

Montgomery Planning Commission Minutes

Regular Meeting

Public Safety Building

June 13, 2023, 6:00 p.m.

Present: Peter Locher, Barry Kade, Alissa Hardy, Joe Sherman & Gwen S.

Guests: Emily Klofft (Regional Planning)

Meeting called to order at 6:05pm

1. Additions / Deletions to the Agenda

- a. None

2. Approval of the May 22nd 2023 Special Meeting Minutes

- a. Peter motioned to approve the May 22nd Special Meeting Minutes. Alissa 2nd. All in favor 3-0
Joe arrived 6:09pm

3. Continue Discussion of By-Law Modernization Grant w/ Regional Planning

- a. Emily referred us to a document developed by Regional Planning
- b. See Attachment A
 - i. Barry asked - What will be the case of STRs in violation today, once the new by-laws are completed? Emily noted, VT Statutes indicate that if STRs have conditional use permits today, those conditional use permits will remain as long as the conditional use is continuous. I.e. If an STR has a conditional use permit to operate now, then stops being a STR for a time, then the property would be required to obtain a new conditional use permit. Also to note, if a current STR is operating without a conditional use permit, they are in violation of current by-laws, and would be in violation of future by-laws as well.
 - ii. Barry noted he plans to research time limits regarding grandfathering

- iii. Emily noted the difficulty of enforcement
 - 1. Notices of Violation can be beneficial in sorting STRs that are in violation now, as well as will be after the by-law updates
 - 2. Certificates of Occupancy are another requirement some towns require for permits
 - 3. Many towns also perform site visits for permits
 - c. Discussion of suggested by-law wording around short term rentals (STRs) & housing definitions
 - d. The benefit to breaking out definitions allows for better descriptions and break out of what is or is not permitted in different zoning areas.
 - i. Bed & Breakfast vs Lodging Establishment vs Short-Term-Rental
 - 1. General consensus was Bed & Breakfast should match the State definition best as possible.
 - 2. Being in Montgomery the Bed & Breakfasts wished to be captured under this definition happen to all exist within historical homes - perhaps the definition be "Historical Bed & Breakfasts" or similar.
 - 3. Gwen offered to review the State Registry of Historical Structures & send to the PC members the list of Montgomery Historical Structures for Review to verify if all current B&B buildings are truly listed as historical.
 - a. Joe noted it would be ideal for Montgomery to honor our historical marks better - perhaps even as part of the streetscape project. Emily noted historical landmarks & emphasis can be part of the town plan update too. Particularly with encouraging walking + pedestrian interest
 - 4. Lodging Establishments, very similar to B&Bs - main differences being the lack of prepared food on site (pre-packaged being the exception, ie vending machines), no requirement of a kitchen or cooking space, units for rental may be single rooms with access to bath facilities.
 - ii. Short term rentals, to be broken in to two categories Owner Occupied STRs & Stand Alone STRs. Accessory structures may fall under either one.
 - e. Emily noted, there may be properties in the town that offer spaces that fall under multiple of these categories, those cases would be Mixed Use cases. In the event of Mixed Use properties, wording should suggest the priority to support long term housing over STR.

- f. Max Occupancy should be addressed - suggested max occupancy matches State Wastewater & Supply Permits for each property.
- g. Emily is to review our comments and edit the proposed wording around each dwelling type for future PC review.

4. Continue Discussion of Regional Planning Grant w/ Regional Planning

- a. Tabled

5. Community Outreach Event Discussion/ Planning

- a. Event shall be Next Tuesday, June 20th 5-7pm
- b. Flyer to be distributed through community through various methods
- c. A brief presentation shall be made available, presentation developed by Regional Planning, see Attachments B & C
- d. Posters, tripods etc shall be used to display maps, graphs & room for folks to share their ideas
- e. Flyer changes suggested to include - email address for contact person, QR code to the current town plan, wording modifications to make the event description more inclusive, noting the intent to welcome ideas from the community, a note stating the event is being hosted by the Planning Committee

6. Discuss Amending Town Plan

- a. We are on schedule thus far
- b. Quick review of schedule provided by Regional Planning
- c. Schedule to be added to coming agendas

7. Continue Discussion of Zoning By-laws Housing Definitions

- a. By-law housing related / STR definitions largely discussed above
- b. Joe noted thoughts on setbacks, discussed in meetings prior he would add consideration to setbacks in the village areas

8. Continue Discussion of Survey Development

- a. Tabled

9. FEMA mapping & updates

- a. Tabled

10. Public comment

- a. None

11. Other Business

- a. None

Barry motion to Adjourn, Peter 2nd - all in favor 4-0. Meeting adjourned 7:57 PM

Attachments

- a. Attachment A: By-Law Definitions Draft & Notes
- b. Attachment B: Draft Flyer
- c. Attachment C: Proposed Community Outreach Presentation

Regulating Short-Term Rentals with Zoning: Regulation of short-term rentals with zoning requires that they fall under a use category such as *dwelling unit* or *lodging* or by adding *short-term rental* as a specific use that is either permitted, conditional or not allowed in each zoning district.

The zoning regulation will apply to new or modified short-term rentals only; those that pre-exist the bylaw are considered pre-existing nonconformities and are able to continue to exist in their pre-existing form without a permit. Additionally, once issued a zoning permit does not expire and runs with the land; the use may continue as long as the standards and conditions of the permit are met.

Zoning standards that can be applied to short-term rentals include dimensional and site plan standards, such as setbacks, parking and conditional use standards, such as character of the area. A certificate of occupancy may require that state permits and inspections be in place before issuance.

Many communities have adopted specific use standards to regulate details such as maximum occupancy, quantity of rentals per property, form of management and owner occupancy; however, in most cases these specific standards are more appropriate for regulation by ordinance under the broad enabling statute (24 V.S.A. 2291) and/or by deference to state permits. The zoning enabling statutes (24 V.S.A. 4411, 4412, 4413, 4414) allows for zoning standards that regulate the intensity of land use through site plan and conditional use review by zoning district; all zoning standards should meet this intent.

Zoning Regulations Recommendations and Considerations

Definitions

Montgomery currently defines bed & breakfast and lodging establishments. Add a definition for short-term rental. The current definition of bed & breakfast would include a resident-occupied short-term rentals. Consider whether this is appropriate, or if the definition of bed & breakfast should be altered.

Bed and Breakfast: A single family dwelling unit in which the resident owner or permanent occupant provides short-term lodging and meals to transient paying guests.

Lodging Establishment: A building or buildings containing rooms which are rented for commercial purposes, such as sleeping units for transients, each sleeping unit consisting of at least a bedroom and use of a bathroom. Included are hotels, motels, tourist courts, cabins, motor lodges, "bed and breakfast", and the like.

Short-Term Rental: A furnished house, condominium, or other self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

Standard of Review

Consider an appropriate standard of review for short-term rentals. See existing standards for reference.

District	Bed & Breakfast	Lodging Establishment
Village 1	Permitted	Conditional
Village 2	Conditional	Conditional
Rural/Residential	Conditional	Conditional
Conservation I	Prohibited	Prohibited

Conservation II	Prohibited	Prohibited
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Conditional use approval will allow for consideration of character of the area, impacts to traffic, impacts to community facilities, and adequacy of circulation, parking, and loading facilities.

General & Specific Use Standards

1) Parking standards- Apply parking standards required for lodging establishments (1 space plus 1 space per bedroom). Under current zoning, DRB would be able to require appropriate screening (6.7(E) if a conditional use.

3) Maximum number of short-term rentals per lot: Consider standard regulating the maximum number of short-term rental units per lot.

3) State permits & Regulations: Require that all permits for short-term rental, including:

A. Lodging License for Vermont Department of Health if applicable (3 or more units and/or serving food)

B. Copy of Vermont Department of Taxes Short Term Rental Safety, Health and Financial Obligations form.

INVITATION

Community Vision Workshop

Montgomery Town Plan 2024-2032

Montgomery is
updating its Town
Plan and wants you
involved!

The event will focus on understanding the Town Plan and on getting input from citizens resulting in a community-shaped vision of Montgomery's future. Issues of concern include housing affordability, land use, flood resilience, pedestrian safety, wilderness protection, bike and pedestrian infrastructure, and sustaining Montgomery's unique character.

The workshop kicks off an eight-month schedule of meetings, hearings, and discussions that will shape our community's health and growth.

Community Outreach Event

WHEN:

5-7 pm, June 20th

WHERE:

Montgomery Rec Center
Pavilion

204 North Main Street/
Route 118 Montgomery
Center, VT 05471

RAIN LOCATION:

Public Safety Building
86 Mountain Rd./VT-242
Montgomery Center, VT
05471

There will be pizza & light
refreshments!

Questions? Email

Peter Locher, Planning
Commission Chair at
plocher@ptd.net

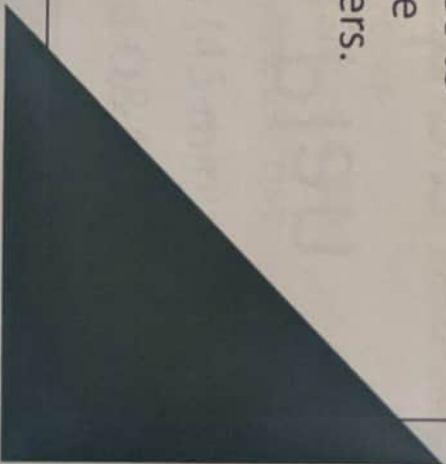


SCAN ME

Read the
current Town
Plan here!

Welcome!

Please get settled in, take
some pizza and feel free to
write a response to the
questions on the posters.

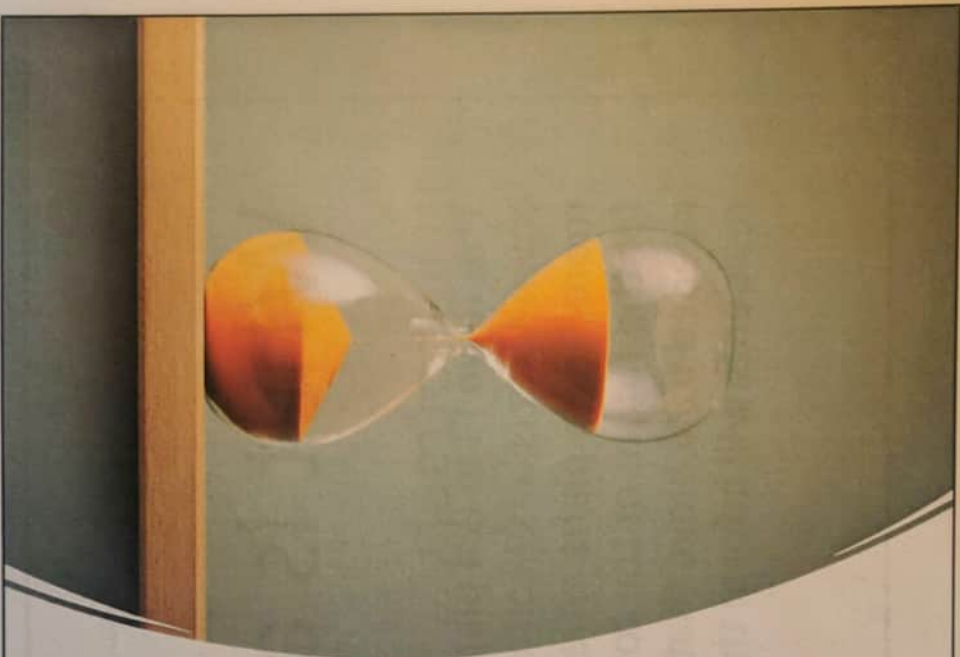


Montgomery Town Plan Community Workshop

June 20, 2023

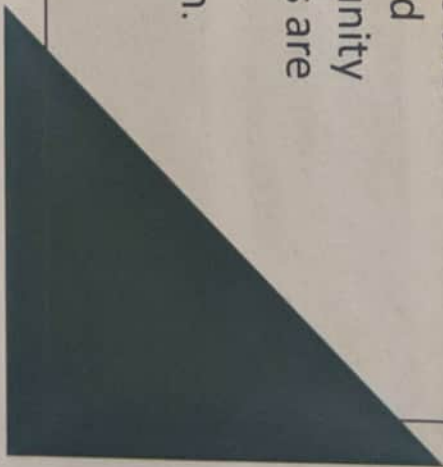
Agenda

- Presentation (30 minutes)
 - What is a Town Plan and why is it important?
 - Project Schedule & Focus
 - Community Demographics & Data
 - Explanation of Mapping Exercise
- Mapping Exercise (45 minutes)
- Group Debrief and Q&A (30 minutes)



What is a Town Plan?

The Town Plan is a planning document that guides the town's decisions around zoning, infrastructure and more. Town plans reflect the vision of the community for the future of the town and identify what steps are needed to achieve that vision. Input from town residents will inform the vision & goals of the plan.



Why is the Town Plan Important?



Sets community vision & goals for future of Town



Enables the Town to continue to update its zoning bylaw & all zoning bylaw updates must conform to the Town Plan

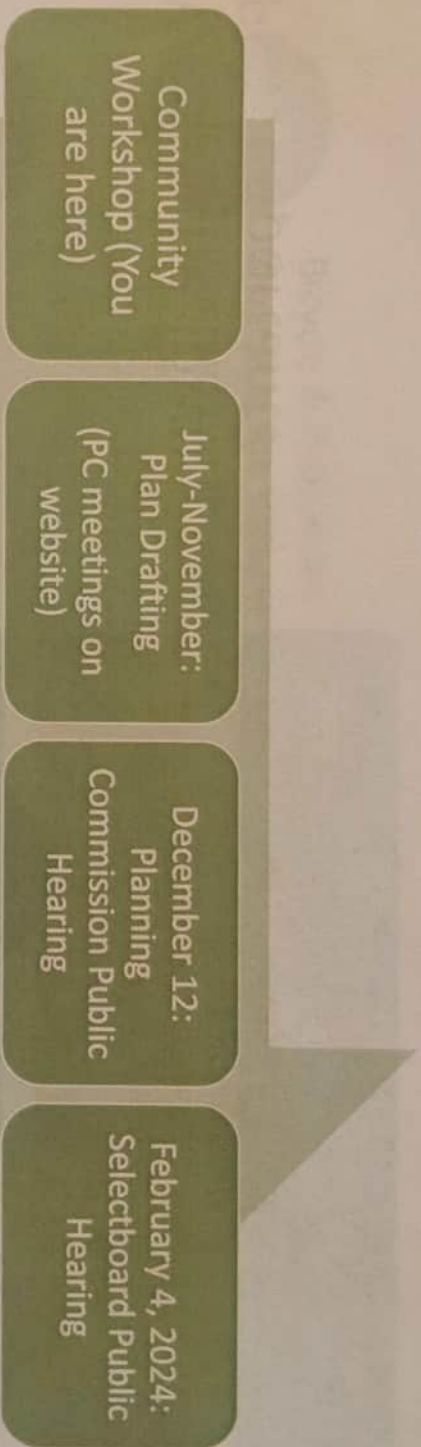


Town Plans are considered in Act 250 (state land use permit) and Section 248/248a (Energy/Telecommunications CPG) proceedings



Eligibility for certain grants

Project Schedule



Project Key Themes



Bicycle & Pedestrian
Access in the Villages &
Connections Between the
Villages



Housing Access &
Affordability



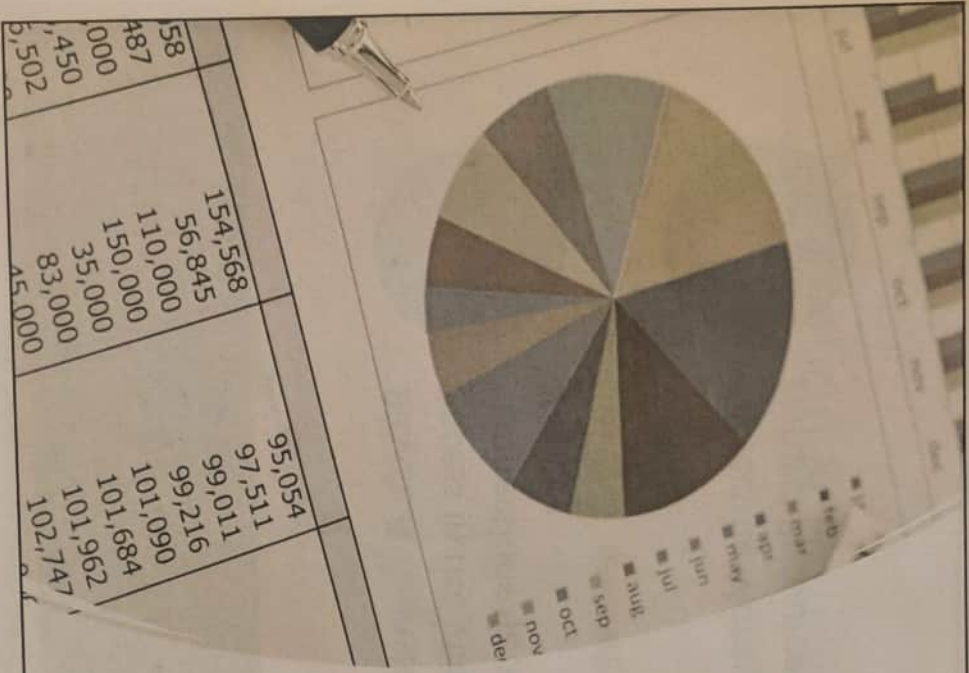
Protecting Montgomery's
Natural Resources



And more as we hear
from you!

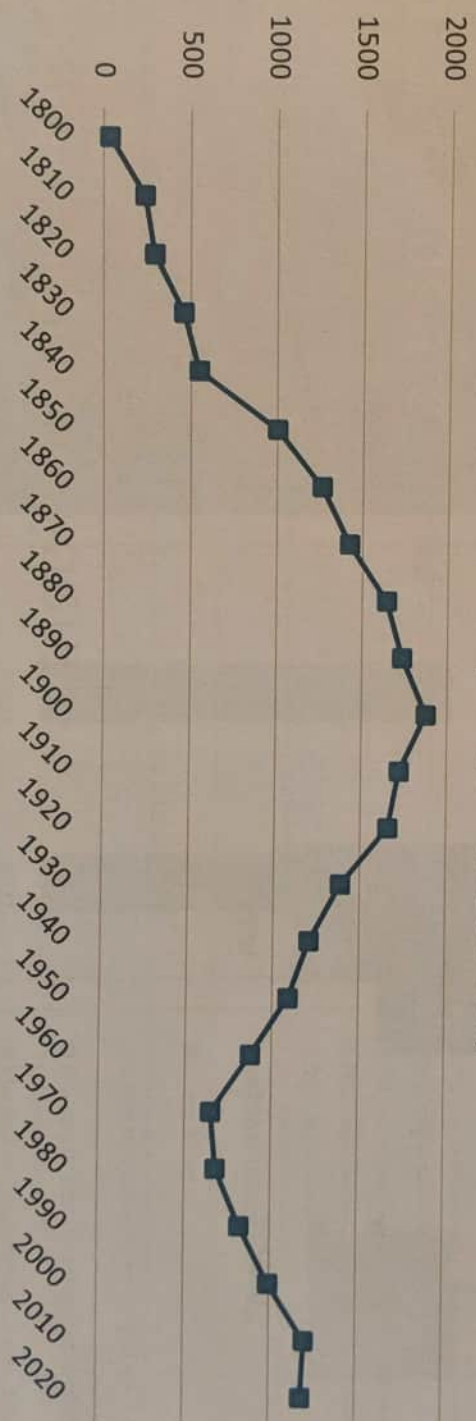
What Data Informs Us?

- Population & Household Demographics
- Business, Income and Poverty
- Housing Data

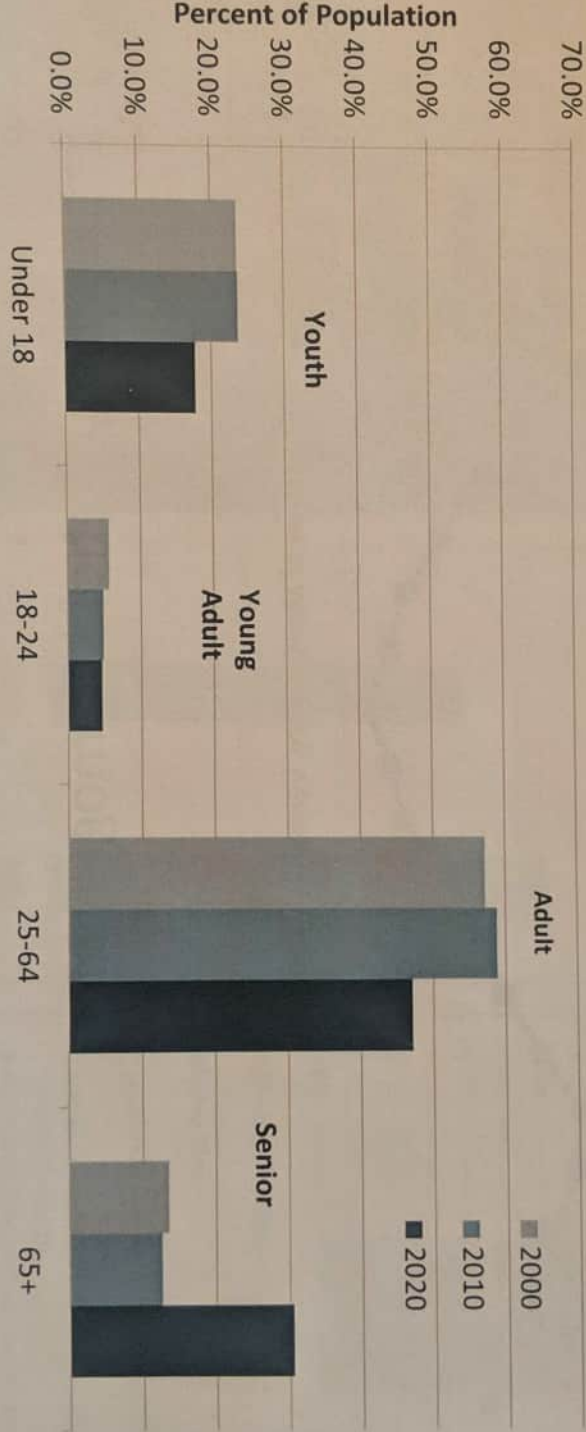


Population & Household Demographics

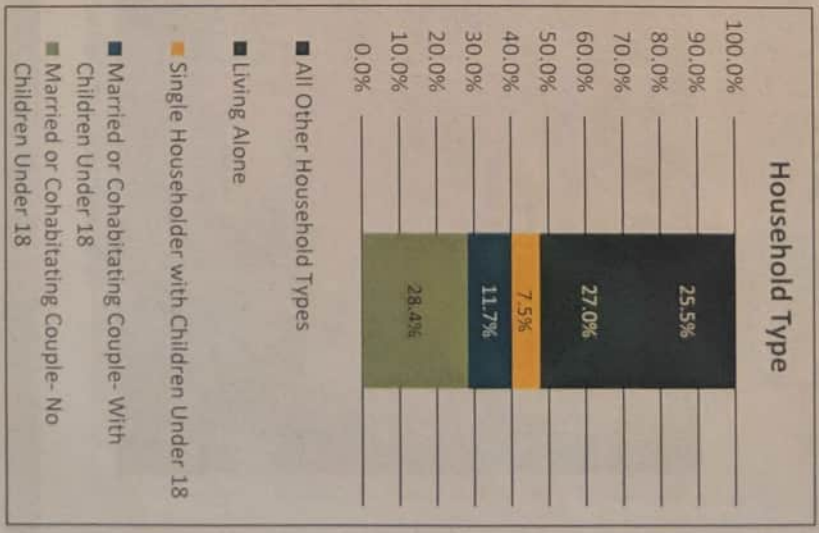
Population of Montgomery, Vermont (1800-2020)



More Senior Residents



While population is declining, households are not.



Worker Occupation By Type



Businesses in Montgomery



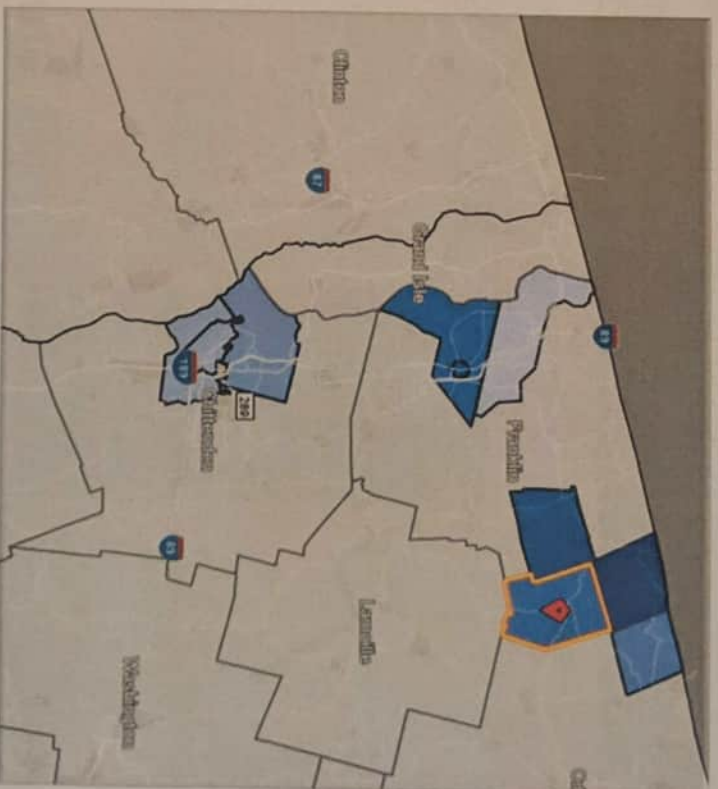
Average Tax Return Income: \$58,842.73

Montgomery Commuters

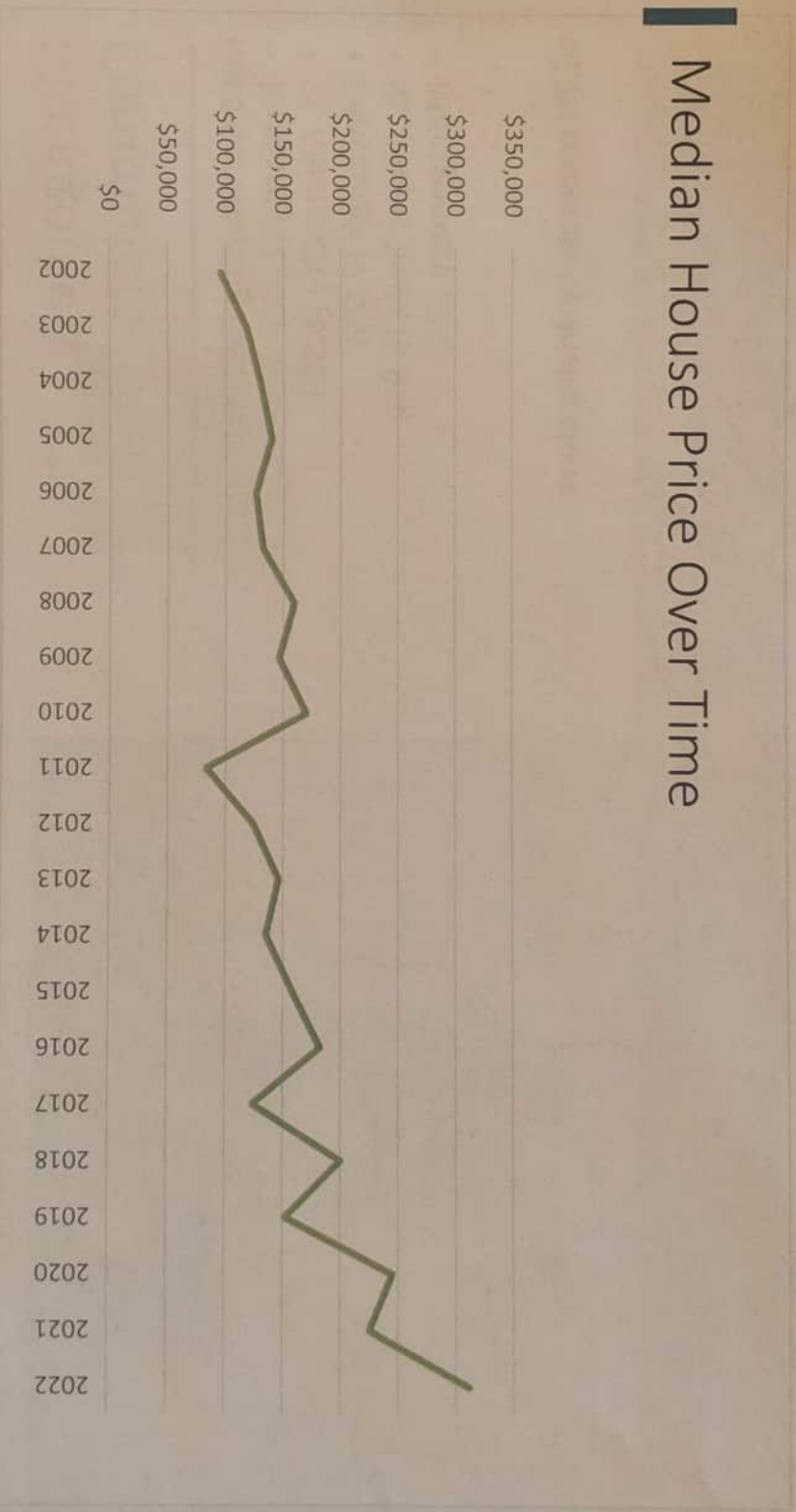
Top 5 Commuting Destinations

- Richford (22.7%)
- St. Albans City (8.5%)
- Enosburgh (7.6%)
- St. Albans Town (6.9%)
- Montgomery (5%)

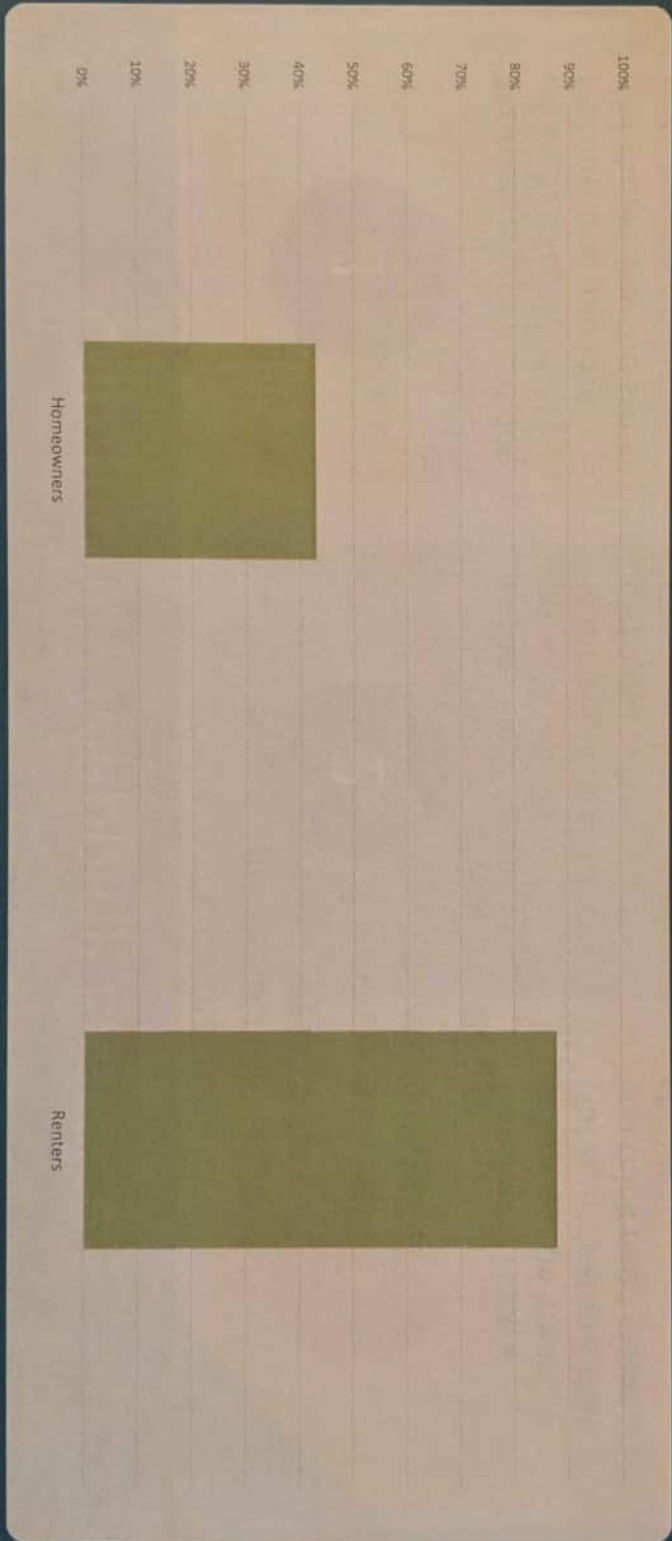
86.6% commute by driving alone



Median House Price Over Time



Housing Cost Burden (More than 30% of Income)



Community Mapping Exercise



1

Maintain: Place a red dot on areas, places, or features that you love and should stay the same (with maintenance and minor improvements)



2

Evolve: Place a green dot on areas, places, or features that you like but could use some improvements of small changes.

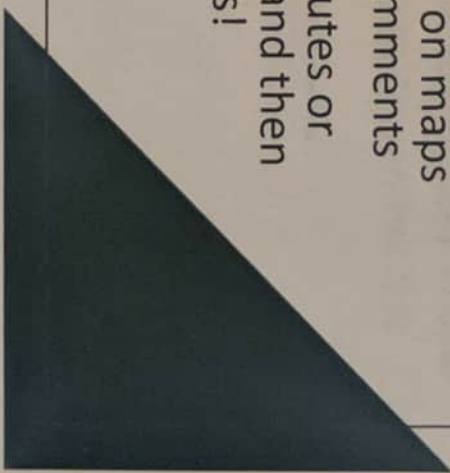


3

Transform: Place a yellow dot on areas, places, or features that you think need major changes.

Community Mapping Exercise: Pt. 2

- Use markers to draw in roads, sidewalks, or walking/biking paths
- Use post-its or write on maps to add additional comments
- We will take 30 minutes or so for this exercise, and then come back to discuss!





Wrap Up

- What did you add to the map?
- Which areas did you want to maintain, evolve or transform? Why?
- Are there areas you added new roads, sidewalks or paths?
- Anything else to add? Issues we missed that should be addressed?

Next Steps

- Planning Commission develops a community vision based on feedback for its July 11th meeting
- Plan drafts August-November this year
- Town Plan website:

