

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday, February 22, 2024 @ 5:30 pm

Members present: *Parma Jewett: Chair, John Kuryloski, Mary Garceau, Suzanne Wilson, absent Lynda Cluba Clerk.*

Applicants: *Galen Hagen*

Meeting was called to order at 5:30 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. The hearing is conducted at the Public Safety Building in the Conference room located at 86 Mountain Rd in Montgomery Ctr.

1. **DRB Hearing - Galen Hagen, Lauren Hagen, Jarrett Hagen-Peter and Brigitte Hagen-Peter. Application for Conditional Use approval was submitted for a short term rental. Identified as Parcel #00042.024X of .79 acres at 321 Comstock Bridge Road. Located in the Rural/Residential Zoning District. The parcel is within the river corridor. Improvements to existing structures in the river corridor require Hazard Area Review. Public hearing will be a combined review for Conditional Use and Hazard Area Review.**

Parma gave the oath to all on the sign in sheet, all affirmed. She asked if any Board members felt they had any conflict of interest. Three board members stated they had no conflict. Parma stated she will abstain from voting since the property located at 321 Comstock Bridge Road just down the road from of her primary residence. No abutting property owners or interested parties were present.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Hearing dated 02/02/2024 including a list of abutting property owners. Notice was mailed to abutters, applicant and posted in 3 places. Notice was published in the St Albans Messenger . Application to the DRB dated 01/25/2024. Map of the subject property; 2 pages describing the property, list of rules when renting the property, map of the river corridor, 3 pages of pictures of the dwelling, 6 pages of the rental package and one letter for the state of Vermont to Mr. Hagen concerning Hazardous Area Review for river corridor.

Mr. Hagen stated his case to the board describing the property which he wants to use as a short term rental. He discovered that the septic was only engineered for 3 bedrooms; therefore he would only be renting out 3 bedrooms. He also pointed out the DRB rules for short term rental is currently in place for the rental of his property and provided his house rules. His house rules were in the packet of evidence labeled A-1. Mr. Hagen discovered during his research on the subject property that the second driveway which is located in the river corridor did not have a driveway permits. This issue only came to light after the property was purchased in December of 2023. The primary driveway can park 3 cars; however he is asking the DRB for a variance on the numbers of parking spaces needed for a 3 bedroom dwelling, which is 4. He stated that if the variance is granted that he would make sure no more than 3 cars would be allowed when it is rented.

Board member Sue Wilson questioned that the subject property was currently being rented. Mr. Hagen responded that according to the state statues a property can be rent for 14 days in year without a conditional use permit. At this time he has only rented it 6 days.

There was quite a bit of discussion about the second driveway not having a permit. Parma asked if Mr. Hagen would like to recess the hearing until he got a driveway permit from the town. If the town does grant a driveway permit then it would require a river corridor review.

Mr. Hagen stated he would like a decision tonight and agree to rent only 3 bedrooms and have only three cars on the property.

Parma explains the board will go into deliberations and the Board has 45 days to submit a decision. Hearing concluded 6:30.

Mary made the motion and was seconded to APPROVE the request for Condition Use to change the use of an existing structure at 321 Comstock Bridge Road, Montgomery, Vermont, from residential to a lodging establishment for a the purpose of a short term rental with the following conditions:

- 1. Maximum of 6 overnight guests, including children.**
- 2. Minimum of 3 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.**
- 14. The fourth bedroom is not to be rented out short term.**
- 15. Only 3 cars on the property allowed when rented out short term. Parking to be in the primary driveway and not in the driveway this is not yet permitted and in the river corridor.**

Roll call vote: Parma –Abstain, Suzanne – YES, John – YES, Mary – YES. Motion passed 5-0.

Motion was made and seconded to adjourn meeting at 6:45 pm. So moved 4-0.

Respectfully submitted: Parma Jewett