

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

MARY JANE MOUNTAIN LLC
APPLICATION FOR CONDITIONAL USE APPROVAL FOR A RETAIL STORE
November 17, 2022

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Mary Jane Mountain, LLC/Cellucci-Emsquare, Inc. for Conditional Use approval to operate a retail space under Article 5, Section 5.1 (A)1 of the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The application was received by the Zoning Administrator on **September 26, 2022.**
3. **Reason for Application:** Retail.
4. A **Public Hearing** was warned for **November 17, 2022.**
5. Notice of the Hearing was posted on **October 27, 2022** at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in **The St. Albans Messenger on October 28, 2022.**
6. This application was considered by the Montgomery Development Review Board at a **Public Hearing on November 17, 2022, at the Montgomery Public Safety Building, Conference Room.**
7. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, Lynda Cluba, John Kuryloski, Suzanne Wilson and Mary Garceau.** Applicant: Keith Longmore was present and visitors included Kameron Schaberg.
8. At the outset of the **Hearing, Parma Jewett, Chair of The Development Review Board** asked if any Board members felt they had a conflict of interest. None claimed a conflict.
9. All parties wishing to offer testimony were sworn in.
10. No one claimed interested party status.

FINDINGS

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

1. The subject property is a .41 acre property located at 91 Main St in the **Town of Montgomery Ctr., Vermont. Parcel ID # N118.010X.**
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 4 of the **Town of Montgomery Zoning Regulations.**
3. The application requires review under the following sections of the **Montgomery Zoning Regulations:**
 - a. Article 4, Section 4.1 Zoning Permits (A) Applicability
 - b. Article 5, Section 5.1 Conditional Use Approval
 - c. Article 5, Section 5.1 (E) 1-5 Review Standards
 - d. Article 5, Section 5.1 (F) Conditions

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Findings of Fact

1. Applicant is Keith Longmore of Mary Jane Mountain LLC.
2. Applicant wishes to open a retail establishment for the sale of CBD, cannabis and other merchandise at 91 Main St, Unit B.
3. Property is owned by EMSquare, Inc (Mark Cellucci)
4. Property is leased to Jay Cloud Cyclery.
5. Space is subleased between Jay Cloud Cyclery (Lessor), and Keith Ripton Longmore and Michelle Decarmine, members Mary Jane Mountain LLC (Lessee).
6. Retail space is 17 ft by 18 ft (306 sq ft).
7. Due to security requirements, bathroom and kitchen areas cannot be used by Mary Jane Mountain LLC.
8. Employees must be Montgomery residents and pass a drug test.
9. All security equipment and required permits must be in place and pass inspection by the State of Vermont, prior to being issued a license to operate.
10. 1% of all sales tax will go to the Town of Montgomery.
11. Letters of support for the retail space has been submitted by Ethan Dull (Jay Cloud Cyclery) and Mark Cellucci (EMSquare Inc)

DECISION

Moved by Mary and seconded to **APPROVE** the request of Mary Jane Mountain LLC to operate a retail business at 91 Main St with the following condition.

- a) **Mary Jane Mountain LLC to have 2 designated parking spaces, with signage, in front of the store.**

Based upon the findings, the Montgomery Development Review Board concludes that the request for Conditional Use to operate a retail space at 91 Main St be **APPROVED**. **Roll Call Vote: Parma - YES; Lynda - 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 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 2nd day of December, 2022

Parma Jewett, Chairperson Montgomery Development Review Board