

Town of Montgomery Development Review Board PO BOX 356 MONTGOMERY CTR, VT 05471

FINDINGS AND DECISION

**Jamie Seeholzer and Spencer Kelley
APPLICATION FOR CONDITIONAL USE PERMIT
May 22, 2025 @ 5:30 pm**

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by **Jamie Seeholzer and Spencer Kelley** for Conditional Use approval for a change of use, from a single family dwelling to a lodging establishment for short term rental, dated April 18, 2025.

- A **Public Hearing** was warned for **May 22, 2025**.
- **Notice of the Hearing** was posted on **May 2, 2025** at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger* on **May 2, 2025**.
- **Marlene Hambleton and Jason Haddick** have requested status as interested parties as prescribed by 24 V.S.A. § Section 4465, 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.
- This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on May 22, 2025** at the **Montgomery Public Safety Building, Conference room**.
- Present at the Hearing were **Development Review Board Members: Parma Jewett (Chair), Suzanne Wilson, John Kuryloski, Mary Garceau and Barry Kade**. Also present were **Applicants: Jamie Seeholzer and Spencer Kelley**; Visitors included **Peter Locher and Lynda Cluba, Clerk**.
- 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. No response.
- All parties wishing to offer testimony were sworn in.
- The meeting was called to order at 5:32 pm.

FINDINGS

Based on the Application, sworn testimony, exhibits, and other evidence the **Development Review Board** makes the following findings:

- The subject property is a **5.04 acre lot**, located at **824 Mountain Rd** in the **Town of Montgomery Ctr, Vermont**, identified as **Parcel ID #242.067X**.
- 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**.
- The application requires review under the following sections of the **Montgomery Zoning By-Laws**:

- Article 5, Section 5.1 Conditional Use Approval
- Article 5, Section 5.1 (E) 1-5 Review Standards
- Article 5, Section 5.1 (F) Conditions
- Article 6, Section 6.10 (A) (1) Driveways (private)
- Article 9, Definitions, Lodging Establishment

FINDINGS OF FACT

1. Applicant purchased property in April 2025 for use as a second home and an investment for retirement.
2. They plan on renting the property for 30 days or less when they are not here.
3. They believe they can rent to a maximum of 8 people, 2 persons for each bedroom and others in the recreation room. They believe they could have 3 bedrooms.
4. The listing card lists the bedroom count as 2 with a recreation room on the lower level.
5. Applicants state the bedroom on the lower level has a door with a family room, which they could use as a bedroom.
6. They have ordered a code compliant egress window for the family room.
7. The house was listed as a 3 bedroom by the realtor.
8. All parking will be on the premises.
9. The bottom of the driveway is a right of way and splits off to another driveway leading to the neighboring property.
10. Applicant will install signage that can be illuminated at the bottom of the driveway.
11. Applicants state they will not have parties or large events when rented.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use at 824 Mountain Rd, Montgomery Ctr, Vermont.

Parma made a motion and was seconded to APPROVE the request for Conditional Use for a change of use, from a single family dwelling to a lodging establishment for the purpose of short term rental with the following conditions:

- a. **Maximum of 4 overnight guests, including children.**
- b. **Minimum of 3 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 taxes.**
- i. **There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each level. 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.**
- m. **All parking signage must be visible at the junction of the driveways.**
- n. **All bedrooms must have egress according to Vermont Dept. of Health, short term rental regulations.**

Roll Call Vote: John - YES; Suzanne - YES; Mary - YES; Parma - YES; Barry - YES. Motion passed 5-0

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 Center, Vermont, this 18th day of June, 2025.

Parma Jewett, Chairperson Montgomery Development Review Board