

Montgomery Development Review Board & Planning Commission

Special Joint Meeting Minutes

Public Safety Building

February 15, 2023, 6:00 p.m.

Present:

Parma Jewett (DRB), John Kuryloski (DRB), Mary Garceau (DRB), Alissa Hardy (PC), Peter Locher (PC), Barry Kade (PC) Joe Sherman (PC) & Gwen S. (Secretary)

Guests:

Tosca Smith, Darren Drevik

Meeting called to order at 6:07pm

1. Additions / Deletions to the Agenda

None

2. Discuss updates to "Lodging Establishment" section of bylaw

- Parma shared the list of current issues the Development Review Board (DRB) addresses with any hearings for Short Term Rentals (STRs). Attachment A.
- Group consensus concluded that this is a sufficient list and parallels the points of focus in the proposed ordinance
- Parma noted the DRB is comfortable w/ continuing as current procedure that STRs are addressed as conditional use permits.
- It was noted that the DRB approach addressed STR future conditional use but does not address current STR operators that have not applied for conditional use

- The question was asked, how do people know they need to be applying for conditional use permits to open a STR? In the zoning by-laws lodging establishments are noted, however by-laws should specifically note/ separate STRs. Group consensus that updates are needed to the wording of the by-laws. Group discussion continued on the question noting:
 - New property owners should perform due diligence, and understand the rules & regulations of the town pertaining to their new property
 - Attorneys performing the title work surrounding a property changing hands may also note compliance or lack thereof to a new property owner.
 - However, many properties slip through the cracks and are operating STRs without Conditional Use Permits
 - Noted the main concern is single family homes being turned into short term rentals. The majority of these transformations appear to be from 2nd home owners where their properties in Montgomery are not their primary residence.
 - In years past these transformations were either treated as lodging establishments or did not require any conditional use permits.
 - Noted these cases today do require conditional use permits. As the increase in these single family homes being turned into STRs has been so significant in recent years, protection of the available housing stock in Montgomery has become an issue. Updating the by-laws to define various forms of short term rental is necessary in addressing in better understanding STRs and their impact on available housing town wide.
- Further questions arose: Do we need an enforcement mechanism especially in cases where existing STRs don't have insurance for instance?
 - Pharma shared with the Planning Commission board members the written opinions of the DRB regarding STRs, requested by the select board chair. The majority of the 5 DRB members objected to either the ordinance fee or the element of enforcement.
 - The discussion evolved into STR Ordinance vs amending the by-laws

- It was noted the suggestion of an STR Ordinance came from Regional Planning - as issuing an Ordinance is an easier process to apply temporary enforcement. The Ordinance meant to cover the gap between the current by-laws and the finalizing of new by-laws. In the ordinance the suggested fee was designed to cover the cost of a compliance officer. One of the critical roles of a compliance officer is to create a registry of STRs operating in the town.
 - Importance of a registry was noted.
 - Concerns were voiced STR property owners claiming homestead status when not appropriate, were noted. In these instances, the town of Montgomery loses funding due.
 - Enforcement mechanism ideas continued: Focusing on fines for non compliance. The next question of who and how to enforce the fines until a compliance officer is established?
 - Suggestions included: Determining STRs & 2nd home owners within the appraisals process, Zoning administration processes & State Enforcement. Concluded none of these routes have the needed manpower or resources available - a new compliance officer needed.
 - Questioned: How to retrieve these fines owed, when property owners are not aware they should have Conditional Use Permits? Concluded it is not clear in current by-laws.
- Separating from enforcement - discussion of creating a registry continued.
 - Registry development is agreed to be essential for understanding the scope of the STR problem.
 - Use of the online platforms to get an initial list of STRs and informing them of the current requirements for obtaining Conditional Use Permits was noted as a starting point.
 - Ideally part of the job of a compliance officer
- Noted an Ordinance (or By-law) without enforcement is meaningless

- By-laws need updating to include criteria, definitions and clear separation of STRs and lodging establishments.
- In the most recent Planning Commission meeting (2/14/23) Regional Planning offered to assist with by-law wording that will address STRs. The by-law Modernization Grant through which Regional Planning is assisting, notes the intent to update by-laws by January 2024.
- Ability to understand the scope of the STR problem and to determine accurate criteria and definitions requires community feedback

3. Develop questions for a short term rental survey

- Toska shared a draft outline for an STR survey and copies of the existing State of Vermont Department of Health, Short Term Rental, Safety, Health and Obligations form.
- Survey questions reviewed - minor suggestions made

Approx. 7:00pm Darren Left

7:15pm Joe left

- Noted performing a survey is an opportunity to educate
- Proposed perhaps we mail a copy of the survey as a notice w/ taxes
- Suggested a final draft of the survey be developed and town approved ie. board review & motion

Meeting adjourned 7:43 PM

Attachments

- a. Short Term Rentals / DRB Requirements

Short Term Rentals /DRB Requirement

These are the current issues which the DRB now addresses with any hearing for STR

1. Number of overnight guest
2. Number of vehicles allowed on the property when rented
3. Must get rental insurance
4. No overnight camping
5. Quiet hours between 10pm and 6 am
6. House rules must be posted on premises
7. 911 location must be posted in a visible location
8. Property must be registered with the State of Vermont for rooms and meals
9. There must be a minimum of 1 fire extinguisher and CO2 detector
10. Contact persons

Going forward new applications must fill out state of Vermont fire safety form and attach to the application.

We will also be requiring the lister's card, rooms and meal tax certificate as well copy of rental fire insurance, all are included with the application.