

Town of Montgomery

PO Box 356 Montgomery Ctr Vt 05471

Development Review Board

FINDINGS AND DECISION

CHRIS POULOS

APPLICATION FOR CONDITIONAL USE PERMIT TO CHANGE USE OF SINGLE FAMILY HOME TO LODGING ESTABLISHMENT, OFFERING SHORT-TERM RENTAL

THURSDAY JUNE 30, 2022 @ 5:30 PM

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by **Chris Poulos** for Conditional Use. Reason for application is to change use of a single family home to a lodging establishment, offering short-term rental. Section 5.1(A)2 under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The application was received by the Zoning Administrator on May 19, 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: Chris Poulos; 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.
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 **0.27 acres located at 22 Begnoche Farm Rd. Parcel ID # 00026.001X** located in the **Town of Montgomery Center, Vermont.**
2. This property is located in the **Village 1 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)1** 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

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Findings of Fact

1. Subject property currently has a 2 story dwelling with attached garage and site improvements.
2. Property consists of 0.27 acres in the Village 1 Zoning District
3. Property was purchased in 2005 and has been rented for short term in the past.
4. Applicant wishes to bring property in compliance with current Zoning regulations
5. Property is located within the 500 year flood plain per FEMA map revised July 5, 2001.
6. Dwelling has 3 bedrooms and 1 bath.
7. Applicants work with VACASA for rentals, which collects rooms and meals tax.
8. Wishes to rent to up to 10 people a day
9. 1 bedroom has 2 queen beds, another has 1 queen and 1 twin bed and the third bedroom has 1 queen bed.
10. They have a contact person posted for the renters when they are not available
11. Property is used by applicant usually from January to mid April.
12. Applicants have fire insurance for rental
13. Rules of rental are posted.
14. Parking area is in front of the dwelling on a grassy area as they do not have a paved driveway.
15. Have parked up to 10 cars in past rentals.

DECISION

Moved by Parma and seconded to **Approve** Conditional Use for a short term rental with the following conditions.

- No parking on the paved portion of Begnoche Farm Rd
- A maximum of 5 vehicles allowed on the property when rented
- No overnight camping
- Quiet hours are from 10 pm to 6 am
- Written house rules must be posted in rental house
- Contact person information must be posted in rental house
- A maximum of 10 overnight guests per day
- Parking area must be physically designated

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.

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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 29th day of July, 2022.

Lynda Cluba, Clerk Montgomery Development Review Board