

Montgomery Planning Commission Meeting Minutes

Special Meeting

Pavilion – Montgomery Recreation Center

6PM May 20, 2024

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

Guests: Emily Klofft (Northwest Regional Planning)

Meeting called to order at 6:01

1. Approval of the April 9, 2024 Meeting Minutes

- Patrick motioned to approve the minutes as written, 2nd by Alissa (4-0-1)

2. Bylaw Modernization Kickoff with Emily Klofft from Northwest Regional planning (NRPCVT)

- **Review what to include in constraint analysis**
 - i. Map is for consideration of village II expansion to connect two villages for more housing in Montgomery. Goal is to increase Village II.
 - ii. Emily – Analysis will include map of different layers to see where in the area of proposed village II we could or could not build. Providing list of specific things that will be included on the map and their definition (see appendix A).
 - iii. Planning commission can send edits/suggestions to Emily on constraint analyses any time in the next few weeks to be included in the kickoff of the project, however, this is intended to be a working document and the layers provided in appendix A are a starting point.
 - iv. Town sewer plans will also help define where a neighborhood can go in Village II expansion.

3. Discuss Short Term Rentals (STR)

- **Interim zoning option**

- i. Discussion was had to compare advantages of bylaw vs ordinance with this issue. It was agreed that the bylaw approach was the better choice to support the DRB evaluations.
- ii. Emily cites that Morristown addresses the issue through zoning bylaw. Morristown has noted they haven't had too many enforcement issues. Bylaw is enforced largely through self-policing and without paid assistance through software or tracking programs.
- iii. PC Requesting copy of Morristown Bylaw from Emily. Emily has reached out to a few other communities for their and will follow up with information.
- iv. Emily to follow up with DRB (Parma) for definitions of STR's.
- v. Interim Bylaw with DRB definitions could be enacted through selectboard hearing and would go into effect for up to two years. This could be a temporary option until more permanent bylaws are passed. Emily double checking on the process for interim bylaw.

4. Town Plan Grant closeout update

- Last invoice should be coming end of month for work that was done in April. Grant end date is not until December, project moved faster than timeline. Emily to check with selectboard (Charlie) on midterm report and final invoice.

5. Next month agenda items:

- Approval of previous minutes
- Additions/deletions
- Short term rental interim bylaw
- Bylaw overhaul
 - i. First draft review of constraints analysis map
- Public comment
- Other business
- Future Agenda items

Meeting adjourned at 7:18

Notes submitted by Narissa Furtado-Cordeiro – Planning Commission Secretary

Appendix A

Data Layer	Source	What It Shows
Flood Hazard		
FEMA 100-year floodplain	FEMA	Regulatory floodplain- areas with a 1% chance of flooding in a given year based on historic data
Lake Champlain Basin Lidar-Informed Flood Inundation Layer	Diehl, R., K. Underwood, S. Lawson, S. Drago, J Matt via VCGI (UVM Researchers)	2-500 year floodplain for rivers that drain more than 2 sq miles (e.g. Trout River)based on modeled storms and LIDAR topography
River Corridors	Vermont ANR	Areas at risk for fluvial erosion, modeled for rivers and streams that drain to more than 2 sq miles, and 50 ft buffer on small streams
Vermont Significant Wetlands Inventory (VSWI) (+50 ft buffer)	Vermont ANR	Class I and Class II regulations protected by Vermont Wetlands Rule and 50 ft buffer
Vermont Wetland Advisory Layer	Vermont ANR	Areas which may be wetlands which are not regulatory defined
Natural Resources		
Mapped Vernal Pools	Vermont Fish & Wildlife	Identifies known vernal pools
Rare Threatened and Endangered Species	Vermont Fish & Wildlife	Endangered & threatened animals and plants as defined under 10 VSA Chapter 123
Vermont Conservation Design Highest Priority Forest Blocks	Vermont ANR	Highest priority forest blocks defined by ANR for purposes of conservation.
Highest Priority Connectivity Blocks	Vermont ANR	Highest priority areas that connect existing habitat blocks
Riparian Connectivity	Vermont ANR	Riparian areas with at least 1 acre of vegetated land surrounding
Vermont Protected Lands Database	Multi-Partner Initiative	Parcels that are currently protected from development through public ownership, private ownership, or protection mechanisms such as easements.
Wellhead Protection Areas	Vermont DEC	The surface and subsurface area surrounding a water well or wellfield.

Other		
Prime Agricultural Soils	Natural Resources Conservation Service (NRCS)	Soils which are of highest quality for agriculture based on testing by the NRCS
Marginally Suited (III) Soil Ratings for Soil-Based Residential Wastewater Disposal	Natural Resources Conservation Service (NRCS)	All soils in Vermont are classed on a scale of I-IV on soil capacity for septic, ratings of IIIa-IIIg indicate a specialized design, alteration or costly maintenance may be required.
Generally Not Suited (IV) Soil Ratings for Soil-Based Residential Wastewater Disposal	Natural Resources Conservation Service (NRCS)	All soils in Vermont are classed on a scale of I-IV on soil capacity for septic, ratings of IVa-IVd indicate that the soil is not suited for septic system.
Slopes 15-20%	VCGI Lidar Program	Slopes 15-20%, defined by Montgomery Town Plan as unsuitable for most types of development
Slopes 20-25%	VCGI Lidar Program	Slopes 20-25%, defined by Montgomery Town Plan as unsuitable for most types of development

Appendix B



**Northwest
Regional Planning
Commission**

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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.

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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