

TOWN OF MONTGOMERY, VERMONT

**MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES**

Thursday, October 24, 2024 @ 5:30 pm

Board Members: *Parma Jewett, Chair; John Kuryloski, Vice Chair; Suzanne Wilson; Mary Garceau; Charlie Snedcor, (Alternate); Barry Kade (absent)*

Applicants: *Phillip and Sarah Snyder, Randall Bushey, Kelly Cromis*

Visitors: *Ellen Fox, Zoning Administrator; Lynda Cluba, Clerk* *No interested party was present.*

Meeting was called to order at 5:34 pm.

Parma explained the process of how the meeting will be conducted. The hearing is recorded. All must state their name before speaking. 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. Parma states she will recuse herself as she will testify during hearing 2, Bushey, Cromis, John will conduct Hearing 2.

DRB Hearing 1 Phillip and Sarah Snyder 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 N118.058X of .14 acres at 27 Mill House Lane. This is in the Village 1 Zoning District. A lodging establishment in the Village 1 Zoning District requires Conditional Use Approval. The parcel is within the river corridor and flood hazard area. Improvements to existing structures in the river corridor or flood hazard area require Hazard Area Review. The public hearing will be a combined review for Conditional Use and Hazard Area Review.

Evidence submitted by the Zoning Administrator, prior to the hearing, noted as A1 includes: Notice of hearing, including a list of abutting property owners, posted in 3 places on 10/3/2024 and published in the St Albans Messenger; Application to the DRB dated 9/5/2024; property card from the Lister file; a copy of the tax map showing property lines; Vt Dept of Health, Short term rental form; copy of insurance declaration from American Modern Property and Casualty Co.; copy of the Cost report from the Lister files.

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Applicant states he wishes to use the property at 27 Mill House Lane for a short term rental. The existing structure is a 2 story single family dwelling with 3 bedrooms and 1 full bath. He can provide space for 8 people which will include a pull out couch. He has 4 parking spaces available; 2 cars in front and 2 cars on a pad in the rear of the house. The access road is 36 ft X10 ft wide, so cars in front will not interfere with other properties for emergency services. He and his wife will be available as contact persons for guests. They live within 14 miles of the rental property. Property has town water and a septic system. The will only allow support animals. Each bedroom has egress windows which are 32 X 60 inches.

Hearing ends at 5:45 pm. Parma explains the Board will go into deliberations and a decision will be mailed within 45 days.

DRB Hearing 2- Randall Bushey and Kelly Cromis have submitted an Appeal from a decision of the Zoning Administrator. The application is to appeal the denial of a zoning permit to construct a single family home on parcel ID 30.011X of 1.91 acres at 686 Deep Gibou Rd in the Rural Residential Zoning District. According to Section 2.6 (A) of the Zoning Regulations, any person may appeal a decision by the Administrative Officer to the DRB. The applicants qualify as interested parties.

Hearing begins at 5:47 pm

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Public hearing posted in 3 public places on October 3, 2024 and published in the St. Albans Messenger; email communication between applicant and ZA; copy of page 1 of DRB decision for Estate of Wallace Godfrey dated 2/27/2017; copy of DRB minutes dated 2/15/2017; application to the DRB, from Bushey/Cromis, for appeal to ZA decision dated 9/27/2023 (this may be an error by the applicant) and rcvd by clerk on 9/27/2024); copy of application for Bldg/Zoning permit from Estate of Wallace Godfrey dated 1/9/2017; copy of tax map showing property lines and location; copy of notice of public hearing, by Wallace Godfrey Estate, for Conditional Use approval dated 1/23/2017; copy of application to DRB, by Valerie Goodrich executor, requesting Conditional Use approval dated 1/9/2017; 2 pages of a letter submitted to the ZA, at the time, from Cahill, Gawne, Miller & Manahan dated 1/1/2017; copy of Warranty Deed reflecting purchase by Bushey and Cromis dated Jan 2023; copy of page 1of Tax collector's deed for taxes owed by

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Robert Benson from 2008-2011; copy of page 1 of Administrator's deed from Valerie Goodrich, executor of Wallace Godfrey estate, to Oakland Property Mgmt, no date is reflected; copy of Warranty Deed from D. LeFloch Normandeau to Earl Ballard dated 11/5/1982; copy of page 1 of Tax Levy on Real Estate for Robert Benson, no date is reflected; copy of page 1 of Report of Tax Sale when property is owned by R Benson in 2011; copy of page 1 of Quit Claim Deed from Town of Montgomery to Robert Benson, no date is reflected; Application for Building/Zoning Permit from Kelly Cromis and Randall Bushey dated 4/29/2024; hand drawn sketch, by the applicants, of the proposed dwelling showing dimensions and setbacks;

John Kuryloski will conduct the hearing as Parma was on the DRB Board which approved the original Building/Zoning permit. Parma will testify at this hearing. Ellen Fox will also testify and both were given the oath and affirmed.

Mary asks the **Zoning Administrator** why the permit was denied. **ZA** explains the property is located in the Rural/Residential Zoning District which requires a 4 acre lot minimum for a single family dwelling. If the use is discontinued it will lose its grandfather status. No one has lived on the property since it was purchased in 2023. Pre existing small lots have rules the **ZA** must follow according to Section 6.6 (E) of the Zoning Regulations.

Parma testifies that she was the Chair of the original hearing on February 27, 2017. Wallace and Violet Godfrey bought the property at Tax Sale in January 2013. It was never put in the life estate. That is why it was not contiguous with the larger parcel and was listed in a different name. The land was listed as a separate parcel as required by state rules. It has always been a stand alone parcel and taxed as a building site.

Applicants applied for a building permit and was denied by the **ZA**. They have submitted a separate drawing since the original permit. They will relocate the structure to meet setbacks. The **ZA** can't confirm the septic is operational. The applicant assures the Board they will make sure it is operational. Water is deeded from a spring up the road. Board informed them they must build 50 ft from the edge of the wetland. They wish to build a new home with either 1 or 2 bedrooms.

Hearing ends at 6:22 pm.

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Sue made a motion and was seconded to enter deliberations at 6:23 pm. Motion was made and seconded to exit deliberations at 6:47 pm.

DRB hearing 1- Phillip and Sarah Snyder

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 27 Mill House Lane in Montgomery Center, Vermont.

Sue made a motion and was seconded to APPROVE the request for Conditional Use, to change the use of a single family dwelling, located at 27 Mill House Lane, 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.**
- 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. Property must be registered with the State of Vermont for rooms and meals tax, unless rentals are through an online platform that collects the tax.**
- 9. 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.**

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10. 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.

11. If renters have dog(s), Montgomery Town leash laws must be obeyed.

12. No parties or large events.

Roll call vote: Parma - abstain, Suzanne - YES, John - YES, Mary - YES, Charlie - YES. Motion passed. 4 - 0.

DRB hearing 2 - Randall Bushey and Kelly Cromis

Based on the application to appeal the denial of the building permit by the Zoning Administrator, the Montgomery Development Review Board **APPROVES** the permit to build a single family home on parcel ID 30.011X

John made a motion and was seconded to APPROVE the application to appeal the denial of the zoning permit to construct a single family home on parcel ID 30.011X with the following condition.

- 1. Building must be sited to meet setbacks required by town zoning regulations.**

Roll call vote - Parma - Abstain, Suzanne - YES, John - YES, Mary - YES, Charlie - Yes. Motion passed 4-0.

Other business - no other business was discussed.

John made a motion and was seconded to adjourn at 7:21 pm. So moved.

Respectfully submitted,

Lynda Cluba, Clerk