

Town of Montgomery

Development Review Board

PO BOX 356 MONTGOMERY VT 05471

FINDINGS AND DECISION

RONALD SCHABERG
APPLICATION FOR CONDITIONAL USE PERMIT
December 28, 2023

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Ronald Schaberg** for **Conditional Use** approval to change the use of an existing structure from residential to a lodging establishment for short term rental dated October 2, 2023.

1. A Public Hearing was warned for **December 28, 2023**.
2. Notice of the Hearing was posted on **December 7, 2023** at Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website and published in *The St. Albans Messenger* on **December 8, 2023**.
3. No person has requested status as an interested party as prescribed by 24 V.S.A. § Section 4465, 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 **December 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, Suzanne Wilson, John Kuryloski and Mary Garceau. Also present was Applicant: Ronald Schaberg, Visitors included Gretchen Eberle, Charles Snedcor, Lynn Locher and Mark Brouillette.
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 **13.5 acre** lot, located at 65 Hemlock Mountain Dr. in the **Town of Montgomery, Vermont**, identified as **Parcel ID 11.047X**.
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. Section 4.2 Conditional Use (b)
 - b. Section 5.1 Conditional Use Approval
 - c. Section 5.1 (E) 1-5 Review Standards
 - d. Section 5.1 (F) Conditions
 - 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 structure from residential to a lodging establishment for the purpose of short term rental.
2. The structure is on Parcel ID 11.047X that sits on a 13.5 acre lot at 65 Hemlock Mountain Drive.
3. Structure is a 1.0 story ranch style log dwelling with 817 sq ft of above grade finished floor area built in 1969.
4. Dwelling is located on a Right of Way identified as Hemlock Mountain Dr.
5. Applicant has submitted a homeowners insurance quote from Safeco Insurance for proposed policy period 1/10/2023 to 1/10/2024.
6. Applicant submits a completed Vermont Short Term Rental Safety, Health and Financial Obligations form dated 11/05/2023.
7. Applicant lives in Charleston, SC and wishes to become a full time Montgomery resident in the future.
8. He wishes to rent the entire residence when he is not here.
9. The dwelling has 3 bedrooms and 1 full bath.
10. Applicant states property has room for parking of 4 vehicles.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 65 Hemlock Mountain Dr in Montgomery, Vermont.

Mary made a motion and was seconded to **APPROVE** the request for Conditional Use to change the use of an existing structure, at 65 Hemlock Mountain Dr., from residential to a lodging establishment for the purpose of short term rental with the following conditions.

1. Maximum of 6 overnight guests, including children.
2. Minimum of 4 parking spaces.
3. Must provide rental insurance.
4. No overnight camping.
5. Quiet hours between 10 pm and 6 am.
6. House rules must be posted on the premises.
7. 911 location must be posted in a visual location.
8. Property must be registered with the State of Vermont for rooms and meals tax. If applicant offers the cabin for rent outside of Airbnb (which automatically collects and remits tax to the State on behalf of its operators) he must register with the State of Vermont for rooms and meals tax.
9. There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor. Also a smoke/CO detector in each bedroom.
10. Must provide contact person name and relevant contact information on premises.
11. No overnight parking on the street.
12. If renters have dog(s) they must obey Montgomery Town leash laws.
13. No parties or large events.

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

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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 Center, Vermont, this 22nd day of January 2024



Parma Jewett, Chairperson Montgomery Development Review Board