

Town of Montgomery Development Review Board

PO BOX 356 MONTGOMERY VT 05471

(802) 326-4719

FINDINGS AND DECISION

**Matt and Mary Tryhorne
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, August 24, 2023**

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Matt and Mary Tryhorne for Conditional Use Approval to change use of existing accessory dwelling to a lodging establishment for purpose of short term rental, dated 6/25/2023.

1. A Public Hearing was warned for August 24, 2023..
2. Notice of the Hearing was posted on August 4, 2023 at Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website and published in *The St. Albans Messenger* on August 7 or August 8, 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 August 24, 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, and Mary Garceau. Also, present was Applicant, Matt Tryhorne, Mary Tryhorne was absent. No visitors were 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 5:33 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 2.0 acre property located at 880 South Main St in the Town of Montgomery Center, Vermont. Parcel ID # S118.031X.
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 accessory dwelling to a lodging establishment for the purpose of short term rental.
2. The accessory dwelling is a 1 story mobile home with 2 bedrooms and 1 full bath.
3. They would like to renovate the mobile home on the property to use for a seasonal rental.
4. They also do not plan on adding any additional finished area during renovation.
5. Dwelling was previously used as a long term rental which has not been occupied for over a year and needs renovation.
6. Driveway is shared and close to the main dwelling.
7. Applicants plan on renting in the fall and winter. They will not be renting in the summer as they would like privacy during those months.
8. Applicants have previously rented a house in Montgomery through Airbnb and feel they have some experience with short term rentals.
9. They plan on registering with State of Vermont for rooms and meals tax.
10. Applicant states the rental space will have room for 2 cars.
11. Applicant states they have purchased rental policy insurance from Coop Insurance.
12. Applicants reside full time on the property.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 880 South Main St in Montgomery Center, Vermont.

Parma made a motion and was seconded to APPROVE Conditional Use to change the use of an accessory dwelling to a lodging establishment for short term rental with the following conditions:

- a) Number of overnight guests is 4
- b) Minimum of 3 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. Motion passed 4-0

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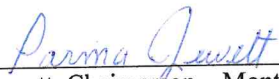
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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person claiming interested party status at the hearing.

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 28th day of September, 2023.



Parma Jewett, Chairperson Montgomery Development Review Board