

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday June 22, 2023 @ 5:30 pm

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

Applicants: *Jeremy Owens, Sarah Wojcik (absent), Michele Owens (absent), Chris Wojcik (absent), Ian Stanion-McDermid*

Interested Parties: *Sean Gregorek*

Visitors: *Dan Jacobs*

Meeting was called to order at 5:30 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 as defined in 24 V.S.A. Sect. 4465 (b) 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.

Hearing 1 began at 5:33 pm

1. **DRB Hearing - Jeremy Owens, Sarah Wojcik, Michelle Owens and Chris Wojcik have submitted an application for Conditional Use approval to construct an accessory structure for use as lodging establishment for short term rental. The property is identified as Parcel ID 7.046X, 11.25 acres at 1409 North Hill Rd. This is in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Review and approval.**

Parma gave the oath to all the applicants. She asked if any board member felt they had a conflict of interest. No response.

Evidence submitted by the Zoning Administrator noted as A1 includes: Application to DRB dated 5/11/23; Notice of hearing which includes a list of abutting property owners, posted in 3 places on June 2, 2023 and printed in the St. Albans Messenger; Email communication between applicant and Zoning Administrator; photo of property showing existing buildings, leach field and setback distances for proposed tent platform, photos of proposed tent and platform with information from TENTRR explaining benefits and campsite setup. Application for Building/Zoning Permit. Also an email regarding possibility of including a fire grilling station on the application. This was not addressed at the hearing or included on the application.

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Applicants wish to place a tent and platform on the property for personal use and to also rent to overnight guests. They plan on working with TENTRR, which is a marketplace of fully-equipped campsites set up on 10 acres or more of private land and rented out to campers. The company will ensure there are local residents close by and are there to answer camper's questions, enforce regulations, trouble shoot problems and ensure each site is clean and well maintained. The property currently includes a 1.5 story dwelling, with 2 bedrooms and 1 full bath. Also a 1 story shop and animal barn. Applicant feels a tent would be lower key than a yurt which was their initial idea. They would like to make it available to family and guests and have considered renting from around May to November. TENTRR also would provide a small 1 bed tent to use for children. Applicants use the dwelling as a ski house for themselves and do not reside on the property full time and would not always be at the property when rented. Applicants have done research and find that most people who rent these types of camps mostly range from age 50-60. Applicants also stated insurance is paid for by TENTRR who facilitates the rental. They state that their homeowners insurance confirmed that this would be covered. They state that this tent would be at least 50 ft away from the river corridor. They confirm there is cell service available at the site.

Parma asked if any Board members had questions for the applicant. Questions include access to water and septic service. Applicant explained water would be accessed from a hose and the well. They will provide a 5 gallon jug and a composting toilet, which will be self contained and disposed of in septic. John explained heat and water is a state requirement and adding the composting toilet may be considered an additional bathroom by State septic regulations. The property was built before septic regulations were enforced by the State of Vermont and is grandfathered. John stated adding another toilet may need State approval. He suggests inquiring about this. Also, were they aware that during mud season North Hill can become almost impassible at times? They replied they have owned the property for 2 mud seasons and will inform renters that a 4 wheel drive vehicle may be needed during that time. Questions also included if a shower was available and where the water would go. Applicant explains a shower kit comes with the TENTRR package and there would be minimal wastewater. TENTRR campsite setup states no foundations, electricity, running water, or sewage systems are needed or installed. Also camp toilets utilize PooPowder and is designed to gel and encapsulate liquid and solid waste that can be safely disposed of in landfills.

Parma asks if any interested party had a question. Sean Gregorek asks if they property owners are not always on site when rented and renters wander onto his property and become injured, could he be responsible? Applicant explains that TENTRR insurance would cover any injury. Sean explains that behind his property there is an approximately 100 ft drop to the river. Ellen, Zoning Administrator, explains that if a payment has not been made to him, he would have no liability.

Hearing 1 ends at 6:05 pm.

Parma explained the Board will go into deliberations and a decision would be mailed within 45 days.

Hearing 2 began at 6:08 pm

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2. DRB Hearing – Ian Stanion-McDermid has submitted an application for Conditional Use approval to change the use of an existing accessory structure to a lodging establishment for short term rental. The structure is proposed on parcel ID # 11.008X of 2.6 acres at 181 West Hill Rd. This is located in the Rural/Residential Zoning District. A lodging establishment in the Rural/Residential Zoning District requires Conditional Use Review and Approval. The structure is located in the river corridor and Hazard Area Review is also required.

Evidence submitted by the Zoning Administrator as A1 includes: Application to the DRB dated 5/30/23; Notice of Hearing, which includes a list of abutting property owners posted in 3 places and printed in the St. Albans Messenger; partial copy of tax map, from town listers office, showing property location; copy of a Notice of Violation, from the Zoning Administrator to Ian and Elle Stanion-McDermid, dated 5/25/2023 re: Short term rental at 181 West Hill Road operating without a Zoning Permit; and a hand drawn map from the ZA showing location of house and accessory structure.

Applicant owns a 1.5 story dwelling with 2 bedrooms and 2 full bathrooms. Also located on the property is a 1 bedroom cabin with a kitchenette and 1 bathroom. This cabin rental is listed on Airbnb as a 4 season rental for up to 2 persons, with a heat source. He states there is a dedicated parking space for the cabin. They have been renting it for a couple of years. Applicant believes structure is grandfathered for connection to septic.

Parma asks if any Board members had questions. Board members ask if applicant has short term rental insurance, response was applicant believes so. Does Airbnb collect rooms and meals tax, response was applicant believes so. Applicant also believes septic information should be recorded in the Town records.

Zoning Administrator explains Notice of Violation. She only investigates if violation is brought to her attention. A contractor that worked on the cabin had reported that the septic had leached into the river. Applicant believes a repair was made to the septic. Sue Wilson, who is currently the health officer, is aware of the septic problem and will need to visit the site. Applicant states his mom manages the property and would know more about this issue. Parma states the Board will need to have proof that this has been corrected, in writing, which would include the name of who did the work and when it was done. Parma also explains that the Board will discuss but may not have a decision at the end of this hearing.

Hearing 2 ends at 6:25 pm.

Parma explains the board will go into deliberations and mail a decision within 45 days.

Lynda made a motion and was seconded to go into deliberations at 6:40 pm. Sue made a motion and was seconded to exit deliberations at 7:25 pm.

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DRB Hearing 1 – Jeremy Owens, Sarah Wojcik, Michelle Owens and Chris Wojcik:

Mary made a motion and was seconded to DENY the request for Conditional Use to construct an accessory structure to use as lodging establishment for short term rental for the following reasons: There is no evidence that the applicant has received a permit for proper disposal of wastewater ,to include the accessory structure. A sufficient quantity of water for guests should be provided for personal hygiene and proper sanitation. Applicants proposal for water supply and wastewater disposal is not adequate without a landlord on site when rented.

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

DRB Hearing 2 – Ian Stanion McDermid:

John made a motion and was seconded to DENY the request for a change of use of an existing structure to a lodging establishment for short term rental located in the river corridor for the following reasons: The Board has received testimony that wastewater from the cabin has not been disposed of properly. The applicant does not meet the requirement of Montgomery Zoning ByLaws Section 8.5 © River Corridor, Accessory structure is grandfathered but not for use as a short term rental.

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

3. Approve Previous Minutes: 7/14/22 Amin/Cummins - Parma made a motion and was seconded to approve the minutes as written. Motion passed 2-0, John, Lynda and Mary abstained as they were not present at hearing. **3/23/23 Antillon-** Parma made a motion and was seconded to approve the minutes as written. Motion passed 5-0. **5/25/23 DeVasto, Snedimore/Eberle, Randall** - Mary made a motion and was seconded to approve the minutes as written. Motion passed 5-0.

4. Reorganization of Board – Mary nominated Parma Jewett for Chairperson of the Board – Motion passed 5-0. Parma nominated Lynda Cluba as Clerk of the Board – Motion passed 5-0.

5. Other Business – No other business was discussed.

Lynda made a motion and was seconded to adjourn at 8:04 pm. Motion passed 5-0

Respectfully submitted:

Lynda Cluba, Clerk