

Montgomery Planning Commission Meeting Minutes

Regular Meeting

Public Safety Building

August 27, 2025 - 6:00pm

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

Guests: Emily Klofft (Northwest Regional Planning Committee)

Meeting called to order at 6:07

1. Additions/Deletions to Agenda

2. Review & Discuss Potential Bylaws Changes

- a. Typographical review can be completed after substantive review and outside of meeting
- b. Process
 - i. PC finalizes edits to bylaws; PC holds hearing(s) (assume some amount of time after hearings before draft can go to Selectboard); PC considers comments and makes any changes; PC provides copy to Selectboard with request to put on town ballot at Town Meeting day; Selectboard considers draft; final draft Selectboard puts forward put to a public vote, ideally at Town Meeting Day
 - ii. Goal for PC to finalize draft in October because there's a large amount of lead time to get something on ballot for Town Meeting Day
- c. Committee went through all recommended changes from Northwest Regional Planning Commission – see details the follow

Article 4

- d. 2.4(D): Keep on-the-record review this round of revisions
- e. 4.1(A)(1): Regarding exemption for ponds, before next meeting Emily will identify what other towns are doing and provide to PC
- f. 4.1(A)(1): Add exemption for account for small structures of 144 square feet to accommodate common lumber sizes; limited to accessory structure – can adopt definition other towns have to make clear this is limited to storage
- g. 4.1(E) – Emily to check with Ellen regarding need to remove temporary permits
- h. 4.1(A) – Emily to add language (if does not exist currently) that although you're exempt you have to comply with setbacks when engage in the activity

- i. 4.1(A) – Add to exemptions retail accessory on-farm business of 144 square feet or less in all zones except Con II
 - i. PC will consider if wants site plan review for retail accessory on-farm business that is bigger than 144 square feet and/or in Con II
- j. 4.2 – Emily explained that have to add “accessory on-farm business” as a permitted use in each district
- k. For all zones, decision to keep language about uses not on list assumed to be prohibited
- l. PC to consider how to define multi-family dwelling:
 - i. Decision to do walk through Center and Village to understand current number of units and uses
- m. We need a better definition for “camp”
 - i. PC to consider if state definition in WWPWS rules might work
 - ii. PC to consider appropriate day limit for something to be a camp
- n. Need add definition of 1-3 campsites and 4+ campsites – missing from draft
- o. 4.3(D) – Decision to change to allow specific mixed use as a permitted use in Village I if underlying uses both permitted (remove requirement for conditional use review)

Article 5

- p. PC to consider whether triplexes and quadplexes move to permitted uses in Village 1 and 2 and PC to consider if separate site plan review from conditional use review for 5+ unit dwellings -- or any combination of options
 - i. PC to also determine if adopt site plan review for any uses
 - ii. PC would like DRB input on site plan review consideration
- q. PC to consider what max number of units to incorporation into definition of multi-family dwelling
- r. Discussed picking up here at next regular meeting

Motin to adjourn by Patrick at 8:13

Minutes prepared by: Diane Sherman

Montgomery Bylaws Issues and Action Report

Section	Discussion	Addressed ?
Article 2: Administration and Enforcement		
Section 2.2(B)	As requested by ZA- edits to make it clear applicant is responsible for posting the P permit poster issued.	X
Section 2.3	Remove reference to Planning Commission in fee schedule, this is the responsibility of the Selectboard under statute.	X
Section 2.4(A)	Remove reference to “certificate of mailing” which is not a requirement or offered by the post office.	X
Section 2.4(B)	Add HOME Act standard that the DRB shall hold all public hearings within 120 days of the application being deemed complete.	X
Section 2.4(D)	Is on the record review working for the Town? PC would like to discuss further with the DRB.	
Article 3: Establishment of Zoning Districts and Official Zoning Map		
Map- Expansion of Village 2 District	PC discussed potential expansion of the Village 2 District. Public feedback was not in favor of the potential expansion area shown in the Town Plan. There are also many development constraints in that area (such as steep slopes). Areas around the villages which may be good for development are small, so could potentially only benefit a few landowners. Majority of PC felt there was not sufficient public support for expanding Village 2 District.	X
Article 4: Zoning Permits, Zoning Districts and Allowed Land Development		
Section 4.1(A)	Clarify the size of landscaping materials which can be removed before it is considered a pond which requires permitting. This is inconsistent throughout the bylaw currently. Recommend 100 cubic yards (roughly 1 dumpster truck) as the exempt standard.	X
Section 4.1(E)	ZA requested to remove the section on temporary permits. PC wanted to understand from ZA why temporary permits were causing issues.	
Section 4.2 Single and Two Household Dwelling	Clarify that in all districts where single household dwellings are allowed, two household dwellings are permitted or allowed as a conditional use. NRPC recommends the same standard of review for each district (e.g. two-household dwelling is permitted if single household-dwelling is permitted)	X
Section 4.2 Multi-Household Dwellings	Under definitions, currently only 3-4 units would be allowed under multi-household dwellings except if permitted through planned unit development (PUD). While legally allowable, NRPC recommends allowing for up to 8-12 units under conditional use review. Because this standard is not clear, some larger buildings have been permitted in Town in the past according to the ZA. Consider separating out 3-4 units as “small multi-unit” under recent state statute changes these cannot be denied due to character of the area conditional use standard.	

Section 4.2 Accessory On-Farm Businesses	Accessory on-farm businesses must be a permitted use, although the Town can require site plan review.	X
Section 4.2 Uses Not Listed	Recommend allowing for uses not listed as a conditional use review, rather than prohibiting them as this allows for flexibility in unforeseen circumstances.	X
Section 4.2 Campgrounds	As discussed with PC, separate campgrounds of 1-3 sites and 4 or more to allow a small number of sites as a permitted use but require conditional use for traditional campground facilities.	
Section 4.2- Family Child Care Home	A childcare home of up to 6 children is considered a permitted single household use of property. No permit is required except if structural alterations which would otherwise require a zoning permit (e.g. addition).	X
Section 4.2- Group Homes	Group homes are considered permitted single household use of property- same as above.	X
Section 4.3(A)	Remove reference to subdivision, since Town does not have subdivision standards this could be confusing. Standards themselves are acceptable.	
Article 5: Development Approvals		
Section 5.1 Conditional Use Approval	Recommend separation of conditional use and site plan approval, Certain uses cannot be reviewed under conditional use review (e.g. accessory on-farm business) or cannot be reviewed under character of the area criteria(e.g. 3-4 unit multi-units).	
Section 5.1(F) Conditions of Conditional Use Approval	Under HOME Act- cannot impose conditions beyond minimum standards set in bylaws for residential development unless tied to a nondiscretionary standard (e.g. wetlands or flood hazard).	
Section 5.1(G)(4) Conservation District Standards	Standard references division of land, but the Town does not regulate subdivision. Recommend removing references to division of land, standards that apply to development of land. Additionally standard references natural resources inventory- does Town PC have a copy of this?	
Section 5.4 Site Plan Review	Recommend adding a section on site plan review- see discussion from above regarding conditional use review.	
Article 6: General Regulations		
Section 6.1 Abandonment of Structures and Destroyed or Damaged Structures	Clarify standards on abandonment of structures, demolition and destroyed/damaged structures as requested by ZA.	
Section 6.7(G)	Add standard required by HOME Act for existing non-conforming parking spaces.	
Section 6.8 Performance Standards	Clarify that standard requiring permanent foundations and siding does not apply to camping vehicles as permitted under Section 7.2.	
Section 6.9 Ponds	Consider moving this section to Article 7. Determine a minimum size for ponds	

	exempt from permitting as this is inconsistent throughout bylaw. Assuming an average 6' depth, 6000 cubic feet is equivalent to a ~35' diameter round pond.	
Section 6.11 Signs	This section conflicts with Section 7.6 Home Occupations- PC needs to decide if a sign should be allowed for a home occupation. This section notes 1 sign up to 8 square feet is allowed, but in Section 7.6 it states no signs are allowed.	
Article 7: Specific Standards		
Section 7.1 Accessory Dwelling Units	Update definition to meet state statute.	
Section 7.2 Camping Vehicles and Campgrounds	Consider which standards should apply to campgrounds of 1-3 lots and which should apply only to conventional campgrounds of 4 or more lots.	
Section 7.5 Group Homes	Recovery residences are now included under definition of group home. The standard that group homes may not be located within 1000' of another group home is no longer legal.	
Section 7.6 Home Based Occupation	Clarify whether signs are allowed for home occupations or only for home businesses. Remove standard on conditional use review of home businesses that don't meet standards, home businesses are already a conditional use review. Decide the appropriate number of non-household employees (1 or 3).	
Section 7.8 Mobile Home Parks	Consider modernizing mobile home park standards. Modern mobile home parks rarely involve large commercial developments. Small parks used amongst related households or for workforce are more common. Adding flexibility to standards can support this type of affordable housing while ensuring good site design. Considering removing specific requirement that mobile home park is of 5-30 acres. A smaller park (e.g. 3-4 home) could be located on less this. Density requirements can ensure development is not too large. Section references a district which no longer exists. Consider allowing a smaller site lot size (.5 -1 acre) in the rural residential district- while maintaining the same density standards to avoid overdevelopment. Ensure all standards are similar to those of other uses (e.g. utility burying).	
Section 7.9 Public Facilities	Added emergency shelters and hotels and motels converted to permanently affordable housing development as required under state law.	
Article 8: Flood Hazard & River Corridors		
Article 8 Overall	Replace existing standards with model standards. See flood hazard crosswalk for options.	
Article 9: Definitions		
Accessory On-Farm Business	New definition required under state law. May break into multiple types if interested	

	in applying site plan review to only some types of this use.	
Agricultural Use	Reference state definition to ensure bylaw does not become out-of-date if statute changes.	
Camp	ZA- consider if there should be a time limit on how many days a camp can be occupied.	
Commercial Facility	For the purposes of zoning, multi-units of 5 or more should not be considered a commercial facility.	
Dwelling, Multiple-Households	Consider developing a definition for small multi-household and large multi-household.	
Frontage	Add a definition of frontage.	
Interested Person	Updated to meet state statute changes.	
Light Industry	Replace placeholder which inadvertently was put in bylaws with an actual definition.	
Lodging Establishment	Changes to differentiate from a short-term rental	
Mixed Uses	Add mixed uses as a specific use standard in Article 7 and clarify where they are allowed in Article 4. A definition should not be used to determine where a use is allowed.	

Site Plan or Conditional Use Review?

	Site Plan Review 24 V.S.A., §4416	Conditional Use Review 24 V.S.A., §4414(3)
Local Options	• May be adopted as a separate bylaw (new in 2004) • May be adopted as a separate development review process in zoning (traditional), or • May be incorporated under conditional use review (now specifically authorized).	• Must be adopted as a separate development review process zoning • May incorporate site plan review criteria • May include one or more Act 250 criteria
Application	Regulates internal site layout and design , including site access and circulation, parking, landscaping and screening, exterior lighting, signs, and other site factors specified in the regulations.	Regulates the external impacts of development on neighboring properties, the character of the area and neighboring properties, community facilities, traffic, roads, renewable energy resources, etc., as specified in statute and local regulations.
	May apply to all but single- and two-family dwellings, including permitted (administratively approved) and/or conditional uses.	Applies only to uses identified as conditional uses within the bylaw.
	Site plan review criteria may be incorporated under conditional use review to avoid duplicative, potentially redundant development reviews, and the need for two separate applications, notices, hearings and decisions.	
Administration	Administered by an appropriate municipal panel as specified in the regulations, usually the planning commission or the development review board. Some regulations also authorize administrative site plan review by the zoning administrator.	Administered by an appropriate municipal panel as specified in the regulations, usually the zoning board or development review board.
	Requires a public hearing, but with more limited public notice (e.g., 7 days).	Requires a warned public hearing with full public notice.
	Hearings may be held concurrently with site plan review hearings, as long as all requirements for each are met.	
	Decisions must be issued within 45 days from the date of hearing adjournment	
	Decisions may be appealed by interested persons who participated in the local hearing to the Vermont Environmental Court.	