

Town of Montgomery

Development Review Board

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

FINDINGS AND DECISION

Phillip and Sarah Snyder
APPLICATION FOR CONDITIONAL USE PERMIT
Thursday, October 24, 2024

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Phillip and Sarah Snyder for Conditional Use Approval** to change use, from a existing single family dwelling to a lodging establishment for short term rental, dated September 5, 2024. The parcel is within the river corridor and flood hazard area. **The public hearing will be a combined review for Conditional Use and Hazard Area Review.**

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. 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 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, Phillip and Sarah Snyder were present. Visitors included: Randal I Bushey and Kelly Cromis. Zoning Administrator, Ellen Fox and Clerk of the Board Lynda Cluba were also present
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. Parma explains she will recuse herself as her husband has done work for the applicants. All must state their name before speaking.
7. All parties wishing to offer testimony were sworn in.
8. The hearing was called to order at 5:34 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 .14 acre identified as Parcel ID #N118.058X located at 27 Mill House Lane in the Town of Montgomery Center, Vermont.
2. This property is located in the Village 1 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 5, Section 5.1 Conditional Use Approval
 - b. Article 5, Section 5.1 (E) 1-5 Review Standards
 - c. Article 6, Section 6.7 (G) Siting of Off-Street Parking in the Village 1 Zoning District
 - d. Article 8, Section 8.1 Hazard Area Regulations

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FINDINGS OF FACT

1. Applicants wish to apply for Conditional Use approval to change use, from a single family dwelling to a lodging establishment for short term rental .
2. The existing structure is 2 story single-family dwelling with 3 bedrooms and 1 full bath which sits on .14 acre.
3. Each bedroom has egress windows which are 32 X 60 inches.
4. Applicants feel they can provide for 8 guests which will include a pull out couch.
5. Property sits on an access road off Main St in Montgomery Center.
6. They state 4 parking spaces are available; 2 cars can park in front of dwelling off the access road and there is space for 2 cars on a pad at the rear of the house.
7. The access road is 36 feet X 10 feet wide, so cars in front will not interfere with emergency services for other properties on the access road.
8. Both applicants live within 14 miles of the rental property and will be available as contact persons.
9. Property has town water and a septic system.
10. They will only allow support animals.

DECISION

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 short term rental with the following conditions:

- a) Maximum for 6 overnight guests, including children.
- b) Minimum of 4 parking spaces.
- c) Must provide proof of short term rental insurance.
- d) No overnight camping.
- e) Quiet hours between 10 pm and 6 am.
- f) House rules must be posted on the premises.
- g) 911 location must be posted in a visual location.
- h) 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.
- i) 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.
- j) 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.
- k) If renters have dog(s), Montgomery Town leash laws must be obeyed.
- l) No parties or large events.

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

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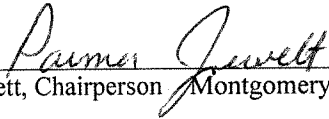
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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person claiming interested party status at the hearing.

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