

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

BARRY & DENISE DOMINA AND SUSAN BAKER

REQUEST FOR SUBDIVISION WITH ACCESS BY RIGHT-OF-WAY

January 24, 2019

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by **Barry & Denise Domina and Susan Baker** for a **subdivision of property with access by right-of-way**. Section 6.10(D) under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS**.
2. The application was received by the Zoning Administrator on **January 8, 2019**.
3. A **Public Hearing** was warned for **January 24, 2019**
4. Notice of the Hearing was posted on January 8, 2019 at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building** and published in *The St. Albans Messenger*.
5. This application was considered by the Montgomery Development Review Board at a **Public Hearing on January 24, 2019, at the Montgomery Public Safety Building**.
6. Present at the **Hearing** were **Development Review Board Members: Parma Jewett, Chair, Barry Kade, and Merle VanGieson**. Also, present was **Ellen Fox, Zoning Administrator**.
7. At the outset of the **Hearing, Parma Jewett Chair of The Development Review Board** afforded an opportunity for persons wishing to achieve status as an interested person under **24 VSA Section 4465(b)** to demonstrate that the criteria set forth in that subsection were met. No **Interested Party** was present at the hearing
8. All parties wishing to offer testimony were sworn in.

FINDINGS

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

1. The subject property is **10.5 acres**, located at **88 Mountain Road**, in the **Town of Montgomery, Vermont**. **Parcel ID#00242.019X**.
2. This property is located in the **Rural Residential 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 6.10 (D) (Access to Lots without Frontage).

DECISION

Moved by Merle to approve request for access to lots by right-of-way. Barry seconded the motion.

Based upon the findings, the Montgomery Development Review Board concludes that the request for a subdivision to lots without Frontage with access by right-of-way **at 88 Mountain Road** is **APPROVED. Roll Call Vote: Parma, YES; Merle, 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 or body appearing and having been heard at the Hearing, and the Clerk of Montgomery as a part of the Public Records.

An Interested Person may appeal a decision of the Development Review Board to the 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. Section 4472 (d).

Dated at Montgomery Center, Vermont, this 5 day of February 2019

Parma Jewett, Chairperson Montgomery Development Review Board