

# Town of Montgomery

## Development Review Board

### FINDINGS AND DECISION

#### JOHN A. CHAMBERLIN APPLICATION FOR CONDITIONAL USE PERMIT

February 11, 2020

### INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **John Chamberlin** for **Conditional Use Permit** of a lodging establishment in the Town of Montgomery .

1. A **Public Hearing** was warned for **February 11, 2020**
2. **Notice of the Hearing** was posted on at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building** and published in *The St. Albans Messenger on January 27, 2020*.
3. Darren Drevik 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 **February 11, 2020**, at the **Montgomery Public Safety Building**.
5. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Merle Van Gieson ( Acting Clerk), Mark Brouillette (Vice Chair) and Wendy Howard**. Also, present was **Darren Drevik & John Chamberlin..**
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 6:32 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 **0.17 acre lot**, located at 149 River Street in the **Town of Montgomery Center, Vermont. Parcel ID 00051.016X**.
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

## DECISION

Based upon the findings, the Montgomery Development Review Board granted approval for a Conditional Use Permit **at 149 River Street 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 10 paying guests per day.**
3. **Owner will expand the drive way to comfortably fit a 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.**
5. **Written house rules will be posted for paying guest.**

**Roll Call Vote: Parma, YES; Merle, YES; Wendy, 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 25th day of February, 2020.

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Parma Jewett, Chairperson Montgomery Development Review Board

## FINDING OF FACTS

1. The subject property is located at 149 River Street in Montgomery Center, Vermont. It is a 1.5 story dwelling with 3 bedrooms, 1 full bathroom and contains 1506 square feet of living area.
2. Subject property has accommodations which can sleep up to 12 guests.
3. Subject property prior to purchase by Mr. Chamberlain on 12/21/2018 was used as a year round single-family rental.
4. Current owner has used the subject dwelling for gathering of friends and family. This past year Mr. Chamberlin has twice used the subject property for short term rentals.
5. Since the time of purchase the owner has invested over \$23,000 in home improvements.
6. Subject property has a driveway with room to park 4 cars. However Mr. Chamberlin stated it is a tight fit and plans to expand the driveway this coming summer.
7. Mr. Chamberlain has employed the services of Vacasa, who handles over 250 short term rentals in Vermont, including 6 at Jay Peak resort. He employs a local Montgomery resident as a housekeeper who also acts as an immediate response person for any situations at the house.
8. Darren Drevik, adjoining land owner expressed that he was in favor of granting a Condition Use for the property located at 149 River Street, Montgomery Center, Vermont.
9. Under review standards that DRB boards finds that the subject property does not change the ***character of the neighborhood***. Subject property is located on River Street where there are three other short term rentals. There is also a bed & breakfasts, a lodge, an inn, craft shop, and other commercial businesses located one street over.
10. Under review standards the DRB boards finds that the subject property does not affect the ***traffic on the roads and highways in the vicinity***.
11. Under review standards the DRB boards finds that the subject property does meet the ***maximum safety of vehicular and pedestrian circulation between the site and the street network***.