TOWN OF MONTGOMERY, VERMONT

MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES
Originally warned for Thursday September 24, 2026 @ 5:30 pm
Held on Thursday, October 22, 2026 @ 5:30 pm

Board Members: ***Parma Jewett (Chair), John Kuryloski, Sue Wilson, Mary Garceau and Lynn Locher (alternate)***

Applicants: ***Robert Earley (He could not travel in September due to a storm)***

Visitors: ***Ellen Fox, Zoning Administrator; Lynda Cluba, Clerk, Peter Locher and Karie Quintin***

Meeting came to order at 5:30 pm.

Parma Jewett explained the process of how the meeting will be conducted. The hearing is recorded and all who speak must first state their name and be recognized by the Chair. She introduced the Board members and gave the Oath to all witnesses. All affirmed She asked if any Board members felt they had a conflict of interest. No response.

DRB Hearing 1 - Robert Earley has submitted an application for Variance from the Towns Zoning Regulations. The application is to build an accessory structure in the Conservation 2 Zoning District on parcel ID# 303.012X of 10.29 acres at 856 Highland Dr. The parcel lies in both the Village 2 and Conservation 2 Zoning Districts. A Variance requires Development Review Board Approval.

Evidence noted as A1 submitted by the Zoning Administrator includes: Notice of Public Hearing, Posted at Sylvester's Market, Post Office, Town Office and Town website on September 4, 2026. Printed in St Albans Messenger and mailed to Applicant and all abutters on September 4, 2026; application to DRB received 8/31/26 and dated 8/21/26; Copy of a map showing property lines and possible location of the accessory structure; a picture of a Garmin measuring device; list of the abutting property owners.

Evidence submitted by property owner noted as B1 includes: a colored copy of map showing location of current structures and proposed structure.

Robert Earley states the accessory structure will be located in the Conservation 2 area of the property marked on the colored map showing property lines.

Parma asks if the Board has any questions. Mary asks is this will used for residential purpose. Applicant states it will be a studio for his personal use. There will be no connection to septic or power. His wife is a painter and the view is very good from

there. He originally wanted it to be 24'X40' but, according to the Zoning Administrator, it is in Conservation 2 District and would have to be smaller so he reduced the size to 20'X32'. He wants to build in this area because the land is flat. Most areas in the Village 2 District is steeper and not buildable. Lynn ask why not apply for a camp? He answers that a camp is not permitted in Con 2 but an accessory building is. When asked why the original Warning was in September and he did not attend. Ellen explains a storm prevented Mr. Earley from attending. She explained that no other Warning was needed.

Hearing ends at 5:41 pm.

DRB Hearing 2: Leiha Macauley as Trustee of Buttricks Trinity Irrevocable Trust. submits and application for an Appeal from the decision of the Administrative Officer. Permit #ZP-05-26

Board Members: ***Parma Jewett (Chair), John Kuryloski, Sue Wilson, Mary Garceau and Lynn Locher (alternate) and Barry Kade***

Applicants: ***Leiha Macauley, as Trustee for Buttricks Trinity Irrevocable Trust (not present). Present to represent the Trust at the hearing is James Anderson and Matthew Zidovsky, Esq.***

Visitors: ***Ellen Fox, Zoning Administrator; Lynda Cluba, Clerk, Peter Locher and Karie Quintin***

Hearing begins at 5:43 pm.

Parma explains she will recuse herself from voting at this hearing as she has a conflict of interest. John Kuryloski will chair the hearing.

John reads the Notice of Appeal regarding Zoning Permit #ZP-05-26 of Stacy Manosh at 1918 Mountain Rd. in Montgomery Ctr, which was approved by the Zoning Administrator as of March 29, 2026.

Evidence submitted by the ZA noted as A1 includes: Application to the DRB to appeal decision of the Administrative Officer, dated 9/17/26 and received on 9/18/26; Receipt/transaction summary from the Town of Montgomery for the fee; Letter from Attorney Matthew A. Zidovsky

to DRB, Parma Jewett(Chair) for Notice of Appeal of ZP-05-26; application for Building/Zoning Permit to Stacy Manosh, decision on 3/12/2026 and approved (beginning 3/29/2026 and expiring 3/29/2027) for a 2 family home and garage and ADU and garage; copy of the tax map with property lines and proposed locations of the buildings; a scaled map showing proposed residences and wastewater systems.

Evidence submitted by representatives for the Trust noted as B1 includes: 4 page memorandum from Atty Matthew Zidovsky to the DRB; several photos of work as it commenced on the property including excavation work, marker posts, driveway excavation, drainage pipes and beginning of foundation work, noted as exhibits A-X; emails between 6/29/26 and 7/22/26 between James Anderson and Krystal Sewel of the DEC, noted as exhibit Y; a parcel map from the Town of Montgomery of the Manosh property and surrounding properties, noted as exhibit Z; 2 survey maps by Bernard & Gervais, LLC, noted as exhibit AA.

Atty, Zidovsky states he has submitted evidence that was accepted and noted as **B1.** Applicant requests reconsideration by the Development Review Board. The permit was approved by the Zoning Administrator on 3/12/2026 for 2 residential homes and 2 primary uses and was not reviewed by the DRB. They felt they were deprived of an appeal of the permit for over 30 days. Atty. Zidovsky felt as the defendant failed to apply for Conditional Use approval by the DRB the applicants did not have a chance to testify. Ellen states the notice of appeal was posted as required. The permit was approved and issued over 6 months ago. He also asks why Stacy is not present at the hearing. No response.

Parma states the 2 family home is a single structure with attached garage and a finished apartment over the garage. Atty, Zidovsky requests Parma be sworn in. John gives her the oath and she affirms.

Mary asks if the 2nd ADU with garage has a separate address. Ellen responds the permit was posted properly as to the application she received from Ms. Manosh. The maps are on the website with the permit. A visible permit sign with a large **P** was posted on the property prior to construction. Parma explains the building site was estimated and the state came in and due to location of the wetlands, the site was moved. Mary stated she feels the purpose of this hearing is to determine if the permit was

approved correctly. She also asked, if in order for an ADU to be permitted does it have to be lived in? An ADU is permitted in a Rural/Residential Zoning District.

James Anderson, representing the Buttricks Trust states the point that construction started was not apparent on the **P** permit. He gives a timeline of his interpretation of the events as they occurred.

He states; on **December 30, 2025** Stacey Manosh informed the applicants that she was planning on developing her land and proposed purchasing land from them so as to conform to Zoning. He states she explained the main structure was for her mother and wanted to build a second building to give to someone who is disabled and lives in Burlington. **January 28, 2026** Stacy emailed them with the proposed land purchase or swap. After consideration, on **February 27,2026**, the applicants declined the land sale/swap that she had proposed. **On March 5, 2026,** he states she submitted the application for permit as if they had done the land purchase/swap, and he assumed she would apply appropriately. On **June 29, 2026** the contractor approached the applicants that construction was apparent. **On July 22, 2026** Krystal Sewell of the **DEC** shared that no permit was issued by the State regarding building near a wetland. He states that land had been cleared for a second dwelling at end of her property, which he believed is not the site permitted for the ADU. **July 24, 2026**, he states there had been no septic permit for the second ADU. On **September, 17, 2026** they filed an appeal from the decision of the administrative officer. (Letter of appeal, composed by Langrock, Sperry & Wool, included in evidence submitted and noted as **A1.**)

Ellen states the **DEC** did reach out to Stacy and found no need for wetland enforcement. Wetland permits and Wastewater permits are issued by the State.

Lynn Locher asks James "What is your goal regarding this appeal?" James answers that the project should be described as to the construction that will happen on the property. Culverts and drainage should not affect his property. He does not want anything built as to a second home unless properly permitted. Atty, Zidovsky explains he would take back the evidence submitted by the applicants and James would mark what the photos

represented and then return them. Barry states that the hearing would have to be recessed and reconvened. The Board did not feel it was necessary.

John explains the hearing is over and a decision will be made within 45 days.

Hearing ends at 7:30 pm.

John made a motion and was seconded to enter deliberations at 7:36 pm. So moved The Board exited at 7:45 pm.

DRB Hearing 1: **Robert Earley has submitted an application for Variance from the Towns Zoning Regulations. The application is to build an accessory structure in the Conservation 2 Zoning District on parcel ID# 303.012X of 10.29 acres at 856 Highland Dr. The parcel lies in both the Village 2 and Conservation 2 Zoning Districts.**

Barry was not present at this hearing and recuses himself. Based on the findings the Board **DENIES** the application for a Variance to build an accessory structure at 856 Highland Dr.

Mary made a motion and was seconded to **DENY** the application to build an accessory structure outside of the 50 foot allowance of the least restrictive district, which is Village 2, as per the applicants diagram. In regard to Section 3.3(b) of the Montgomery Zoning Regulations.

Roll Call Vote: Mary - Yes; John - Yes; Sue - Yes; Parma - Yes; Lynn - Yes; Barry - abstains. Motion passed 5-0

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DRB Hearing 2: Leiha Macauley as Trustee of Buttricks Trinity Irrevocable Trust. submits and application for an Appeal from the decision of the Administrative Officer. Permit #ZP-05-26.

John made a motion and was seconded to enter deliberations at 8:05 pm. So moved The Board exited at 8:50 pm.

Based on the findings the Board **APPROVES** the application for appeal of the Decision of the Administrative Officer regarding Building/Zoning Permit #ZP-05-26.

MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES
Thursday, October 22, 2026

Mary made a motion and was seconded to **APPROVE** the Appeal from the Decision of the Administrative Officer regarding Permit #ZP-05-26; decision on 3/12/26, approved on 3/29/2026 and expiring on 3/29/2027 for construction of a duplex plus additional building with an ADU. This application required Conditional Use approval by the Development Review Board. By the Zoning Administrator's approval appropriate notice to the abutter was not provided.

Roll Call Vote: Sue - Yes; John - Yes; Mary - Yes; Barry - No; Lynn - Abstains. Motion passed. 3-1.

John made a motion and was seconded to adjourn at 9:10 pm So moved 5-0

Respecfully submitted:

Lynda Cluba, Clerk