

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday July 27, 2023 @ 5:30 pm

Board Members: *Parma Jewett, Chair; Suzanne Wilson; John Kuryloski; and Barry Kade (alternate). Board members Lynda Cluba and Mary Garceau were absent.*

Applicant: *Ken Fiske*

Interested Parties: *None*

Visitors: *None*

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. No interested parties in attendance. 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 5:35 pm

- 1. DRB Hearing - Ken Fiske has submitted an application for Conditional Use approval to change the use of an existing structure from a multi-family home for use as a lodging establishment for short term rental. The structure is a single-family adjoined building with a single-family home at 104 River Street with two apartments at 92 River Street on Parcel ID 00051.011X. The parcel is .45 acres with other buildings in the Village 1 Zoning District. A lodging establishment in the Village 1 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. Barry Kade stated he had at one time rented office space from the applicant. Ken Fiske stated he had no problem with Barry on the board for this hearing. Parma Jewett stated that she had in the past purchased property from the applicant. Ken Fiske stated he had no problem with Parma on the board for this hearing.

Evidence submitted by the Zoning Administrator noted as A1 includes: Application to DRB dated 06/08/2023; Notice of hearing which includes a list of abutting property owners, posted in 3 places on June 30, 2023 and published in the St. Albans Messenger on July 4th and 5th, 2023; warranty deed and lister's card. Evidence labeled as A-1

Mr. Fiske explained that the house located at 92 River Street has a first floor and second floor apartment, each with one bedroom and 1 full bathroom. He has used both units as vacation rentals as well as long term rentals. The second floor was rented for 3 years to a school teacher and the first floor has been rented as long as 1 year to traveling nurses. He has enough parking for 6 cars and rental insurance. At this time Mr. Fiske provided his rental insurance policy as well as Division of Fire Safety report. This evidence is noted at A-2. Both pieces of evidence are original and Parma will make copies and return originals to Mr. Fiske. A flood elevations survey has been completed and the subject dwelling is not within the flood

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zone. Property is registered with the State of Vermont for rooms and meals tax. Mr. Fiske went through the list of requirements provided by the DRB and agreed with all of them. No overnight camping, quiet hours 10pm to 6am; house rules must be posted, 911 address is a visual location, minimum of 1 fire extinguisher, fire detector and CO detector on each floor; a contact person within 25 miles radius; no overnight parking on the street, if renters have pets Montgomery Town leash laws will be obeyed and no parties or large events.

Parma asked if any Board members had questions for the applicant. Sue Wilson asked about the number of bedrooms since the listing card indicated there were 3 bedrooms. At the time the subject dwelling was inspected by the town there were 3 bedrooms. One bedroom had been removed when the house was remodeled. Barry Kade asked about the water and septic. Mr. Fiske responded the water source is town and a new septic system was installed in 1997. Parma Jewett asked about the parking. Mr. Fiske explained where the parking is and how many cars can be parked there.

Hearing 1 ended at 5:55 pm.

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

Hearing 2 began at 6:55 pm

2. DRB Hearing-Ken Fiske has submitted an application for Conditional Use approval to change the use of an existing structure from a single-family dwelling home to a lodging establishment for short term rental. The structure is a single-family dwelling located at 104 River Street Parcel ID 0051.011X. Dwelling is an adjoined building to 92 River Street. The parcel is .45 acres with other buildings in the Village 1 Zoning District. A lodging establishment in the Village 1 Zoning District requires Conditional Use Review and approval.

Evidence submitted by the Zoning Administrator as A1 includes: Application to the DRB dated 06/08/2023. Notice of Hearing, which includes a list of abutting property owners, posted in 3 places on June 30, 2023 and published in the St. Albans Messenger July 4th and 5th; and Attorney's report and opinion on Title. Evidence labeled at B-1

Mr. Fiske explained that the house located at 104 River Street has 3 bedrooms and 1 full bath. It has been used as a vacation rental with enough parking for 4 cars. Both rental insurance and Division of Fire Safety report were provided as evidence marked at B-2. The fire inspection was for change of use and meets all the requirements for state of Vermont. A flood elevation survey has been completed and the subject dwelling is not within the flood zone. All other requirements are identical to 92 River Street. Mr. Fiske also informed the board that the property is under contract and is due to close on August 1, 2021. The buyers have agreed to abide by the conditions in the permit.

Barry Kade asked if the dwelling was a separate building. Mr. Fiske explained it is one structure connected to 92 River Street. There are two separate deeds. Parma asked about parking and wanted to make sure

there was enough room so as not to parking on the street.

Hearing 2 ended at 6:10

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

Board went into deliberation at 6:23 and came out of deliberation at 6:58.

DRB Hearing 1- Ken Fiske (92 River Street)

Parma made the motion and was seconded by Sue to grant a Conditional Use Permit at 92 River Street for a lodging establishment for short term rental.

Sue seconded the motion.

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

DRB Hearing 2 – Ken Fiske

Sue made a motion and was seconded by Parma to DENY the request for a change of use of an existing structure to a lodging establishment for short term rental located at 104 River Road.

Roll Call Vote: Parma – YES; Sue – YES; John – YES, Barry – NO. Motion passed

***Note: The majority of the board felt that since the subject property (104 River Street) was going to closing on August 1, 2023 that the new owners should apply for the Conditional Use.**

Respectfully submitted:

Parma Jewett (substituting for Lynda Cluba)