

Town of Montgomery

Development Review Board

FINDINGS AND DECISION

GALEN & LAUREN HAGEN / JARRETT & BRIGITTE HAGEN-PETER
APPLICATION FOR CONDITIONAL USE APPROVAL TO USE A SINGLE-FAMILY
FOR SHORT-TERM RENTAL
February 22, 2024

INTRODUCTION AND PROCEDURAL HISTORY

1. This proceeding involves an application submitted by Galen & Lauren Hagen and Jarrett & Brigitte Hagen-Peter for Conditional Use approval to use a single-family dwelling for short-term rental under Article 5, Section 5.1 (A)1 of the **TOWN OF MONTGOMERY ZONING BY-LAWS AND REGULATIONS.**
2. The application was received by the Zoning Administrator on **January 25, 2024**
3. **Reason for Application:** Conditional Use permit for short term rental.
4. A **Public Hearing** was warned for **February 22, 2024.**
5. Notice of the Hearing was posted on **February 2, 2024** at the **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, and Montgomery Town Website** and published in **The St. Albans Messenger on February 22, 2024.**
6. This application was considered by the Montgomery Development Review Board at a **Public Hearing on February 22, 2024, at the Montgomery Public Safety Building, Conference Room.**
7. Present at the Hearing were **Development Review Board Members: Parma Jewett, Chair, John Kuryloski, Suzanne Wilson and Mary Garceau, absent board member Lynda Cluba.** Applicant: Galen Hagen.
8. At the outset of the **Hearing, Parma Jewett, Chair of The Development Review Board** asked if any Board members felt they had a conflict of interest. John Kuryloski, Sue Wilson and Mary Garceau stated they did not have a conflict. Parma Jewett stated that since the subject property was located near her primary resident and she had talked with Galen Hagen before the hearing that she would be abstaining from voting.
9. All parties wishing to offer testimony were sworn in.
10. No one claimed interested party status.

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 .79 acre property located at 321 Comstock Bridge Road in the **Town of Montgomery, Vermont. Parcel ID #00042.024X.**
2. This property is located in the **Rural Residential District** as described on the **Town of Montgomery Official Zoning Map** on record at Town of Montgomery Municipal Office and Section 4 of the **Town of Montgomery Zoning Regulations.**
3. The application requires review under the following sections of the **Montgomery Zoning Regulations:**

- a. Article 4, Section 4.1 Zoning Permits (A) Applicability
- 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

Findings of Fact

1. Applicant wishes to seek approval to use the property located at 321 Comstock Bridge road as a lodging establishment for purpose of short-term rental.
2. Property consists of .79 acres which includes a single family dwelling with 4 bedrooms and 2 full bathrooms.
3. Property was purchased in December 2023.
4. Prior to purchase, subject dwelling was used as a secondary home.
5. Subject dwelling will be used as a short term rental as well as a vacation home for all the owners.
6. Property currently has 2 driveways, one which does not have a permit from the town of Montgomery.
7. Galen Hagen showed the DRB of copy of the septic design for a 3 bedroom single-family dwelling. Septic design for a 4 bedroom home could not be found by Mr. Hagen at the time of the hearing.
8. The subject property is located in a river corridor.

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

DECISION

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 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 which is not yet permitted and in the river corridor.

Roll call vote: Parma -Abstain, Suzanne - YES, John - YES, Mary - YES. Motion passed 3-0. Motion was made and seconded to adjourn meeting at 6:45 pm. So moved 4-0.

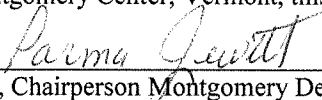
Respectfully submitted: Parma Jewett

A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person or body appearing and having been heard at the Hearing, and the Clerk of Montgomery as a part of the Public Records.

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. Section 4472 (d).

Dated at Montgomery Center, Vermont, this 2nd of April 2, 2024



Parma Jewett, Chairperson Montgomery Development Review Board