

# *Town of Montgomery*

## *Development Review Board*

### **FINDINGS AND DECISION**

#### **PHILLIP AND SARAH SNYDER APPLICATION FOR CONDITIONAL USE PERMIT**

**MARCH 12, 2020**

#### **INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding involves an application submitted by **Phillip and Sarah Snyder for a Conditional Use Permit to operate a short term rental/lodging establishment** dated February 13, 2020.

1. A public hearing was warned for **Thursday, March 12, 2020.**
2. **Notice of the Hearing** was posted at the **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building** on February 20, 2020 and published in **The St. Albans Messenger** on February 24, 2020 .
3. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on March 12, 2020** at the **Montgomery Public Safety Building.**
4. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Lynda Cluba (Clerk), Suzanne Wilson and Wendy Howard (Alternate).** Also, present was **Phillip and Sarah Snyder and Darren Drevik, and Joe Sherman .**
5. 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.
6. All parties wishing to offer testimony were sworn in.
7. The meeting was called to order at 6:30 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 **0.10 acre lot**, located at **319 Main St.** in the **Town of Montgomery Center, Vermont.** **Parcel ID #0N118.044X.**
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

## FINDING OF FACTS

1. The subject property is located at 319 Main St in Montgomery Center, Vermont. It is a 1.5 story dwelling with 2 bedrooms, 1 full bathroom and contains 1,296 square feet of living area.
2. Subject property has accommodations which can sleep up to 7 quests. Owners advertise for 5 guests.
3. Subject property, prior to purchase by Phillip and Sarah Snyder, was used as a year round residential property.
4. Current owner has used the subject property for gathering of family and friends. They have also used it for short term rental beginning in September, 2019
5. Since the time of purchase the current owners have invested money in home improvements. The property was in deteriorating condition due to mold and non use for over 1 year. Basement is a partial full cellar with concrete foundation and floor and the balance is crawl space. There is no exterior access.
6. Subject property has an 18 sq. ft. open porch/deck on the front of the house which the current owner turned to the side so the steps would not be accessed from the sidewalk. They ask that there is no parking on the sidewalk in order to allow persons to pass by freely.
7. Subject property has a right of way behind the house which can accommodate up to 4 cars.
8. Owners write the rules of the house in the rental contract which includes quiet hours beginning at 10 pm. A message is sent prior to arrival explaining the rules. Rules are not posted in the subject property. Owners are in contact with the guests by text or email for the entire visit. Sarah also states she does daily drive by, while guests are present, or hires someone to check on the property when she is out of town. During times of snow fall they request no parking on the street.
9. Darren Drevik states he often sees guests parked on the street. He refers to the Parking Ordinance adopted by the Montgomery Selectboard in August, 2019, He also submits, as **evidence A2**, a photo of a vehicle parked on the sidewalk in front of the subject property. Sarah confirms the photo is of her vehicle.
10. Under review standards (**Section 5.1(E)2 of the *Montgomery Zoning Regulations***), the DRB Board finds that the subject property does not change the **character of the neighborhood**. Subject property is located on Main St where there are three other short term rentals. There is also a Bed and Breakfast, a lodge, an Inn, craft shop, restaurants and other commercial businesses located on the street.
11. Under review standards (**Section 5.1(E)3 of the *Montgomery Zoning Regulations***), the DRB Board finds that the subject property does not affect the **traffic on the roads and highways in the vicinity**.
12. Under review standards (**Section 5.1 (E)4 of the *Montgomery Zoning Regulations***), the DRB Board finds that the subject property does meet the safety of **maximum vehicular and pedestrian circulation between the site and the street network**.

## DECISION

Based upon the findings, the Montgomery Development Review Board grants approval for a Conditional Use Permit to operate a short term rental **at 319 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 5 paying guests per day.**
3. **Maximum of 1 vehicle may be parked on the street, but not on any part of the sidewalk, by paying guests.**
4. **No overnight camping by paying guests.**
5. **Written house rules must be posted in the rental house for paying guests,.**

**Roll Call Vote: Parma, YES; Lynda, YES; Suzanne, YES; Wendy, 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 3<sup>rd</sup> day of April, 2020.

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Parma Jewett, Chairperson Montgomery Development Review Board