

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday, September 29, 2022 @ 5:30 pm

Members present: *Parma Jewett: Chair, Lynda Cluba, John Kuryloski, Mary Garceau, Suzanne Wilson*

Applicants: *JoAnne Bennett (absent) Hugh Doheny was present as an agent for JoAnne per letter dated 9/27/22
Laura Scott*

Visitors: *Michael Scott, Allan Morton Ellen Fox (Zoning Administrator)*

Interested Parties: *Amy Allen, Claudia Renchy Morton and Suzanne Dollois*

Meeting was called to order at 5:32 pm.

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. She offered anyone seeking interested party status to state their name. Interested parties are as listed. The hearing is conducted at the Public Safety Building in the Conference room located at 86 Mountain Rd in Montgomery Ctr.

1. **DRB Hearing - Laura Scott - The Application to construct an accessory structure in the river corridor and Variance from the Zoning Regulations was submitted for a 1.4 acre property located at 323 Nutting Rd, Montgomery. The property is identified as Parcel #35.010X located in the Rural/Residential Zoning District** as written in the Town of Montgomery Zoning Regulations; Amended and updated November 2018.
Reason for the Application: Hazard Area Review. Relief from required ROW setback and minimal flood plain interference.

Parma gave the oath to all on the sign in sheet, all affirmed. She asked if any Board members felt they had any conflict of interest. All felt they had none.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of hearing posted in 5 places on Sept 8, 2022 and printed in the St. Albans Messenger on Sept 13, 2022 and a list of Abutting property owners the Zoning Administrator had sent a notice of hearing. Application to the DRB dated 8/25/22, a plot plan, Warranty deed, 3 maps from the Agency of Natural Resources, 6 color photos of the property landscape and a written submission from the applicant, L Scott dated 9/29/22.

Applicant explains they have owned the property for 46 years, it is not their fulltime residence and they spend summers there. They wish to build a 16X12 accessory building on their 1.4 acre lot. They have located the bldg. as far from the river corridor as possible, which would require them to request a Variance as the bldg. would be only 18 ft from the Road ROW. The property slopes down from the road and the only flat place on the property is the space they have chosen. There is also a well head on the property. This is evident in the photos presented as evidence.

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Parma explains the board will go into deliberations and the Board has 45 days to submit a decision. This hearing ends at 5:53 pm. Hearing 2 begins at 5:55 pm.

- 2. DRB Hearing – JoAnne Bennett - Application to subdivide parcel #11.078X at 2099 West Hill Rd in the Rural/Residential Zoning District into 3 parcels. Total acreage of the property is 62.65 acres, calculated. One of the resulting parcels does not have the minimum frontage required for a lot in this Zoning District and the applicant has applied for review by the DRB to grant access by right-of-way.** Hugh Doheny was present to represent JoAnne Bennett and provided a letter from the applicant dated 9/29/2022. Parma gave the oath to all on the sign in sheet, all affirmed. She asked if any Board members felt they had any conflict of interest. All felt they had none.

Evidence submitted by the Zoning Administrator noted as A1 includes notice of hearing with list of abutters posted in 5 places on Sept 8, 2022 and published in the St Albans Messenger on Sept 13, 2022, application to the DRB dated 8/31/22, 2 copies of tax maps showing property boundaries, Agency of Natural resources map showing wetland locations and deeds reflecting history of how the parcel was purchased. Also, a map showing the lots where the existing grassed road/ROW travels from the Creamery Bridge Rd.

Evidence also submitted, by abutter Suzanne Dollois, noted as I-P 1 is a package of documents with photos, custom soil resources report from NRCS/US Dept of Agriculture and a Vt Agency of Natural Resources, Wetlands Report.

Applicant representative refers to a map reflecting how the owner wishes to subdivide her property. Lot A is a natural subdivision created by the road and will be sold separately. She wishes to sell Lot B which the house sits on and subdivide it from the remaining property which includes Lot C and D. She wishes the family to retain these lots and access them by a current ROW which extends to Lot D from the Creamery Bridge Rd. He questions why lots that are purchased separately are listed as one parcel. Board members informed him that contiguous lots that are purchased in the same name are required by State to be included in one parcel for listing purposes. Ellen Fox/ZA explains that lots can be conveyed in the previous configuration as long as the lots meet zoning requirements. Lots C and D are undeveloped without current septic regulations. The proposed request for subdivision would result in non-conforming lots as they do not have the required road frontage of 300 ft. Suzanne Dollois speaks to the Board showing wetlands and that the current ROW runs through her property which also extends through the barn on her

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property, which has been legally permitted by the town. She has shown this by evidence she has submitted as I-P1. Ellen also explained to Mr. Doheny that if the subdivision was done providing the required road frontage a decision by the DRB would not be required. The property has not been surveyed.

Parma explains the board will go into deliberations and the Board has 45 days to submit a decision. Hearing ends at 6:53 pm. Suzanne made a motion and was seconded to enter deliberations at 7:00 pm. So moved 5-0. The board exited deliberations at 7:08 pm.

DRB Hearing 1 – Laura Scott Mary made a motion and was seconded to **APPROVE** the request for a **Variance to build and accessory building within the front yard setback**. Roll call vote: Parma – YES, Suzanne – YES, John – YES, Mary – YES, Lynda – YES. Motion passed 5-0.

DRB Hearing 2 – JoAnne Bennett. Mary made a motion and was seconded to **DENY** the request for access by ROW submitted by JoAnne Bennett for lots C & D. Roll call vote: Parma – YES, Suzanne – YES, John – YES, Mary – YES, Lynda – YES. Motion passed 5-0.

3. **Approve previous Minutes.** 7/14/22 – Amin/Cummins. A quorum was not present to vote on these minutes. 9/1/22 A&L Mercy. Lynda made a motion and was seconded to approve the minutes as written. Motion passed 4-0. Suzanne abstained as she was not present at this hearing.
4. **Other Business** - Discussion was about designating a certain day of the week each month to have hearings as it would be easier for Board members to be present. The Board agreed that the 4th Thursday of each month would work.

Motion was made and seconded to adjourn meeting at 7:20 pm. So moved 5-0.

Respectfully submitted: Lynda Cluba, Clerk