

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday, December 28, 2023 @ 5:30 pm

Board Members: *Parma Jewett, Chair; Lynda Cluba; Suzanne Wilson; John Kuryloski; Mary Garceau*

Applicants: *Ronald Schaberg, Gretchen Eberle and Charles Snedikor*

Interested Parties: *Mark Brouillette*

Visitors: *Lynn Locher*

Meeting was called to order at 5:31 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.

Hearing 1 began at 5:31 pm

1. **DRB Hearing - Ronald Schaberg have submitted an application for Conditional Use approval to change the use of an existing structure from residential to a lodging establishment for short term rental. The application is for an existing structure on Parcel ID 11.047X of 13.5 acres at 65 Hemlock Mountain Dr. This is in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Approval.**

Parma gave the oath to all the applicants. She asked if any board member felt they had a conflict of interest. No response. She also asks if any person requests interested party status as defined in 24 V.S.A. Sect. 4465 (b). Mark Brouillette has requested interested party status for hearing number 2 and 3 - Eberle/Snedikor.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of hearing which includes a list of abutting property owners, posted in 3 places on December 7, 2023; a copy of the hearing notice printed in the St. Albans Messenger on December 8, 2023; Application to the DRB dated 10/02/2023; Map of the property from Vt Natural Resources Atlas; Short term rental checklist sent to applicant by email from Zoning Admin.; Homeowners insurance quote from Safeco Insurance dated 1/10/2023 for the property at 65 Hemlock Mtn Rd. including a dwelling reconstruction cost estimate; Occupancy tax collection and remittance by Airbnb information page; Copy of the Vt Short term rental

safety, Health and Financial obligations form completed by the applicant and a notice to guests which will be posted in the dwelling.

Applicant lives in Charleston SC and wishes to become a full time resident in the future. He would like to rent the residence when he is not here. The property has 3 bedrooms and 1 full bath. He states there is room for 4 vehicles and would like to rent the entire house.

Parma asked if any Board members had questions for the applicant. No questions. Parma explained the Board will go into deliberations and a decision would be mailed within 45 days.

Hearing 1 ended at 5:43 pm

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Hearing 2 began at 5:46 pm

2. DRB Hearing – Gretchen Eberle and Charles Snedikor have submitted two applications for Conditional Use Approval to construct two accessory structures for use as lodging establishments for short term rental. The structures are proposed on parcel ID# 1.039X of 12.4 acres at 1256 Fuller Bridge Rd. Property is located in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Approval.

Evidence submitted by the Zoning Administrator as A1 includes: Notice of Hearing, which includes a list of abutting property owners posted in 3 places on December 7, 2023; a copy of the hearing notice printed in the St. Albans Messenger on December 8, 2023; Application for Building/Zoning permit for STR #1 and STR #2, both dated 10/10/2023; Application to the DRB for STR #1 and STR #2, both dated 10/10/2023; a list of conditions; a copy of the VT Agency of Natural Resources map showing location of the existing STR structure and the 2 proposed structures.

Applicants wish to place (2) two 12' X 20' Amish built sheds on skids just like the one that is currently approved for use as short term rental. They will rent all year long; if not

approved they will rent seasonal. Regarding gray water they will have a portable sink with a 10 gallon gray water tank. The tank can be placed inside or outside, depending on weather, that will catch the gray water and will be disposed of according to Vermont State Wastewater system rules and regulations. They will have a porta-potty available to renters as described on the site plan. Would also like to rent to skiers and volunteers who come and stay on the property. They live on the property full time and will be available 24 hours if needed.

Parma asks if any Board members had questions. Questions include; if rented seasonally what months would that include? A clear answer was not provided as the applicants felt that the question was hard to answer and could not say which months they could include depending on weather. They felt if they would have heat they could rent all year, if not then they would rent seasonal. Asked about parking they explained parking would be available at the top of the property. Above the structures there would be parking on the old town road. They would also make their driveway available to renters. Asked about how far the structures would sit from the road ROW. Applicants state STR#1 (middle cabin) would be 25 ft from the road ROW and STR#3 (south cabin) would be 50 ft from the road ROW. Asked if they would charge rent to volunteers who come to stay? Response was yes.

Montgomery Zoning ByLaws Section 7.1 A)(2) Accessory Dwelling Units states dwelling units shall not exceed 30% of the total habital floor area of the single family dwelling. To consider these (3) 240 sq ft STR units, as stated on the applications, total sq footage would equal 720 sq ft. The total sq footage of the applicants dwelling is 2290 sq ft, per the Lister card. Meaning the allowable sq footage of the 3 units should equal no more that 687sq ft. Applicants state they could make them smaller, such as 10X20. The application states 12X20, but new permits would not be needed if structures are made smaller. Applicants asks if they only do 2 units can they receive a refund on the application fee. Response was negative.

Parma informed the applicants that according to Vermont law they will need a lodging license if they operate 3 or more rental units. Applicants request statute number. Definitions are included in 18 V.S.A. Section 4301 (9)(14). Requirements are found at www.healthvermont.gov/environment/food-lodging/lodging-establishments

Parma asks if any board members or visitors had any more questions. No other questions. Parma explains the board will go into deliberations and mail a decision within 45 days.

Hearing ended at 6:19 pm

John made a motion and was seconded to enter executive session at 6:23 pm. So moved Lynda made a motion and was seconded to exit exec. session at 7:15 pm. So moved

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DRB Hearing 1 – Ronald Schaberg

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 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). Applicant shall 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 with relevant contact information on premises.**
- 11. No overnight parking on the street.**

12. If renters have dog(s) must obey Montgomery Town leash laws.

13. No parties or large events.

**Roll Call Vote: Lynda – YES, John – YES, Sue – YES, Parma – YES, Mary – YES.
5-0 Motion passed.**

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DRB Hearing 2 - Gretchen Eberle and Charles Snedikor; Short-term rental #1, middle cabin.

Parma made a motion and was seconded to APPROVE the request for Conditional Use to construct an accessory structure (middle cabin) at 1256 Fuller Bridge Rd for use as a lodging establishment for short term rental with the following conditions approved by Vermont Environmental Court on October 26, 2023 for Cabin #1:

- 1. Shall obtain short-term rental insurance and provide proof of short-term rental insurance to the Town prior to renting the shed. Proof of insurance shall be provided to the Town annually.**
- 2. Shall register with the State of Vermont for rooms and meals tax.**
- 3. Shall fill out and file with the Town a Vermont fire safety form.**
- 4. Shall maintain a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor, plus a smoke/CO detector in each bedroom.**
- 5. Structure shall be located at least 25 ft from the edge of the road ROW, or 50 ft from the centerline of the road.**
- 6. Shall have a porta-potty available to renters as identified on the site plan filed with the application.**
- 7. Shall provide water for handwashing via a portable sink with graywater tank. Graywater shall be disposed of consistent with Vermont Wastewater System and Potable Water Supply Rules.**

8. Shall provide heating that is sufficient to maintain a temperature of at least 60 degrees in the cabin at all times the cabin is rented.
9. House rules must be posted on premises.
10. 911 location must be posted in a visual location.
11. A contact person within a 25 mile radius in case of a problem.
12. Maximum of 2 persons when rented, including children.
13. Minimum of 2 parking spaces designated for the rental unit.
14. No overnight parking on the street.
15. Quiet hours between 10 pm and 6 am
16. No overnight camping outside of the cabin.
17. If renters have pets, they must obey Montgomery town leash laws.
18. No parties or large events.

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

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DRB Hearing 3 - Gretchen Eberle and Charles Snedcor; Short-term rental #2, South cabin

Parma made a motion and was seconded to APPROVE the request for Conditional Use to construct an accessory structure (South cabin) at 1256 Fuller Bridge Rd for use as a lodging establishment for short term rental with the following conditions

approved by Vermont Environmental Court on October 26, 2023 for Cabin #1 with added conditions:

- 1. Shall obtain short-term rental insurance and provide proof of short-term rental insurance to the Town prior to renting the shed. Proof of insurance shall be provided to the Town annually.**
- 2. Shall register with the State of Vermont for rooms and meals tax.**
- 3. Shall fill out and file with the Town a Vermont fire safety form.**
- 4. Shall maintain a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor, plus a smoke/CO detector in each bedroom.**
- 5. Structure shall be located at least 25 ft from the edge of the road ROW, or 50 ft from the centerline of the road.**
- 6. Shall have a porta-potty available to renters as identified on the site plan filed with the application.**
- 7. Shall provide water for handwashing via a portable sink with graywater tank. Graywater shall be disposed of consistent with Vermont Wastewater System and Potable Water Supply Rules.**
- 8. Shall provide heating that is sufficient to maintain a temperature of at least 60 degrees in the cabin at all times the cabin is rented.**
- 9. House rules must be posted on premises.**
- 10. 911 location must be posted in a visual location.**
- 11. A contact person within a 25 mile radius in case of a problem.**
- 12. Maximum of 2 persons when rented, including children.**
- 13. Minimum of 2 parking spaces designated for the rental unit.**
- 14. No overnight parking on the street.**
- 15. Quiet hours between 10 pm and 6 am**
- 16. No overnight camping outside of the cabin.**
- 17. If renters have pets, they must obey Montgomery town leash laws.**
- 18. No parties or large events.**
- 19. Must provide Certificate of Occupancy per Montgomery Zoning Regulations, Section 8.4**

20. Must submit to Town a copy of the Vermont State Lodging license before a Conditional Use Permit can be issued.

21. Total square footage of 3 accessory structures must not exceed 687 sq ft which is 30% of the total above grade sq footage (per Lister card) of the main dwelling.

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

NOTE: Condition #19 is removed as it does not apply to Montgomery Zoning Regulations, Section 8.4

Lynda made a motion and was seconded to adjourn at 7:45 pm. 5-0 So moved

Respectfully submitted: Lynda Cluba, Clerk