

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

JOSEPH AND AMANDA STARR

APPLICATION FOR CONDITIONAL USE PERMIT

THURSDAY MARCH 25, 2021

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by **Joseph and Amanda Starr** for a Conditional Use permit to build a single family residence. Section 5.1(A) under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The application was received by the Zoning Administrator on February 22, 2021.
3. A **Public Hearing** was warned for March 25, 2021.
4. Notice of the Hearing was posted on March 9, 2021 at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building, Montgomery Town Website** and published in *The St. Albans Messenger.*
5. This application was considered by the Montgomery Development Review Board at a **Public Hearing on March 25, 2021 via Zoom.**
6. Present at the **Hearing, via Zoom,** was **Applicant: Joseph Starr; Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, Suzanne Wilson, Wendy Howard and Mark Brouillette.** Also, present was **Ellen Fox, Zoning Administrator.**
7. At the outset of the **Hearing, Parma Jewett, Chair of The Development Review Board** afforded an opportunity for persons wishing to speak to take the oath. All parties wishing to offer testimony were sworn in.
8. The Chair also asked if any Board members felt they had a conflict of interest. No response.

FINDINGS

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

1. The subject property is **40.05 acres described as Parcel # 58.077X** located in the **Town of Montgomery, Vermont.**
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 3.1 (A)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 5.1 Conditional Use Approval.

Findings of Fact

1. The Subject property is located in the Conservation I Zoning District on 2161 Hazen's Notch Rd in Montgomery Center.
2. Property consists of 40.05 acres with no site improvements located on the property.
3. Electrical power is at the road.
4. Applicants wish to build a primary residence with a garage on the property.

DECISION

Moved by Mark and seconded **to approve a Conditional Use Permit** submitted by the Applicants **to build a single family dwelling on the property in the Conservation I District with the condition to install a driveway culvert to town specifications by April 25, 2021.**

Based upon the findings, the Montgomery Development Review Board concludes that the request for a Conditional Use is **APPROVED with a condition.**

Roll Call Vote: Mark-YES; Wendy-YES; Parma- YES; Lynda-YES; Suzanne-YES Motion passed 5-0.

A copy of this decision shall be mailed to the Applicant 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 15th day of April, 2021.

Parma Jewett, Chair Montgomery Development Review Board