Montgomery Planning Commission Agenda

Regular Meeting

Public Safety Building

March 11, 2025 - 6:00pm

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

Guests: Emily Klofft (Northwest Regional Planning Committee)

Meeting called to order at: 6:05

1. **Planning Commission structure for the year.**
    a. Nomination to elect Patrick as chair by Alissa, accepted by Patrick.
    b. Motion to close nomination by Alissa, Diane second.
    c. Motion to vote (4-0-1).
2. **Additions/deletions to agenda.**
    a. "Discuss Act 181 regional land use designation and Act 250 changes" replacing agenda item 4.
3. **Approval of the February 11, 2025 meeting minutes.**
    a. Alissa motion to approve as written, Joe second (4-0-1)
4. **Discuss/review Gov Scott's proposal to further relax Act 250 Restrictions to accommodate affordable housing. (Act 181 regional land use designation and Act 250 changes).**
    a. PowerPoint presentation - Introduction of Act 181 (see Appendix A)

b. Regional future land use map won't impact bylaws. The state will have the same land use areas, will be mapped to receive state designation programs including Act 250. Designation program is automatic opt in once mapped.

c. New state Designations

    i. Benefits: eligibility for tax credits and certain state grants. Caps on wastewater fee's, No restrictions or impact on zoning.

    ii. Neighborhood designation program - town would need zoning and subdivision in place to qualify. Old neighborhood designation required wastewater and sewer, new program does not.

    iii. Definitions: Village center (Centers, downtown center, village center) vs. Village area (Planned growth area, village areas, neighborhoods).

    iv. There is a possibility for some aspects of 181 to change this year related to Act 250 exemptions. Planning Commission discussed plans to move forward with information provided for Act 181 as it stands. New state designation programs discussed in meeting will officially go into affect in January 2026.

d. Act 250 discussion

    i. Permanent change – moving act 250 to location based jurisdiction

    ii. Creates three tiers of Act 250 – majority of state will remain in Tier 2 which is status quo

iii. Tier 3 – expanded act 250 jurisdiction for important conservation areas of the state. Likely relatively limited area of state - overlay of Tier 2 in specific areas of state with natural resources etc.

iv. Tier 1 A – Full Act 250 exemption (larger towns/cities).

v. Tier 1 B – 50 units or fewer of housing exempt, would apply to communities that have zoning and subdivision regulations and opt in.

vi. All of Tier 1 (A and B) would require zoning and subdivision regulations to opt in.

vii. Montgomery is not eligible for either Tier 1 options at the moment, town does not currently have subdivision regulations. Opting into 1B would ultimately be select board decision.

viii. Center designation and village center don't require zoning and subdivision regulations.

ix. Under Home Act (separate from Act 250): If you have water/sewer, would be required to offer up to quadplex unless you are at capacity with systems. Zoning pre-emptions that apply to areas that have local water and sewer that are in the area designated by the town and have capacity in service area.

x. Location based exceptions – Village center + square mile buffer applies to Montgomery (similar to Tier 1B). Effective starting July 2024 through 2027.

xi. Type based exemptions that apply to all of Vermont (doesn't affect local zoning).

1. Commercial conversions
2. Accessory dwelling unit
3. Hotel/motel conversations to affordable housing.

e. New regional plan requirements – State created housing target and broke them down by regional planning commission. Commission is responsible for breaking them down by town. Regional also must equitably distribute environmental benefits and burdens.

i. Regional housing target: took 60% of housing target and allocated it to larger communities that have growth plans.

ii. 40% of house target spread across all other areas based on existing housing (size of town and current number of housing units) - Includes Montgomery. Rural towns that have villages but aren't in growth area.

iii. Draft of Montgomery housing target based on growth rates. Montgomery was allocated 37-56 housing units between now and 2030 (1-1.5% growth needed)

iv. 2000-2020 .8 growth, 2020-2023 .4% growth (decreased when compared to previous 20 years).

f. See maps in Appendix B for future land use designations:

1. Magenta color is suggested new village centers vs. Black hashmarks are current village center designations (looking to

where it could be extended – meets definition). This is up to the town, opening up areas could be beneficial to home owners for grants etc. Village Center designation is separate from Zoning.

2. Zoning Map – Conservation 1 doesn't follow elevation lines, Conservation 2 begins at 1600 ft.
3. Draft Future Land use – Full town map
    a. Biggest thing to note is amount of conservation – land use map is also not a zoning map (separate).
4. Draft of future land use – Montgomery Village and Montgomery Center.
    a. Montgomery center map – Emily to re-examine Montgomery village center designation to ensure it doesn't cut through cemetery
    b. Add property at beginning of Hazen's notch rd. (rural general) to Village center designation.
    c. Add parcel across from Jolly still within Village 1 on zoning map into village center designation in Montgomery Village map.

5. Discuss outreach event feedback and short-term rental ordinance draft.

a. See Key Takeaways from Public Outreach in Appendix C.

b. Tabling short term rental ordinance draft for April meeting.

6. Draft zoning recommendations for selectboard based on outreach.

a. See Discussion on Possible Options for Zoning Regulations in Appendix D.

b. Invite Ellen Fox to next meeting to discuss any changes/updates she suggests to bylaws.

7. **Summarize 2025 Montgomery town meeting.**

a. All items on agenda passed.

b. Town meeting recording (video) is now loaded on town website.

8. **Public comment**.

a. None

9. **Other business.**

a. Will need to re-schedule April meeting so Emily can attend. Will discuss possible dates over email and confirm.

10. **Future agenda items.**

a. Review public outreach event feedback and identify key recommendations for selectboard.

b. Discuss short term rental ordinance draft.

Motion to adjourn at 8:29

Notes submitted by Narissa Furtado-Cordeiro, Planning Commission Secretary

Appendix A

Slide 1

Regional Future Land Use Mapping with Montgomery

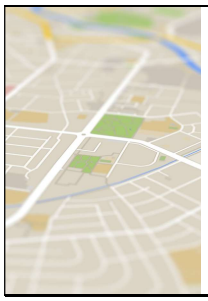
IMPLEMENTING ACT 181 - AN ACT RELATING TO COMMUNITY RESILIENCE AND BIODIVERSITY PROTECTION THROUGH LAND USE

Slide 2

What we are covering tonight:

- **Act 181 Introduction**
- **New Framework – Reg Planning/State Designations/Act 250**
- **Current Act 250 Exemptions**
- **New Requirements for Local and Regional Plans**
- **NRPC's Mapping Process**
- **Draft Montgomery Housing Targets**
- **Draft Montgomery FLU Mapping**

Slide 3

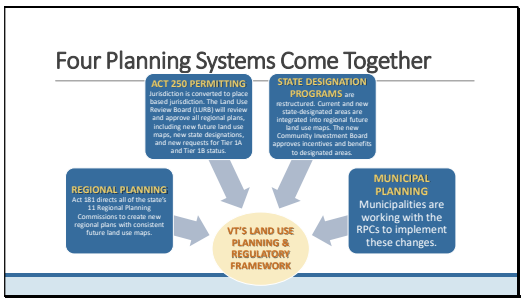


What is Act 181?

An act relating to community resilience and biodiversity protection through land use.

- Makes major changes to Vermont's land use planning and regulatory framework, including:
  - Regional Future Land Use Maps
  - State Designation Programs
  - Act 250 jurisdiction
- Strengthens place-based regulatory recognition and investments guided by regional planning and municipal action.
- Technical changes to local zoning pre-emptions made by the HOME Act of 2023.

Slide 4



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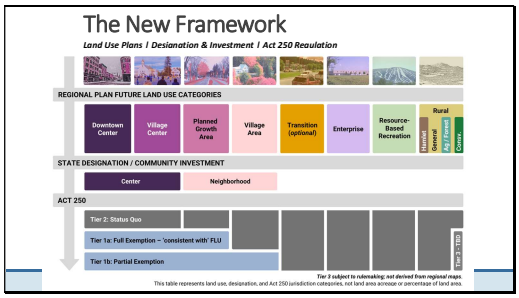

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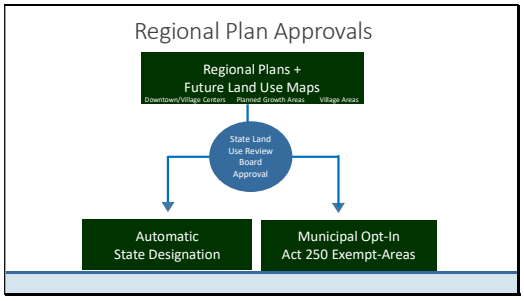
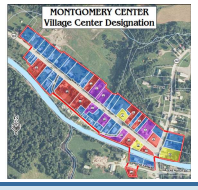


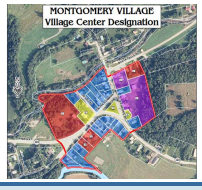
Slide 7

Regional Future Land Use Map	Municipal Zoning Map
• Land use areas defined by state statute (24 V.S.A § 4348a) • Used during the Regional Planning Commissions review of Act 250 and Section 248 applications for conformance with the Regional Plan • No impact on development not subject to Act 250 • Identifies area to receive state designations • Identifies areas eligible for Act 250 exemptions	• Land areas defined by municipal plan and district purpose statements as written by the Planning Commission • Determines standards for local zoning review (ex. lot size, allowed uses) • Applies to all development in Town

Slide 8

Current Village Center Designations





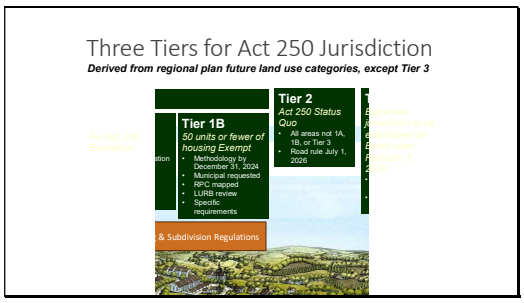
Slide 9

New State Designations

CENTERS:
Downtown Centers and Village Centers
- Step 1: Beginner, Starter Village
- Step 2: Intermediate, Growing Village
- Step 3: Advances, Downtowns, Main Street Program

NEIGHBORHOODS:
Planned Growth Areas and Village Areas

Slide 10



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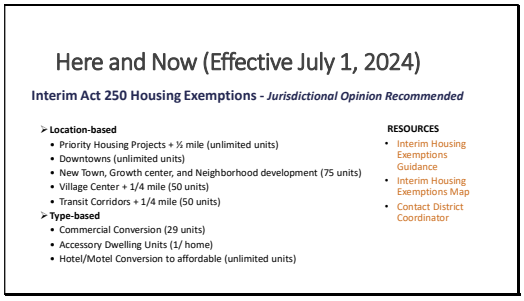

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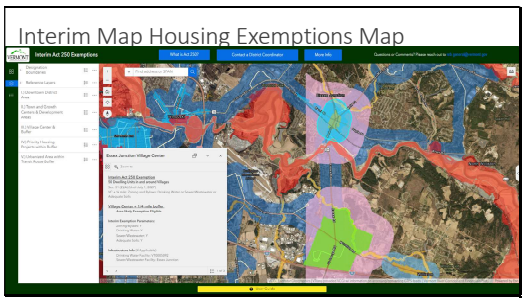

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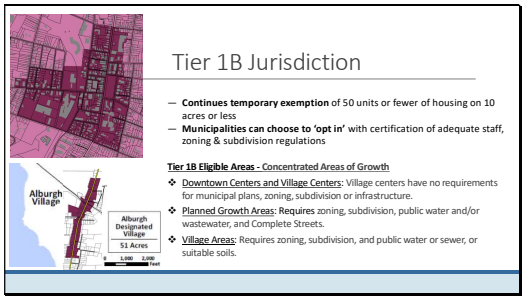

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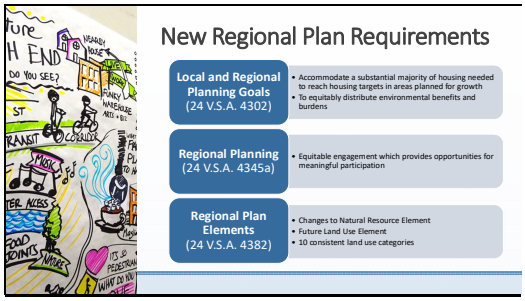

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Regional Plan Update Timeline

Slide 17

Level of participation

	Inform	Consult	Involve	Collaborate	Empower
Stakeholder	Public	Public	Municipal Officials	Municipal Officials	Municipal Officials
Activities	Flyer, Website, and Press	Open Houses, Comment Box	Meet with Planning Commissions to review housing targets & FLU maps. (Selectboards as requested)		Selectboard make decision on Act 250 exemptions.
Timing	Winter 2025	Spring 2025	Winter-Spring 2025		Summer 2025

Engagement Plan

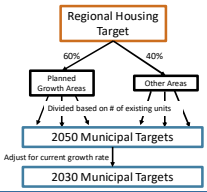
Slide 18

Regional and Municipal Housing Targets

- Regional Housing Targets were released Jan. 2025
- NRPC will break down to Municipal Housing Targets

Draft methodology:

- Municipal target is based on:
  1. Existing number of housing units
  2. Whether the municipality has a downtown/planned growth area
- 2050 target assumes 60% of units will be built in Downtowns and Planned Growth Areas
- 2030 target adjusts for current growth rate (2020-2024) to set realistic goals



Slide 19

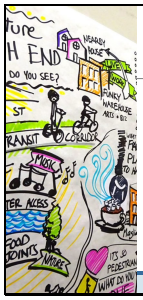
Draft Montgomery Housing Target

- Municipal housing targets need to be incorporated into municipal plans going forward.
- Both targets require an increase in the number of new homes built each year.

Existing Average Annual Growth Rates		
	2000-2020	2020-2023
	Average yearly % growth	Average yearly % growth
Montgomery	0.8%	0.4%
Region	1.0%	0.7%

	New Homes by 2030		New Homes by 2050	
	Target	Yearly % growth needed	Target	Yearly % growth needed
Montgomery	37 - 56	1.0%- 1.5%	118 - 224	0.6%- 1.2%
Region Total	2,144 - 3,249	1.5% - 2.3%	12,571 -13,315	1.0% - 1.9%

Slide 20



Consistent Future Land Use Areas

- ✓ Downtown/Village Centers
- ✓ Planned Growth Areas
- ✓ Village Areas
- ✓ Transition/Infill Area (optional)
- ✓ Resource-Based Recreation Areas
- ✓ Enterprise
- ✓ Hamlet
- ✓ Rural – General
- ✓ Rural - Agricultural and Forestry
- ✓ Rural - Conservation

Slide 21

Village Center

These areas are the mixed-use centers bringing together community economic activity and civic assets... The downtown or village centers are the traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.

Slide 22

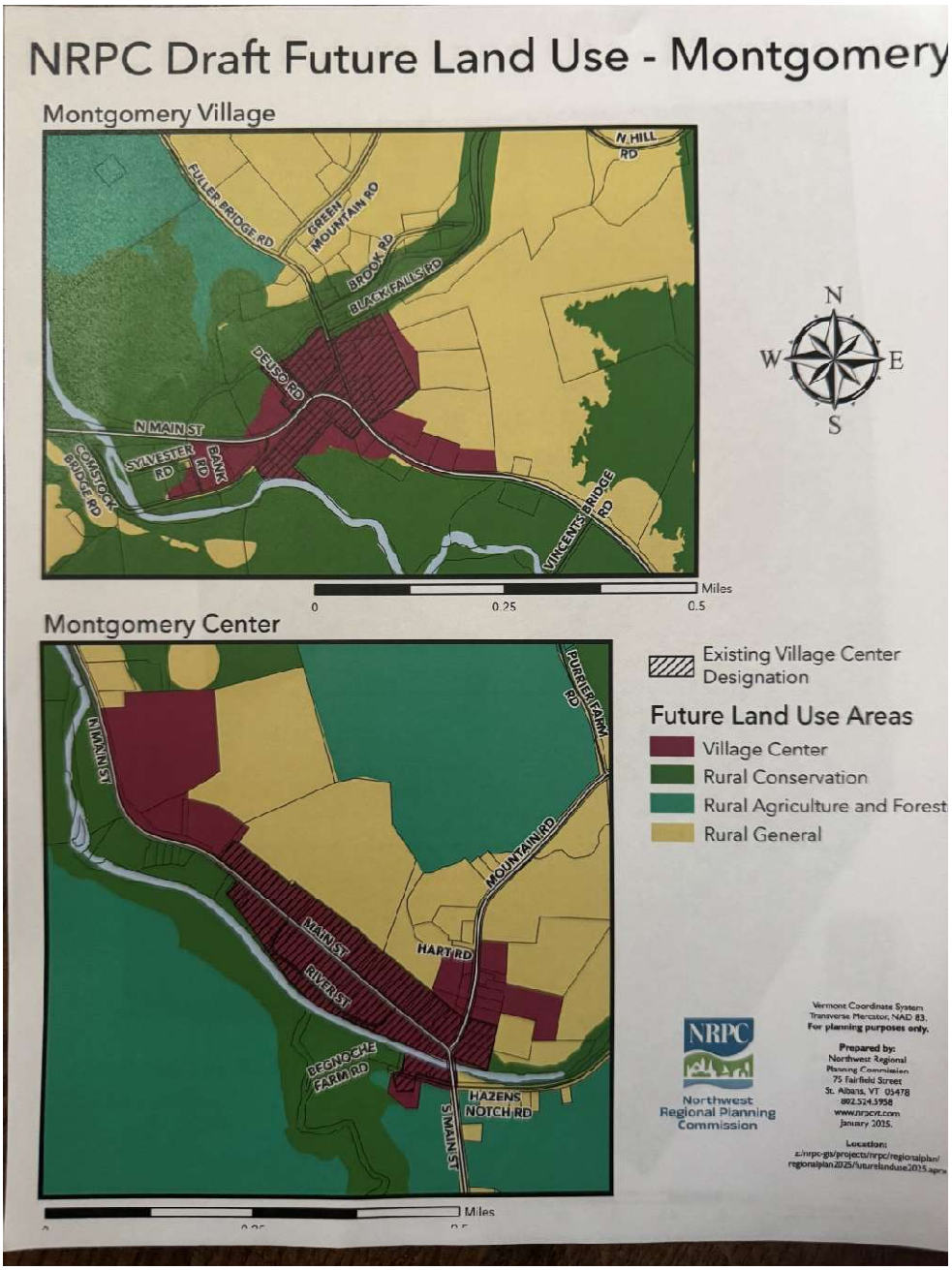
MAPS TBD

Slide 23

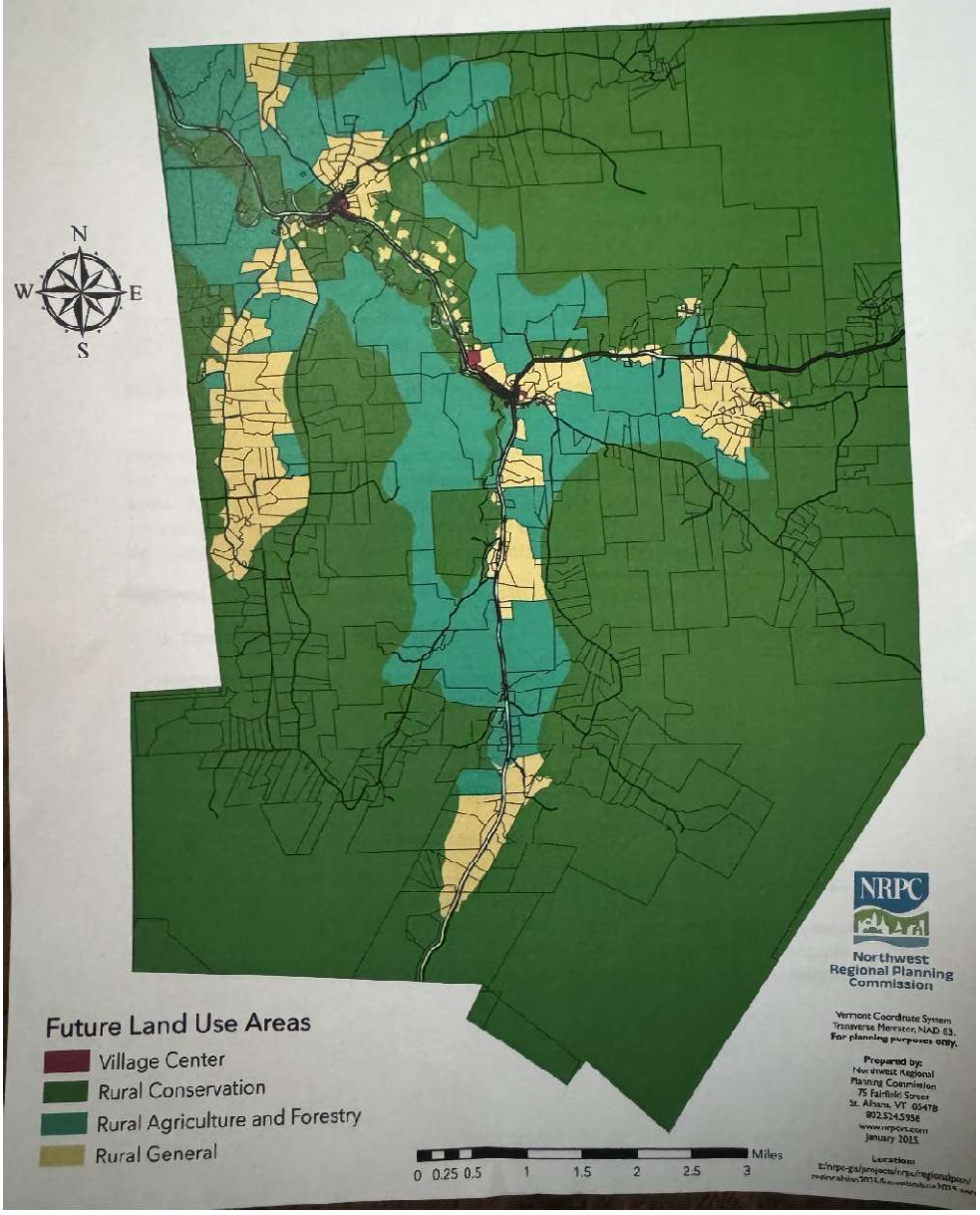
QUESTIONS?

Appendix B

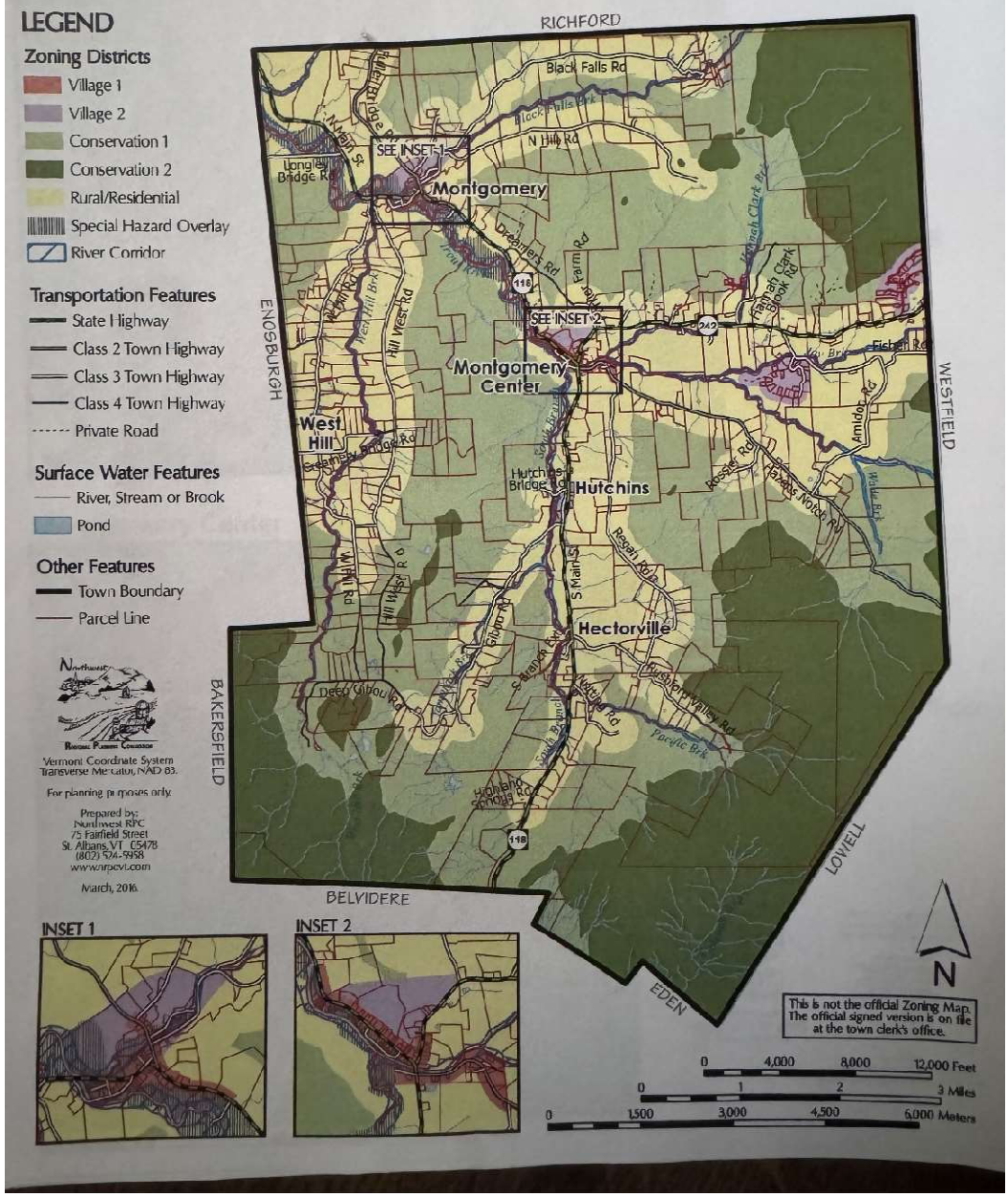
(Maps from Emily)



NRPC Draft Future Land Use - Montgomer



ZONING MAP
TOWN OF MONTGOMERY



Appendix C

Overall Concern about New Development

Many residents were concerned about the potential for new development and its impact on the character of Montgomery. Some specific concerns noted included:

- Ensuring Montgomery maintains its current character
- Protecting river water quality, stormwater/drainage
- Limited parking capacity in the villages
- Dreamer's Road area is habitat for deer population

However, some attendees did note that there was a need for new housing in the village for young families or workers, with a need to ensure enough students for the school.

Potential "Village 3", phased expansion and other areas for growth

Several attendees identified other potential opportunities to allow for additional housing growth.

- Consider a phased approach with a smaller amount of land added to Village 2 and then evaluate development in 5 years to consider additional expansion
- Consider a "Village 3" or denser rural residential district with a smaller lot size but less dense than Village 2
- Consider area south of the center and the northeast towards Jay for development at a lower density than Village 2- these areas are along the highway and have fewer environmental constraints

Short-Term Rental Regulations

Several concerns about short-term regulations were discussed including:

- Need for a strong enforcement method
    - Discussion on whether or not zoning or ordinance is better for enforcement
- Short-term rentals are beneficial for property owners as there are fewer potential legal liabilities than with long-term tenants
- High percentage of short-term rentals is reducing the amount of housing available for teachers and workers at Jay Peak

Appendix D

Discussion on Possible Options for Zoning Regulations

Key Recommendations from the Previous Bylaw Modernization Project

1) *Move large multi-units (5+ units) from being permitted only under Planned Unit Development to being a conditional use with site plan review.*

Planned Unit Development standards are best used for supporting flexibility in standards such as lot size, setbacks or frontage. Common uses of planned unit development standards are to allow for mixed uses or, in towns with subdivision regulations, to allow for the clustering of lots in a subdivision. A larger multi-unit should generally not require flexibility in district standards. Conditional use review addresses the character of the area and conformance with the Town Plan to ensure that uses are appropriate and is therefore a better tool for permitting larger multi-unit development that will otherwise meet lot size and dimensional requirements.

2) *Add site plan review standards, allowing the town to permit small multi-units with site plan review.*

Under the HOME Act, the Town cannot use character of the area as a reason to deny small 3-4 unit apartments. Since character of the area is the main consideration of conditional use, it makes this tool less effective for regulating these uses. Site plan review includes standards that address lot layout, traffic circulation, parking and screening. These standards are allowable and can support appropriate design to address potential impacts to neighboring residents.

Additional Potential Considerations for Changes to Zoning Regulations

1) *Consider a "medium-density district".*

Several attendees noted that if the Planning Commission were to add additional land for housing development, they would prefer a district at a lower density than Village 2. There are examples throughout the state of "medium-density" districts, generally with 1 acre minimum lot size. For instance, Bakersfield's "High-Density Residential District" surrounds its village with a lot size of 1 acre. It is important to ensure that such a district is does not create a pattern of "rural sprawl" development.

2) *Consider form-based standards for the villages*

Many residents noted concerns about the character of the village. Form-based standards focus on the impact the form of development can have on community character. For instance, standards can dictate a maximum building footprint, require pedestrian orientated entrances, or certain building shapes that match the existing character of the community. Examples of communities that have adopted some form-based standards include Fairfield and Georgia.