

TOWN OF MONTGOMERY, VERMONT

**MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES**

Thursday, March 27, 2025 @ 5:00 pm

Board Members: Parma Jewett (Chair), John Kuryloski, Barry Kade and Charles Snedikor (Alternate)

Applicants: Nafis and Sarita Kahn

Visitors: Peter Locher, Ellen Fox, Zoning Administrator; Lynda Cluba, Clerk

Interested Party: Edward Deptula

Meeting came to order at 5:02 pm. Ellen came before the Board to explain considerations and possible exemptions regarding a future hearing for the Montgomery Waste Water System. She referred to Section 7.9 (6) Public Facilities of the Montgomery Zoning Regs. which references a Regional Solid Waste District. Ellen explained that a Regional Waste Facility does not mean a Wastewater Facility. She referred to the definition of "Public Uses and Facilities" in the Zoning Regulations. She also explained that the Town would have to submit 3 applications for the facility. One each for the pump station, the waste reclamation and hazard area. The DRB can make conditions regarding traffic, noise,, etc. Ellen will provide to the Board information on wastewater standards for other town systems. The informational session ended at 5:16 pm.

Parma Jewett explained the process of how the meeting will be conducted. The hearing is recorded and all who speak must first state their name and be recognized by the Chair. She introduced the Board members and gave the Oath to all witnesses. All affirmed. She asked if any Board members felt they had a conflict of interest. Barry spoke and felt he had a conflict as he has represented the applicants in the past. He will recuse himself. She asked if anyone requests interested party status. Mr Deptula is requesting interested party status. Hearing convenes at 5:28 pm.

DRB Hearing - Nafis and Sarita Kahn have submitted an application for subdivision at 561 Highland Dr, parcel ID # 303.027X. The parcel lies in both the Village 2 and Conservation 2 Zoning Districts and consists of 33.09 acres with an existing chalet. The application is to create three new parcels of 10.43 acres, 10.74 acres, 10.82 acres and reduce the existing parcel with the chalet to 1.09 acres. The Development Review Board will conduct a Site Plan Review for the proposed subdivision.

Evidence is submitted by Ed Deptula noted as B1 regarding Interested persons: Mr Deptula has requested interested party status, though he is not included in the list of abutting property owners. He owns 3 properties in the immediate neighborhood which is in the same subdivision as the applicants, Leisure Properties, Inc. He also has an environmental interest which he feels may impact his property. Applicants were asked if they had any problem with him being given interested party status. They did not. Ed finds the actual hearing notice insufficient and the public has not been informed of the meeting, referring to 3.3(C) of the Zoning Regulations. Parma made a motion and was seconded to grant Mr Deptula interested party status. So moved 3-0 Barry recused himself.

TOWN OF MONTGOMERY, VERMONT

MONTGOMERY DEVELOPMENT REVIEW BOARD UNAPPROVED MINUTES

Thursday, March 27, 2025 @ 5:00 pm

pg 2

Evidence submitted by the Zoning Administrator, prior to the hearing noted as A1 includes: Notice of Public Hearing, including a list of abutting property owners, posted in 3 places in town and on the Town website on 3/6/2025 and published in the St Albans Messenger on 3/7/2025; Application to the DRB dated 12/15/24; a map of the proposed subdivision prepared by Brow Surveying; an Application for Building/Zoning Permit dated 12/15/24; a Warranty deed referring to the purchase of 1.09 acres by the applicant in 2003; A similar map of the subdivision which includes the Zoning district lines;

Evidence submitted by the Applicants noted as C1 includes: A warranty deed referring to the purchase of a Parcel +/- 42.30 acres in 2001.

Nafis states they bought the parcel 20 years ago for retirement and to subdivide and give each of his 2 children a lot. They plan on keeping Lot 2, (middle lot) which would be contiguous with the 1.09 acres, on the other side of the road, where the existing chalet is located. They explained that

their water source is on Lot 2. He is only asking the Board to approve the subdivision; he is not asking for any approval for development of the lots.

Charlie Snidicor reads Section 3.3(C) of the Zoning Regs. which states:
Existing lots located in 2 districts may be subdivided according to the requirements of the least restrictive district of the new lot.
Development within the new lot is regulated according to the district where development is to occur.

Parma asks if Ed had any comments. Ed reads from a paper, which was not submitted as evidence, regarding his concerns, which included decisions made by other towns regarding their zoning regulations and Court decisions he feels are related. He states the applicants cannot subdivide these 3 lots as the Montgomery Zoning Regs state Conservation 2 lands have a 30 acre minimum requirement.. He also states that 3.3(C) is not constitutional as the 10 acre lots could be subdivided into 10,000 sq ft lots as required by Village 2. This subdivision would also make the Conservation 2 lands more noncompliant. Ed states he is not aware of how much of the total parcels land is in Village 2 and Conservation 2 district. John Kuryloski states there is approximately 15 or 16 acres in each district.

TOWN OF MONTGOMERY, VERMONT

MONTGOMERY DEVELOPMENT REVIEW BOARD UNAPPROVED MINUTES

Thursday, March 27, 2025 @ 5:00 pm

Pg 3

Ellen states if Mr Deptula is giving advice to the applicant, that it is outside of this hearing. She states the zoning regulations have been approved by the voters in Montgomery. They provide no subdivion regulations. She

brought this before the DRB due to access to the lots once subdivided. Any permitted use lots must meet the requirement of access. She states the hearing is warned for a site plan review. No variance is requested.

Barry believes the road is a private road open to public so access is not a problem. Mr Kahn states the property does have deeded access which is referenced in the Warranty deed he then submits as Evidence C1. He states he wants to subdivide 3 lots, land only. He would like the Board to decide.

Parma requests a short recess before concluding. 6:50 pm. so moved 3-0. Hearing reconvenes at 6:55 pm. She ask if anyone had comments before conclusion of the hearing. Sarita asks if they sold the whole 30 acres, would that be a problem. Parma states it would not be as it is already a separate parcel. Ed reads the restrictions in Conservation 2 as written is the Zoning Regulations. He states the Board cannot take Conservation 2 out of the mix

Parma explains the hearing is over and a decision will be made within 45 days. Hearing ends at 7:07 pm

John made a motion and was seconded to enter deliberations at 7:15 pm
So moved The Board exited at 7:22 pm

Based on the findings the Board **APPROVES** the application for subdivision at 561 Highland Drive.

John made a motion to **APPROVE** the application for subdivision with the condition that all development or buildings be restricted to the Village 2 District of the lots. **ROLL CALLVOTE: John - YES; Parma - YES; Charlie - YES. Motion passed 3-0** Barry recused himself from the vote

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday, March 27, 2025 @ 5:00 pm

Cont. page 4

Approve previous minutes: The Board will postpone approval of the minutes until next meeting.

Reorganization of the Board: The Board will postpone approval until all board members are present.

Other Business - No other business was discussed.

John made a motion and was seconded to adjourn at 7:39 pm So moved 4-0

Respectfully submitted:

Lynda Cluba, Clerk