

Minutes of Montgomery Development Review Board July 25, 2024

Members Present: Parma Jewett, Chair, John Kuryloski, Mary Garceau, Sue Wilson, Barry Kade.

Meeting called to order at 5:30 by the Chair, Parma Jewett..

Parma explained the process of how the meeting will be conducted. The hearing is recorded. She introduced the Board members and gave the Oath to all witnesses. She asked if any board members felt they had a conflict of interest. Barry disclosed that he is representing interested persons David Burns and Melissa Haberman in litigation, not relevant to this matter. The applicant stated he had no objection. The Chair explained that all must state their name before speaking, to expedite transcription in the event of an appeal.

Public Hearing: JJTJ Properties LLC Conditional Use Application for Short Term Rental Property 1962 N. Main St. ID#ON118.125X

Board found, per zoning administrator: Hearing warning had been posted at post office, PSB, and Sylvesters Market; published in St. Albans Messenger on July 3, 2024; and mailed to abutters July 3, 2024.

Parma administered the oath to Timothy Seagroves[agent of applicant,] David Burns, and Melissa Haberman [adjacent interested persons].

Conflict of interest: Barry Kade disclosed that he represents Haberman and Burns in an ongoing litigation, not relevant to this application. The applicant stated he had no problem.

Chair introduced Packet, labeled A-1 which includes Application, Map of Property,

Applicant stated that they would like to eventually move up here, but in meantime use as STR.

Property has 3 bedrooms on second floor and 1 pullout couch in living room. Seeking approval for 8 guests.

Applicant stated that they are not affiliated at this time with online platform, but intend to do so when approved.

Applicant stated that he is aware of rooms and meals tax requirement

Insurance: Applicant has insurance. Plans to get STR insurance when permit approved.

Chair called on members of the Board for questions.

Barry asked for floor plan showing walls on 2nd fl. Ivan explained that the upstairs bedrooms have walls separating them and windows of adequate size for escape.

Melissa Haberman and David Burns: concerned with loss of affordable housing and distance of contact person who works in Burlington. Melissa suggested hiring local management company.

At 6:07 the Chair closed the hearing.

Deliberations started at 6:10

Came out of deliberative session at 6:50

Based on discussion, Barry moved and John seconded approving the conditional use permit for a short-term rental type of lodging establishment with conditions.

- 1) Board found that there three bedrooms, so approved for 6 guests, including children [two per bedroom.]
- 2) Parking on property for 4 spaces required. No overnight parking on the street.
- 3)* Must show proof STR insurance, covering guests.
- 4) No overnight camping.
- 6) *House Rules must be posted.
- 7)* 911 Address posted in a visible location.
- 8) * Must be registered with State of Vermont for Room and Meals Tax, unless all rentals are

through an online platform that collects the tax.

9)* There must be a minimum of one fire extinguisher, fire/CO detector per floor, plus one fire/CO detector in each bedroom.

10) Contact person Brandi Lemer of Berkshire. Must be available by phone at all times when rented. Contact information for agent must be posted.

11)* Fire safety self-check list, form available from

https://firesafety.vermont.gov/sites/firesafety/files/documents/Short%20Term%20Rental%20healthand%20safety_0.pdf including secondary means of escape guidance on page 2 of form shall be filled out and posted in rental unit.

12)* Must show proof of platform sign-up or individual rooms and meals tax number.

13) Quiet hours between 10 pm and 6 am.

14) If renters have dogs, they must obey Montgomery dog ordinance.

<https://montgomeryvt.us/wp-content/uploads/2021/01/Dog-Ordinance-20121001.pdf>.

15) No parties or large events.

Note: Asterisk (*) indicates steps that must be taken before a permit shall issue.

Motion made by Barry to approve subject to above conditions. Seconded John.

Vote: Parma, John, Sue and Barry affirmative Mary negative. Passed 4-1

Definition of STR request from Planning Commission

Mary suggested State definition and suggested current conditions to be cleaned up and passed on to PC. John seconded.

Definition: "A short-term rental is defined as a furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year."

Barry suggested sub-categories. Rest of board disagreed.

Motion passed 5-0 as introduced.

Meeting adjourned at 7:10pm

Respectfully submitted,

Barry Kade

acting minute taker