

Town of Montgomery

Development Review Board

PO BOX 356 MONTGOMERY VT 05471
(802) 326-4719

FINDINGS AND DECISION

Gretchen Eberle and Charles Snedikor
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, May 25, 2023

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Gretchen Eberle and Charles Snedikor** for Conditional Use Approval to construct an accessory structure to use as a lodging establishment for short term rental, dated May 3, 2023.

1. A Public Hearing was warned for May 25, 2023..
2. Notice of the Hearing was posted on May 11, 2023 at Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website and published in *The St. Albans Messenger* on May 9, 2023.
3. No person has requested status as an interested party as prescribed by 24 V.S.A. § Section 4465(b), and under the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS**, Article 9, 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 May 25, 2023, at the Montgomery Public Safety Building., Conference Room.
5. Present at the Hearing were Development Review Board Members: Parma Jewett (Chair), Lynda Cluba (Clerk), Suzanne Wilson, John Kuryloski, Mary Garceau and Mark Brouillette (Alternate). Also, present was Applicant, Charles Snedikor. Gretchen Eberle was absent. Visitors included Angelica Randall, Katie Murphy, Michael DeVasto and Joseph Catalano.
6. At the outset of the Hearing, Parma Jewett, Chair of The Development Review Board afforded an opportunity for persons wishing to speak to sign and 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 5:31 pm.

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 **12.4 acre lot**, located at 1256 Fuller Bridge Rd in the Town of Montgomery, Vermont.
Parcel ID # 1.039X.
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 and Vermont State Regulations**
 - a. Section 4.2 Conditional Use
 - b. Section 5.1 Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. Article 9, Definitions, Lodging Establishment
 - e. V.S.A. Title 9, Section 4457

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FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to construct a 12 ft by 20 ft Amish built shed on skids, for use as a lodging establishment for the purpose of short term rental.
2. The structure can accommodate up to 4 persons.
3. Structure will not have water, heat or electricity.
4. A portable potty will be placed on the land behind the old town road, which will not be visible from the road.
5. Applicants do not plan on renting during winter months.
6. Parking will be on the old town road, farther back on the property, accessed by the entrance at the top of the property.
7. Applicants will rent through Airbnb which collects a fee for insurance.
8. Structure will be placed 50 ft from the center line of the road.
9. Applicants have a cell service booster but are not sure if it will cover the distance to the building.

DECISION

Based upon the findings, the Montgomery Development Review Board **DENIES** the application for Conditional Use at 1256 Fuller Bridge Rd in Montgomery, Vermont.

Sue made a motion and was seconded to DENY the request for Conditional Use to construct an accessory structure for use as a lodging establishment for short term rental.. Due to non compliance with Montgomery Zoning Regulations: Article 9, Definition – lodging establishment and State Regulations V.S.A. Title 9, Section 4457.

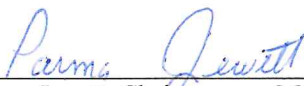
Roll Call Vote: Parma - YES; John - YES; Sue - YES; Mary - YES; Lynda – Recused; Mark – Recused. Motion passed

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 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, Vermont, this 12th day of June, 2023.



Parma Jewett, Chairperson Montgomery Development Review Board