

Montgomery Planning Commission Minutes
Joint Meeting with Development Review Board [DRB] and
Select Board [SB]
Public Safety Building
April 9, 2024 6:00 PM

Present: Peter Locher, Alissa Hardy, Joe Sherman, Kim Morrill, Patrick Calecas,
Narissa Furtado-Cordeiro

Guests: Emily Klofft (Northwest Regional Planning), Leanne Barnard (SB), Parma
Jewett (DRB), Mary Garceau (DRB), Charlie Snedikor (DRB-Alternate), John Kuryloski
(DRB), Sue Wilson (DRB), Barry Kade (DRB), Suzanne Dollois (SB), Rafael Antillon
Meeting called to order at 6:01

**1. Approve Meeting minutes from March 12th, 2024 Planning Commission
meeting**

- a. Update year in title to reflect 2024
- b. Update official posting locations from Town Clerk Office, Sylvesters and
the Post Office to Town Clerk office, Jolley store in Montgomery Village
and the Post Office.
- c. All in favor of approving meeting minutes with changes: 3-0-2 (3 in favor, 0
opposed, 2 abstentions)

**2. Review Short Term Rental (STR) considerations for Development Review
Board use**

- a. **Discuss different types of housing definitions in relation to zoning**
- b. Emily - Purpose of meeting is to discuss short term rental regulations and
definitions. Memo provided to group (see appendix a) that contains:
 - i. Current state regulations on short term rentals related to fire safety,
taxes, health regulations, licensing.
 - ii. Short term definition recommendations for
 1. Campground

2. Bed and breakfast
3. Unhosted short term rental
4. hotel/motel

iii. Specific use regulations that would apply to all lodging.

1. This section should be established to use as standard when questions or specific circumstances arise. Examples of specific use regulations could be:
 - a. Requiring residents to submit certain forms to the town (lodging permit, health and safety forms).
 - b. Number of guests (standard number of maximum guests allowed) - common is 2 per room (+ 2).

iv. Zoning regulations vs. ordinance.

1. Difference in the way they are enforced. Zoning is through bi law/superior court, ordinance can only be enforced through ticketing - town must issue tickets. Ordinances are usually related to a larger set of public nuisance (see appendix a, page 3).
2. Zoning could only apply to new change of use applications vs. ordinance would apply to all rentals, existing and future.
3. Ordinance does not carry through subsequent owners but the application can be written so it requires yearly permit approval.
4. There are challenges to changing ordinance once approved (not impossible). Emily encourages consultation with legal rep. for details.
5. Opportunity to change ordinance (i.e.: number of STRs allowed) through attrition based on usage data and percentage of available housing stock used for STR .
6. Zoning laws follow the property. STR's would need to stop operating for a minimum of a year for new zoning laws to be enforced.

7. Biggest question is around enforcement - if the town wants to enforce ordinance for STR's, how is that person selected/hired/paid for the job.
 - a. Emily - some towns require a fee when STR's file and use money to hire a third party company to identify rentals online that aren't registered.
 - b. Third party involvement intended to identify properties not in compliance, we will still need someone to enforce registration and regulation around STR's.
 - c. DRB and PC in agreement that the best group to handle the issue of enforcement is Zoning.
 8. The entire bi law system currently runs on the honor system. Ordinances could help create a registry where additional information can be gathered to assist in enforcing regulation.
 9. Concerns around a fee for STR's as a deterrent for filing. Brainstorm ideas that could possibly incentivize STR's AND town such as a brochure promoting / highlighting STR listing. What is the best way to encourage STR's to file/register with the town aside from imposing fines for non-compliance?
 - v. PC AND SB: Can you have ordinance and bi law address issues (combined)? - Emily: yes
 - vi. PC requesting clear understanding of stance on STR ordinance from DRB moving forward to assist in drafting. PC is looking for a collaborative effort in creating ordinance between the DRB and PC.
 - vii. Best path forward would be to inform STR owners of town regulations and give them a chance to do the right thing and file (see public comment, section 3).
- c. Vet language for both boards consideration**
- DRB to draft definitions to be reviewed by NRPC / Emily then reviewed by PC for consideration in bi law update

- i. Request from DRB to add the word “commercial” as part of the camping definition to ensure the correct property type is being considered.
- ii. Term bed and breakfast could be confusing in definition due to state regulations (additional regulations required for Bed and breakfast). Preferred language could be hosted and unhosted.
- iii. Emily to reach out to other communities who have been in similar situations and adopted STR policies to help assist with language/drafting as well as how they are enforcing ordinance
 - 1. Vermont Short Term Rental Alliance <https://vtstra.org/> keeps list of all proposed and approved regulations - this could also be useful.
- iv. Once gathered, conversation should be scheduled with SB to share information from other communities who have adopted similar regulations around STR.

3. Public comment

- a. Rafael Antillon - The group in the room seems to be working under the assumption that some people don't want to do what is right (when it comes to filing for an STR permit). We are very happy to operate within the regulations of the town and follow procedure but we weren't aware (of town regulation) when initially coming into town. Okay to fine those that know the process and don't want to play by the rules but the town should inform the public first. Manage by exception after the communication of regulations. Communication should be the start of the process.

Meeting adjourned at 7:38

Notes submitted by Narissa Furtado Cordeiro – Planning Commission Secretary

APPENDIX A



**Northwest
Regional Planning
Commission**

75 Fairfield Street
St. Albans, Vermont 05478
PHONE 802-524-5958
WEB nrpcvt.com

To: Montgomery Selectboard, Montgomery Planning Commission & Montgomery Development Review Board
From: Emily Kloff, Regional Planner
Date: April 9th, 2024
Subject: Short-Term Rental Regulations

Current State Regulations on Short-Term Rentals (Abbreviated)

- *Meals and Rooms Tax:* All STR owners must pay meals and rooms tax. Platforms like AirBNB automatically collect this and directly pay the State.
- *Short Term Rental Safety, Health and Financial Obligations Form:* All STR owners must post this self-certified form addressing Health Department and Division of Fire Safety regulations. It is not required to submit this self-certification to the State.
- *Campgrounds Water/Wastewater Regulations:* Campgrounds with 4 or more campsites for RVs, tents or rustic cabins/yurts/lean-tos must be permitted by DEC for wastewater regulations.
- *Lodging License:* The Vermont Department of Health lodging licenses are required for any lodging establishment with 3+ units, including those rented through short-term rental platforms. Units without indoor plumbing are not regulated under the lodging license.

Short-Term Recommendations

In the short-term there is a need to clearly define STR uses in the bylaw and codify existing DRB practices as a specific use standard. These changes will strengthen DRB decisions. NRPC recommends adopting short-term changes to definitions and specific use standards in the short-term.

Definitions

Currently the Town has three use types that could apply to short-term rental ordinances: campground, bed and breakfast, and lodging establishment. The campground use is currently undefined. Bed and breakfasts apply to any use with a resident owner or permanent occupant. Lodging establishments apply to all other lodging uses.

Recommendations

Campground: Property with any number of rustic cabins or other structures with no interior plumbing or 2 or more lots for tents or recreational vehicles.

Bed and Breakfast: A dwelling unit in which a resident owner or permanent occupant provides short-term lodging to transient paying guests for a period of fewer than 30 consecutive days. The resident owner or permanent occupant must be on site while providing lodging. This includes traditional bed and breakfasts and resident-occupied short-term rentals.

Unhosted Short Term Rental: A whole dwelling unit which is rented to the transient, travelling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year which does not have a resident owner or permanent occupant on-site while providing lodging.

Hotel/Motel: A building or building containing multiple rooms or dwelling units consisting or at least a bedroom and bathroom which are rented for a period of fewer than 30 consecutive days to the transient, travelling or vacationing public.

Specific Use Regulations

The following specific use regulations could be applied to codify existing DRB practices. The following would apply to all lodging use types. The Town has existing specific use standards for campgrounds.

Section 7.12: Lodging Establishments

- A) All lodging establishments shall comply with the following standards:
 - 1) The maximum number of parking spaces allowed is 3 spots per dwelling unit/individually rented room. Vehicles shall not be parked outside of designated parking spaces.
 - 2) The property owner shall submit a copy of a state lodging permit if applicable, or a Short Term Rental Safety, Health and Financial Obligation form if a lodging permit is not applicable.
 - 3) Guest rules related to these regulations shall be posted on the premises.
- B) Unhosted Short-Term Rentals shall comply with all of the standards of 7.12(A) and the following standard.
 - 1) The maximum number of allowed guests shall be two per bedroom plus two additional guests. The number of bedrooms shall be determined by the lister's card.

Long-Term Regulation- Zoning and Ordinance

In the longer-term, consider appropriate venue and standards for regulation short-term rentals.

Zoning Regulation

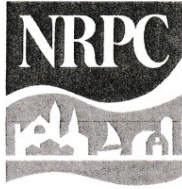
- Applies only to new development after adoption of zoning regulation
- Enforcement through Judicial Bureau ticketing or Environmental Division of the Superior Court
- Runs with the land- permit remains in place even if unit is sold to a new owner

- May regulate issues related to land use, public health, safety and welfare such as: limitations on which districts STRs are allowed in, parking, number of guests per STR, require proof of state permits prior to local permitting

Ordinance

- Applies to existing and new development
- Enforcement through Judicial Bureau ticketing
- May require re-application yearly or when ownership changes
- May regulate issues related to public nuisance, public safety, health and welfare , such as: requiring registration of STRs, limitations on parking and number of guests, limiting number of STRs permitted per year, designation of contact person for STRs, require proof of state permits

Appendix B



**Northwest
Regional Planning
Commission**

75 Fairfield Street
St. Albans, Vermont 05478
PHONE 802-524-5958
WEB nrpcvt.com

To: Montgomery Planning Commission
From: Emily Kloff, Regional Planner
Date: March 12, 2024
Subject: Bylaw Update Project Kickoff

Project Summary

Montgomery is experiencing a housing crisis, with over 33% of homeowners and 88% of renters cost-burdened, a trend exacerbated by increasing numbers of short-term rentals. Development constraints in the villages have limited the amount of new housing. Most notably, roughly 10% of all residential structures in Town are located in the 100-year floodplain, and the majority of those are in the villages. This leaves the villages vulnerable to the impacts of flooding, especially as most homeowners do not have flood insurance.

This project will identify areas to expand the village zoning districts, address short-term rental regulations and consider a Neighborhood Development Area application, updated zoning map and regulations. The intended long-term outcome is to increase the amount of long-term affordable housing without sprawl.

The main public outreach event for the project will be a workshop on the proposed zoning districts and zoning changes. The workshop will include a presentation on the constraints analysis and municipal housing targets developed from the Regional Housing Assessment. One portion of the workshop will focus on a community discussion about the impact of short-term rentals, while a second portion will involve break-out groups to identify preferred and less preferred locations for future housing growth.

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