

# Town of Montgomery

## Development Review Board

### FINDINGS AND DECISION

Susan & Gary McAllister

### REQUEST FOR CONDITIONAL USE

July 17, 2017

### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by **Susan & Gary McAllister** under the TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS for a Conditional Use to change present use of a camp to single family dwelling.
2. Present at the hearing was Gary & Susan McAllister, James & Deb Esty, and Danielle Fleming.
3. The application was received by the Zoning Administrator on June 28, 2017.
4. A **Public Hearing** was warned for **July 17, 2017**.
5. Notice of the Hearing was posted at **Montgomery Town Office, Montgomery Ctr Post Office, Montgomery Village Post Office, Town of Montgomery website** and published in The St. Albans Messenger on June 30, 2017.
6. This application was considered by the Montgomery Development Review Board at a **Public Hearing on July 17, 2017**.
7. Present at the **Hearing** were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, Clerk, Merle VanGieson and Suzanne Wilson**.
8. 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. **Interested Party Status** was granted to: **Susan & Gary McAllister and Danielle Fleming**.
9. All parties wishing to offer testimony were sworn in except **James & Deb Esty** who did not provide any testimony.

### FINDINGS

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

1. The subject property is a **4.75 acre parcel**, located at **3948 Hill West Ext.**, in the **Town of Montgomery, Vermont. Parcel ID # 12.137X**
2. This property is located in the **Conservation 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 1.2 Purpose
  - b. Section 1.5 Interpretation
  - c. Section 1.8 Review of Applications during Adoption
  - d. Section 2.2 Zoning Permit Issuance and Posting Requirements
  - e. Section 4.2 District Land Use and Development
  - f. Section 5.1 Conditional Use Approval

## SUMMARY OF EVIDENCE

### **The DRB received documents, heard testimony and discussed all evidence of record in deliberative session.**

Evidence submitted by the Zoning Administrator was a four page document noted at **A1** which included:

- Application for Conditional Use received on June 28, 2017, with required fee and a town survey map showing the property in question and some adjoining owners as well as the notice posted in newspaper.

**Applicants Testimony:** The applicants are requesting a conditional use to change the present structure on the site from a camp to a single-family residence.

## FINDINGS OF FACT

The parcel is a 4.75 acre parcel which has a 1143 sq ft camp built on piers in 1986. The camp also has water and septic in place.

## DECISION

Based upon the findings, the Montgomery Development Review Board concludes that the **DRB Application no 03-17**, request for a Conditional Use, is **Approved** with no conditions.

**Roll Call Vote: Parma-YES; Merle -YES, Lynda-YES, Suzanne - YES**

A copy of this decision shall be mailed to the Applicants 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 20th day of July, 2017.

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Parma Jewett, Chairperson  
Montgomery Development Review Board