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MEMO

To: Jeff Marcotte, Chairman, Planning & Zoning Commission
cc: Cameron James, Regional Planner, NECCOG

From: Delia P. Fey, AICP Senior Regional Planner, NECCOG

Delia

Date: October 11, 2023

Re: Propose Short Term Rental Discussion

Proposal: Land Use Commissions should *plan before they zone*. This recommended process involves the following steps in addressing concerns and potential new regulations that affect the local community, in particular the economy and/or the use of land in Woodstock:

1. Identify the problems that need to be addressed.
 - a. What is the specific issue or concern that is not working well?
 - i. Are these issues the purview of the Planning & Zoning Commission?
 - ii. If these are not the purview of the PZC, the issue should be brought before the correct board, agency or department.
 - b. If it is the purview of the PZC, what is the current regulations that are not working well?
 - i. Does the issue pertain to the permitted vs. special permitted uses, the process, the standards, the use, or enforcement/lack thereof?
2. What is the opportunity that is under consideration that is currently not allowed or hindered by the current regulations?
3. What is the goal of the proposed amendment?

Only after the above information has been confirmed, the PZC has the required guidance as to how to move forward.

On the topic of short-term rentals, I would like to propose a discussion as I feel what has occurred thus far lacks direction and guidance for the PZC.

Key points:

1. Traditional short-term rentals include BnBs (Bed & Breakfasts) and were common in decades past. They were typically promoted with now outdated methods of advertising, etc.
2. There is very little difference between traditional and modern short-term rentals, which appear to be whether food is prepared & served to the guests onsite and whether the owner lives onsite or not. However, whether the food was consumed by the guest was *optional*. In the event the guest had other plans, special food preferences, allergies or food restrictions and therefore did not eat the food, there is no difference from a hosted short-term rental.
3. BnBs have been allowed in Woodstock as a home occupation since perhaps the adoption of zoning but at least as far back as 2005. During my tenure as ZEO, short-term rentals were considered the same as BnBs and were regulated the same way.
4. As the former ZEO from 2006 – 2018 and as the Town Planner since 2006, I am unaware of any violations or enforcement issues with Bed & Breakfasts in Woodstock.

Question: If there have been no problems, at least none significant enough that required zoning enforcement action with Bed & Breakfasts, what is the purpose of the proposed text amendment regarding Short-Term Rentals? This should be clarified before moving forward with a text amendment.

Possible options to consider:

1. Regulating Short-Term Rentals similar to the way Student Housing was regulated prior to Woodstock Academy purchasing the former Hyde School campus.
 - a. In this proposal, the Short-Term Rental Permit would involve an initial application to be reviewed by the PZC with a set list of required information similar to what was required for Student Housing that would be reviewed prior to approval. A renewal could be required on a regular basis. I would recommend the frequency be not less than every two years at minimum.
 - b. PZC would need to determine the permit type required. PZC could consider whether requiring a zoning permit, site plan or special permit should be required. Recommendation: Permit Hosted Short-Term Rentals by Zoning Permit and Unhosted Short-Term Rentals by Site Plan Review or Special Permit*. I urge the PZC to request input from the Woodstock ZEO since they would have to enforce the regulations, if approved.

Why should Short-Term Rentals be allowed?

1. Significant decrease in BnBs in recent years which has had a negative an impact on many businesses that rely on tourism not just lodging businesses.
2. Some larger homes may be too large for single families to occupy yet what are the options? What is to happen to the many large and often beautiful homes in Woodstock?
 - a. Multi-family residential use is complicated in Woodstock and therefore unlikely to occur.
 - b. Possible conversion to non-residential use with a Special Permit, providing the proposal is in compliance with zoning, however this has been the case for many years and is uncommon. Allowing them to be put to Short-Term Rental use is an option that may allow them to remain in use and therefore as part of the fabric of the community. The *concern* is that some large older homes fall into disrepair and then must be demolished and so this could be a way to prevent that from happening.
3. There are likely other reasons as well.

* The PZC may consider reviewing the requirements for Special Permits. It seems reasonable to have a lesser set of requirements for some of the uses currently requiring Special Permits, perhaps that is an opportunity for Site Plan Review.