

# Town of Montgomery

PO Box 356 Montgomery Ctr Vt 05471

## Development Review Board

### FINDINGS AND DECISION

MARK BEAULIEU

APPLICATION FOR CONDITIONAL USE PERMIT TO CONSTRUCT A SHED ON A SEASONAL CAMP SITE

THURSDAY JUNE 30, 2022 @ 5:30 PM

### INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by **Mark Beaulieu** for Conditional Use. Reason for application is for HAZARD AREA REVIEW. Would like to construct a shed on a seasonal camp site under Section 5.1(A)2 under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS. Property is in the Hazard area overlay on the Town Zoning Map.**
2. The application was received by the Zoning Administrator on May 26, 2022.
3. A **Public Hearing** was warned for June 30, 2022.
4. Notice of the Hearing was posted on June 14, 2022 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 June 30, 2022 in the Montgomery Public Safety Building Conference Room.**
6. Present at the **Hearing** was **Applicant: Mark Beaulieu; Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, Suzanne Wilson, John Kuryloski and Mary Garceau; Alternate. (Mark Brouillette was absent).** Also, present was Lynn Locher and Dan Sweeney
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 **1.43 acres located at 3400 South Main St. Parcel ID #S118.145X** in the river corridor located in the **Town of Montgomery Center, Vermont.**
2. This property is located in the **Rural/ Residential 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)2** 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 4.1 Zoning Permits (A) Applicability.
  - b. Section 5.1 A) 2 Conditional Use Approval
  - c. Section 5.1 (E) 1-5 Review Standards
  - d. Section 5.1 (F) Conditions
  - e. Section 8.5 Hazard Area Development Standards

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**APPLICATION FOR CONDITIONAL USE PERMIT**

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**Cont. page 2**

### **Findings of Fact**

1. Subject property currently has 5 campers which are located next to the Trout River Branch with no site improvements.
2. Property consists of 1.43 acres in the Rural/Residential Zoning District
3. Property located within the river corridor of the South Branch of the Trout River and Pacific Brook.
4. An accessory structure in the river corridor requires Hazard Area Review
5. Property is located within the 500 year flood plain per FEMA map revised July 5, 2001.
6. Shed will be constructed on treated lumber piers.
7. No site improvements such as water and septic will be added.

### **DECISION**

Moved by Sue and seconded to **Approve** Conditional Use for construction of a 10X12 shed, 13.5 ft tall as per plot plan at 3400 South Main St.

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

**Roll Call Vote: Lynda-YES; Parma- YES; John-YES; Suzanne-YES; Mary-YES Motion passed 5-0.**

A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall go to 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 State of Vermont, 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 29<sup>th</sup> day of July, 2022.

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Parma Jewett, Chair Montgomery Development Review Board