

Town of Montgomery Development Review Board

PO BOX 356 MONTGOMERY VT 05471

(802) 326-4719

FINDINGS AND DECISION

Jeremy Owens, Sarah Wojcik, Michele Owens and Chris Wojcik

APPLICATION FOR CONDITIONAL USE PERMIT

Thursday June 22, 2023 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Jeremy Owens, Sarah Wojcik, Michele Owens and Chris Wojcik** for Conditional Use approval to construct an accessory structure for use as a lodging establishment for short term rental. Application dated May 11, 2023. Property is located in the Rural/Residential Zoning District. A lodging establishment in the Rural/Residential Zoning District requires Conditional Use Review and Approval.

1. A **Public Hearing** was warned for **June 22, 2023..**
2. **Notice of the Hearing** was posted on **June 2, 2023** at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger*.
3. Sean Gregorek has requested interested party status 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 **June 22, 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 and Mary Garceau**. Also, present was **Applicant, Jeremy Owens**. Applicants **Sarah Wojcik, Michele Owens and Chris Wojcik** were absent. Visitors included **Dan Jacobs and Ian Stanion McDermid**. **Zoning Administrator, Ellen Fox** was present.
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 **11.25 acre lot**, located at **1409 North Hill Rd** in the **Town of Montgomery, Vermont**. **Parcel ID # 7.046X**.
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 4, Section 4.2 District Land Use and Development
 - b. Article 5, Section 5.1 Conditional Use Approval
 - c. Article 5, 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 place a tent on the property for personal use and to also rent to overnight guests.
2. Applicants are not full time residents and plan on using the property as a ski house during winter months.
3. The property currently includes a 1.5 story dwelling, with 2 bedrooms and 1 full bathroom. Also a 1 story shop and animal barn.
4. They state the dwelling is approximately 150-300 ft from the proposed tent site.
5. Applicants state they have Verizon cell service which is available at the rental site.
6. Applicants wish to use as short term rental from around May to November of the year.
7. Property is not within the river corridor but there is an approximate 100ft drop to the river at the back of the proposed property.
8. Applicants 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.
9. The company (TENTRR) will ensure there are local residents close by and are there to answer campers' questions, enforce regulations, trouble shoot problems and ensure each site is clean and well maintained.
10. Applicants state rental insurance is provided for by TENTRR, who facilitates the rental. They also state that they have contacted their homeowner insurance and the rentals would be covered.
11. Tent is placed on a 10 X 20 foot platform installed above grade with no ground disturbance. Tent contains 1 queen size bed. There is an overflow tent that can be provided for children or an additional guest.
12. The structure can typically accommodate 2 guests, a maximum of 4 guests.
13. Guests are expected to bring 1 or possibly 2 cars.
14. Registering with State of Vermont for rooms and meals will be pursued if application is approved.
15. Structure will not have water, heat or electricity.
16. Access to water will be from a hose and the well. Applicants will provide a 5 gallon jug and a composting toilet, which will be self contained and disposed of in septic.
17. Applicant states a shower kit comes with the rental package with minimal wastewater. It was not clear as to how the wastewater would be disposed of.
18. Sean Gregorek, (interested party) is an adjacent neighbor who is concerned if a renter wanders onto his property and is injured would he be responsible. Zoning Administrator responds, if he is not paid a fee he would have no liability. Applicant states TENTRR insurance would cover any injury.

DECISION

Based upon the findings, the Montgomery Development Review Board **DENIES** the application for Conditional Use at 1409 North Hill Rd in Montgomery, Vermont.

Sue made a motion 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. Roll Call Vote: Parma - YES; John - YES; Sue - YES; Mary - YES; Lynda – YES. Motion passed

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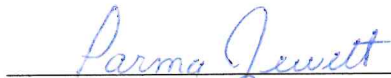
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A copy of this decision shall be mailed to the Applicant by certified Mail. In accordance with the Act 24 V.S.A., Section 4464 (b)(1), the DRB shall issue a decision within 45 days after adjournment of the hearing. A copy shall be mailed to every person claiming interested party status at the hearing.

An Interested Person may appeal a decision rendered by the Development Review Board within 30 days of such decision, by filing a notice of appeal to Vermont Environmental Court, in writing, within (30) thirty days of the date the decision was issued. Notice of appeal shall be filed by certified mailing, with fees, to the Environmental Court and mailing a copy to the Municipal Clerk.

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 July, 2023.



Parma Jewett, Chairperson Montgomery Development Review Board