

Montgomery Planning Commission Meeting Minutes

Special Meeting

Public Safety Building

September 30, 2025 - 6:00pm

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

Guests: Emily Kloffft (Northwest Regional Planning Committee)

Public: See attached sign-in sheet (email addresses redacted)

Meeting called to order at 6:04

1. Additions/Deletions to Agenda

None

2. Continue Review & Discussion of Possible Changes to Montgomery's Zoning Regulations/By-laws, with a focus on the number of Household Dwellings Allowed on Permitted Lots in Village I and Village II

- a. Patrick gave brief overview for public regarding anticipated changes to the zoning regulations
- b. Patrick raised the question of what the maximum number of units should be for multi-unit buildings in Village I and II zoning districts and opened the floor to public comments
- c. Alissa clarified that Regional Planning had proposed 12 as the maximum number and that we do not to choose that as the maximum
- d. Emily clarified that 12 units was proposed because other small communities in Franklin County have chosen 12 as the maximum number of units for multi-unit buildings in their downtowns
- e. At the request of public, Planning Commission gave initial thoughts on maximum number, while indicating that they were still considering – numbers ranged from 4 to 9 maximum
- f. Diane clarified that state law now prevents 3-4 unit buildings from being considered under the “character of the area” criterion for conditional use review and raised the proposal that we move 3-4 unit buildings in Village I and II from conditional use review to review by the Zoning Administrator (called a “permitted use”) to allow for easier development of those size multi-unit developments

- g. Emily provided a number of options for other limitations as alternatives or additions to limiting the unit number including:
 - a. adopt site plan review
 - b. create larger lot size standard for buildings with larger number of units
 - c. set max lot coverage standard to ensure green space on each lot or just say X amount of green space required
 - d. set max footprint of building in square feet
 - e. use a form-based standard that focuses on the physical form of the building
 - f. establish a permit allocation system but Montgomery would need a “capital budget” plan to do so
- h. Some members of the public exited the meeting; the following comments were received from those still in attendance regarding the maximum number of units in Village I and II for multi-unit buildings:
 - a. Some concerns about 12 units expressed generally
 - b. 6 unit max
 - c. 4 unit max with permitted use review; caveat that wastewater system has finite capacity
 - d. Did not specify max; wants site plan review in general and conditional use review for 4 unit buildings, does not want DRB to receive hand drawn pictures
 - e. 4 unit max; short-term rentals are the problem
 - f. 4 units max with conditional use review; concerns about generators, like decibel level next to neighbors; concern about long-term rental properties being destroyed by tenants
 - g. 4 unit with permitted use review; 6 unit max with conditional use review
 - h. 4 unit with permitted use review; 6 unit max with conditional use review
 - i. 4 unit with permitted use review; a higher number for max with conditional use review plus with a cap on permits
 - j. 4 to 6 unit max – if 6 add more land requirements or square footage; worried about competition and dropping property values from additional housing
 - k. 4 to 6 unit max with conditional use review
 - l. 4 unit with permitted use review; 6 unit max with conditional use review

- m. 4 unit with permitted use review; 8 unit max with conditional use review
- i. Emily talked with Planning Commission through the areas in flood hazard where we could adopt either federal minimum standard or more strict state standards for flood hazard requirements; Planning Commission decisions:
 - a. For 1, 2, 3, 4, 5, and 12, go with state standards
 - b. For 7, already in our regulations
 - c. For 8, stick with requirement in current regulations which prevent hazardous materials and junkyards in floodways
 - d. For 9, 10, and 13, use federal minimum standard
 - e. Need to decide in a future meeting on 6 and 11
 - 1. For 6, Emily will provide information on existing critical facilities in Montgomery information from Emily
 - 2. For 11, Emily will provide more information
- j. Still need to decide max pond size exempt from permitting – currently is 6000 cubic feet which is very large; considering 3000 cubic feet

3. Future agenda items

- a. If DRB can come to the next meeting, discuss significant questions with them including site plan review, permitted use review for 3-4 unit buildings, maximum number of units, and any other issues
 - a. Emily will reach out to DRB
- b. If DRB cannot come, go through rest of zoning regulations, residual questions, and changes that PC members want to propose that have not yet been raised

Motion to adjourn by Patrick at 8:37

Minutes prepared by: Diane Sherman

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.

Planning Commission ~~mtg~~
meeting 9.30.25

Vistor for

Arnold Mercy

Chi Nguyen

PETER LOCKER

Charles Swanson

Wesley D. Skidmore

Roberta A. Baker

Karie Quintin

Mary Searles

Camilla Lamer

Lauri Ellis

Christopher Johnson

Tosca Smith

Bill H. Hoden

Susan Bulin

John Haw

Mary Tryhorne

Dennis Beck

Cindy G. Christ

Claudia Rensch Martin

ELLEN FOX