

Montgomery Planning Commission Meeting Minutes

Regular Meeting

Public Safety Building

July 14, 2026 - 6:00pm

Present: Amy Sekol, Diane Sherman, Kim Morrill, Patrick Calecas; Alissa Hardy attended via phone (left at 7:05)

Guest: Emily Klofft (Northwest Regional Planning Commission)

Meeting called to order at 6:07 pm

1. Welcome Members of the Public and Guests

Members of public in attendance: Christopher Johnson, Karie Quintin

2. Brief Public Comment & Introduction

No general comments provided at beginning of meeting

3. Additions/Deletions to the Agenda

None

4. Review & Approve the Minutes from the Planning Commission Meeting held on June 9, 2026

Amy motioned to approve, Patrick seconded, passed 4-0-1

5. Brief update on the Short-Term Rental Registry Ordinance & the Selectboard Meeting of June 15, 2026

Selectboard adopted ordinance and subsequently a petition was successfully completed that results in the ordinance going to a Town vote. The vote will be via a special town meeting on Monday, August 17 at 6pm at the grange. It will use the normal town meeting format. The only agenda items will be on the short-term rental registry ordinance.

Patrick will reach out to Charlie to ask about the format for the town meeting and the Planning Commission's role.

Question from public about when the work on the short-term rental ordinance started. Planning Commission indicated that it started roughly in 2018.

Question asking what the Town is doing to encourage long-term housing. Planning Commission discussed areas in the current draft of the Zoning Regulations related to housing.

Public comment requesting use of the Town of Montgomery Facebook page to have more information. Public comment to make the Montgomery Town website more user friendly with a calendar of meetings.

See attached additional public comment.

6. Discuss the status of the current draft of Montgomery's Zoning Regulations/By-Laws

Because the special meeting on the short-term ordinance is not until August 17, we will not be able to put the Zoning Regulations up for the Town vote in time for the November election, so we should aim for the vote to be on Town meeting day in March. Nonetheless Emily would like us to get it finalized soon and move it to Selectboard early. Emily indicated that approval or disapproval of the changes to the Zoning Regulations is always by Australian ballot.

Changes discussed to current draft:

1. Add veterinary clinic as a conditional use for Village I, Village II, and Rural Residential and prohibit in Conservation I and Conservation II, like other similar uses
2. Strike definition of "social services" from Article 9
3. Change "unit" to "dwelling unit" throughout so no confusion
4. Change term "Dwelling, Accessory Unit" to "Accessory Dwelling Unit" throughout (including lists and table) but have two terms defined in Article 9 in case anyone is looking for this term under "dwelling" in the definitions
5. Incorporate Emily's draft of definition for new use of "data center"

Planning Commission members will each send individual edits to Emily and rest of Commission but will not discuss via email. Emily will compile list for next meeting in August.

7. Update on status of a dedicated Planning Commission email address

Kim created a new email address for Planning Commission:
Montgomeryplanningcommission@gmail.com

Kim will create automatic reply and circulate password to all members. Diane will send email address to Liz to add the email to our website.

8. Other Business

None

9. Public Comment

None

10. Future Agenda Items

Continue review and discussion of fully revised ordinance. Decide who will monitor email address.

Motion to adjourn made by Patrick at 8:05 pm, Amy seconded, passed 4-0-0

Minutes prepared by: Diane Sherman

To the Selectboard and Planning Commission,

I am writing as a long time resident, business owner, and property owner in Montgomery regarding the proposed Short Term Rental (STR) Ordinance. I request that this letter be entered into the public record.

While municipalities in Vermont have authority to regulate land use, including short term rentals, that authority should be exercised in a manner that is rationally related to a legitimate public purpose, supported by an adequate factual record, procedurally sound, and not impose burdens that are disproportionate to the Town's stated objectives.

I appreciate the Town's desire to address housing concerns. However, I remain concerned that the current ordinance may not yet be supported by sufficient Montgomery specific findings to justify the scope of regulation being proposed.

1. Rational Basis and Local Findings

The ordinance appears to rely on the assumption that regulating short term rentals will improve long term housing availability. I respectfully request that the Selectboard identify the Montgomery specific findings supporting that conclusion.

Specifically:

- What evidence demonstrates that existing STRs are materially contributing to Montgomery's housing shortage.
- What local data was relied upon in determining the scope of regulation.
- What findings support the conclusion that the proposed restrictions are necessary and proportionate to the problem identified.
- Were less restrictive alternatives evaluated and, if so, why were they determined to be insufficient.

Without clearly documented local findings, it is difficult for the public to evaluate whether the regulatory burdens imposed are appropriately tailored to the Town's stated objectives.

2. Economic Impact and Existing Lawful Use

Short term rental use has become an established and lawful use for many property owners in Montgomery. For many small property owners, STR income is not supplemental income. It is necessary to offset property taxes, maintenance costs, insurance, and seasonal operating expenses.

For some owners, long term rental is not a practical substitute because of the financial risks associated with Vermont's landlord tenant laws, potential property damage, and the cost of

eviction proceedings. I ask the Selectboard to explain whether these economic realities and reliance interests were evaluated before proposing restrictions that may substantially affect existing property owners.

If future permit caps or quantitative limits remain under consideration, I also ask the Selectboard to explain whether it evaluated grandfathering existing lawful operators or other transitional measures that would protect the reasonable reliance interests of current property owners who made long term investments under the existing regulatory framework.

3. Enforcement, Due Process, and Regulatory Scope

Any regulatory framework should clearly define how it will be administered and enforced.

I request clarification regarding:

- How complaints will be investigated.
- How violations will be determined.
- How penalties will be assessed.
- What procedural protections will exist before substantial fines are imposed.
- Whether enforcement will be complaint driven, proactive, or both.
- Whether future permit caps or additional restrictions are reasonably anticipated.

Given the potential for significant daily penalties, property owners should have clear notice of enforcement standards before the ordinance takes effect. Clear enforcement standards are particularly important where future amendments could expand restrictions or increase regulatory burdens over time.

4. Public Participation

Many affected property owners are nonresident taxpayers who contribute significantly to Montgomery's tax base but may not regularly attend meetings or monitor local postings.

While the Town may satisfy Vermont's statutory notice requirements, I encourage the Selectboard to consider whether additional outreach to affected property owners is appropriate given the significance of the proposed regulation and its potential impact on existing lawful property use.

5. Request

Before adopting or expanding this ordinance, I respectfully request that the Selectboard ensure the public record clearly reflects:

- The Montgomery specific findings supporting the ordinance.
- Why the proposed restrictions are necessary and proportionate.
- What less restrictive alternatives were considered and why they were rejected.
- How economic impacts on existing property owners were evaluated.
- How enforcement standards, penalties, and procedural safeguards will be administered.
- Whether future permit caps or additional restrictions have been evaluated and, if so, whether grandfathering or other transitional protections for existing property owners were considered.
- Whether the Town Attorney has reviewed the ordinance and the record supporting its adoption for legal sufficiency.
- I also request that the Selectboard confirm whether it has evaluated the administrative, legal review, and implementation costs associated with the ordinance, and whether it believes the current record is sufficiently developed to support adoption of the ordinance as drafted.

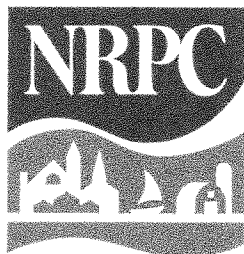
As a tourism based community, Montgomery's economy and property values are closely tied to seasonal visitors. I encourage the Selectboard to include in its findings an evaluation of the ordinance's potential effects on the local tax base, small businesses, and existing property owners alongside its anticipated housing benefits.

I submit these comments in the hope that the final ordinance, if adopted, is supported by a thorough factual record, clearly explained to the public, and carefully tailored to achieve the Town's stated objectives while minimizing unnecessary burdens on lawful property owners.

Thank you for your time, consideration, and service to the Town of Montgomery.

Respectfully,

Karie Quintin



Northwest Regional Planning Commission

75 Fairfield Street
St. Albans, Vermont 05478
PHONE 802-524-5958
WEB nrpcvt.com

To: Montgomery Planning Commission

From: Emily Kloffft, Regional Planner

Date:

Subject: Defining Data Centers

According to the Congressional Research Center, there are several types of data centers.

- Enterprise Data Center: IT and server infrastructure for one organization (often on-premises of a office/work location).
- Co-Located/Cloud Data Centers: Data centers which rent space/equipment/services to multiple organizations. For instance, information saved to the “cloud”.
- Edge Data Centers: Smaller data centers located close to end users to reduce processing times.
- Hyperscale Data Centers: Large data centers with at least 10,000 sq ft of physical server space with a power draw of 100 MW or more (equivalent to the amount needed to power 80,000 US households). ¹

Defining Data Centers for Zoning

South Burlington Draft Definition

A facility used for storage, management, processing and/or transmission of digital data that typically contains computers, network equipment, systems, servers, appliances, and other accessory components necessary for digital data operations operated by a single entity for data processing as the primary use or for the shared use of entities engaged in other primary uses for

their data center uses. All data center structures on a site shall be aggregated to calculate the total scale of the use and the “footprint” of a data center may be of a standalone building or of a portion of a building containing other uses.

If a facility that meets this definition but is 5,000 SF or less, it shall not definitionally be a Data Center but shall be a General Commercial, Small.

Scale

- Small – under 20,000 SF footprint
- Large – 20,000 SF or greater footprint

¹ U.S. Congressional Research Service, *Data Centers and Their Energy Consumption: Frequently Asked Questions*, May 12, 2026, <https://www.congress.gov/crs-product/R48646>

Recommended Approach

Given Montgomery has no major office complexes, consider adopting the South Burlington draft definition but with a smaller allowable size which can accommodate small-sized data storage which may be necessary for business use. See below.

Data Center: A facility used for storage, management, processing and/or transmission of digital data that typically contains computers, network equipment, systems, servers, appliances, and other accessory components necessary for digital data operations operated by a single entity for data processing as the primary use or for the shared use of entities engaged in other primary uses for their data center uses. All data center structures on a site shall be aggregated to calculate the total scale of the use and the “footprint” of a data center may be of a standalone building or of a portion of a building containing other uses.

A facility that meets this definition but is 1,000 square feet or less shall not definitionally be a data center but shall be a Business Services, Personal and Professional.