

Town of Montgomery
Development Review Board
PO BOX 356, MONTGOMERY VT 05471
(802) 326-4719

FINDINGS AND DECISION

JJTJ Properties LLC
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday July 25, 2024

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by JJTJ Properties LLC for **Conditional Use Approval** to change use from a single family dwelling to a lodging establishment for short term rental, dated May 30, 2024.

1. A **Public Hearing** was warned for **July 25, 2024**.
2. **Notice of the Hearing**, including notice to abutting property owners, was posted on July 3, 2024 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger*.
3. **David Burns and Melissa Haberman** have requested interested party status 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 July 25, 2024**, located at the **Montgomery Public Safety Building, Conference Room**.
5. Present at the Hearing on **July 25, 2024** were **Development Review Board Members: Parma Jewett (Chair) John Kuryloski (Vice Chair), Suzanne Wilson, Mary Garceau and Barry Kade**. Applicant: **JJTJ Properties LLC** represented by **Timothy Seagroves (agent for the applicant)**. Visitors included **David Burns and Melissa Haberman (interested parties)**.
6. At the outset of the **Hearing on July 25, 2024 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. Four board members replied no. 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 with Barry as a board member for this hearing. All must state their name before speaking.
7. The hearing on July 25, 2024 was called to order at 5:30 pm and recessed at 7:00 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 **0.31 acre** identified as ***Parcel ID #ON118.125X** located at **1962 North Main Street** in the **Town of Montgomery, Vermont**.
2. This property is located in the **Village1 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**.
3. The application requires review under the following sections of the **Montgomery Zoning By-Laws**.
 - 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
 - e. Article 9, Definitions, Lodging Establishment

FINDINGS OF FACT

1. Applicant wishes to apply for Conditional Use approval to change the use of an existing single family dwelling to a lodging establishment for the purpose of short term rental.
2. The existing structure is a 1.5 story log dwelling with a full unfinished basement which sits on 0.31 acre of land.
3. Property has a private septic and town water.
4. Dwelling has 3 bedrooms and 1 full bath
5. Property at the time of the hearing had not been rented as a short term rental.
6. Applicant stated he would like to rent as a short term rental and also plans on using the subject property for himself and his family.
7. Applicant is aware that he needs to get a rooms and meal tax ID and also short term rental insurance.
8. Applicant also stated that he has a contact person located within 25 miles of the subject property.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 1962 North Main Street in Montgomery, Vermont.

Barry made a motion and was seconded by John to **APPROVE** the request for Conditional Use to change the use of a single family dwelling located at 1962 North Main Street in Montgomery, Vermont 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 4 parking spaces with no parking on the street.
3. *Must provide proof of short term 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. *Must be register with State of Vermont for Room and Meals Tax, unless all rentals are through an online platform that collect the tax.
9. *Must show proof of platform sign-up or individual rooms and meals tax number.
10. *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.
11. A contact person must be available within a 25 mile radius at times when the property is rented. Contact information must be visibly posted on the premises.
12. All parking must be in designated areas on the premises, when rented.
13. If renters have a dog(s), Montgomery town leash laws must be obeyed. (<https://montgomeryvt.us-contents/upload/2021/01Dog-Ordinance-20121001.pdf>.)
14. No parties or large events.
15. *Fire safety self-check list, form available from http://fire.safety.vermont.gov/sites/fire.safety/files/document/Short%20Term%20Rental%20healthand%20safety_0.pdf including secondary means of escape guidance on page 2 of form shall be filled out and post in rental unit.

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

Roll Call Vote: Sue - YES; Mary - NO; John - YES; Barry - YES; Parma - Yes Motion passed 4-1

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 16th day of August 27, 2024

Parma Jewett 
Parma Jewett, Chairperson Montgomery Development Review Board