

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday, November 17, 2022 @ 6:30 pm

Members present: *Parma Jewett: Chair, Lynda Cluba, John Kuryloski, Mary Garceau, Suzanne Wilson*

Applicants: *Keith Longmore (Mary Jane Mountain, LLC), Kameron Schaberg*

Meeting was called to order at 6:31 pm.

Parma 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. The hearing is conducted at the Public Safety Building in the Conference room located at 86 Mountain Rd in Montgomery Ctr.

1. **DRB Hearing - Mary Jane Mountain LLC. Application for Conditional Use approval was submitted for a retail store at 91 Main St in Montgomery Ctr. Retail space is located in the current building which includes Jay Cloud Cyclery and the Oma Café. The property is owned by EMSquare Inc. Identified as Parcel #N118.010X located in the Village 1 Zoning District as written in the Town of Montgomery Zoning Regulations; Amended and updated November 2018. Reason for the Application: Retail.**

Parma gave the oath to all on the sign in sheet, all affirmed. She asked if any Board members felt they had any conflict of interest. All felt they had none. No abutting property owners or interested parties were present.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Hearing dated 10/27/2022 including a list of abutting property owners. Notice was mailed to abutters, applicant and posted in 3 places. Notice was published in the St Albans Messenger on 10/28/2022. Application to the DRB dated 9/26/22; Zoning and Planning decision regarding the property, dated 3/17/1998; Water supply and Wastewater Disposal permit dated 4/11/1989; a copy of the Zoning Map; 2 letters of support from the owner Mark Cellucci, President, EMSquare and Jay Cloud Cyclery, owner and lessee Ethan Dull; a Field Construction Permit from Vt Dept of Public Safety; Articles of Incorporation to Mary Jane Mountain LLC from Vt Secretary of State effective 3/31/2022; assignment of EIN number from IRS, Dept of Treasury dated 8/31/2022; a Banking Letter of Intent from DAMA financial; 2 Certificates of Liability Insurance from certificate holders: EMSquare Inc and Jay Cloud RLLP for insured Mary Jane Mountain LLC; Estimate for electrical work from Black Dog Electrical Service LLC; 7 page Agreement of Lease between Jay Cloud Cyclery (Lessor) and Keith Ripton Longmore and Michelle Decarmine...members of Mary Jane Mountain LLC (Lessee) and a copy of the building sketch at 91 Main St from the Lister files.

Mr. Longmore explains he wishes to open a retail establishment in the building, owned by EMSquare Inc, for the sale of CBD, cannabis and other merchandise. The space to be used is 17 ft by 18 ft (306 sq ft). He can only use certain space in the building due to security requirements. He cannot use the bathroom or kitchen areas in the building. He must meet these requirements, purchase security equipment and pass inspection by the State of Vermont, prior to being issued his license. He must hire employees from the Town of Montgomery.

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Every employee must pass a drug test. 1% of sales tax will go to the town. He will also sell CBD products, clothing and accessories.

Questions from Board members include: What will be the hours of operation? Hours will be 11am-7pm during the week and 11am-8pm on the weekends. How many parking spaces would he require? He was not clear as to the requirements. He was informed that he would be allowed 1 parking space for every 200 sq ft of retail space.

Parma explains the board will go into deliberations and the Board has 45 days to submit a decision. Hearing 1 concludes at 7:11 pm. Hearing 2 begins at 7:12 pm.

2. **DRB Hearing – Shana and Kameron Schaberg submitted an application for Conditional Use approval to use a camp on the 7.2 acre parcel, ID #1.035X at 946 Fuller Bridge Rd, in the Rural/Residential Zoning District. The current camp structure will be demolished and rebuilt on the existing footprint which is permitted by the Zoning Regulations. Applicants seek approval for its use as an accessory dwelling and as a lodging establishment which requires Conditional Use approval by the Development Review Board. Reason for the application: Guest camp to be demolished and rebuilt on current footprint for the purpose of rental (short and/or long-term).**

Parma gave the oath to all on the sign in sheet, all affirmed. She asked if any Board members felt they had any conflict of interest. All felt they had none. No abutting property owners or interested parties were present.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of hearing with list of abutters, posted in 3 places on 10/27/2022 and published in the St Albans Messenger on 10/28/2022. Notice was mailed to abutters and applicant on 10/27/2022; Application to the DRB dated 10/07/2022 and an aerial photo of the property from the Vt Natural Resources Atlas dated 11/3/2022, showing the existing camp and dwelling.

Before any testimony by the applicant, Parma asks if he wishes approval for long term or short term rental as long term rental does not require approval by the Board. Applicant responds he wishes approval for short term rental. Applicant explains he currently lives on the property in a log dwelling he purchased in 2022. There is also a camp adjacent to his home that he wants to demolish, as it is in poor condition. He wishes to construct camp on that existing footprint to use for short term rental and also be a second dwelling for any family members in the future. The footprint is 24X16 (384 sq ft). The new camp would be 1 story with a loft.

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Parma explains the board will go into deliberations and the Board has 45 days to submit a decision. Hearing concludes at 7:21 pm. Suzanne made a motion and was seconded to enter deliberations at 7:22 pm. So moved 5-0. The board exited deliberations at 7:36 pm.

DRB Hearing 1 –Mary Jane Mountain LLC. Mary made a motion and was seconded to APPROVE the request of Mary Jane Mountain LLC to operate a retail business @ 91 Main St with the following condition.

1. Mary Jane Mountain LLC to have 2 designated parking spaces, with signage, in front of the store.

Roll call vote: Parma – YES, Suzanne – YES, John – YES, Mary – YES, Lynda – YES. Motion passed 5-0.

DRB Hearing 2 – Shana and Kameron Schaberg. John made a motion and was seconded to APPROVE Conditional Use for a short-term rental at 946 Fuller Bridge Rd with the following conditions.

- 1. No more than 4 overnight paying quests.**
- 2. No more than 4 vehicles allowed on the property when rented.**
- 3. Must provide rental insurance.**
- 4. No overnight camping.**
- 5. Quiet hours between 10 pm and 6 am.**
- 6. House rules must be posted on premises.**
- 7. 911 location must be posted in a visual location.**
- 8. Property must be registered with the State of Vermont for rooms and meals tax.**
- 9. There must be a minimum of 1 fire extinguisher and CO2 detector in the rental space.**

Roll call vote: Parma – YES, Suzanne – YES, John – YES, Mary – YES, Lynda – YES. Motion passed 5-0.

Motion was made and seconded to adjourn meeting at 7:42 pm. So moved 5-0.

Respectfully submitted: Lynda Cluba, Clerk