

Town of Montgomery Development Review Board

PO BOX 356 MONTGOMERY VT 05471

(802) 326-4719

FINDINGS AND DECISION

**Christine Netski and Jeffrey Rhodin
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, September 28, 2023**

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Christine Netski and Jeffrey Rhodin for Conditional Use Approval to change use of existing single family dwelling to a lodging establishment for purpose of short term rental, dated 8/30/2023

1. A Public Hearing was warned for September 28, 2023..
2. Notice of the Hearing was posted on August 31, 2023 at Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website and published in *The St. Albans Messenger* on September 1, 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 September 28, 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. Applicants Christine Netski and Jeffrey Rhodin were not present. Applicants have submitted a letter, dated 8/31/2023, authorizing Karen Frascella (present) to act as their agent for the hearing. Visitors included Harvey and Lisa Chaffee.
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 hearing was called to order at 5:30 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 10.1 acres identified as Parcel ID 21.010X located at 305 Fisher Rd in the Town of Montgomery Center, Vermont.
1. 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.
2. The application requires review under the following sections of the Montgomery Zoning By-Laws and Vermont State Regulations
 - a. Section 4.2 Conditional Use
 - b. Section 5.1 Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. 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 single family dwelling to a lodging establishment for the purpose of short term rental.
2. The existing structure is a 1.5 story dwelling with 3 bedrooms and 2 full baths located on 10.1 acres.
3. Dwelling has a full finished basement.
4. There is no longer a bedroom in the basement as referenced in the notes on the Lister's property card.
5. Fire place is no longer operational. Dwelling uses propane heat.
6. Applicants would like to use the property for short term rental and personal use.
7. They would like to use mostly as a ski rental.
8. Applicants state that second floor windows have the minimum height and width in case of fire.
9. They have submitted to the board proof of property insurance with Vermont Mutual Insurance Co.
10. Applicants believe necessary permits are in place.
11. Applicants provided a copy of a form from State of Vermont, "Short Term Rental Safety, Health and Financial Obligations" signed and certifying they will meet the requirements listed on the checklist.
12. They will have a person in place to oversee the property when rented. Karen Frascella and one other person will have a key.
13. Applicants primary residence is in Colorado.
14. They will provide an information booklet to renters

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 305 Fisher Rd in Montgomery Center, Vermont.

Parma made a motion and was seconded to APPROVE Conditional Use to change the use of an existing family dwelling at 305 Fisher Rd to a lodging establishment for short term rental of a single family home consisting of 3 bedrooms, all above grade, with the following conditions:

- a) **Maximum of 6 guests, including children**
- b) **Minimum of 4 parking spaces for guests**
- c) **Must have short term rental insurance policy**
- d) **No overnight camping**
- e) **Quiet hours between 10 pm and 6 am**
- f) **House rules must be posted on the premises**
- g) **911 location must be posted in a visible location**
- h) **Property must be registered with the State of Vermont for rooms and meals**
- i) **There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor as well as a smoke detector and CO detector in each bedroom**

- j) A contact person within 25 mile radius in case of problem
- k) No overnight parking on the street
- l) If renters have pets they must obey Montgomery town leash laws
- m) No parties or large events

Roll Call Vote: Parma - YES; Sue - YES; Mary - YES; Lynda - YES; John - YES Motion passed 5-0

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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 19th day of October, 2023.



Parma Jewett, Chairperson

Montgomery Development Review Board