



MONTGOMERY
FOUNDED 1788

**Town of Montgomery - P.O. Box 356
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www.montgomeryvt.us**

**REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION**
Temporary Town Office (86 Mountain Road)
Monday, December 2nd 2019
6:30pm

Selectboard: Charlie Hancock, Darren Drevik, Leanne Barnard, Mark Brouillette, Jacob Recusin

Clerk: Suzanne Dollois

Visitors: Ken Fiske, Christine Convard, Melinda Swearingen, Judith DeRanecourt, Sue Wilson, Susan Reagan, Kristin Khan, Daniel Khan, Michael Snider, Brent Godin, Don Ellis, Barry East, Viola Woodward, Christina Bilodeau, Sarah Snyder, Laura Snyder, Phillip Snyder, Lynne Drevik, Melissa Haberman, Nick Barletta, Susan Baker, Jill Antillon, Rafael Antillon, Karen Frascella, Marijke Dollois, Sarah Silva, Matt Silva, Lynn Locher, Peter Locher, Abram Barnard, Barry Kade, Judith Lapointe, Sarita Khan, Lynda Cluba, Justin Green, Michael Perry, Carol Farmer, Pat Farmer, Nick Lyons, Joe Sherman, Luke Hardy, Alissa Hardy, Nafis Khan, Journey Johnston, Mary Tryhorne, Brad Quinton, Greg Lameroux

Charlie called the meeting to order at 6:35PM.

1. Review and make any changes to the agenda—no changes made
2. Review/approve minutes of the November 18th meeting
→ Mark made a motion to approve the minutes of November 18th as written; seconded by Leanne. Unanimous, 5-0.
3. Public Works
 - a. Roads and Bridges
→ Most of the significant damage from the Halloween storm has been completed; some small projects remain until spring.
 - i. Grants (*status updates*)
→ Reimbursements are coming in from work completed.
 - ii. Fixed radar speed signs—speed study; request for installation to Vtrans (*update*)
→ Carry over as study has been delayed due to NWRPC attention to VEM/FEMA following storm
 - b. Buildings and Grounds
→ Post Office building work completed for now (remediation from flood damage). Insurance adjuster has visited site; appraisal pending

→ Grange Hall closed up for the season.

Town Garage Boiler/Heating System—repairs/replacement

→ Repairs have been completed and is working accordingly.

c. FEMA update

→ Charlie met with State and FEMA last week. Multiple tracks for assistance pending:

1. FEMA Public Assistance—**declaration pending**; assistance to Town for infrastructure damage (roads, culverts, etc)
2. FEMA Individual Assistance—***potential* declaration pending**; assistance to private individuals for structural damage; individuals will need to apply directly
3. Business Impacts—via State and SBA; SBA administrative declaration has not been made, likely won't based on conversations
4. FEMA Mitigation Grant for Stream Bank Stabilization—comes with Public Assistance declaration, eligibility w/in one year of event
5. **Emergency Watershed Protection Program (EWP)**—*for private landowners - must be sponsored by municipality*: EWP is designed for installation of recovery measures to safeguard lives and property as a result of a natural disaster. Threats that the EWP Program addresses are termed watershed impairments. These include, but are not limited to:
 - debris-clogged stream channels,
 - undermined and unstable streambanks,
 - jeopardized water control structures and public infrastructures,
 - wind-borne debris removal, and
 - damaged upland sites stripped of protective vegetation by fire or drought.

4. Complaint re: 204 Main Street

→ Judith Deranecourt provided a breakdown; submitted complaint to Health Officer and a zoning complaint regarding health and safety concerns: carbon monoxide and flames due to faulty gas stove installation by unqualified individual; flooding through the roof into the apartment; junk and trash stored in and around the property. Sue Wilson visited property and evaluated the complaint. Sue spoke with landlord, Rosaire Robitaille, and he has agreed to remedy complaints will by Friday, December 6th.

5. **PUBLIC HEARING on DRAFT SHORT TERM RENTAL ORDINANCE—7pm**

Charlie provided a background of the topic for attendees—original draft created as a means to frame discussion (11/4) following limited number of issues brought to boards attention, attempt by board as potential means to address immediate concerns, and to look forward to future potential growth. Draft was revised based on discussion and reviewed again on 11/18 before releasing draft for public comment. Board acknowledges that the draft has issues, but hopes it will serve a means to facilitate discussion on the subject.

- a. Discussion ensued, with key points re: Draft raised during public comment (and board follow-up for clarification) summarized:

-Significant issues with waste water provisions as written (intent re: health and safety concerns) (section 5.1) DEC permit; board acknowledges issues; specifically re: state of VT 2007 grandfathering, permit expense, feasibility, may be better tagged to occupancy per Lister Card.

-Questions around occupancy and liability (section 4.5)

-Questions are parking (section 4.6) availability and enforcement (noting recent passage of parking ordinance, and larger plans for Center (VI/II) to increase parking/traffic flow)

-Discussion around best way to handle owner contact information (on site posting vs. availability via town website)

-Problematic language around “reasonable peaceful occupancy”

-Discussion re: on-site host (room/apt rental) vs. off-site (whole house) and implications

-Discussion on enforcement and adjudication

-Nuisance and noise (best ways to handle, this ordinance vs. other means)

-Discussion of applicability for limited rentals (second homes) vs. investment properties

-Statutory authority (24 VSA 2291)

b. Broader issues were raised during the course of discussion around availability of housing stock, specifically around “affordable” housing and senior housing, and what potential impacts the growth of STROs may have on this; discussion also included issues of “neighborhood character” and larger issues re: zoning and town plan.

c. Board will take discussion back up on 12/18, reflecting on Public Comment and discussion for next steps regarding draft. While no formal decisions were made, limited discussion involved potential for revisions to draft, potential to address narrow concerns through separate noise ordinance, the potential to address concerns through zoning/zoning revisions and existing Conditional Use Review Process.

d. *Note: written comments submitted to the board at the hearing are attached herein for the record*

6. Water Commission Issues

→ None at this time.

7. Old Business

a. Sale of Ambulance (*update*)

→ Carry over.

b. Potential Contract with Franklin County Sheriff (*continued discussion, no planned board action*)

→ Carry over.

8. New Business

a. Overweight Truck Permits

b. Liquor/Tobacco Licenses

9. Open Mail / Sign Orders / Administrative Matters

→ Mark made a motion to authorize the payment of the invoice from John Mercy for the work at the Town Garage covering the new heating system; seconded by Darren. Unanimous, 5-0.

→ Mark made a motion to approve the report of expenditure from VTRANS for the culvert work on Route 58; seconded by Darren. Unanimous, 5-0.

→ Mark made a motion to adopt the VTRANS Town Road and Bridge Standards; seconded by Jacob. Unanimous, 5-0.

10. Review Action Items for Board Members

11. Adjourn

Jacob made a motion to adjourn the meeting at 9:27; seconded by Leanne. Unanimous, 5-0.

December 2, 2019

My name is Ken Fiske. My wife Jo Anne and I own a 7-unit apartment house on Main Street and 3 vacation rental properties on River Street here in Montgomery Center.

We have made Montgomery Center our home for over 15 years. I wasn't aware of the proposed regulations until I read them in an article in the Courier on November 7, 2019.

This is the first time I have been to a board meeting. Most of the people on the board know me, and I commend them for giving of their time to see that we have a great community to live in. I wanted to share with this board my unique perspective, as I own not only vacation rental properties but also long-term apartment rentals.

Having said that, I feel that my input to the issue of regulating vacation rentals might be of importance to you. I would like to address each issue that I am aware of at this time:

- **Owner on the premises while guests are staying in the unit**

I greet my guests upon arrival and am available 24/7 while they are here. I was told by a local B & B owner that they leave their units unlocked and guests check themselves in. This past winter, one of their guests took over one of my units by mistake; I was getting my unit ready for guests checking in the next day. I live right next door and had gone home for a quick supper when I noticed a car parked in front of my rental. It took me over an hour to locate the B & B owner to get the situation straightened out and have him remove his guests from my unit. Then I had to go back and re-clean the entire apartment as they had already made themselves a meal and turned back their beds.

- **On/Off street parking**

I have off-street parking for all my units. I also drive a school bus and there have been several occasions where both my wife and I have been unable to get on or off River Street due to cars or vendors parking in the road. Usually at an event at the B & B down the road or at the local bike shop/restaurant, I just go to the owners to ask for help getting on my street. I feel if the streets are full of cars, then it's great for the economy that people travel here to visit the local shops and restaurants. It doesn't take a local ordinance on parking for people to work together to correct a negative situation.

- **Limiting the # of guests per unit based on the # of bedrooms.**

We have a 2-bedroom house on River Street that can sleep 10 people. We cater to families who want a home environment where they can prepare meals and gather for family time in the living room. If I were limited to just 4 people occupying my 2-bedroom house, it would impact our business as most of our bookings are for families with children.

- **Limiting the # of vacation rentals and the impact of local housing for long-term local renters**

I own a 7-unit apartment house on Main Street next to the B & Bs. A few of the tenants there now have been with me for over 5 years. The cost to operate this property with tenants that are 24/7 is far more expensive than if it were a vacation rental with less return. We have talked about making this house a vacation rental but have decided that, at this time, we will keep it as is, providing long-term affordable housing to the community.

In closing, I would like to just say that Montgomery Center isn't Stowe or Woodstock. The thought that we need to regulate the local vacation rentals because the state isn't is ridiculous. My units were built with state permits and inspections. I have several guests that book for the same time each year. If my units weren't as advertised, then the guests would go somewhere else.

The local B & Bs and lodges should fall under the same umbrella when talking about regulating the vacation rentals. This village needs to remain a place where people want to visit and enjoy the area. The local vacation

rentals are competing for the same guest who stays at the B & Bs and Jay Peak.

To say what we can and can't do with our property is wrong. At present, we have a 5-star rating for all our vacation rentals with AirBnb, VRBO, HomeAway, etc. This wasn't easy to achieve. The bad operators will fall by the wayside if they don't operate their units properly. You don't need to be regulated for that.

Thank you for your time.

Ken Fiske

1) Will there be a limit to total number of short term rentals on Main St. (Village)? Whole town?

I think there should be... percentage?

2) Ordinance is worthless if not enforced. Can it be as written? Enforced by whom? (not implemented)

This is constant in ordinance as written.

3) How do you ensure "enough affordable housing?" Who decides?

4) Who decides "peaceful occupancy of my home?"

5) Who proves occupants are notified of rules?

6) Who enforces bedroom occupancy?

7) What about too many cars/parking spaces? In front yard?

8) Who enforces fines?

9) Short term rentals in Village 1 is different situation from the rest. What provisions are made for difference?

Melinda Seearinger

Comments on Draft Ordinance

Dec 2, 2019

p.s. ques #6 residential/commercial? needed for short term rental?