

*TOWN OF MONTGOMERY, VERMONT*

**MONTGOMERY DEVELOPMENT REVIEW BOARD  
UNAPPROVED MINUTES**

**June 27, 2019**

*Members present:* Parma Jewett, Lynda Cluba, Suzanne Wilson, Merle VanGieson, Barry Kade (Alternate)

*Appellant:* Bert Severin

*Interested Parties:* Stacey Manosh and Robert Bonnell

Meeting was called to order at 6:30 pm

- **Hearing** - The Board met to consider the **Application to Development Review Board #2019-03. Appeal from a decision of the Administrative Officer** by Stacey Manosh on 5/1/2019. She appeals the building permit #ZP-10-19, approved on 4/16/2019 with an appeal period of 15 days. Permit became valid on 5/2/2019. Stacey states in her application this property (242.070B) is a wetland.

Parma explained the application and procedure of the hearing. She asked if anyone had a conflict of interest in this case. Parma explained she is a friend of the Applicant, Stacey Manosh and will Chair the meeting but not participate in any discussion or vote. She has recused herself. She asks if anyone has a problem with her acting as chair of the meeting. No one responded with a concern. She then read the Notice of Public Hearing posted by Zoning Administrator, Ellen Fox on 6/11/2019.

Evidence was submitted by the Board, noted as **(B1)**. This includes a copy of **the Application to the DRB dated 5/1/2019, the Application for Building/Zoning Permit dated 3/17/2019, A map from Arrowwood Environmental showing Approximate Proposed Impacts to the property** and a **copy from our tax maps** showing the Rt 242 property and the boundaries.

Stacey states she has appealed the Vermont Environmental Wetland Permit, approved by Agency of Natural Resources on 4/3/2019 to construct a yurt with raised deck, to the Environmental court. She states this is an invalid permit. Barry Kade stated that this permit has nothing to do with this hearing and our current Zoning Regulations. Stacey also states that Michael Chrastina, Vermont Agency of Transportation, visited the property for the consideration of a state driveway permit, explaining that he would issue a permit for **Limited Use Agricultural Drive access to the location** in consideration. She said the permit had not been recorded, making it invalid as she believes it must be recorded by law. She submits a copy of the **AOT Notice of Permit Action** noted as **evidence (P1)**. She feels the Town should not issue a Building Permit unless the Driveway permit is recorded. She feels that the driveway permit does not allow access for construction of a seasonal dwelling. Mr. Severin answered that the AOT permit had not been completed yet and will record it as soon as the next business day. Stacey also questioned whether the proposed yurt would be partially on the Daberer property which is a .59 acre piece at the southeast corner of the Severin property. Mr. Severin answered that he was aware of the setbacks and will construct within those setbacks.

Mr. Severin responds to Stacey's concerns. His wetland permit is valid according to the States Attorney. His driveway permit will allow dwelling on the property and he will file a curb cut permit with the town if

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required. The yurt location is 85' from the Daberer's property line. He submits, as **Evidence (A1)**, and email with a response to Mr. Severin from Michael Chrastina, AOT District 8 Technician. He also submits 3 overhead photos, noted as **Evidence (A2)**. These photos show the property and location of the proposed Yurt and drive from the road, approximate parcel boundaries with consideration of the Daberer and Manosh properties. Also included in the photos is the location of the wetland areas.

Merle asked why the Building permit application states a 24' yurt and the Arrowwood Environ. Map shows a proposed 30' foot yurt. Mr. Severin answered that he will build a 24' yurt and the deck it sits on is 30'.

Parma stated if no more evidence would be submitted the hearing would conclude. Barry explained that it is not within the Boards authority to appeal a wetlands permit. Parma explained that the Board would go into deliberation and a decision would be issued with 45 days. She asked the Board if they felt a visit to the property was necessary. Board members did not. A motion was made and seconded to go into deliberation at 7:24 pm. So moved 4-0, Parma abstained. A motion was made and seconded to come out of deliberation at 7:33 pm. So moved 4-0, Parma abstained. Barry made a motion and was seconded to have the Board recess until Monday July 1, 2019 at 5:30 pm to allow Sue and Lynda to call Michael Chrastina from the Agency of Transportation and get clarification in writing as to whether the permit allows for construction of a seasonal dwelling. So moved 4-0, Parma abstained.

The meeting was reconvened on July 1, 2019 and called to order at 5:28 pm in the conference room at the Public Safety Bldg. Present were Merle, Barry, Lynda, Sue and Parma. Parma has recused herself but will act as chair of the meeting. Sue explained that she and Lynda had talked to Michael Chrastina on Fri. June 28 in the am and posed the question regarding whether the driveway permit allows for construction of a seasonal dwelling. Mr. Chrastina explained his position and said he would respond in writing to the Board, though possibly not within time the Board will reconvene.

Barry moved and was seconded to go into deliberation at 5:32 pm. So moved 4-0, Parma abstained. Merle made a motion and was seconded to come out of deliberation at 5:46 pm. So moved 4-0, Parma abstained. Barry made a motion and was seconded by Lynda to sustain the appeal of the DRB application #2019-03, the Zoning Administrator's decision in issuing Building Permit #ZB-10-19. Merle-yes, Lynda-yes, Barry-yes, Sue-yes, Parma abstained. Motion passed.

Lynda made a motion and was seconded to adjourn at 6:00 pm. So moved 5-0

Respectfully submitted: Lynda Cluba, Clerk