

Town of Montgomery Development Review Board

PO BOX 356 MONTGOMERY VT 05471

(802) 326-4719

FINDINGS AND DECISION

**Harvey and Lisa Chaffee
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, September 28, 2023 @ 5:30 pm**

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Harvey and Lisa Chaffee for Conditional Use Approval** to change use of existing accessory dwelling to a lodging establishment for purpose of short term rental, dated 9/7/2023.

1. A **Public Hearing** was warned for **September 28, 2023..**
2. **Notice of the Hearing** was posted on **August 31, 2023** at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger* on **September 1, 2023.**
3. No person has requested status as an interested party as prescribed by 24 V.S.A. § Section 4465(b), 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 **September 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 (Clerk), Suzanne Wilson, John Kuryloski and Mary Garceau.** Applicants **Harvey and Lisa Chaffee** were present. There were no visitors present.
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 hearing was called to order at 5:47 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 42 acres identified as **Parcel ID 58.061X** located at **2178 Hazens Notch Rd** in the **Town of Montgomery Center, Vermont.**
1. This property is located in both the **Rural Residential and Conservation 1 Zoning Districts** 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.** The accessory structure is attached to an existing single-family dwelling on the portion of the parcel within the **Rural Residential District** where a lodging establishment requires **Conditional Use Review and Approval.**
2. The application requires review under the following sections of the **Montgomery Zoning By-Laws and Vermont State Regulations**
 - a. **Section 4.2 Conditional Use**
 - b. **Section 5.1 Conditional Use Approval**
 - c. **Section 5.1 (E) 1-5 Review Standards**
 - d. **Article 9, Definitions, Lodging Establishment**

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FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to change the use of an existing accessory dwelling to a lodging establishment for the purpose of short term rental at 2178 Hazens Notch Rd.
2. The accessory dwelling is attached to the main 2 story single-family dwelling with 3 bedrooms and 2 full baths.
3. The accessory dwelling is an 800 sq ft attached second floor apartment with a separate entrance.
4. Apartment is one room which includes a bedroom, bathroom and kitchenette. There is a separate door to the bathroom.
5. Applicants will have short term rental insurance through Coop insurance.
6. They will rent through Airbnb.
7. They only rent when they are at home.
8. There are 3 windows in the rental space with approximately 12 ft to the ground
9. There is sufficient parking space for their use and for rental space.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 2178 Hazens Notch Rd in Montgomery Center, Vermont.

Parma made a motion and was seconded to APPROVE Conditional Use to change the use of an existing accessory dwelling at 2178 Hazens Notch Rd to a lodging establishment for short term rental with the following conditions:

- a) Maximum of 2 guests, including children
- b) Minimum of 2 parking spaces designated for rental unit
- c) Must get rental insurance policy
- d) No overnight camping
- e) Quiet hours between 10 pm and 6 am
- f) House rules must be posted on the premises
- g) 911 location must be posted in a visible location
- h) Property must be registered with the State of Vermont for rooms and meals
- i) There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor as well as a smoke detector and CO detector in each bedroom
- j) A contact person within 25 mile radius in case of problem
- k) No overnight parking on the street
- l) If renters have pets they must obey Montgomery town leash laws
- m) No parties or large events

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

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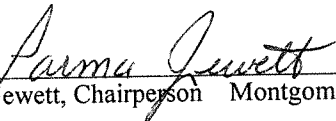
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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person claiming interested party status at the hearing.

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, Vermont, this 20th day of October, 2023.



Parma Jewett, Chairperson Montgomery Development Review Board