  
National Life Building, Drawer 20  
Montpelier, VT 05620  
[scott.dillon@vermont.gov](mailto:scott.dillon@vermont.gov); [james.duggan@vermont.gov](mailto:james.duggan@vermont.gov)  
[ACCD.ProjectReview@vermont.gov](mailto:ACCD.ProjectReview@vermont.gov)

*Jessica B. Mason*

Jessica Mason  
Natural Resources Board Technician  
802-879-5614  
[Jessica.Mason@vermont.gov](mailto:Jessica.Mason@vermont.gov)

### FOR YOUR INFORMATION