

Town of Montgomery

Development Review Board

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

FINDINGS AND DECISION

Randall Bushey and Kelly Cromis

APPLICATION TO APPEAL DECISION OF ZONING ADMINISTRATOR

Thursday, October 24, 2024

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Randall Bushey and Kelly Cromis to Appeal a decision from the Zoning Administrator, dated September 27, 2024. According to Article 2, Section 2.6 (A) any person may appeal a decision from the administrative officer to the Development Review Board. An interested person must participate in the local proceeding as a prerequisite to the right to any subsequent appeal.

1. A **Public Hearing** was warned for October 24, 2024.
2. **Notice of the Hearing**, including notice to abutting property owners, was posted on October 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. Applicants, Randall Bushey and Kelly Cromis have 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 October 24, 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 Charles Snedcor (alternate), Barry Kade was absent. Applicants, Randall Bushey and Kelly Cromis were present. Visitors included: Zoning Administrator, Ellen Fox and Clerk of the Board, Lynda Cluba.**
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. All must state their name before speaking.
7. She also asked if any Board members felt they had a conflict of interest. Parma explains she will recuse herself as she was on the DRB Board which approved the original Application for Conditional Use to build a single family dwelling on the property, dated February 15, 2017. She will testify during the hearing. All parties wishing to offer testimony were sworn in. John Kuryloski (Vice Chair) will conduct the hearing
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 **1.91 acres** identified as **Parcel ID #30.011X** located **686 Deep Gibou Rd** in the **Town of Montgomery Center, Vermont**.
2. This property is located in the **Rural Residential 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 2, Section 2.6 Appeals

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FINDINGS OF FACT

1. Applicants have submitted an application to the Development Review Board for an Appeal from the decision of the **Zoning Administrator**.
2. They wish to build a single family home on the 1.91 acre property, which they own, at 686 Deep Gibou Rd.
3. They would build a new home with either 1 or 2 bedrooms.
4. Permit was denied by the **ZA** as it is located in the Rural Residential Zoning District which requires a minimum of 4 acre lot for a single family dwelling.
5. **ZA** also states no one has lived on the property since it was purchased in 2023 and if the use is discontinued the parcel will lose its grandfather status. Also pre existing small lots have rules that must be followed according to Article 6, Section 6.6 (E) of the Montgomery Zoning Regulations.
6. Parma Jewett testifies she was the Chair of the DRB at the original hearing on February 27, 2017. She states Wallace and Violet Godfrey bought the property at tax sale in January 2013. It was not put in a life estate and though it was contiguous with the larger parcel the Listers had to put it in a different name as required by state rules. Since then it has been a standalone parcel and has been taxed as a building site.
7. The applicants state they will locate the structure to meet required setbacks.
8. The **ZA** could not confirm the current septic system is operational. The applicants assure the board they will make sure it is operational.
9. The property was deeded with spring rights.
10. The Board informed the applicants they must build at least 50 ft from the edge of the wetland

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application to appeal the denial of the building permit by the Zoning Administrator to build a single family home on Parcel ID #30.011X in Montgomery Center, Vermont.

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 located a 686 Deep Gibou Rd in Montgomery Center, with the following condition:

- a) **Building must be sited to meet setbacks required by Montgomery Town Zoning Regulations.**

Roll Call Vote: Parma - ABSTAIN; Sue - YES; Mary - YES; John - YES; Charlie - YES Motion passed 4-0

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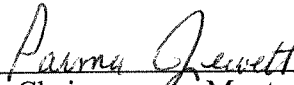
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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person claiming interested party status at the hearing.

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 19th day of November, 2024.



Parma Jewett, Chairperson Montgomery Development Review Board