

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

REQUEST FOR APPROVAL OF LOT ACCESSED BY RIGHT-OF-WAY

April 25, 2019

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Marty Lumbrá for approval of lot **accessed by right-of-way. Section 6.10(D)** under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The **DRB application #2019-02** was received by the Zoning Administrator on **March 25, 2019.**
3. A **Public Hearing** was warned for **April 25, 2019**
4. Notice of the Hearing was posted on **April 10, 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 April 25, 2019, at the Montgomery Public Safety Building.**
6. Present at the **Hearing** were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, Clerk and Suzanne Wilson.** Also, present was **Marty Lumbrá, applicant and Faith Johnson..**
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. **Lois Babbit and Robert Bonnell were present for Bill Lynam who has requested interested party status by submitting 2 letters authorizing Lois and Robert to represent him 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 **9.78 acres** located at **58 Chantally Lane** in the **Town of Montgomery, Vermont. Parcel ID# 19.001X with frontage on a public road of 185.87 ft., accessed by 50' R.O.W. Parcel includes a 1sty dwelling.**
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).

Development Review Board

FINDINGS AND DECISION

REQUEST FOR APPROVAL OF LOT ACCESSED BY RIGHT-OF-WAY

April 25, 2019

DECISION

Sue Wilson made a motion to grant approval for access to 9.78 acre lot by right-of-way. Parma seconded the motion.

Based upon the findings, the Montgomery Development Review Board concludes that the request for access to lot without required road frontage, by right-of-way at **58 Chantally Lane** is **APPROVED**. **Roll Call Vote: Parma, YES; Lynda, YES; Sue, 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 1st day of May, 2019

Lynda P Cluba, Clerk
Montgomery Development Review Board

