

Montgomery Planning Commission Meeting Minutes

Regular Meeting

Public Safety Building

June 10, 2025 - 6:00pm

Present: Patrick Calecas, Kim Morrill, Joe Sherman, Diane Sherman

Guests: Emily Klofft (Northwest Regional Planning Committee); Parma Jewett (Montgomery Development Review Board)

Public: Wes Skidmore, resident

Called meeting to order at 6:08

Changes to agenda: Moved #4 up to become #2; combined #3 and #5

Approval of May 13, 2025 minutes – Motion by Joe to approve minutes, Diane seconded, unanimously approved

Short-term rentals (STR):

Parma presented DRB questions and initial thoughts on STR ordinance draft:

- Do we know if Town will be hiring an enforcement officer for the ordinance?
- Who is going to take the applications for registration?
- Are STRs going to be restricted in certain districts?
 - DRB does not think Con 1 and Con 2 should allow STRs for new buildings
 - Concerned about fire and rescues in Con 2
- Is ordinance going to contain a limit on number of STRs?
- Will ordinance require inspection of subject property prior to issuing a STR registration to make sure everything is in compliance?
- DRB would like requirement for conditional use approval to be removed once ordinance is adopted
- Explained what DRB is currently requiring for parking requirements and occupancy numbers for conditional use approval of STRs – one parking space per bedroom plus one for dwelling; occupancy limit at 2 per bedroom, and no more, including children; having difficulty with determining number of bedrooms at times

Parma can get us a list of properties that have conditional use permit approval for a STR

Wes provided comments in favor of ordinance and draft - likes our focus on safety (lack of ability of emergency services to reach a dwelling is a concern); would be helpful to have a

definitive list of STRs in Montgomery; likes yearly fee model in ordinance; DRB is doing best they can with conditional use approval but having a rigorous ordinance should reduce legal risk and cost to Town; likes exemption for those who rent out rooms in their home.

Other items collectively noted:

- STR ordinance only needs approval by the Selectboard
- Burlington and Stowe may have, or be headed in the direction of, a moratorium on new STRs, not certain how they're addressing existing STRs

Zoning Regulations comments from DRB:

Parma – Interested parties are appealing a DRB approval under Section 3.3 of the regulations involving a property that is in both Village 1 and Conservation II; it is a unique situation to have property in these two zones.

Currently DRB reviews request for subdivisions when there is a right of way dividing the lot

Emily asked about Parma's experience with on the record review – In 15 years on the DRB, Parma recalls 4 decisions that have been appealed to the Environmental Court. 3 of them have been mediated which resulted in resolution. In 1 the court found that the DRB acted wrongly.

Constraints Analysis Map:

- See attached map
- Committee finds map helpful but one without terrain in the background would be easier to read and/or possibly separate maps with constraints and zones or focused on particular areas of Town
- Min size: Village 1 and 2 are approximately 0.25 acres min size; RR is 4 acres; Con 1 is 10 acres; Con 2 is 30 acres
- Tabled further discussion of changes to zoning districts until have additional maps

Zoning Regulations:

- Tracked edits provided by Emily include both her and Zoning Administrator's recommendations; see attached documents
- Emily described the changes and comments
- Issues discussed, decided, or of particular note for future decisions regarding recommendations:
 - Consider if want to retain on-the-record review – more thorough requirements for DRB hearings than alternative but there are also procedural

requirements even if we remove on-the-record review; Parma's experience indicates this hasn't been a problem for the Town yet.

- Some municipalities exempt "accessory on-farm business retail operations of under X (e.g., 300) square feet" – i.e., small operations. Consider if we would like to do so. Recommend not exempting event uses of this type as those have greater impacts
- Decision to shorten term "family child care home/facility" to "family child care home" throughout
- Decision to make term "accessory use/structure" this term consistently and ensure both accessory use and accessory structure are defined; structures are things like garages, etc.
- Recommends we address the PUD section as it is being used in a way that is unusual
- Right now we're using the PUD review for all multi-household dwellings proposed of 4+ units and PUD review isn't really set up for that. This is because we define multi-household dwellings to be 3-4 units.
- Consider separately defining/differentiating between smaller multi-household dwellings (e.g., 3-4) separate from larger ones (e.g., 5+)
- Note that we MUST allow 3-4 units somewhere in the town and we cannot use character of area – one of the criteria in conditional use review – as a criteria to review whether to issue permits to these particular uses (for more units we can require full condition use review)
- Consider if we would like to set a max for number of units – should pick something comfortable for us – 12 or something else
- Start back up at next meeting with Section 4.3

Acton items:

- Parma will try to get us a list of properties that have a conditional use permit for an STR
- Emily will ask ZA:
 - what issues are coming up for her around the issuance of temporary permits – Section 4.1.E; and
 - if she has issued any permits for small on-farm businesses to help determine if there's been impact in Montgomery.
- Emily will get us both the state wastewater definition of a camp as well as another municipality's definition of camp that may be helpful to use
- Emily will work on alternative maps showing constraints/zoning districts to help with decision about any changes to zoning districts

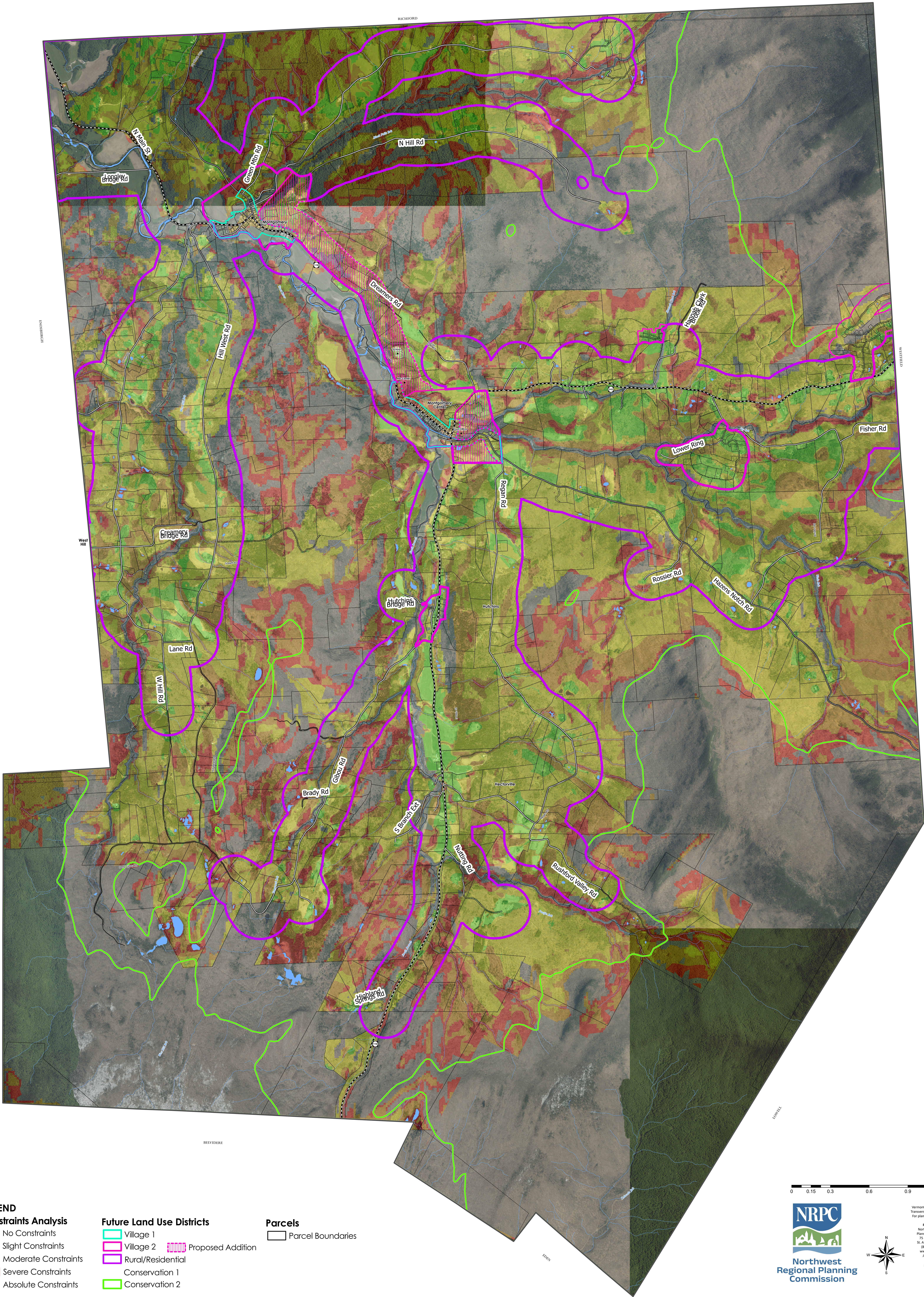
Future agenda item:

- Continued discussion of recommended zoning regulation changes (goal of bringing draft Zoning Regulations to Selectboard in August)
- (If time) STR ordinance consideration of questions by DRB and any other changes before bringing to selectboard
- (Next or future meeting) Access and location of swimming holes/areas in Town

Meeting adjourned at 8:47

Minutes prepared by: Diane Sherman

Montgomery Constraints Analysis



LEGEND

Constraints Analysis

- No Constraints
- Slight Constraints
- Moderate Constraints
- Severe Constraints
- Absolute Constraints

Future Land Use Districts

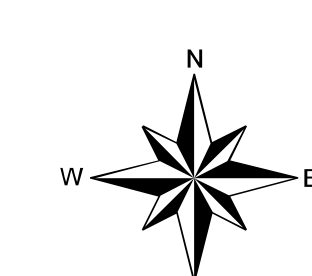
- Village 1
- Village 2
- Rural/Residential
- Conservation 1
- Conservation 2

Proposed Addition

Parcels

- Parcel Boundaries

0 0.15 0.3 0.6 0.9 1.2 Miles





**Northwest
Regional Planning
Commission**

Vermont Coordinate System
Transverse Mercator, NAD 83.
For planning purposes only.

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Map

Vermont Model Flood Hazard Bylaws - Higher Standards Cross-walk

Federal (NFIP) Minimum Requirement	Model Bylaw Higher Standard	Rationale
A building's lowest floor must be elevated equal to or above the base flood elevation (BFE). (44 CFR, 60.3(c)(2) and (3))	A building's lowest floor must be elevated at least 2 feet above the base flood elevation 2018 Model Bylaw Section E.IV.C.12.a 2022 Stand Alone Model VII E 11	Elevation to the BFE does not provide adequate protection due to outdated federal flood studies that do not account for increased watershed development or future conditions hydrology, and larger flood events. Additional elevation (a.k.a. <i>freeboard</i>) is relatively inexpensive to build into development, and typically pays for itself in reduced flood insurance premiums and prevented flood damage within the first 10 years of a structure's lifetime.
In lieu of elevation a <u>non-residential</u> building may be dry floodproofed to the base flood elevation. (44 CFR, 60.3(c)(3))	In lieu of elevation, a non-residential building may be dry floodproofed to at least 2 feet above the base flood elevation 2018 E.IV.C.12.b 2022 VII E 11 b	Dry floodproofing to the BFE does not provide adequate protection due to outdated federal flood studies that do not account for increased watershed development or future conditions hydrology, and larger flood events.
Absence of a standard regarding flood storage capacity: Filling and construction may occur in the flood fringe (outside the floodway) without considering loss of flood storage volume.	Above grade development is required to meet the compensatory storage requirement to ensure no net loss of flood storage volume 2018 E.IV.B.1 2022 V E 1	A major shortcoming of the NFIP is that the standards are focused on reducing flood inundation risk to new development, but do not consider the cumulative degradation of floodplain resources and increased flood hazards to existing development that result over time due to continued encroachment and filling of floodplains.
Encroachments in the floodway are prohibited unless an engineer can certify that there will be no increase in base flood elevation (44 CFR, 60.3(d)(3))	Encroachments in the floodway are prohibited unless an engineer can certify that there will be no increase in base flood elevation or velocity 2018 E.IV.A.2 2022 V F 1	Vermont's mountainous terrain means we have higher gradient streams and thus, higher velocity floods. Along many reaches of river, encroachment in the floodway will not increase the water surface elevation, but instead will increase the velocity of the floodwaters. It is important to also consider velocity to ensure that there is no adverse impact to adjacent and downstream properties and infrastructure.
Absence of a standard regarding critical facilities.	New critical facilities are prohibited in the Flood Hazard Area 2018 E.III.D.1.b 2022 V D 4 a	Facilities which provide critical services (e.g. police, fire, hospital), or services that are depended on during and after disasters (public utilities and infrastructure) should be protected to an even higher standard than other development. Failure to either avoid flood hazard areas or

Federal (NFIP) Minimum Requirement	Model Bylaw Higher Standard	Rationale
	Existing critical facilities to be replaced or substantially improved shall be constructed so that the lowest floor, including basement, shall be elevated or dry-floodproofed at least one foot above the elevation of the 0.2% annual flood height (500-year floodplain), or three feet above base flood elevation, whichever is higher. 2018 E.IV.C.12.d 2022 V E 11 d	provide flood protection to critical facilities creates severe and unacceptable public safety risk.
Absence of a method and standard to manage for flood-related riverine erosion	Adoption of the ANR-mapped River Corridors and prohibition of new development in open/undeveloped river corridors. Exceptions allow infill and redevelopment in areas that are already densely developed 2018 Section D 2022 IV C 2 a	NFIP flood hazard area maps only depict flood inundation risk and do not characterize areas at risk from flood-related erosion. 44 CFR 60.5 and 24 V.S.A. § 4424 provide a mechanism for communities to regulate for erosion hazards but are not mandatory. Adoption/regulation of river corridor standards helps communities achieve greater flood resilience and maximize state flood recovery funding under ERAF.
Absence of an explicit standard regarding storage and junk yards in the floodway	Prohibition of storage and junkyards in the floodway 2018 E.III.D.2.d 2022 V D 4 c	With engineering certification of no increase in base flood elevation, the minimum standard does not prohibit the storage of materials and junkyards in the floodway, where floodwaters are typically fast and deep, thus increasing the risk that these materials get mobilized during a flood.
Substantial Improvements to existing buildings must be brought into compliance with the floodplain management regulations (44 CFR, 60.3(c))	Requires improvements to be tracked cumulatively over a 3-year period to ensure that flood regulations are triggered given enough reinvestment in the building 2018 Section B – Definition Substantial Improvement, 2022 VIII Definition SI	The minimum standard has an inherent loophole that undermines the intent. The intent is to ensure that structures are mitigated once a certain level of additional investment goes into improving the building (50% or more of the buildings market value). Without a specified timeframe, owners avoid triggering the regulations by doing multiple projects, each under the 50% threshold.
Absence of a Certificate of Occupancy requirement	Requires a Certificate of Occupancy 2018 C.III.C, 2022 VII J 3	Violations may arise long after the project is complete because many communities do not verify that the project was built as proposed and permitted. The Certificate of Occupancy provides a tool to the community to ensure compliance with the provisions of the permit.

Federal (NFIP) Minimum Requirement	Model Bylaw Higher Standard	Rationale
The NFIP provides relief to historic structures by giving communities the option to either exempt them from the substantial improvement calculations (via definition), or by using variance provisions as a means to provide relief to historic buildings.	If a historic structure is substantially damaged or being substantially improved, improvements must comply with “mitigation performance standards” 2018 E.IV.C12.e 2022 V E 11 e	Requiring improvements to historic structures to meet “mitigation performance standards” helps to ensure that such buildings are able to better withstand future flood events and reduces public safety concerns, while still maintaining their designation as an historic structure. Additionally, implementation of mitigation performance measures may help to lower flood insurance premiums since the subsidies for historic structures are being phased out.
New, substantially improved, or replacement manufactured homes in a pre-FIRM portion of a manufactured home park must be elevated to either the BFE or to 36 inches in height above grade (44 CFR 60.3(c)(12))	Treats manufactured homes the same as conventional housing. The lowest floor of a new, replacement, or substantially improved manufactured home must be elevated at least 2 feet above the base flood elevation 2018.IV.C.12.a, 2022 V E 11	For the same reasons that the model requires conventional housing elevated 2 feet above BFE, manufactured homes are included in this category. An assessment of pre-FIRM mobile home parks can help to determine if the community wants to consider relaxing the elevation requirement. If the community is considering this provision, DEC would recommend that the manufactured home is elevated at least 48-56 inches in height above grade.
Absence of a requirement to provide dry land access	Requires Subdivisions and Planned Unit Developments to be accessible by dry land access outside of the flood hazard area 2018 E.IV.C.11 2022 V E 10	Requiring dry land access provides safe egress for property owners and reduces risk to first responders that may need to access development during a flood emergency.

The above constitute the significant higher standards in the model bylaws. In many cases, the model adds specificity, not higher standards per se, since the NFIP minimum standards are silent with respect to many aspects of development that communities must regulate in federally-mapped flood hazard areas. The full text of the federal minimums a community must adopt to be compliant with the NFIP are found in Title 44 of the Code of Federal Regulations, Part 60.3: https://www.ecfr.gov/cgi-bin/text-idx?SID=768f4e857e402da788e29adf6bae24f6&mc=true&node=se44.1.60_13&rgn=div8

Communities may adopt the federal minimum standards of the NFIP and achieve access to federal flood insurance and be eligible for FEMA hazard mitigation grants. However, adoption of federal minimums is discouraged since these standards will result in increased flood hazard risk over time. In addition, adoption of federal minimums makes communities less competitive for federal hazard mitigation funding.