

TOWN OF MONTGOMERY
DEVELOPMENT REVIEW BOARD
NOTICE OF PUBLIC HEARING

The Public Hearing will be **Thursday March 23, 2023** at 5:30 at the Montgomery Public Safety Building, 86 Mountain Rd, Montgomery, Vermont.

Rafael and Jill Antillon have submitted an application for Conditional Use Approval for a change of use, from a single family dwelling to a lodging establishment for short term rental. The application is for an existing structure on parcel ID#00242.021X of .71 acres at 124 Mountain Road. This is in the Village 1 Zoning District. A lodging establishment in the Village 1 Zoning District requires Conditional Use Approval.

Michael DeVasto and Katie Murphy have submitted an application for Conditional Use Approval for a change of use from a single family dwelling to a lodging establishment for short term rental. The application is for an existing structure on parcel ID00011.078X of 37 acres at 2099 West Hill Road. This is in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Approval.

Further information may be obtained from the Zoning Administrator, Ellen Fox, or at the Montgomery Town Clerk's Office.

An interested person must participate in the local proceeding as a prerequisite to the right to any subsequent appeal.

03/03/2023 published in St Albans Messenger

03/03/2023 posted at Town website, Sylvesters, Public Safety Building and Post Office

03/03/2023 mailed Notice of Hearing to applicant and abutters

**TOWN OF MONTGOMERY, VERMONT
APPLICATION TO DEVELOPMENT REVIEW BOARD**

APPLICANT (s): Name (s) Jill and Rafael Antillon Phone: 802-489-1971
Address: 124 Mountain Rd. Montgomery Ctr, VT 05450 174 Missisquoi St. Enosburg

PROPERTY: Parcel I.D. No. 00242.021X Zoning District Village 1
Location 124 Mountain Rd. Montgomery Ctr, VT 05450
Date Acquired 11/30/22 Town Land Records - Book 106 Page 339
Present Use None - Residential Prior Proposed Use STR
Lot Size .71 Depth _____ Frontage on Public Road or R.O.W. _____

TYPE OF APPLICATION:

- () Appeal from a decision of the Administrative Officer
(☒) Application for a Conditional Use Permit
() Application for a Variance from the Town's Zoning Regulations
() Approval of lot(s) accessed via Right-of-Way of record
() Site Plan approval for Subdivision
() Request for interpretation of Zoning Regulation or Map
State reason for Application: _____

RECEIVED/PAID
JAN 10 2023
TOWN OF MONTGOMERY

ADDITIONAL INFORMATION REQUIRED WITH APPLICATION: A **plot plan** must be submitted with this application to show; property boundary lines with dimensions, easement and right-of-way lines, all existing and proposed structures and alterations, proposed subdivision of land, scale and true north, location of sewage and water supplies, and other relevant information.

I hereby certify that the information in this application, (including attachments), is true and correct.

Signed: [Signature]
Applicant (s) or Authorized Agent

Date: 1/10/23

Submit to Town Clerk with required fee: \$100.00 (Checks payable to Town of Montgomery).

FOR USE BY DEVELOPMENT REVIEW BOARD

DRB Application No. _____ Zoning Permit Application No.: _____ Fee Paid: _____

Date Received: _____ Notice of Hearing Date: _____ Date of Hearing: _____

Decision of Board: Approved () Denied () Date of Decision: _____

Conditions: _____

Secretary, Development Review Board

Original to DRB and copies for applicant, listers, town clerk

Certificate of Mailing:

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Notice of Hearing and copy of the application to the applicant:

Rafael and Jill Antillon
PO Box 174
Enosburg, VT 05450

Notice of Hearing to all abutters:

Parcel ID	Owner Name 1	Owner Name 2	Mailing Address 1	City	State	Zip
00242.022X.	COTA SANDRA L LIFE ESTATE	COTA MARTY AND DANA	PO BOX 297	MONTGOMERY CTR	VT	05471
00242.020X.	BARNARD ROBERT JR	BARNARD LEANNE	PO BOX 25	MONTGOMERY CTR	VT	05471
00242.023X.	MATANO SALVATORE R TRUSTEE	ST ISIDORE PARISH CHARITABLE TRUST	152 MAIN STREET	RICHFORD	VT	05476
00242.019A.	BAKER SUSAN M		PO BOX 163	MONTGOMERY CTR	VT	05471
00242.017X.	MEUNIER MICHELLE LOUISE		PO BOX 341	MONTGOMERY CTR	VT	05471
00242.018X.	THOMPSON SAMANTHA		797 MOUNTAIN RD	MONTGOMERY CTR	VT	05471
00242.016X.	BAIRD DANIELLE		12 LOG CABIN LN	EDGEWOOD	NM	87015
00038.001X.	MAYHEW NELSON		PO BOX 492	MONTGOMERY CTR	VT	05471

I attest that these documents were mailed by me by first class mail this 2nd day of March 2023.

Ellen Fox, Zoning Administrator



Montgomery Zoning <montgomeryzoning@gmail.com>

Antillon Application Plot Plan

1 message

Rafael Antillon <jillandrafa@gmail.com>

Sun, Jan 22, 2023 at 5:57 PM

To: montgomeryzoning@gmail.com

Dear Ellen Fox,

I have submitted an application for conditional use permit for a short-term rental for my home located at 124 Mountain Rd.

This single family home is a 3-Bedr, 2 Bath home located near the center of the villa. Our plan is to rent this home through a short-term rental site. There will be a maximum of seven people allowed, events or camping in the property will be prohibited, and house rules will clearly establish a quiet time period from 10 pm till 6 am.

There are six parking spaces in the property—two inside the garage and two outside. However, we will limit the reservation requirement to 3-4 vehicles.

The house will also comply with safety regulations and requirements—fire extinguishers, smoke and CO2 detectors.

Please see attached for a property plot plan, dimensions, septic and water location. There are no easements to the property to the best of our knowledge.

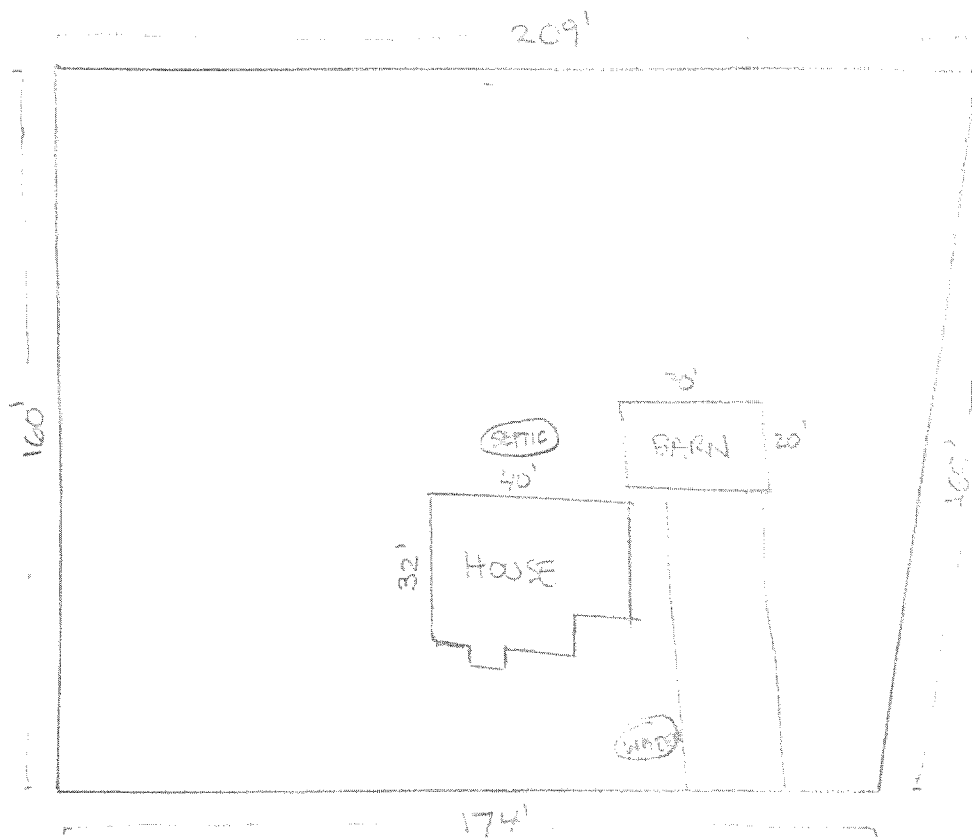
Please let me know what f there are any other questions.

Best,

Jill Antillon

**Scanned Documents.pdf**

136K



2/15/23

Dear Ellen Fox,

Here is a copy of our insurance and septic inspection report as requested. We will bring the Y+ short term rental checklist at the DRB meeting on March 23rd @ 6:00. Could you please let me know if I can post the property for 30 days or more until our conditional use is approved? Please call me @ 802-489-1971 or email @ jillandrata@yahoo.com or jillandrata@gmail.com this week.

Thanks,
Jill Antillon
Jill Antillon

RECEIVED/PAID
FEB 15 2023
TOWN OF MONTGOMERY

1-888-949-9969

Working Dog Septic Service Inc.

504 Fletcher Road

Cambridge, VT 05444

1-802-343-1657

SYSTEM CONDITION REPORT

Date: <u>12/5/22</u>	Time: _____	Name of Evaluator: <u>Damon You</u>
Name: <u>Antillon</u>	Property Address: <u>124 Mtn Rd Montpelier</u>	
Access Provided Into The House: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Tank Size: <u>1000</u> Gallons	
Recent Weather Conditions: <u>Rain</u>		

PROCEDURES

<input checked="" type="checkbox"/>	Determined sludge depth and liquid level
<input type="checkbox"/>	Probed and checked absorption area to determine location and checked for excessive moisture, and/or odor.
<input checked="" type="checkbox"/>	Pumped out tank
<input checked="" type="checkbox"/>	Checked condition of tank and baffles/tees for cracks, deterioration or damage
<input checked="" type="checkbox"/>	Properly closed tank cover

Liquid Level in tanks was: ☐ Above Normal ☒ Normal ☐ Below Normal

Did water drain back into the tank from the drainage area, after or during pumping?

Maintenance appears: ☐ Yes ☒ No ☐ Good ☐ Fair ☐ Poor Sludge Depth: 8"

Type of System	Type of Tank	Type of Absorption System
<input checked="" type="checkbox"/> Septic Tank (Number of Tanks <u>1</u>)	<input checked="" type="checkbox"/> Concrete	<input checked="" type="checkbox"/> Leaching Field
<input type="checkbox"/> Cesspool ^{1000 gallon}	<input type="checkbox"/> Steel	<input type="checkbox"/> Raised Mound
<input type="checkbox"/> Advanced Treatment System	<input type="checkbox"/> Plastic	<input type="checkbox"/> Seepage Pit
<input type="checkbox"/> Other	<input type="checkbox"/> Other	<input type="checkbox"/> Other

SYSTEM COMPONENTS**COMMENTS**

TANK OR CESSPOOL Condition: <input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable	<u>Tank is in working order</u>
PUMP Condition: <input type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable <input type="checkbox"/> Not Applicable	
ABSORPTION SYSTEM Condition: <input type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable	

THIS CONDITION REPORT INDICATES THE PRESENT CONDITION OF THE SEPTIC SYSTEM ACCORDING TO EVALUATOR'S OPINION, AT THE TIME OF THE PUMPING/INSPECTION. THIS CONDITION REPORT DOES NOT GARENTEE OR WARRANTY FUTURE PERFORMANCE. WORKING DOG SEPTIC SERVICE INC. DISCLAIMS ANY WARRANTY EITHER EXPRESSED OR IMPLIED ARISING FROM THE INSPECTION OF THE SEPTIC SYSTEM OR THIS REPORT.

Evaluator's Signature: _____



9800 Fredericksburg Road
San Antonio, Texas 78288

JILL S ANTILLON AND RAFAEL O ANTILLON
124 MOUNTAIN RD
MONTGOMERY CENTER, VT 5471

February 2, 2023

Reference: Existing USAA Rental Property Insurance Policy Summary

We're writing to provide the following summary of the USAA rental property policy:

Effective date of policy:	February 1, 2023 12:01 a.m. local time
Policy expiration date:	February 1, 2024 12:01 a.m. local time
Policy location:	124 MOUNTAIN RD, MONTGOMERY CENTER, VT 05471
Policy number:	XXXXXXXXXX
Named Insured:	JILL S ANTILLON AND RAFAEL O ANTILLON

Description of coverage(s)

Dwelling coverage:	\$349,000
Home Protector:	Not Included
Personal belongings:	\$2,500
Personal liability:	\$1,000,000
Medical payments:	\$5,000

Deductible(s)

All perils:	1.00% (\$3,490)
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Revised Annual Premium:	\$1,184.19
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Your Home Protector coverage, if included, provides you an additional 25% of dwelling coverage. Policy terms, conditions and exclusions apply.

Notification to Additional Interest Upon Cancellation

If this policy is canceled or not renewed, the mortgagee/lender will be properly notified at least 10 days before the date cancellation or nonrenewal takes effect.

If you have questions about the changes to the policy, please call us at 210-531-USAA (8722), our mobile shortcut #8722 or 800-531-8722. As always, we appreciate the opportunity to serve you.

Thank you,
USAA Casualty Insurance Company

supply or system meets the definition of a failed water supply or failed system provided the owner:

- (A) conducts or contracts for an inspection of the supply or system;
- (B) notifies the Secretary of the results of the inspection; and
- (C) has not taken or caused to be taken any other action on or after January 1, 2007 for which a permit would be required under these Rules.

- (b) The use of a single-family residence served by a wastewater system or potable water supply for which the exemption in Subsection (a) is in effect shall be considered year-round unless the single-family residence was occupied for fewer than 180 days in each calendar year between and including December 31, 1986 and December 31, 2006.

§ 1-304 Permit Exemptions

The following actions are exempt from the permitting requirements of this Subchapter, provided no other action is taken or caused to be taken that under these Rules requires the issuance of a permit or permit amendment:

- (1) The modification, completed between January 1, 2007 and July 1, 2007, of an existing single-family residence.
- (2) The construction, substantially completed between January 1, 2007 and July 1, 2007, of a single-family residence and its associated potable water supply or wastewater system, provided:
 - (A) the only building or structure on the lot is the single-family residence;
 - (B) the potable water supply and wastewater system complies with the technical standards in Subchapters 8, 9, 10, 11, and 12, except for the requirement to identify a replacement area;
 - (C) a designer completes a design certification for the potable water supply or wastewater system that complies with § 1-306;
 - (D) a designer or, when allowed by these Rules, an installer completes an installation certification for the potable water supply or wastewater system that complies with § 1-311; and
 - (E) copies of the design and installation certifications required pursuant to Subsections (C) and (D) are submitted to the Secretary and recorded and indexed in the land records for the municipality where the building or structure, and, if different, where the wastewater system and potable water supply is located.
- (3) The construction of a primitive camp, provided:
 - (A) the primitive camp is on a lot with no other buildings or structures and with no campground; or
 - (B) the primitive camp is on a lot with a single-family residence but no other buildings or structures and no campground.
- (4) The subdivision of an unimproved lot on or after January 1, 2007, provided:
 - (A) the deed, that is recorded and indexed, that describes the affected property contains the following language:

next page →

- (2) If the building or structure is exempt pursuant to § 1-303, it shall be reconstructed within 4 years of its removal or destruction. On a case by case basis, this period may be extended for 1 year by the Secretary if:
 - (A) the request for the extension is submitted in writing before the end of the 4-year period; and
 - (B) the Secretary determines there is good cause for the extension, such as delays in reconstruction due to difficulties resolving insurance claims, insufficient financing, or unresolved municipal permitting issues.
 - (3) The replacement building or structure connects to the existing water service line or water service pipe and existing sanitary sewer service line that were connected to the previously existing building or structure.
 - (4) The replacement building or structure does not increase design flow or modify other operational requirements of the existing potable water supply or wastewater system.
 - (5) The entire footprint of the replacement building or structure, except for that portion of a building or structure that is a deck or porch, is constructed within 50 feet of any outside wall of the previously existing building or structure that is being replaced.
 - (6) No other actions are taken or caused to be taken that under these Rules requires the issuance of a permit or permit amendment.
- (b) For the purposes of this Section, a building or structure is “destroyed” if the building or structure is in ruins, the roof has collapsed, the walls or foundation have collapsed or are collapsing, or the building or structure is condemned by a municipality or the State.

Note: Appendix C, Figure C-1, depicts an example for calculating the 50 feet from an outside wall for reconstruction.

§ 1-303 “Clean Slate” Permit Exemption

*Jeff Mcman w/ VT DEC
say we qualify for clean slate
permit exemption for single family
house - bedrooms
remain the same
no change in
flow*

- (a) The following are exempt from the permitting requirements of this Subchapter:
 - (1) All buildings or structures, campgrounds, and their associated potable water supplies and waste water systems that were substantially completed before January 1, 2007 and all improved and unimproved lots that were in existence before January 1, 2007. This exemption shall remain in effect provided:
 - (A) No action for which a permit is required under these Rules is taken or caused to be taken on or after January 1, 2007, unless such action is exempt under one of the other permitting exemptions listed in § 1-302 or § 1-304.
 - (B) If a permit has been issued under these Rules before January 1, 2007 that contained conditions that required actions to be taken on or after January 1, 2007, including conditions concerning operation and maintenance and transfer of ownership, the permittee shall continue to comply with those permit conditions.
 - (2) An owner of a single-family residence that qualified on January 1, 2007 for this exemption shall not be subject to administrative or civil penalties under 10 V.S.A. chapters 201 and 211 for a violation of these Rules when the owner believes the