

Montgomery Planning Commission Minutes

Regular Meeting

Public Safety Building

May 9, 2023, 6:00 p.m.

Present: Peter Locher, Barry Kade, Kenny Miller, Joe Sherman & Gwen S.

Guests: Emily Klofft (Regional Planning), Greta Brunswick - Remote (Regional Planning)

Meeting called to order at 6:03pm

1. Additions / Deletions to the Agenda

Emily requested we modify order of items, to begin with Bylaw Modernization grant discussion

Joe arrived 6:08pm

2. Approval of the April 11th 2023 Regular Meeting Minutes

Edit suggested to clarify no motions or resolutions were made regarding STR (Short term rental) related by law definitions.

Peter motioned to approve. Kenny 2nd. All in favor 4-0.

3. Discuss By-Law Modernization Grant

Multiple documents provided by Regional Planning for meeting discussion and progress review. Documents referenced & included as attachments.

A. Montgomery Housing Bylaw Audit - Recommended Zoning Standards (Refer to attachment A)

- a. **Building Height - Refer to Attachment A** - Regional planning discussed with Montgomery fire department what building heights are accessible by current assets.

Proposed 3-story zoning allowance would require mutual aid from neighboring departments, however was not of significant concern as response times have generally been good for mutual aid.

Discussion around wording bylaws to allow up to, but not more than, 3 stories - totaling not more than 44' total building height, shall be pursued.

- b. **Set Backs - Refer to Attachments A & B** - Discussion of reasonable set back requirements for lots in the villages, including front, rear & side setbacks raised many points.

Questions were raised, primarily based around the Planning Commission not having any updates regarding proposed Streetscapes and Wastewater modifications. Ability for appropriate Bylaw modifications to be made requires project updates for both Streetscapes & town Wastewater projects scope of work.

Setbacks affecting residential parking was also discussed, ie. supporting parking in the rear or front setbacks of future potential building lots in the village areas. Reducing side setbacks to 5' was discussed as reasonable, front & rear setback discussion to continue.

Joe offered to write up some thoughts on setbacks in the villages.

- c. **Lot Size - Refer to Attachments A & B** - Current 10,000sf min. Lot size is appropriate. It may be considered to reduce the 10,000sf to 8,000sf or 5,000sf in the villages.

Gretta noted, there is a Housing Bill in progress at the State level that, if/when passed would reduce that 10,000sf for areas with town sewer & water, allowing for 5 units per acre in villages - ie. approx. 8,000 sf lots.

- d. **Lot Frontage & Widths - Refer to Attachments A & B** - Regional planning suggests Montgomery reduce the widths of lots to 50-60ft

wide in the Villages. Peter asked, how many lots would this affect in the villages & how many are currently undeveloped?

Gretta noted reductions in width and lots size in the villages may add a few buildable lots, as well as give existing owners more flexibility and may make a few existing non-conforming lots, conforming.

Gretta signed off at 7:00pm

- e. **Lot Coverage - Refer to Attachment A** - Concerns for flooding & addressing floor plans were discussed.

The question was again asked, how many buildable areas are there truly in the Villages, which are not located in existing floor planes. Future flood planes may be larger even still - as FEMA maps are in the process of being updated State wide.

Regional planning suggests adding bylaw language to encourage green infrastructure standards within the site plan review process. Gwen noted the significance of wetlands as the environment's natural sponge - and their ability to retain immense amounts of water in heavy storm, rain, or flooding events. Site plan review may wish to include the indication of any wetland areas throughout town, as part of these green infrastructure standards.

Discussion around wording bylaws to encourage on site storm water retention & mitigation techniques shall be pursued.

- f. **Uses - Refer to Attachments A & C** - Discussion of what future infill could be allowed with bylaw updates, and what would still require DRB (Development Review Board) review. Emily suggested perhaps we bump up our site plan review standards. Refer to attachment C for points of review Emily shared. Discussion to be continued regarding the effects these changes may have on the town ZA (zoning administrator) &/or DRB.

Number of Structures per lot was next discussed. Regional Planning proposing two structures and two uses be allowed per lot. I.e two duplexes or one house & one store. This modification is intended to allow for more ADU (Accessory Dwelling Units) and infill

development on existing lots. Bylaw wording to address this update shall be pursued.

- g. Definitions- Refer to Attachment A-** Briefly were definitions proposed by Regional Planning discussed. Largely the suggestion to modify bylaw language to address “dwelling units.”
- h. Parking- Refer to Attachments A & D -** Regional Planning, following standards in other areas suggests for new construction bylaws require a minimum number of parking spaces per dwelling unit. The minimums proposed are 1.5 spaces per dwelling unit, rounding up to full numbers. I.e. a single family home, requires 2 spaces - where a duplex would require 3 spaces.

The board was concerned 1.5 would not be sufficient, being Montgomery is a rural community and many commute for work. Barry also noted 2 spaces, does not account for any guest parking capacity. Gwen asked if there is any future plans for Montgomery to have access to Fiber internet connectivity - as this would increase the potential for future remote workers in the town. Emily noted that Montgomery is part of a Communications District Union and there are discussions of Montgomery lining up a future service provider for Fiber connectivity.

Parking Locations were discussed - bylaw wording updates to support new development parking in the back of lots shall be pursued. As well as proposed language for connectivity and sidewalks as noted in attachment D.

- i. ADUs- Refer to Attachment A -** The committee felt it best to obtain progress drawings / proposed construction details regarding the Wastewater system & Streetscapes project prior to discussing ADUs further. Most significantly - applicable to ADU potential - what is the expandability for the proposed wastewater system?

4. Town Plan Update Schedule - Refer to Attachments E & F

- a.** Emily provided two attachments outlining the schedule and tasks yet required for the Town Plan updates.
- b.** General consensus was, there is a lot yet to do - and additional meetings beyond monthly scheduled meetings shall likely be required.

- c. Special meeting to continue conversation shall be scheduled for later this month.

Peter motion to Adjourn, Barry 2nd - all in favor 4-0. Meeting adjourned 8:12 PM

Attachments

- a. Montgomery Housing Bylaw Audit - Recommended Zoning Standards
- b. Village Zoning Maps
- c. Separate Conditional Use Standards from Site Plan Review
- d. Proposed Language for Shared Parking
- e. Montgomery Town Plan Schedule
- f. Specifications of Work to be Performed

Attachment A

Housing Choice and Affordability: Reducing Regulatory Barriers at the Local Level Prepared by the Northwest Regional Planning Commission

Montgomery Housing Bylaw Audit - Recommended Zoning Standards			
Dimensional Standards			
Type	Recommended Standard	Notes	Planning Commission Comments
Height	Height Building height is measured vertically from the highest point on top of the structure, to the average (of the highest and lowest) finished grade at the foundation or base (Figure 5.1). In the Village 1 District no structure shall exceed 3 stories. Any ground story exceeding 20 feet and any upper story exceeding 12 feet shall be considered two stories for the purposes of this section. In all other districts, no structure shall exceed thirty-five feet. <i>Alternative option</i> (✓) Higher structure heights in the [Dense District] may be permitted by the DRB if the applicant receives certification from the Fire Chief that the Fire Department is able to serve the building.	35 ft restriction is not directly related to fire safety, was developed in '30s. Discussed with Montgomery Fire Department, for a three-story fire they would call for mutual aid from Enosburgh or Richford since they do not have an aerial truck. However, response times have generally been good for mutual aid.	
Setbacks (2)	Incorporate build to zone into dimensional standard table. Note measurement from lot line/edge of ROW,	Front line/edge of ROW is usually at nearest edge of sidewalk if there is one or curb if not.	

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	except in cases where there is a ROW easement or private road.	Complete diagram of lot size, dimensional standards and buildable area.	
	Build-To-Zone: An area of lot designated for placement of a building façade along a street frontage, located parallel to a front or corner property line. The Build-to Zone defines an area in which the locations of building fronts can vary within a specified range, as described in Table X. Complete Character Survey to determine appropriate build-to-zone minimum and maximums, which could fall within 5-20 feet for village 1 and 20-30 for village 2.		
Lot size	For now, keep 10,000 square feet minimum lot size in both districts, with corresponding lot frontages/widths. In future with municipal sewer and water, establish maximum lot size of 10,000 square feet in Village 1. At a minimum, either eliminate minimum lot size or reduce to 5,000 square feet.	Lot size (and other dimensional standards) will factor into the density of buildout. The other major factor is allowing for multiunit housing on each lot (this is addressed below). Complete Character Survey to determine existing lot size range, which can factor into future amendments.	

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Lot frontage and Lot Width	Reduce lot frontage to 50-60 feet.	Existing bylaw uses lot frontage. Some communities regulate lot width as opposed to lot frontage. <i>Lot width can be measured at middle of lot or as average, measuring by lot width average or at middle of lot might allow for smaller lots on curved streets</i>	
Lot coverage	Include green infrastructure/low impact development standards in site plan review. Standards encouraging low impact development & green stormwater techniques, which may include 1. Use of bioretention areas, gravel wetlands or rain gardens to collect runoff and allow for short-term ponding and slow infiltration 2. Use of permeable pavement for parking stalls and spillover parking, sidewalks, driveways and bike trails.	In smart growth areas, lot specific standards (i.e. lot coverage) may not be appropriate. Consider encouraging low impact development or green infrastructure standards.	
Uses			
Type	Specific Standard	Notes	
Type of Review	- Separate site plan from conditional use review. See attached language.	Tier 1: Duplex allowed everywhere Tier 2: 3-4-dwelling units permitted with administrative site plan review;	

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	- Eliminate conditional use and PUD for multi-unit review. - Incorporate Tier 2 level of review – see notes. - See attached Administrative Site Plan Review language.	5–12 dwelling units site plan review; >12 dwelling units conditional use review. Tier 3: 3–8 dwelling units permitted with administrative site plan review; 8–25 dwelling units site plan review; >25 dwelling units conditional use review.	
Uses/Structures per lot	Proposed language for Village 1 and Village 2 that would allow more than one use/structure per lot: “There is no restriction on the number of principal or accessory uses or structures per lot, provided that the minimum review process for each use or structure is followed and that all applicable bylaw standards are met. When additional principal or accessory uses or structures are proposed and where at least one of the uses or structures (existing or proposed) requires DRB approval, review and approval of all uses and structures shall be coordinated.”		

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Definitions	Single-Unit Dwelling: A structure containing one dwelling unit. Mobile homes and modular or pre-fabricated housing meeting this definition shall be considered single-unit dwellings. Duplex: A structure containing two dwelling units. Multi-Unit Dwelling: A structure containing 3 or more dwelling units, including units that are located one over the other and units in a row separated (townhouses and rowhouses). Dwelling Unit: A distinct unit with facilities and provisions for independent living, including sleeping, food preparation, and sanitation.	Single-Unit Dwelling Two-Unit Dwelling Multi-Unit Dwelling	
Parking			
Type	<i>Specific Standard</i>	Notes	
Parking spaces	1 parking space per dwelling unit (including ADUs) is required for residential development less than one-quarter mile away from public parking or where the need for parking cannot be reasonably met through the use of on-street parking, public parking, or shared parking. For all other residential uses, 1.5 spaces per dwelling unit (including ADUs) rounded up to the nearest whole number is required.	Adapting from latest language from omnibus housing bill, which allows for flexibility.	

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	Improve shared parking standards in 6.7(C). See attached language.		
Parking location	Extend parking standards for Village 1 district which require parking on the side or back of the structure to Village 2 district for all 3+ unit structures in Section 6.7(G). Reference included in Administrative Site Plan Review.	It is recommended that parking be on the side or back of the structure for triplexes or larger.	
Accessory Dwelling Units			
Type	Specific Standard	Notes	
ADU regs	Section X.X Accessory Dwelling Units One accessory dwelling unit that is located within or appurtenant to a single-unit dwelling shall be a permitted use except in the flood hazard district. An accessory dwelling unit shall be defined as a distinct unit that is clearly subordinate to a single-family dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following: 1) The property has sufficient wastewater capacity,	Two tiers of ADU standards proposed – most lenient short be being a duplex (allow more than one, no owner occupancy etc.) vs tier 2 of meeting statute (which is already quite enabling).	

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	2) The unit does not exceed 30 percent of the total habitable floor area of the single-unit dwelling or 900 square feet, whichever is greater. 3) Applicable setback, coverage and parking requirements specified by the bylaws are met; and 4) The owner occupies either the primary dwelling or accessory dwelling. **Consider allowing 40% of total habitable floor area and/or up to 2 ADUs.		
Development Review			
Type	Specific Standard	Notes	
Administrative Site Plan	See above.		
Eliminate CU and PUD	- Separate site plan from conditional use. - Eliminate CU and PUD for all residential uses in Village 1 and Village 2.		
Road Standards			
Type	Specific Standard	Notes	
Connectivity	Incorporate street connectivity section into subdivision road standards. See attached language.		

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Sidewalks	Strengthen bike/ped language for Village 1 and 2 Districts. See attached language.		
Road standards	No changes at this time. Correct reference to A-76 and B-71 standard – see attached language.		

Current Village Zoning	
Lot Size	10,000 sq. ft.
Frontage	75'
Front Setback	10'
Side Setback	10'
Back Setback	20'

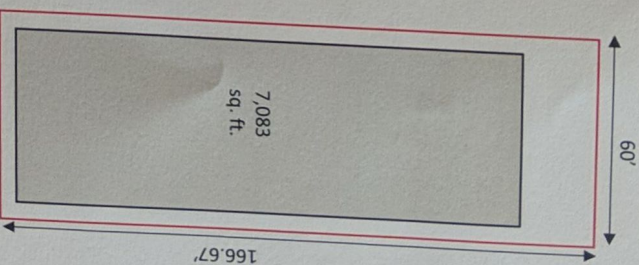
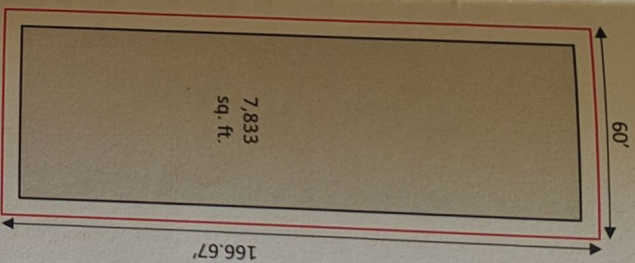
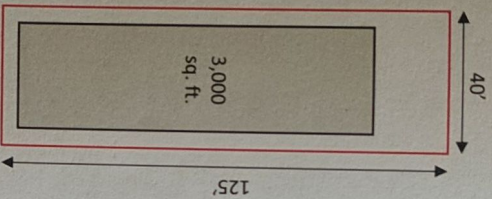
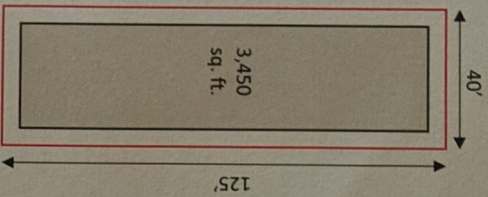
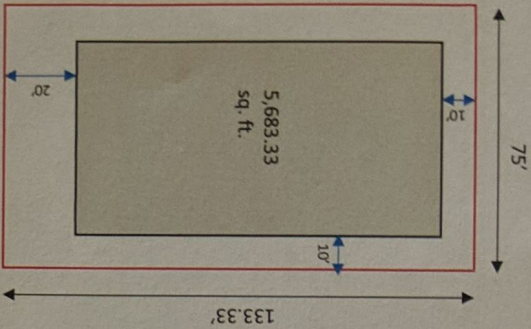
5,000 sq. ft. Ex.	
Lot Size	5,000 sq. ft.
Frontage	40'
Front Setback	5'
Side Setback	5'
Back Setback	5'

5,000 sq. ft. Ex.	
Lot Size	5,000 sq. ft.
Frontage	40'
Front Setback	20'
Side Setback	5'
Back Setback	5'

NRPC Recommended- 5' Front	
Lot Size	10,000 sq. ft.
Frontage	60'
Front Setback	5'
Side Setback	5'
Back Setback	5'

NRPC Recommended- 20' Front	
Lot Size	10,000 sq. ft.
Frontage	60'
Front Setback	20'
Side Setback	5'
Back Setback	5'

Front
Back



Key

- Lot Boundaries
- Buildable Area (with sq. ft. noted)
- Lot Dimensions
- Setbacks

Separate Conditional Use Standards from Site Plan Review:

Site plan review (not about whether the use, or intensity of the use is appropriate but whether the it is properly sited and designed). Standards - Adequacy of pedestrian and vehicular access, circulation and parking; landscaping and screening; exterior lighting; the utilization of renewable energy resources; the size, location and design of signs; municipal services, and other factors. Reference specific standards in addition to general regulations and specific standards as applicable.

Administrative Site Plan Review for 3–4 dwelling units:

Applicability: Residential uses with 3 and 4 dwelling units (within a single or multiple structures on the same lot) are eligible for administrative site plan review in place of site plan review by the Development Review Board. Single unit and duplex uses do not require site plan review. [Or conditional use review, if site plan review is not separated]

Review Procedure: Administrative site plan review applications shall be reviewed by the Administrative Officer. The Administrative Officer shall issue a written decision in accordance with Section X. The only exception is if the AO finds that conformance with a particular standard is not clear, the application may be referred to the Development Review Board for site plan review. [or conditional use review if site plan review is separated].

Application Requirements: The application for administrative site plan review shall be made on the zoning permit application. The map or sketch to shall include all requirements for zoning permits, in addition to trash storage, landscaping and screening, sidewalks and walkways, parking areas and exterior lighting.

Review Standards: Applications that require administrative site plan review, shall comply with the following standards in addition to other applicable standards in the regulations.

Parking. Parking areas shall be placed at the side or rear of the lot with a landscaped buffer [is grassed margin acceptable or should plantings be required] at least 4 feet wide separating the parking area from surrounding properties and adjacent public rights of ways. The site plan shall define a safe pedestrian route from the parking area to building entrance(s).

Trash Enclosures. Except on pick-up days, trash bins and dumpsters must be stored within a structure or trash enclosure, unless otherwise screened from adjacent property and the ROW by fencing or landscaping. Trash enclosures shall be readily accessible from all dwelling units. The site plan shall provide a plan for trash storage.

Exterior Lighting. Exterior lighting will be designed to direct light downward and adjusted so as not to cast light directly on adjacent roadways or properties. The site plan shall identify all exterior lighting fixtures.

Trees and Plants. Existing healthy tree and shrubs shall be preserved to the extent possible. Invasive species are prohibited as listed on <http://www.vtinvasiveplants.org/invaders.php>.

Proposed Language for Shared Parking

In recognition of the Village 1 District's concentrated nature where on-street and multi-use parking are used, off-street parking spaces may be provided on-site or off-site within approximately 600 feet from the use. The Development Review Board encourages applicants to make use of shared parking spaces for uses with peak parking demands at different times, such as uses operating primarily on the weekends, weekday daytime, or nighttime. For off-site and shared parking, a written legal agreement between the owners of each use for which shared parking will apply, or in the case of off-site parking, between the owner of the off-site parking land and each use for which off-site parking will apply, is required. The legal agreement shall guarantee access to, use of, and management of designated shared or off-site parking spaces.

When not feasible due to small lot sizes and high-density development, the Development Review Board may reduce off street parking space requirements required in Table X by up to 50% for commercial uses in the Village 1 District that do not require overnight or long-term parking (such as lodging establishments). Before any reductions are approved, all opportunities for shared and off-site parking are used and parking space requirements are still not met.

Proposed Language for Roads

All roads shall be designed by a Vermont Licensed Engineer using the Vermont Agency of Transportation A76 and B71 standards and specifications as a minimum.

Proposed Language for Connectivity and Sidewalks

Road Connectivity. In the Village 1 and Village 2 Districts, new public and private roads shall comply with the following standards to further a pedestrian friendly network of roads:

1. **Road Network.** New public and private roads shall generally be laid out in a grid pattern by being either parallel or perpendicular to the closest intersecting state highway. Intersections with other roads, driveways or other rights-of-way shall create right angles (approximate). The DRB may waive this requirement to accommodate topographic or physical limitations beyond the property owner's control. The waiver shall be the minimum necessary to accommodate the limitation.
2. **Road Length.** New public or private road rights-of-way shall not be longer than 1,400 feet before connecting to another public or private road, connecting with a future public or private road according to a town approved master plan or official map, or as an alternative, meeting an adjacent property boundary with the intent of connecting to a new road when such adjacent property is developed. New roads in the Village 1 and Village 2 District designed to be permanent "dead ends" shall be discouraged.

Pedestrian Accessibility. All developments in Village 1 and Village 2 Districts shall contain provision for pedestrian circulation that is adequate in terms of safety, convenience, access to points of destination, attractiveness, and connections with pedestrian ways on adjoining properties in accordance with the provisions below.

1. For site plan review and conditional use applications in the Village 1 and Village 2 Districts, the DRB shall require sidewalks along the road frontage and designated pedestrian pathways to the entrance of the building to facilitate pedestrian access to the site and between the site and nearby services, facilities and neighborhoods.

Montgomery Town Plan Schedule
5/9/2023- Project Contract & Review Project Schedule
*5/23/2023-Data Presentation & Plan for Community Charette
*June 2023- Community Charrette
7/11/23- Review Draft Introduction & Vision Statement, Maps and Plan Detailed Outline
8/8/23- Plan Draft Review
9/12/23- Plan Draft Review
10/10/2023- Plan Draft Review
*11/7/23 Final Review of Draft Plan
12/12/23 Planning Commission Hearing
2/4/2024: SB Hearing
2/15/2024: Plan Expires
<i>*Potential Special Meeting Dates</i>

ATTACHMENT A
SPECIFICATIONS OF WORK TO BE PERFORMED

Montgomery Town Plan MPG					
Task Name	Description of Task	Hours	Hourly Rate	Materials	Total Cost
1 Communication and Coordination	The RPC will prepare and maintain a project website and manage the project with the Planning Commission. Review existing plan. Update data and other information within existing plan. Address any deficiencies according to Title 24, Chapter 117. Make formatting and organizational changes as necessary. Highlight data trends & identify important data indicators. Compile into visual, succinct presentation to the Planning Commission.	15	\$78		\$1,170
2 Update Data and Plan Sections	Review existing Town Plan and RPC recommendations with PC. Discuss & develop project roadmap based on VT planning manual process with a focus on housing, complete streets, and connectivity between the villages.	30	\$78		\$2,340
3 Project Roadmap and Key Themes	Update maps required per Title 24.	15	\$78		\$1,170
4 Map Updates	Hold a community charette & celebration with breakout groups on housing & transportation planning. In addition, NRPC will develop materials the Planning Commission can use at other community events to share the project.	10	\$78		\$780
7 Public Outreach	Prepare draft Town Plan and review with PC. This will include at least 5 two-hour PC meetings.	53	\$78	\$400	\$4,534
8 Draft Town Plan and Review with PC	Compile Final Draft Town Plan 2024 - 2032	75	\$78	\$100	\$5,950
9 Prepare Final Draft	Collect final feedback from PC & Selectboard and prepare required report for adoption hearings.	20	\$78		\$1,560
10 Prepare for Adoption Process		10	\$78		\$780
		228	TOTAL BUDGET		\$18,284
			GRANT REQUEST		\$16,456
			MATCH		\$1,828