

TOWN OF MONTGOMERY, VERMONT

MONTGOMERY DEVELOPMENT REVIEW BOARD UNAPPROVED MINUTES

Thursday, November 14, 2019

Members present: Parma Jewett: Chair, Lynda Cluba, Suzanne Wilson, Merle Van Gieson, Mark Brouillette

Alternate: Wendy Howard

Applicant: Jill Antillon

Interested Parties: Melinda Swearingen

Visitors: Lynne Drevik, Laura Snyder (mother of the applicant, Jill Antillon), Barry Kade, George Sherman Jr.
Also Zoning Administrator: Ellen Fox.

Parma explained the process of how the meeting will be conducted. The hearing is recorded and all who speak must first state their name and be recognized by the Chair.

Meeting was called to order at 6:00 pm .

- The hearing is conducted at the Public Safety Building in the Conference room located at 86 Mountain Rd in Montgomery Ctr. The **Application for Conditional Use of a lodging establishment was submitted by Jill Antillon for her property located at 266 Main St, Montgomery Ctr. The property is identified as Parcel # N118.035X in the Village 1 Zoning District** as written in the Town of Montgomery Zoning Regulations; Amended and updated November 2018. The reason for the application was due to a Notice of Violation dated 10/11/19 from Ellen Fox, Zoning Administrator. Parma gave the oath to all on the sign in sheet, all confirmed. She asked if any board member felt they had a conflict of interest. No response.

Hearing - Jill explains to the Board that the property is used for a vacation rental approximately 100 days during the year. It is also used for personal reasons and for her family on occasions. The family does not have any alcohol or drugs during their time spent on the property. The dwelling has 3 bedrooms and 3 baths, also 10 off street parking spaces and sleeping arrangements for 14. They have insurance and maintain the landscape and buildings. Her response to the letter written to Ellen Fox, Zoning Administrator dated 9/11/19 by Ms. Swearingen, is that she since has cut out events and parties. She and her husband, Rafael have also lowered the number of guests they will accommodate along with the number of cars. They do not do long term rentals, due to negative experiences in the past at other properties they have owned. Rafael states they meet all guests when they arrive with 1 exception that they believe led to the letter of complaint from Ms. Swearingen. They request their guests to have quiet time from 10pm on and to respect the quiet and privacy of the neighbors, they also allow themselves the option to decline any renter(s). They have submitted, noted as **Evidence A1 an Applicant Rental History** which includes the dates rented and the number of adults and children in each booking. Also submitted and noted as **Evidence A2 was a list of YE OLDE BARN-HOUSE RULES**. They will also install a Nest doorbell which can visually monitor the front of the house.

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Melinda Swearingen states that she loves this community and that is why she continues to stay here. Her concerns are with changes in properties that now provide short term lodging. She feels it may change the nature of the community. Her complaints include many people are outside of the house on the property in question and her home is in such a close proximity she can clearly hear them, often late at night. She knows there are rules of the rental though she does not want to have to police their property.

Parma asks the board members if they have any questions. Merle states that Robert and Theresa Boucher, the previous owners, had gotten a permit for an Air B&B in 1989. This establishment would be a change of use. He also states that the Zoning Regulations are not clear as to whether an Air B&B is considered a lodging establishment. He asks Mr. Sherman, a member of the Planning Commission, as to whether the commission can determine that short term rentals are defined as a "lodging establishment". Mr. Sherman answers in the affirmative. Merle also asks the applicants to respond to pg. 30, Article 5(e) of the Zoning regulations defining the "Review Standards" which the Board must consider when granting conditional use approval. Jill responded that renters use the restaurants and bars, they ask people to park off the street, all garbage and recycling is contained within the building. The property is in the downtown which includes other lodging and businesses. Parma asked if the state requires an inspection of the property. Jill responds they only have a checklist from the State outlining certain conditions.

Laura Snyder gave a background of her and the family's time living in Montgomery. Lynn Drevik states her and her husband own the B&B across the street. They do not want the property to become a free for all. There can be noise issues and they would like to see a management of the people who stay there, especially when the owners are not on the property. Mr. Sherman asks Jill if she was aware of the rules concerning lodging establishments when they bought the property? She responds in the negative.

Also entered into evidence is the papers submitted by the Zoning Administrator, which includes a **"Zoning Cert. of Mailing dated 10/29/19, Notice of Public Hearing posted 10/24/19 and printed in the St Albans Messenger on 10/26/19, Letter of Complaint from Melinda Swearingen dated 9/11/19, response to Melinda from the ZA dated 10/11/19, an advertisement re: property in question on the Air B&B webpage dated 10/17/19, response letter from Jill Antillon to the DRB rcvd on 10/16/19, Notice of Violation to Jill and Rafael Antillon from the ZA, Ellen Fox dated 10/11/19, another letter to describe the hearing process from the ZA to Jill dated 10/17/19, a sketch of the dwelling at 266 Main St from the lister files, an insurance declaration provided by the applicant regarding the property at 266 Main St from the period 1/22/19 to 1/22/20 with a list of coverage, an Application for Building/Zoning Permit from Robert and Theresa Boucher denied on 8/14/89 (requiring a conditional use permit from the Zoning Board of Adjustment), a partial survey map of the property in question showing property lines and the Application to the DRB from Jill Antillon rcvd on 10/14/19"**. All entered as Evidence B1

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Parma explained the board will go into deliberations and if they felt a visit to the property was needed. The Board did not feel a visit to the property was necessary. Sue Wilson then made a motion and was seconded to go into deliberation at 7:20 pm. So moved 5-0. A motion was made by Mark and seconded to exit deliberations at 8:05 pm. So moved 5-0.

Mark made a motion and was seconded to grant approval of the Conditional Use application with conditions that apply. So moved. 5-0.

Lynda made a motion and was seconded to adjourn at 8:09 pm. So moved 5-0

Respectfully submitted: Lynda Cluba, Clerk