

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

Mitesh Amin

APPLICATION FOR CONDITIONAL USE APPROVAL FOR LODGING ESTABLISHMENT

July 14, 2022 5:30 pm
Montgomery Public Safety Building

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Mitesh Amin for Conditional Use Approval for Lodging Establishment.**

1. A **Public Hearing** was warned for **July 14, 2022 at 5:30 pm at the Montgomery Safety Building.**
2. **Notice of the Hearing** was posted on **June 23, 2022** at **Montgomery Town Post Office, Montgomery Village Post Office, Montgomery Public Safety Building, town website** and published in *The St. Albans Messenger on June 23, 2022.*
3. No Interested parties were present as prescribed by 24 V.S.A. § Section 4465, and under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS, Article 9: Definitions, interested person (a) the party owning title to the subject property and (b) a person owning or occupying property in the immediate neighborhood who can demonstrate a physical or environmental impact on the person's interest under the criteria reviewed.**
4. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on July 14, 2022.**
5. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Suzanne Wilson, and Barry Kade. Board members absent were Mark Brouillette, John Kuryloski and Lynda Cluba.** Also present were Robert & Rebecca Cummins
6. 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. She also asked if any Board members felt they had a conflict of interest. No response.
7. All parties wishing to offer testimony were sworn in.
8. The meeting was called to order at 5:32 pm.

FINDINGS

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

1. The subject property consists of a single family dwelling with 17.60 acres; parcel ID #00242.21X which is located at 3374 Mountain Road in Montgomery, 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 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) Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. Section 5.1 (F) Conditions

Finding of Facts

1. The subject property is located in Rural/Residential Zoning District at 3374 Mountain road in Montgomery, Vermont.
2. Subject property consists of 17.60 acres.
3. Driveway can park over 10 cars.
4. The subject dwelling has been used as a secondary dwelling for the owner and has also been used for short term rentals.
5. The owner, Aitesh Amin is applying for a condition use permit for a lodging establishment since he wants to be in compliance with Montgomery zoning regulations.
6. The subject dwelling has 5 bedrooms and three bathrooms, with each bedroom having a window for emergency exit.
7. The subject property is currently registered with the State of Vermont to collect rooms and meals taxes.
8. Mr. Mitesh also has a local contact person in case of emergencies.
9. Currently the subject dwelling has rental insurance.

DECISION

Based upon the findings, the Montgomery Development Review Board grants approval for a Conditional Use for a Lodging Establishment located at 3774 Mountain Road in Montgomery, Vermont, **with the following conditions.**

1. No more than 10 overnight paying guest.
2. No overnight camping
3. Quiet time from 10:00 pm to 8 am.
4. House rules must be posted.
5. Homeowner rental insurance is required.
6. Posted contact information for local person if there is a problem.
7. Posted 911 address in visual location.
8. Property must be registered with the State of Vermont to collect room and meals tax.

Roll Call Vote: Parma, YES; Suzanne, YES; Barry, YES.

A copy of this decision shall be mailed to the Applicant by certified mail and a copy shall be mailed to every person claiming interested party status at the hearing.

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. 24 V.S.A. § Section 4472 (d).

Dated at Montgomery Center, Vermont, August 29, 2022

Parma Jewett, Chairperson Montgomery Development Review Board

