

Town of Montgomery

Development Review Board

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

FINDINGS AND DECISION

Ian Stanion-McDermid
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday June 22, 2023 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Ian Stanion-McDermid** for Conditional Use approval to change the use of an accessory structure to a lodging establishment for short term rental. Application dated May 30, 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. No person 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: Ian Stanion-McDermid. Visitors included Dan Jacobs, Sean Gregorek and Jeremy Owens. 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 2.6 acre lot, located at 181 Hill West Rd in the Town of Montgomery, Vermont. Parcel ID # 11.008X.
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 8, Section 8.1 (A) Hazard Area Regulations
 - e. Article 9, Definitions, Lodging Establishment

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FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to change the use of an existing 1 story log camp to a lodging establishment.
2. Property is a 2.6 acre parcel with a non contiguous .93 acre woodland across the road with no road frontage.
3. Applicant is a full time resident on the property which also includes a 1.5 story dwelling with 2 bedrooms and 2 full baths.
4. Cabin contains 1 room with a full bath and kitchenette.
5. Cabin is connected to same water system and septic as the dwelling.
6. Zoning Administrator informed the Board a contractor did work on the cabin and reports the septic does leach into the river.
7. Applicant states a repair was made to the septic though no proof was provided to the board that the problem has been resolved.
8. Zoning Administrator issued a Notice of Violation, dated May 25, 2023; re: Short term rental at 181 West Hill Rd operating without a Zoning Permit.
9. The health officer is aware of the violation and will need to visit the site.
10. The cabin is a 2 person rental listed on Airbnb for the last 2 years
11. Cabin is a four season rental with heat source.
12. A dedicated parking space is available for the rental.
13. Owner was not sure if the rental has short term rental insurance or if the potable water and wastewater permit was recorded with the town.
14. Cabin is grandfathered as a structure on the property.

DECISION

Based upon the findings, the Montgomery Development Review Board **DENIES** the application for Conditional Use at 181 West Hill Rd in Montgomery, Vermont.

Sue made a motion to **DENY** the request for Conditional Use to change the use of an existing structure to a lodging establishment for the purpose of short term rental for the following reasons: Board has received testimony that wastewater from the cabin is not being disposed of properly. The applicant does not meet requirement of Montgomery Zoning Regulations (Amended November 2018) Article 8, Hazard Area Regulations, Section 8.1 (A) Applicability and Interpretation. Cabin structure is grandfathered but not for use as a short term rental.

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

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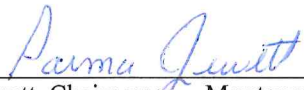
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A copy of this decision shall be mailed to the Applicant by certified Mail. In accordance with the Act 24 V.S.A., Section 4464 (b)(1), the DRB shall issue a decision within 45 days after adjournment of the hearing. A copy shall be mailed to every person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