

Town of Montgomery

Development Review Board

PO BOX 356 MONTGOMERY VT 05471

FINDINGS AND DECISION

GRETCHEN EBERLE AND CHARLES SNEDICOR APPLICATION FOR CONDITIONAL USE PERMIT

December 28, 2023

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Gretchen Eberle and Charles Snedikor, **for Conditional Use approval to construct accessory structure #2 (South cabin) to use as a lodging establishment** for short term rental, dated October 10, 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. **Mark Brouillette** 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 were **Applicants: Gretchen Eberle and Charles Snedikor**, Visitors included **Lynn Locher, Ronald Schaberg 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 5:46 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 **12.4 acre lot**, located at **1256 Fuller Bridge Rd** in the **Town of Montgomery, Vermont**, identified as **Parcel ID 1.039X**.
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** and **Vt State Statutes**:
 - a. Article 4, Section 4.2 District Land Use and Development
 - b. Article 5, Section 5.1 Conditional Use Approval
 - c. Article 5, Section 5.1 (E) 1-5 Review Standards
 - d. Article 5, Section 5.1 (F) Conditions
 - e. Article 9, Definitions, Lodging Establishment
 - f. Article 7 Section 7.1 Accessory Dwelling Units
 - g. 18 V.S.A. Section 4301 (9) (14)
 - h. [Healthvermont.gov/environment/food-lodging/lodging-establishments](https://healthvermont.gov/environment/food-lodging/lodging-establishments)

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PO BOX 356 MONTGOMERY VT 05471

Cont. Pg 2

FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to construct an accessory structure for use as a lodging establishment for the purpose of short term rental.
2. The structure is noted as **STR #2 (South cabin)**.
3. Proposed structure is a 12X20 Amish built shed on skids as referenced on the Vermont Natural Resources map submitted to the Zoning Administrator by the Applicant.
4. Proposed shed is like the one currently approved for use as a short term rental, located on the same property..
5. Applicants wish to rent all year long, if heat is provided.
6. A 10 gallon gray water tank, attached to a portable sink, will be placed either inside or outside the structure depending on weather.
7. Gray water tank will be disposed of according to Vermont State Wastewater system rules and regulations.
8. A porta-potty will be available to renters as described on the Vt Agency of Natural Resources map submitted by applicants. The location is not easily visible on the map but will be placed on the back side of the old town road above the cabins.
9. Applicants will provide access to porta-potty during times when the structure is rented.
10. They will rent to skiers and volunteers .
11. Parking will be available at the top of the property off the old town rd. They will also make their driveway available to renters for parking.
12. STR #2 (South cabin) will be a minimum of 25 ft from the road right of way.
13. Total 240 sq ft of this additional structure is proposed by applicants.
14. Square footage of South Cabin in addition to the 2 previous STR on the property will equal 720 sq ft which exceeds the 30% allowable square footage of total habitable floor area of the single family dwelling.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 1256 Fuller Bridge Rd in Montgomery, Vermont.

Mary made a motion and was seconded to APPROVE the request for Conditional Use to construct an accessory structure (STR #2, South cabin) at 1256 Fuller Bridge Rd for use as a lodging establishment for the purpose of 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 hand washing via a portable sink with gray water tank. Gray water 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 submit to Town a copy of the Vermont State Lodging license before a Conditional Use Permit can be issued.**
20. **Total square footage of 3 accessory structures must not exceed 687 sq ft which is 30% of the total above grade square footage of 2290 (per Lister card) of the main dwelling.**

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

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

Town of Montgomery

Development Review Board

PO BOX 356 MONTGOMERY VT 05471

Cont. page 3.

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 31st day of January, 2024.

Parma Jewett, Chairperson Montgomery Development Review Board