

Town of Montgomery

Development Review Board

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

FINDINGS AND DECISION

Angelica Randall
APPLICATION FOR HAZARD AREA REVIEW AND APPROVAL
Thursday, May 25, 2023 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Angelica Randall to build an accessory structure (a fence), dated May 4, 2023. Reason for application Hazard Area Review, Approval to install a dog safety fence on property.

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, Angelica Randall. Visitors included Charles Snedcor, 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 0.47 acre lot, located at 99 West Hill Rd the Town of Montgomery, Vermont.
Parcel ID # 11.004X.
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. Article 5, Section 5.3 Variance Approval
 - b. Article 4.2, Rural/Residential, Minimum lot dimensions
 - c. Article 8, Section 8.5 (B) Floodway Areas & © River Corridor

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FINDINGS OF FACT

1. Applicant wishes to install a dog safety fence on the property within the river corridor.
2. Applicant explains she has 2 small dogs and is concerned for their safety as her house is close to road.
3. Heavy equipment and vehicles travel past often.
4. Applicant would like to place a sturdy fence along the front of property, next to the road.
5. Fence will not be placed along the brook.
6. Applicant will be willing to remove the part of the fence closest to the bridge in winter months.
7. Area, where fence will be next to bridge, may flood or restrict snow plowing.
8. No fence will be allowed in the road right of way.
9. Fence should be 31 ft from the center line of road or 16 ft from the edge of the road.
10. A solid fence cannot be constructed due to ice and flooding.

DECISION

Based upon the findings, the Montgomery Development Review Board **DENIES** the application for **Hazard Area Review to install a dog safety fence at 99 West Hill Rd ,Montgomery, Vermont.**

Parma made a motion and was seconded to DENY the request to build an accessory structure (a fence). Due to non compliance with Montgomery Zoning Regulations: Article 8, Section 8.5 © River Corridor

Roll Call Vote: Parma - YES; John - YES; Sue - YES; Mary - YES; Lynda – YES; Mark – YES. 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 15th day of June, 2023.


