

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

FINDINGS AND DECISION

Nafis and Sarita Kahn
APPLICATION FOR SUBDIVISION
Thursday, March 27, 2025 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by Nafis and Sarita Kahn 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.

1. A Public Hearing was warned for **March 27, 2025** at 5:30 pm.
2. Notice of the Hearing was posted on March 6, 2025 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger* on **March 7, 2025**.
3. Edward Deptula 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. As Mr. Deptula is not an adjoining land owner, the Board voted to grant Mr. Deptula interested party status as he owns 3 properties in the immediate neighborhood which lie in the same subdivision as the applicants. He states he has an environmental interest which he feels may impact his property. The Zoning Administrator emailed him the Notice of Public Hearing on March 6, 2025.
5. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing** on **March 27, 2025**, at the **Montgomery Public Safety Building, Conference Room**.
6. Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), John Kuryloski, Barry Kade and Charles Snedcor (alternate)**, **Suzanne Wilson and Mary Garceau** were absent. Applicants **Nafis and Sarita Kahn** were present. Visitors included Peter Locher, Ellen Fox (Zoning Administrator) and Lynda Cluba, Clerk.
7. At the outset of the Hearing **Parma Jewett, Chair of the Development Review Board** gave the oath to all the applicants and the guests. She also asked if any Board members felt they had a conflict of interest. Barry Kade spoke and felt he had a conflict as he has represented the applicants in the past.
8. All parties wishing to offer testimony were sworn in. All Affirmed
9. The hearing was called to order at 5:30 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 **33.09 acres** identified as **Parcel ID 303.027X** located at **561 Highland Drive** in the **Town of Montgomery Center, Vermont**.
2. This property is located in both the **Village 2 and Conservation 2 Zoning Districts** 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 and Vermont State Regulations**
 - a. Article 3, Section 3.3 (C) Interpretation of Zoning District Boundaries
 - b. Article 5, Section 5.1(A) (5) Development Approvals
 - c. Article 6, Section 6.10 (A) (2) Roads (Public or Private)

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FINDINGS OF FACT

1. Applicant purchased parcel 20 years ago for retirement and subdivide and give each of their 2 children a lot.
2. They plan on keeping lot 2 (middle lot) which is contiguous with the 1.09 acres, on the other side of the road, where the existing chalet is located.
3. The water source for the chalet is located on the Lot 2.
4. The Village 2 section of each subdivided lot does meet the minimum lot dimensions.
5. The Conservation 2 section of each subdivided lot does not meet the minimum lot dimensions and development would not be necessary on those sections of the parcel.
6. Each Zoning District lot consists of approximately 15-16 acres prior to subdividing.
7. Montgomery Zoning By-Laws do not provide any subdivision regulations.
8. The hearing is warned for Site Plan Review.
9. The road is a private road that is open to the public and access is not a problem.
10. Applicant states the property does have deeded access which is referenced in the deed submitted as evidence noted as C1.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for subdivision at 561 Highland Drive in Montgomery Center, Vermont.

John made a motion and was seconded to APPROVE the application for subdivision with the condition that all development or buildings be restricted to the Village 2 District of the lots.

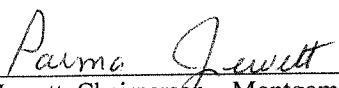
Roll Call Vote: Parma - YES; John - YES; Charlie - YES Motion passed 3-0. Barry recused himself from the vote.

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 5th day of May, 2025



Parma Jewett, Chairperson Montgomery Development Review Board