

## Montgomery Planning Commission Meeting Minutes

### Special Meeting: Joint Meeting with Development Review Board (DRB)

#### Public Safety Building

September 10, 2024, 6:00pm

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

**Guests:** Emily Kloffft (Northwest Regional Planning Committee), Sue Wilson (DRB), Parma Jewett (DRB), Mary Garceau (DRB), John Kuryloski (DRB)

Meeting called to order at 6:01

1. Additions/deletions to agenda.
  - None
2. Approval of the August 13, 2024 meeting minutes.
  - Patrick motioned to approve the minutes as written, 2nd by Kim (3-0)
3. Short term rental definition review with DRB.
  - Definitions provided by DRB for Lodging establishments, Bed and Breakfast and Campgrounds (**Appendix A**). Emily to review and provide feedback.
  - Review of subsection – Article 7: specific standards – Short term rentals (**Appendix B**).
    - i. Workable definition – standards could go under zoning, bylaw or ordinance except for designated operator. Bylaw for zoning will cover most of standards listed in document, there isn't a need to list standards again if covered in bylaws.
  - In definition of STR, should we say “this does not apply to Yurt, rustic cabin, tent platform” etc.? Suggestion from Emily to include this definition in bylaws and break it down into three main categories: (1) RV, (2) Tent/campsite, (3) permanent structure without running water/septic.
  - Suggestion to Selectboard for Short Term Rental regulation is ordinance that includes enforcement measures and to set cap on percentage of STR's based on total homes.

- Best way to determine cap for percentage of STR's would be to do so based on registry vs. using moving target from AirDNA. Would also want to exclude owner occupied STR's listed.
- DRB – How do we encourage individuals to register, esp. those who are aware of registration requirements and choose to ignore?
  - i. Emily – provide an informal warning first (30 days to comply for example) and include in ordinance. From there, ticketing and enforcement.
  - ii. South Burlington – gave STR owners until end of year to comply. Fee schedule followed those that did not comply before ultimately requiring an STR to stop operations.
  - iii. Could send notice when taxes go out announcing new ordinance and stating fines if out of compliance past cutoff date. Tickets can turn into warrant long term – if there is a risk of getting shut down most people will want to pay upfront.
  - iv. DRB - Is PC in favor of registration fee? PC – Yes, the recommended fee was \$250 the last time PC went to Selectboard. Registration fees should be enough to cover compliance (annual fee to maintain registry).
- Emily – ordinance puts town in stronger position for enforcement vs. just bylaw.
- Changes to suggested definition of STR drafted by PC (**Appendix C**).
  - i. Under “Definition”, remove section starting at “An STR may be either:” and end with “STR’s specifically exclude”. Section should reflect:
    1. “Definition: "Short-Term Rental" or "STR" or "Short-Term Rental property" means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, 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. STRs specifically exclude:”
  - ii. Under section 1.) add the word “individual” before rented guest rooms. Section should reflect:

1. commercial lodging establishments with three or more individual guest rooms or units or where food is prepared onsite, such as hotels, motels, inns and bed and breakfasts.
  - Agreed direction by DRB and PC is ordinance supported by bylaw. PC to get back to DRB in about two months with definitions and draft of ordinance proposal after Emily reviews and suggests edits to drafted definitions (**Appendix A and C**) combined with Article 7 (**Appendix B**). Joint meeting to be scheduled with DRB and PC to discuss and finalize.
4. Review w/ Emily from NWRP the ramifications of amended Act 250 (and related) on our town's autonomy to determine growth density.
- Effects, if any, on bylaw (current and proposed).
    - i. Home act limitations is separate from Act 250. Home Act was passed in 2023 and local zoning provisions passed in 2024. Major portion of bill was passed this year (Act 181).
    - ii. State created two-year exemptions programs in towns with zoning and subdivision regulations within half mile of downtown. Temporary exemptions do not apply to Montgomery because there are no subdivision regulations.
    - iii. Exemption that would apply to Montgomery is tier 1B – up to 50 units of housing. Montgomery can apply if the community has sewer or sufficient septic soils. For permitted exceptions, town would need to request it. Right now the state is in a temporary exemption period through 2027.
    - iv. New regional planning maps to be drafted in 2025. Identifying village centers and village areas to be listed with communities that could apply for exemption. However, would need wastewater or accurate septic soils.
    - v. Tiered system has three tiers. Tier 1A is complete exemption (city centers). Tier 1B exemption of 50 units of housing. If it was a housing development with less than 50 units it wouldn't have to go through Act 250. Tier 1B can be requested from regional planning commission.

- vi. Water system could potentially help the town qualify for more exemptions from Act 250 but exemptions would go away if sewer was at capacity (for example, a large build could effect this).
- vii. Tier 1B would be selectboard decision to request, neighborhood development may also fall on selectboard to request (Emily can double check this process).
- State's effort to transfer infrastructure (affordable housing) burden from cities to towns, specifically Franklin County and Montgomery, either through the amended Act 250 or State Neighborhood program initiatives.
  - i. Housing targets – Set by state and broken down by municipalities. When National Planning creates new use maps in 2025 (village centers and village areas), they will need to consider and identify sufficient space for Vermont housing targets.
- 5. Discuss ordinance and bylaw for regulation of short-term rentals and review ordinance draft.
  - To be discussed next meeting.
- 6. Public comment.
  - None.
- 7. Other business.
  - Review for Ellen Fox. Alissa to provide format from previous review.
- 8. Future agenda items.
  - Public outreach event to discuss constraint analyses map and STR definition. Switch location from the Rec Center to the Town Hall due to cooler weather. Ideally would hold on October 8<sup>th</sup>, Emily to investigate reserving.

Meeting adjourned at 8:22

Notes submitted by Narissa Furtado-Cordeiro – Planning Commission Secretary

## Appendix A

Montgomery Development Review Board  
PO Box 356, Montgomery Center, Vermont 05471  
Thursday, April 25, 2024 @5:00PM  
Public Safety Building Conference Room

### Minutes

Attending: Parma Jewett, Sue Wilson, John Kuryloski, Mary Garceau, Barry Kade (board members) and Charles Snedikor (alternate).

1. Meeting came to order at 4:55pm
2. Reorganization of Board: Sue Wilson nominated Parma Jewett at chairman and Mary Garceau seconded. All in favor. Sue Wilson nominated John Kuryloski for vice-chairman and Mary Garceau seconded. All in favor. Sue Wilson made the motion to appoint Lynda Cluba as clerk, Mary Garceau seconded. All in favor.
3. John Kuryloski made the motion to approve the minutes for Tyhorne; Chaffee/Netski; Schaberg; Snedikor and Hagen. Motion passed.
4. Discussion concerning definition. The board discussed and agreed to the wording for:
  1. 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 and motor lodges.
    - a. 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 guest.
  2. Campgrounds: An area available for overnight vacation or recreational purposes, including area for tents, yurts, tepees, lean-to, cabins and recreation vehicles (RVS). Primitive camping is not regulated. Campsites may need water, toilet facilities and/or a dumping station for 4 or more campsites.
  3. Short Term Rentals: There was a lot of discussion concerning the definition of Short Term Rentals. Due to time it was decided each board member would work on a definition and present it at our next meeting.

Meeting Adjourned at 7:10pm.

Respectfully Submitted  
Parma Jewett (acting clerk)

## Appendix B

7/25/2024

### **DEFINITIONS:**

**A short-term rental** is defined as a furnished house, condominium, or other dwelling room or 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.

### **Article 7: Specific Standards**

#### **Section..... Short Term Rentals**

A, Short term rentals shall be subject to conditional use review and the following standards:

- 1) Dwelling Unit Capacity for a Short-Term Rental is two occupants per approved bedroom plus 2 additional occupants. For example, a 3-bedroom dwelling can be rented to 8 guests (3 bedrooms X occupants plus 2 additional occupants = 8). The occupancy of condominiums is determined by Act 250 permit and the plus 2 occupants does not apply. These numbers include children.
- 2) The number of approved bedrooms is determined by a state Wastewater and Water Supply Permit, a state Land Use (Act 250) Permit or, for units constructed before July 1, 2007, a town zoning or septic permit. For septic systems built before 1975, the best evidence for the number of bedrooms on December 31, 2006 is used.
- 3) An inspection report with occupancy approved from the state Division of Fire Safety is required for STRs with an occupancy of greater than 8 guests. The Rutland Fire Safety office can be reached at 802-279-0946 to answer questions you may have and to set up an appointment.
- 4) The "Short Term Rental Safety, Health and Financial Obligations" form found on the Vermont Division of Fire Safety website must be completed and posted within all STR units. See: "Short Term Rental Checklist" under <https://firesafety.vermont.gov/buildingcode/codesheets>
- 5) A declaration of insurance coverage specific to the renting of short-term vacation rentals is required.
- 6) The designated operator (the owner may be the designated operator) *must be available by phone at all times* that the Short-Term Rental is in use. A contact person within a 25 mile radius will be available and contact information posted in each unit.
- 7) STRs with an occupancy of greater than 16 guests are not allowed in the Forest Reserve and Residential 1 and 3 zoning districts.

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- 8) Failure to secure an STR Conditional Use or advertising a Short-Term Rental for more than the approved maximum number of occupants (guests) are violations of the Town of Montgomery Zoning Bylaws and will be enforced.
  - 9) Minimum number of designated, on-site parking will be one space, plus one for every bedroom.
  - 10) Parking by STR guests must be off-street. On-street parking is not permitted
  - 11) No overnight camping
  - 12) Quiet hours between 10 pm and 6 am. No parties or large events.
  - 13) House rules must be posted on the premises.
  - 14) 911 location must be posted in a visual location. There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor. Also, a smoke/CO detector in each bedroom.
  - 15) If renters have dog(s), Montgomery town leash laws must be obeyed.
  - 16) Property must be registered with the State of Vermont for rooms and meals tax. If you list a short-term rental on an internet rental platform, that platform is responsible under Vermont law to register with the Department of Taxes and collect the rooms tax, local option tax (if applicable), and short-term rental surcharge and remit these taxes to the Department of Taxes.
  - 17) If you only rent on a platform and receive no other rents, you do not need to register for a rooms tax account or collect tax yourself. If you rent on a platform but also rent independently, you must register with the Department and collect and remit the tax for any stays booked independently off the platform. Registration is free
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## Appendix C

### **Suggested Hybrid for our consideration**

Definition: "Short-Term Rental" or "STR" or "Short-Term Rental property" means any lease or rental of residential real property, including a furnished house, condominium, or other dwelling room or self-contained Dwelling Unit, or a portion thereof, 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. An STR may be either: (a) Partial Unit, meaning a room(s), at least 70 sq.ft. in size, located within a host's primary residence that is used primarily for sleeping purposes by occupants, or (b) Whole Unit, meaning an entire dwelling unit. STRs specifically exclude:

1. commercial lodging establishments with three or more guest rooms or units or where food is prepared onsite, such as hotels, motels, inns and bed and breakfasts
2. owner-occupied residential structures of 2 or fewer rental rooms. An owner-occupied residential structure is a dwelling in which a person resides as their legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.