

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

JILL AND RAFAEL ANTILLON APPLICATION FOR CONDITIONAL USE PERMIT

November 14, 2019

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Jill Antillon for Conditional Use Permit of a lodging establishment** due to a violation notice, dated October 11, 2019 from the Zoning Administrator for the Town of Montgomery **according to V.S.A. § 4445**, The administrative officer must institute appropriate action to correct the violation.

1. A **Public Hearing** was warned for **November 14, 2019**.
2. **Notice of the Hearing** was posted on **October 24, 2019** at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building** and published in *The St. Albans Messenger* on **October 26, 2019**.
3. Melinda Swearingen and Rafael Antillon assert status as interested parties as prescribed by 24 V.S.A. § Section 4465, and under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS, Article 9, 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 November 14, 2019**, at the **Montgomery Public Safety Building**.
5. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Lynda Cluba (Clerk), Suzanne Wilson, Mark Brouillette (Vice Chair) and Merle Van Gieson**. Also, present was **Ellen Fox, Zoning Administrator** and Wendy Howard, Lynne Drevik, Laura Snyder, Barry Kade and Joe Sherman.
6. At the outset of the **Hearing, Parma Jewett, Chair of The Development Review Board** afforded an opportunity for persons wishing to speak to sign and 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 6:00 pm.

FINDINGS

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

1. The subject property is a **0.46 acre lot**, located at 266 Main St. in the **Town of Montgomery Center, Vermont. Parcel ID #0N118.035X**.
2. This property is located in the **Village I 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 4.2 Conditional Use (b)
 - b. Section 5.1 Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. Section 5.1 (F) Conditions

Findings of Facts

1. The subject property is located at 266 Main Street in Montgomery, Vermont. It is a two story dwelling with 3 bedrooms and 3 bathrooms and contains 3127 square feet of finished living area.
2. Subject property has accommodations which can sleep up to 15 guests.
3. Subject property was used by its previous owner as a bed & breakfast, antique shop and the owner also sold May Kay cosmetics out of the dwelling.
4. Current owners have used the subject dwelling for family gatherings & reunions, hosted a dinner there for their son's athletic sport team and also had an adult child that lived there for a period of time.
5. Since time of purchase owners have put a new roof on the dwelling and done some remodeling of the interior. Nothing on the exterior has changed nor has the foot print of the home.
6. Subject property has enough driveway area to park 10 cars. Owners have also installed a half circular driveway so that there is an entrance and exit for cars. This was done so that no one would have to back out into the street to leave the subject property.
7. Owners meet and greet all of their guests and have a set of rules posted in the house.
(Evidence A-2)
8. Owners did in the past allow paid events at the subject property, however this is no longer allowed.
9. Under review standards of Montgomery Zoning Regulations (Section 5.1(E) 2) the DRB Board finds that the subject property does not change the ***character of the neighborhood***. Subject property is located on Main Street where there is another bed & breakfast, a lodge, an inn, craft shop, and other commercial businesses.
10. Under review standards of Montgomery Zoning Regulations (Section 5.1(E) 3) the DRB Board finds that the subject property does not affect the ***traffic on the roads and highways in the vicinity***.
11. Under review standards of Montgomery Zoning Regulations (Section 5.1(E) 4) the DRB Board finds that the subject property does meet the ***maximum safety of vehicular and pedestrian circulation between the site and the street network***.

DECISION

Based upon the findings, the Montgomery Development Review Board granted approval for a Conditional Use Permit **at 266 Main St in Montgomery Center, Vermont** with the following conditions.

- 1. Quiet time between the hours of 10:00 pm and 6:00 am for paying guests.**
- 2. Allow a maximum of 15 paying guests per day.**
- 3. Minimum of 4 parking spaces on site according to Section 6.7 (A) 4, Lodging Establishments and Bed and Breakfasts, One (1) space plus one (1) space for every guest room.**
- 4. No overnight camping for paying guests.**

Roll Call Vote: Parma, YES; Merle, YES; Lynda, YES; Suzanne, YES; Mark, 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 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, this 29th day of November, 2019.

Parma Jewett, Chairperson Montgomery Development Review Board