

# *Town of Montgomery*

## *Development Review Board*

PO BOX 356 MONTGOMERY CTR VT 05471 802 326-4719

### **FINDINGS AND DECISION**

**Michael DeVasto and Katie Murphy**  
**APPLICATION FOR CONDITIONAL USE PERMIT**  
**May 25, 2023 @ 5:30 pm**

### **INTRODUCTION AND PROCEDURAL HISTORY**

This proceeding involves an application submitted by Michael DeVasto and Katie Murphy for Conditional Use approval for change of use from a single family dwelling to a lodging establishment for short term rental.

1. Notice of the Hearing was posted on April 20, 2023 at Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website and published in *The St. Albans Messenger* on April 21, 2023.
2. No person requested status as an interested party 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.
3. This application was considered by the Montgomery Development Review Board at a Public Hearing on May 25, 2023, at the Montgomery Public Safety Building, Conference room.
4. Present at the Hearing were Development Review Board Members: Parma Jewett (Chair), Lynda Cluba, Suzanne Wilson, John Kuryloski, Mary Garceau and Mark Brouillette (Alternate). Also present were Applicants, Michael DeVasto and Katie Murphy. Visitors included Angelica Randall, Charles Snedikor and Joseph Catalano.
5. 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.
6. All parties wishing to offer testimony were sworn in.
7. The meeting was called to order at 5:31 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 a 37 acre lot, located at [REDACTED] in the Town of Montgomery, Vermont.  
Parcel ID [REDACTED]
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 Regulations**:
  - a. Article 4, Section 4.1 Zoning Permits (A) Applicability
  - b. Article 5, Section 5.1 Conditional Use Approval
  - c. Article 5, Section 5.1 (E) 1-5 Review Standards
  - d. Article 5, Section 5.1 (F) Conditions

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### **FINDINGS OF FACTS**

1. Applicants purchased property as a second home and wish to use as a short term rental when not staying there.
2. They wish to rent daily or weekly.
3. Applicants will use the property more in the spring and summer months and rent it mostly in the fall and winter months.
4. Dwelling has 3 bedrooms and 2 full baths.
5. There are 3 queen beds and a pull out sofa.
6. Mark Brouillette (Road Commissioner) requests the applicants refrain from renting, each year, during mud season.
7. Applicants have submitted Vermont Dept of Public Safety, Division of Fire Safety, Certification of Compliance for Smoke and Carbon Monoxide Alarms in Single Family Owner-Occupied Dwellings signed by the applicant on 5/25/2023.
8. Applicants submitted copy of Homeowners Binder-Receipt from State Farm Fire and Casualty, for insurance on the property, with an inclusion for home rental; effective date 11/07/2022.

### **DECISION**

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for a Conditional Use Permit at [REDACTED] in Montgomery, Vermont, with conditions.

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

1. **Not to exceed 6 adult overnight quests.**
2. **Not to exceed 3 vehicle parking spaces when rented**
3. **Must verify rental insurance annually.**
4. **No overnight camping.**
5. **Quiet hours between 10 pm and 6 am.**
6. **House rules must be posted on the premises.**
7. **911 location must be posted in a visual location.**
8. **Property must be registered with the State of Vermont for rooms and meals tax.**
9. **There must be a minimum of 1 fire extinguisher, smoke detector and CO detector on each floor.**
10. **Must provide contact person name with relevant contact information on premises.**
11. **No parking on the street.**

12. If renters have dog(s), must obey Montgomery Town leash laws.

Roll Call Vote: Lynda – YES, John – YES, Sue – YES, Parma – YES, Mary – YES, Mark - YES. Motion passed.

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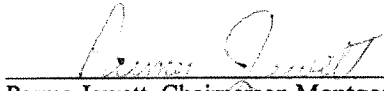
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A copy of this decision shall be mailed to the Applicant by certified Mail, and a copy shall be mailed to every person claiming interested party status at the hearing.

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 Center, Vermont, this 17th day of June, 2023.



Parma Jewett, Chairperson Montgomery Development Review Board