

TOWN OF MONTGOMERY, VERMONT

**MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES**

Thursday, May 23, 2024 @ 5:30 pm

Board Members: John Kuryloski, Vice Chair; Suzanne Wilson; Mary Garceau; Barry Kade;
Parma Jewett, Chair (absent) Lynda Cluba, Clerk

Applicants: Ivan Illyushchenko, Ludmilla Debord (absent)

Interested Parties: Oberland Valley Property Owners Assoc.; Wes Skidmore - President

Visitors: Sandra Fleckenstein, Mike Abramowitz, Gary Malcolm, Talia Roberts, Debra
Gemme, Francine Keegan, Joseph Tudryn, June Abramowitz

Meeting was called to order at 5:32 pm.

John explained the process of how the meeting will be conducted. The hearing is recorded. He introduced the Board members and gave the Oath to all witnesses. A correction is made on the application to the DRB, which is 164 Oberland Valley Rd as listed in the Town records as of August 23, 2022 and the parcel ID# which is A18.001X.

DRB Hearing - Ivan Illyushchenko and Ludmilla Debord have submitted an application for Conditional Use approval for a change of use, from a single family dwelling to a lodging establishment for short term rental. The application is for an existing structure on Parcel ID A18.001X of 1 acre at 164 Oberland Valley Rd Ext. This is in the Village 2 Zoning District. A lodging establishment in the Village 2 Zoning District requires Conditional Use Approval. The parcel is within the river corridor. Improvements to existing structures in the river corridor require Hazard Area Review. The public hearing will a combined review for Conditional Use and Hazard Area Review.

Interested party status as defined in 24 V.S.A. Sect. 4465 (b) was given to Oberland Valley Property Owners Assoc., Wes Skidmore, President.

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 April 25, 2024 and printed in the St. Albans Messenger; Application to the DRB dated February 28, 2024; Application for Building/Zoning Permit dated February 28, 2024 and received March 20, 2024; copy of insurance policy from 123 Insurance Inc.; and email from Ivan with a table summarizing the requirements by the Board; copy of a property record card from the Lister files; and a House Manual prepared by the Applicants. Also submitted by the Applicant; an overview of rules

required by the Town for short term rentals; copy of the House rules; a copy of the notice of 911 location, which is posted in the house which references the incorrect address of 14 Oberland Valley Rd and a diagram of the location and property lines.

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Evidence submitted by the Oberland Valley Homeowners Assoc.

noted as A2 includes: written papers titled "Additional Concerns re: Town Review Standards and a "Statement to Town of Montgomery Development Review Board" including the result of votes at a meeting of the HOA on May 20 on the Change of Use for the applicants property.

John asks the Applicant to state his case. He states the property is rented through Airbnb. He has been renting it in the past but was unaware that a Conditional Use permit is required in this Zoning District. He was informed of non compliance by the Zoning Admin., Ellen Fox. He purchased the property 2 years ago with his Aunt. He is from Montreal and wanted to purchase a family property for when his Mom and Aunt retire as they would like to reside here. The property was in need of repair and has a new roof and heating system among other repairs. As he became aware the DRB was working on a definition for short term rentals he thought of postponing the hearing until the bylaws were in place. John explains the Board is just trying to broaden the definition of STR. Barry explained the process of bylaws being written by the Planning Commission and upon approval of the Selectboard they would be put before the voters.

John explains the Board is to decide, first, the issue of the property being located in the River Corridor. Cars cannot be parked near the river and the driveway must be located a good distance from the river. Applicant states the driveway is gravel and approx. 35 ft in length and 12 ft wide. He has never had more than 3 cars parked there and believes he has parking available for 5 cars. Barry pulls up the parcel viewer on computer which shows the house and driveway location. John also explains no cars can be parked in the road ROW. Applicant states he can forward photos of the property.

John asks Board members for any questions. Mary asks how many bedrooms in the dwelling. Applicant states 2 that are used for rental. 1 on the main floor and 1 in the finished area in basement. The other bedroom in the basement is locked. Barry asks the size of the windows on the main floor. They must be a minimum size for egress in case of emergency and must be no more than 35 ft from the ground. Applicant states he will measure them. Mary is not confident making a decision due to new information which will need to be provided. Applicant will send information to Zoning Admin. No additional questions by the Board.

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John asks if visitors have any questions. Sandra Fleckenstein asks if any part of the permit will affect her property? She has a ROW through her property for the applicant to use. She wants to maintain her property. The Board felt it would not.

Wes Skidmore, President of the Oberland Valley Homeowners Assoc. reads from a prepared statement which he submits as evidence. The HOA requests interested party status. The HOA is here to object to the approval of the permit. The HOA consists of 8 chalets and 2 lots. There are some legacy property owner as well as new owners. The HOA bylaws prohibit non residential use. The HOA had a meeting on Monday May 20 regarding this application. He references Section 5.1(E) Review Standards of the Montgomery Zoning Bylaws. The STR permit would increase use of the water system, which is owned by the Assoc. He feels the well is inadequate for the number of property owners. It would also affect road conditions, especially during mud season when the roads are sometimes impassible. The HOA cannot pay to maintain the roads on a yearly basis or add gravel. The property has a swimming hole which he feels renters may not respect. Renters, in the past, have let their dogs run at large. He believes there has been 8 or more renters on the property in the past and 6-7 cars. Cell service and the internet is not always available. The HOA was not notified of the application to the DRB by the applicant. Due to the vote by the HOA, they request the DRB decline the application. He does not understand why the Town can bypass the HOA bylaws. He asked if the permit is approved how long would it be in place. Board informed him the

permit would run with the property, even when sold. Mike Abramowitz asked if there are inspections done. Board informed him there are no inspections; a neighbor can complain to the Zoning Administrator.

The applicant addressed some concerns of the HOA. He had talked to an attorney who informed him a short term rental was considered a residential use. This was why he did not inform the HOA of his application for permit. If the HOA voted more financial contributions for the wear and tear of the roads he would be willing to contribute. He will post written rules regarding disposal of waste, parking, etc. He will install cameras and can monitor them with his phone. He does have a battery backup for the landline and satellite internet. Dogs at large, parking, noise and number of renters are addressed through conditions set by the DRB. Mary stated the Board would try to address their concerns.

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Ms. Gemme spoke of concerns that the Town does not recognize HOA bylaws. She wants to protect the community from persons they do not know coming in and out of the neighborhood. Barry suggested working on a compromise.

Hearing ended at 6:55 pm. Sue made a motion and was seconded to enter deliberations at 7:03 pm. motion passed 4-0. The Board exit deliberations at 7:30 pm. No decision was reached pending new information.

Mary made a motion and was seconded to recess the public hearing until June 27, 2024 at 5:30 pm at the Public Safety Bldg, Conference room. Motion passed 4-0.

Approve minutes - 4/25/2024 Sue made a motion and was seconded to approve the minutes as written. Motion passed 4-0.

Short term rental definition - The Board will defer until June 27, 2024

Other Business - No other business was discussed

Barry made a motion and was seconded to adjourn the meeting at 7:40 pm. Motion passed 4-0

Respectfully submitted: Lynda Cluba, Clerk