

Town of Montgomery

Development Review Board

PO BOX 356 MONTGOMERY, VT 05471
(802) 326-4719

FINDINGS AND DECISION

Karen Soule
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, June 27, 2024

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Karen Soule for Conditional Use Approval** to change use of existing single family dwelling to a Salon, offering personal services, dated April 26, 2024.

1. A **Public Hearing** was warned for June 27, 2024.
2. **Notice of the Hearing**, including notice to abutting property owners, was posted on June 6, 2024 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger*.
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 June 27, 2024** at the **Montgomery Public Safety Building, Conference Room**.
5. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), John Kuryloski (Vice Chair), Suzanne Wilson, Mary Garceau and Barry Kade**. Lynda Cluba was present as Clerk of the Board. **Applicant, Karen Soule was present**. Visitors included Ivan Illyushchenko, Wes Skidmore, Talia Roberts, Debra Gemme and Toni-Rose Bustos.
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 5:30 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 **21.6 acres** identified as **Parcel ID #7.006A** located at **37 Black Falls Rd** in the **Town of Montgomery, Vermont**.
2. This property is located in the **Village 2 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**.
2. The application requires review under the following sections of the **Montgomery Zoning By-Laws**
 1. Article 5, Section 5.1 Conditional Use Approval
 2. Article 5, Section 5.1 (E) 1-5 Review Standards
 3. Article 8, Section 8.1 Hazard Area Regulations

Town of Montgomery Development Review Board

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June 27, 2024 @ 5:30 pm

Cont. page 2

FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to change the use of an existing single family dwelling to a Salon, offering personal services.
2. The existing structure is an existing 1968, 546 sq ft., mobile home that sits on 21.6 acres.
3. Dwelling has 2 bedrooms and 1 full bath.
4. Applicant states no physical changes will be made to the property except new siding and cosmetic repairs.
5. She does believe she will need to add more plumbing.
6. Applicant states she will do pedicures and manicures in the kitchen and have her desk in the living room.
7. She will use one of the bedrooms for storage and provide use of the bathroom.
8. She will apply to the Zoning Administrator for placement of a sign.
9. She owns the adjoining property and can make parking available across the road in her pasture or at the mobile home next door, which she also owns, and has gotten permission from the tenants to use their driveway.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 37 Black Falls Rd in Montgomery, Vermont.

John made a motion and was seconded to APPROVE Conditional Use to change the use of an existing single family dwelling, at 37 Black Falls Rd, from a single family dwelling to a Salon, with the following condition:

- a) **Must provide a minimum of 2 parking spaces on the premises.**

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

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June 27, 2024 @ 5:30 pm

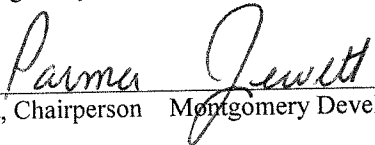
Cont. page 3

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, Vermont, this 15th day of July, 2024.



Parma Jewett, Chairperson Montgomery Development Review Board