

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

Robert & Rebecca Cummins

APPLICATION FOR CONDITIONAL USE PERMIT TO CONSTRUCT AN ATTACHED SHED

July 14, 2022 5:30 pm
Montgomery Public Safety Building

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Robert & Rebecca Cummins** for Hazard Review.

1. A **Public Hearing** was warned for **July 14, 2022 at 5:30 pm at the Montgomery Safety Building.**
2. **Notice of the Hearing** was posted on **June 23, 2022** at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building, town website** and published in *The St. Albans Messenger on June 23, 2022.*
3. No Interested parties were present as prescribed by 24 V.S.A. § Section 4465, and under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS, Article 9: Definitions, interested person (a) the party owning title to the subject property and (b) a person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed.**
4. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on July 14, 2022.**
5. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Suzanne Wilson, and Barry Kade.** Board members absent were **Mark Brouillette, John Kuryloski and Lynda Cluba.** **Robert & Rebecca Cummins Applicants.**
6. At the outset of the **Hearing Parma Jewett, Chair of the Development Review Board,** afforded an opportunity for persons wishing to speak to take the oath. She also asked if any Board members felt they had a conflict of interest. No response.
7. All parties wishing to offer testimony were sworn in.
8. The meeting was called to order at 5:43 pm.

FINDINGS

Based on the Application, sworn testimony, exhibits and other evidence the **Development Review Board** makes the following findings:

1. The subject property consists of a single family dwelling with .5 acre; parcel ID #00035.007X which is located at 120 Nutting Road in Montgomery, Vermont in river corridor.
2. This property is located in the Rural Residential Zoning District as described on the **Town of Montgomery Official Zoning Map** on record at Town of Montgomery Municipal Office and Section 3 of the **Town of Montgomery Zoning By-Laws and Regulations**
3. The application requires review under the following sections of the **Montgomery Zoning By-Laws:**
 - a. Section 4.1 Zoning Permits (A) Applicability
 - b. Section 5.1 (A) 2 Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. Section 5.1 (F) Conditions
 - e. Section 8.5 Hazard Area Development Standards

Finding of Facts

1. The subject property is located in Rural/Residential Zoning District at 120 Nutting Road in Montgomery, Vermont.
2. Subject property consists of .5 acre with a single family dwelling and attached shed.
3. Property is located within the river corridor of the Pacific Brook.
4. An accessory structure in a river corridor requires Hazard Area Review.
5. Shed to be constructed with be open and attached to an existing wood shed to house a new electric car as well as a charging station.
6. The addition will be 10'x 17' with a roof height of 9.5'.

DECISION

Based upon the findings, the Montgomery Development Review Board grants approval for a Conditional Use permit for an attached open shed located at 120 Nutting Rod in Montgomery, Vermont, **with the following conditions.**

1. The shed can only be used to for an operating car and the electrical charging station.

Roll Call Vote: Parma, YES; Suzanne, YES; Barry, YES.

A copy of this decision shall be mailed to the Applicant by certified mail and a copy shall be mailed to every person claiming interested party status at the hearing.

An Interested Person may appeal a decision of the Development Review Board to the State of Vermont Environmental Division, in writing, within thirty days of the date the decision was issued.

If no appeal of the decision is filed within the thirty (30) day appeal period, all parties shall be bound by the decision and shall not thereafter contest it. 24 V.S.A. § Section 4472 (d).

Dated at Montgomery Center, Vermont, August 29, 2022

Parma Jewett, Chairperson Montgomery Development Review Board

