

REGULAR MEETING OF THE
SELECTBOARD & WATER COMMISSION

Monday February 3rd 2025

6:30pm

Town Office (86 Mountain Road)

View Zoom Recording:

https://us02web.zoom.us/rec/share/GHBjA8dJLxCvHzAj_WFXNo0VmYqbSG4LElqeQTGlaXJ4oFA4AXtUml2mgkMKrJ8.kTNpxpFHiNYGk-ma

Passcode: z&cbZ3iM

View NWATV Recording: <https://www.youtube.com/watch?v=ACANcvKELT8>

In Attendance: Suzanne Dollois, Charlie Hancock, Emily Kimball, Mark Brouillette, Leanne Barnard, Theresa Almy, Anthony Memoli, Joe , Daniel Khan, Kim Morril, Claudia Stauber, Charles Snidecor, Lauri Ellis, Chris Johnson, Chris Pattullo, Tosca Smith, Mary Tryhorne, Roberta Baker, Alan Kalsmith, Joseph Seftel

On Zoom: Larry Letourneau, Carol Farmer, Josh Howard, WCAX, Mike Sarnacki, Joan Hildreth, Marijke Dollois, Gabby Lumbra, Merle VanGieson, Peg Dohney, Peter Locher, Dean Pierce, Kimberly, John and Kay Kuryloski

1. Review and make any changes to the agenda
 - a. No changes
2. Review/approve minutes of the January 23rd special meeting
 - a. Mark motioned to approve the minutes, Suzanne seconded the motion. Motion carried, 5-0-0.
3. FNRDC Flood Resilience and Hazard Mitigation Study (*presentation/discussion*)
 - a. Lauren Weston and Mel Auffredou presented on the year long project that they have been working on focusing on the Trout River, upstream from the Center to the Enosburg town line.
 - b. The goals of the project are based on reducing flood risks within the community
 - c. Lauren presented two projects that are recommended, floodplain restoration on Fuller Bridge Road and sediment management at the West Hill Bridge.

- d. The questions before the board are if we should pursue applying for grant funding to work on these projects.
 - i. Mark has reached out to VTrans with regard to the West Hill Bridge issue as this is a significant infrastructure issue for the community. VTrans has not indicated that they will take steps to manage the sediment at that bridge despite being made aware of the issue.
 - ii. If a project were to proceed, the 100% design on the Fuller Bridge floodplain would be fully permitted and take into account the exclusion area for the well.
 - iii. Discussion ensued.
 - iv. Lauren requested a formal landowner agreement from the town to pursue the grant application process.
 - 1. Charlie motioned to direct the Franklin County Natural Resource Conservation District to pursue, on behalf of the Town of Montgomery, both the HMGP and BRIC programs to support funds associated with flood mitigation in the Village; Mark seconded. Motion carried 5-0-0.
 - 2. Charlie further moved to have the FCNRD pursue, on behalf of the town, opportunities to fund a sediment management plan for West Hill Brook, Emily seconded. Motion carried 5-0-0.

4. Public Works

a. Municipal Wastewater Project Updates

- i. Easement update: the plan is to send out an easement option to all landowners asking them to opt into the agreement for an easement to move the project forward, hopefully getting the easements back by 4/21/25.
 - 1. Further informational meetings will be held to provide information to landowners.
- ii. Bidding process has been delayed due to State review timelines; we will not go to bid until approximately 4/1/25. Likely there would be limited work in the 2025 season due to the changes in the timeline, with bulk of work occurring 2026.

- iii. Current extent of the planned service area in Center as was reviewed and described, with slight reduction in planned scope due to individual cost of connects and overall project budget – **SEE ATTACHED**

1. This can be extended upon in the future, noting that there is capacity of the system design.

a. Kim Morril asked about how the funding of the wastewater project is tied to housing and what the strings are that are attached to the funding. Charlie responded that the Town itself is not obligated to build housing and that it would be the prerogative of private landowners (w/in allowable zoning/CU review), not the town to determine what types of housing they might build.

b. Claudia asked about the size and scope of the system as it is presented and how it could be expanded in the future.

c. Tosca brought up that septic was an issue in 1997 that the town looked to pursue. The water system then took priority, but she states that there is a need for septic so that small businesses can continue to remain in business

d. Chris Johnson asked about the capacity of the system that we are building. He also asked about a system in the village, as the river erodes property and people's systems are at risk. A system for the village would have to be a completely separate system.

i. Charlie responded that the system is designed for 35,000 gallons per day.

e. Charles asked about Act 181 and the impact of that and feels that there needs to be more communication about the impacts of that Act and how it will impact building, specifically that of affordable housing. Discussion ensued with regard to capacity of the wastewater system and how that may be a limiting factor of

development. ***SEE ATTACHED for PREVIOUSLY DISCUSSED COMMUNICATIONS with ZONING ADMIN and REGIONAL PLANNING re: ACT 181 AS RELATES TO CURRENT ZONING***

- f. Suzanne brought up how many units may be able to connect to the system before it would be at capacity.
 - i. Charlie recalled to the board and visitors that an application would have to be made in order to connect to the system.
 - ii. Mark also noted that the water system is also limited in capacity.
- g. Theresa asked about the Federal Funding that we have for the project, and if we actually have it, or if it has been frozen. Charlie responded that the money is obligated and our understanding is that it is not “frozen”. Theresa also asked about the local option tax and Charlie explained the process by which things can be changed.
- h. Charles asked about over taxing local citizens. He also asked about the fees for future connections.
- i. Daniel asked if there was a scenario where there was duplication of, or conflicting, Local Option Tax language. That would only happen if LOT was instituted outside the charter, and the charter was not changed during the 3-year suspension period.
- j. Larry asked about local option taxes and how they would apply if the charter was changed, what would supersede the other. He also asked about the property that Tim Murphy offered for the village system. Charlie responded that it was review, and while large enough did not have quantity of suitable soils for the project. Larry also asked about properties in the Center that were studied.
- k. Peter clarified that a proposal mapped by the Planning Commission included potentially higher density standards on the north side of Rt.118, and that the south (river side of 118) is not developable and was not included in that proposal. Peter commented on how the

development acts (Home Act/Act 181 as previously discussed) could impact potential building and how this information needs to be disseminated.

- l. Marijke asked about the concerns about development
- m. Anthony asked if the state can force the town to expand a system if it is at capacity. Charlie responded that he does not believe that the state can do that and that it would require a local vote due to obligation of financing needs and desire.
- n. Roberta asked about future connections, specifically at the property that Walter and Abe own, asking if it could be limited as not to allow it to take all of the remaining capacity of the system, should that be proposed.
- o. Chris Johnson asked about large projects “taking up” all of the remaining capacity of the system.
- p. Chris Pattullo asked about suspending the Charter Amendment, how this impacts the 4/1/25 vote. The TMD vote would suspend the Charter for 3-years, delaying the potential impacts related to passage of proposed Charter Amendment(s).

b. Streetscape Project Update

- i. No Updates

c. General Updates

- i. Plowing and maintaining equipment

5. Visitors

- a. Merle relayed a conversation he had with representative(s) from the Town of Enosburg regarding installation of curbs there, and reiterated his position that they will bring harm to the people of Montgomery.
 - i. Charlie put on the record that at Town Meeting last year there was an advisory vote regarding the installation of curbs which passed, moving forward the inclusion of curbs in the streetscape project.

6. Old Business

- a. Hazard Mitigation Plan (update/discussion)

- i. Regional Planning is working on this, including a survey that will be a part of this. 2/17 is the next scheduled Selectboard Meeting, directly before that meeting, at 5:30 (or tbd) will be the next scheduled meeting of the Regional Planning group.

7. New Business

a. FY26 Employee Compensation (Executive Session per 1 V.S.A. § 313(a)(1)(A))

- i. Suzanne motioned to enter into Executive Session. Mark seconded. Motion carried 5-0-0, the board entered into Executive Session at 8:30.
- ii. Suzanne motioned to come out of Executive Session, Leanne seconded the motion, the motion carried 5-0-0. The board came out of Executive Session at 8:43pm.

b. Liquor/Tobacco Licenses (*board action*)

c. Fleet Permits (*board action*)—none

8. Open Mail / Sign Orders / Administrative Matters

9. Review Action Items for Board Members

10. Adjourn

- a. Suzanne motioned to adjourn the meeting, Leanne seconded. Motion carried 5-0-0. Meeting was adjourned at 8:43 pm.



Charlie Hancock <montgomeryselectboard.charlie@gmail.com>

Attached letter re: Implications of the Title 250 amendment upon Montgomery once the sewer becomes operational

Montgomery Zoning <montgomeryzoning@gmail.com>

Thu, Aug 22, 2024 at 12:33 PM

To: mtsesq <mtsarnacki4@gmail.com>

Cc: Charlie Hancock <montgomeryselectboard.charlie@gmail.com>, montgomeryselectboard.suzanne@gmail.com, publicworksmontgomery@gmail.com, montgomeryselectboard.leanne@gmail.com, montgomeryselectboard.emily@gmail.com, "plocher@ptd.net" <plocher@ptd.net>, montgomeryconservation@gmail.com

Given the existing Montgomery Zoning Regulations adopted in 2018, the Home Act does not significantly increase density in the Village Zoning Districts.

The current lot size minimum is less than 1/4 acre.

Single family, two family and accessory dwellings are currently permitted uses.

Currently, at least 12 housing units (4 lots per acre with a duplex and accessory dwelling on each lot) could be created on an acre of land if the setback requirements could be met.

Multifamily units are allowed under conditional use approval which requires a Development Review Board hearing and opportunity for public input. This meets the requirement of the Home Act that multi family units must not be excluded.

There are certainly some rural communities where the Home Act would mandate increased density above the existing zoning regulations if they were to develop town water and sewer. In Montgomery, though, regulations already allow for this level of density and would not be a significant change in Village 1 and Village 2 Zoning Districts.

Respectfully,
Ellen Fox
Zoning Administrator

[Quoted text hidden]



Charlie Hancock <montgomeryselectboard.charlie@gmail.com>

Attached letter re: Implications of the Title 250 amendment upon Montgomery once the sewer becomes operational

cdimitruk <cdimitruk@nrpcvt.com>

Tue, Sep 3, 2024 at 2:39 PM

To: Charlie Hancock <montgomeryselectboard.charlie@gmail.com>, Bethany Remmers <bethany@nrpcvt.com>

Cc: eklofft <eklofft@nrpcvt.com>

Feel free to give me a call if you'd like to talk this through at all 802-310-6797

The quick answer is that I agree with the ZA.

Montgomery already allows 4.356 units per acre in the village districts (one unit per 10,000 square feet). For those properties with water and sewer it could now increase to 5 units per acre, an increase in density of less than 10%. This density mirrors the historic development pattern of the village, and is not a major shift from what is currently allowed.

Multi-family dwellings are already allowed, they would just shift from Conditional to Permitted. Site Plan Review can still be used, and the PC is considering adding site plan review to the bylaws as part of this bylaw update. Site Plan Review allows for municipal requirements for landscaping, lighting, access and parking design. In my opinion it would be a good addition to the bylaws and the timing is right to coincide with the infrastructure project.

For all housing projects, setbacks and height restrictions will still apply. Except that year-round affordable housing projects would be eligible for a density and height (one story) bonus- but to get any density bonus the project would still need to be able to meet all other requirements.

In short this is not a major shift for Montgomery, and nothing in the HOME Act of Act 181 will prevent Montgomery from regulating how development occurs. In addition to adding Site Plan Review, the town can still consider adopting subdivision regulations which would further provide for the ability to manage any growth. In addition, design/historic review is another tool that could be used if there is concern about certain parts of the village.

Emily K in our office is working with the PC now, and put together this list FYI.

HOME ACT vs. Montgomery Bylaws

Requirements for water & sewer areas

- Min. parking requirements (§4414)
 - No more than 1 unit/dwelling unit or 1.5 units for those far from public parking
 - **Montgomery Current: 1 space/unit for single family, 1 space/unit for duplex. 1.3 spaces/unit for 3+ units**
- Allowed multi-unit uses (3-plex/4-plex provision) (§4412(1)(D))
 - 3-4 units must be a permitted use
 - **Montgomery Current: 3-4 units are a conditional use. The Planning Commission is considering changing this to permitted with site plan review as part of the work of the bylaw modernization consortium grant. Site plan review gives ability to manage access, parking, landscaping, lighting, etc.**
- Allowed dwelling unit density of 5 (§4412(12))

- Lot sizes and density standards that allow 5 units/acre (.2 acre lot size)
 - **Montgomery Current: Minimum lot size is 10,000 square feet, approx. .25 acres**
- Affordable/mixed use dwelling unit density/height bonus (§4412(13)).
 - Eligible for (not a guarantee) dwelling unit density bonus of 40% and one habitable floor above height maximum
 - **Montgomery Current: No density bonuses. Any project with a density bonus still needs to meet the requirements of the bylaws including setbacks, parking and if added to the bylaws, site plan review.**

[Quoted text hidden]