

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday May 25, 2023 @ 5:30 pm

Board Members: *Parma Jewett, Chair; Lynda Cluba; Suzanne Wilson; John Kuryloski; Mary Garceau and Mark Brouillette, Alternate*

Applicants: *Angelica Randall, Gretchen Eberle (not present) and Charles Snedikor, Michael DeVasto and Katie Murphy*

Visitors: *Joe Catalano*

Meeting was called to order at 5:30 pm.

Parma 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.

Hearing 1 began at 5:31 pm

1. **DRB Hearing - Michael DeVasto and Katie Murphy have submitted ;and application for Conditional Use approval for a change of use from single family dwelling to a lodging establishment for short term rental. The application is for an existing structure on [REDACTED] acres at [REDACTED]. This is in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Approval.**

Parma gave the oath to all the applicants. She asked if any board member felt they had a conflict of interest. No response. She also asks if any person requests interested party status as defined in 24 V.S.A. Sect. 4465 (b). No response.

Evidence submitted by the Zoning Administrator noted as A1 includes:

Application to DRB dated 1/21/23; Notice of hearing which includes a list of abutting property owners, posted in 3 places on April 20, 2023 and printed in the St. Albans Messenger on April 21 2023; Fire safety information and Vt Dept of Taxes (short term rental safety, health and financial obligation) dated 4/28/23; fire safety certification of compliance dated 5/25/23; Homeowners Application/Binder-receipt from State Farm Fire and Casualty dated 11/7/22 .

Applicants purchased property as a second home and wish to use as a short term rental when not staying there. They wish to rent daily or weekly. They will use it for themselves more in the summer and spring and rent it mostly in the fall and winter. The house has 3 bedrooms and 2 full baths. There is 3 queen beds and a pull out sofa. Mark requested they refrain from renting during mud season.

Parma asked if any Board members had questions for the applicant. No questions. Parma explained the Board will go into deliberations and a decision would be mailed within 45

days.

Hearing 1 ended at 5:43 pm

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday May 25, 2023

Page 2, cont.

Hearing 2 began at 5:46 pm

2. DRB Hearing – Gretchen Eberle and Charles Snedikor have submitted an application for Conditional Use Approval to construct an accessory structure to use as a lodging establishment for short term rental. The structure is proposed on parcel ID# 1.039X of 12.4 acres at 1256 Fuller Bridge Rd. Property is located in the Rural Residential Zoning District. A lodging establishment in the Rural Residential Zoning District requires Conditional Use Approval.

Evidence submitted by the Zoning Administrator as A1 includes: Application to the DRB dated 5/3/23; Notice of Hearing, which includes a list of abutting property owners posted in 3 places and printed in the St. Albans Messenger; photos of the property and location of the structure with one interior photo of the proposed structure; and a copy of the application for building and zoning permit dated 4/18/23.

Applicants wish to place a 12' X 20' Amish built shed on skids for use as short term rental which can house 2 or 4 persons max. There will not be access to heat or water and they will place a portapotty on the back part of the property which will not be visible from the road. They do not plan on renting during the winter months. Parking will be on the old town road further back on the property. They will rent through AirBnb which charges a fee for insurance. They will place the structure 50 ft from the center line of the road. They live on the property full time and will be available 24 hours if needed.

Parma asks if any Board members had questions. Questions were if cell service is available. Applicant stated they had a cell service booster and will check to see if it works that distance from their dwelling.

Parma explains the board will go into deliberations and mail a decision within 45 days.

Hearing ended at 6:01 pm

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES

Thursday May 25, 2023

Page 3, cont.

Hearing 3 began at 6:04 pm

3. DRB Hearing - Angelica Randall has submitted an application to build an accessory structure (a fence) on Parcel # 11004X of .47 acres at 99 West Hill Rd. The parcel is in the Rural Residential Zoning District and is in the river corridor. An accessory structure in the River Corridor requires Hazard Area Review and Approval.

Evidence submitted by the Zoning Administrator noted as A1 includes: Application to DRB dated 5/4/23; Notice of Public Hearing, which includes a list of abutting property owners, posted in 3 places and printed in the St. Albans Messenger. Application to DRB for approval to install a dog safety fence on the property; An aerial photo showing the property with buildings and markings as to where the fence will be located. A page with specifications of the actual fence she proposes and a photo of the fence.

Applicant explains she has 2 small dogs and is concerned for their safety as the house is close to the road. Heavy equipment and vehicles travel past often and she wants to place a sturdy fence along the front of her property next to the road.

Parma asks if Board members had any questions. Questions included whether she will fence along the brook. She stated she would not. Would she be willing to remove the part of the fence closest to the bridge during winter month as it may flood or restrict snow plowing. She stated she would. Mark (Road Commissioner) explained she cannot have a fence in the road right of way which should be 31 ft from the center of the road or 16 ft from the edge of the road. He also explained that at this area of the road ice can back up and she would have to remove that part of the fence. Due to ice and flooding she cannot construct a solid fence.

Parma asks if any other board members had questions. No other questions. She asks if any visitors had questions. None

Hearing 3 ends at 6:20 pm

TOWN OF MONTGOMERY, VERMONT
MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES Thursday May 25, 2023

Page 4, cont.

Parma explains that the board will go into deliberations and a decision will be mailed within 45 days.

Mary made a motion and was seconded to go into deliberations at 6:47 pm. So moved. Sue made a motion and was seconded to exit deliberations at 7:11 pm. So moved.

DRB Hearing 1 – Michael DeVasto and Katie Murphy **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.

DRB Hearing 2 - Gretchen Eberle and Charles Snedikor

Sue made a motion to DENY the request for Conditional Use to construct an accessory structure for use as a lodging establishment for short term rental. Due to non compliance with Montgomery Zoning Regulation: Article 9, Definition - lodging establishment and State regulations V.S.A. Title 9, Section 4457.

Roll Call Vote: John - yes; Sue - yes; Mary - yes; Parma - yes; Lynda - recused; Mark - recused. Motion passed

DRB Hearing 3 - Angelica Randall

Parma made a motion and was seconded to DENY the request to build an accessory structure (a fence) due to non compliance with Montgomery Zoning Regulations, Article 8, Section 8.5 (C) River Corridor.

Roll Call Vote: John - yes; Sue - yes; Lynda - yes; Parma - yes; Mary - yes; Mark - yes. Motion passed

Lynda made a motion and was seconded to adjourn at 7:24 pm. So moved

Respectfully submitted: Lynda Cluba, Clerk