

TOWN OF MONTGOMERY
DEVELOPMENT REVIEW BOARD
NOTICE OF PUBLIC HEARING

The Public Hearing will be **Thursday October 22, 2026** at 5:30 pm at the Montgomery Public Safety Building, 86 Mountain Rd, Montgomery, Vermont.

Leiha Macauley, as Trustee for Buttricks Trinity Irrevocable Trust, has submitted an appeal from a decision of the Administrative Officer. The appellant claims that the structures permitted by ZP-05-26 require Conditional Use Approval, and so the permit was inappropriately issued by the Zoning Administrator without review by the Development Review Board. The permit ZP-05-26 was issued March 12 2026, for parcel ID 00242.075X at 1914 Mountain Road, in the Rural Residential Zoning District.

Further information may be obtained from the Zoning Administrator, Ellen Fox, or the Town Clerk at the Montgomery Town Clerk's Office.

An interested person must participate in the local proceeding as a prerequisite to the right to any subsequent appeal.

- Notice mailed to appellant and original applicant on Sept 25, 2026
- Notice posted on Sept 25, 2026 at Town Clerk's office in the Public Safety Building, Sylvester's, and the Post Office
- Notice posted on the Town of Montgomery website Sept 25, 2026
- Notice published St Albans Messenger October 2, 2026

Certificate of Mailing:

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Notice of Hearing and copy of the application to the appellant:

Counsel for appellant

Matthew Zidovsky
Langrock, Sperry and Wool LLC
Notice by email: mzidovsky@langrock.com

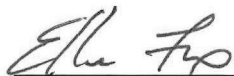
And appellant

Leiha Macauley, Trustee
1918 Mountain Road
Montgomery Center, VT 05471

Notice of Hearing to permit applicant:

Stacy Manosh
PO Box 127
Montgomery Center, VT 05471

I attest that these documents were emailed and mailed by first class mail by me this 25th day of September 2026.



Ellen Fox, Zoning Administrator

**TOWN OF MONTGOMERY, VERMONT
APPLICATION TO DEVELOPMENT REVIEW BOARD**

APPLICANT (s): Name (s) Leila Macaulay, as Trustee Phone: ★
Address 1918 Mountain Road, Montgomery, VT 05471

PROPERTY: Parcel I.D. No. _____ Zoning District _____
Location _____
Date Acquired _____ Town Land Records - Book _____ Page _____
Present Use _____ Proposed Use _____
Lot Size _____ Depth _____ Frontage on Public Road or R.O.W. _____

TYPE OF APPLICATION:

- ☒ Appeal from a decision of the Administrative Officer
☐ Application for a Conditional Use Permit
☐ Application for a Variance from the Town's Zoning Regulations
☐ Approval of lot(s) accessed via Right-of-Way of record
☐ Site Plan approval for Subdivision
☐ Request for interpretation of Zoning Regulation or Map

State reason for Application: Appeal of ZP-05-26. See attached Notice of Appeal.

ADDITIONAL INFORMATION REQUIRED WITH APPLICATION: A plot plan must be submitted with this application to show; property boundary lines with dimensions, easement and right-of-way lines, all existing and proposed structures and alterations, proposed subdivision of land, scale and true north, location of sewage and water supplies, and other relevant information.

I hereby certify that the information in this application, (including attachments), is true and correct.

Signed: Matthew A. Sperry, Esq.
Applicant (s) or Authorized Agent

Date: 9/17/2026

Submit to Town Clerk with required fee: 1215 (Checks payable to Town of Montgomery).

FOR USE BY DEVELOPMENT REVIEW BOARD

DRB Application No. _____ Zoning Permit Application No.: _____ Fee Paid: _____

Date Received: _____ Notice of Hearing Date: _____ Date of Hearing: _____

Decision of Board: Approved () Denied () Date of Decision: _____

Conditions: _____

RECEIVED

Secretary, Development Review Board

SEP 18 2026

Original to DRB and copies for applicant, listers, town clerk

TOWN OF MONTGOMERY, VT

★ Please direct correspondence to Counsel:

Matthew Zidorsky, Esq.
Langrock Sperry & Wood, LLC
m.zidorsky@langrock.com
802-864-0217

Transaction summary

TRANSACTION SUMMARY

PAYMENT ITEM	CUSTOMER NAME	AMOUNT
Zoning Permits	Leiha Macauley, as Trustee of Buttricks Trinity Irrevocable Trust	\$215.00
MUNICIPAY*SERVICE FEE		\$5.70
	Total:	\$220.70

Confirmation Number	FIMXHXFZR7
Date Processed	Sep 17, 2026 11:06 AM
Transaction Type	Credit / Debit
Card Type	Visa
Card Number	*****5051
Cardholder Name	Matthew Zidovsky
Email	mzidovsky@langrock.com
Phone	802-864-0217

Town of Montgomery, VT - General
86 Mountain Road
Montgomery Center, VT 05471
Phone: 802-326-4719

Reference Number:	27670225
Zoning Permits	
Customer Name:	\$215.00
Leiha Macauley, as Trustee of Buttricks Trinity Irrevocable Trust	
Total:	\$215.00

MUNICIPAY*SERVICE FEE
400 Congress Street
Portland, ME 04101
Phone: 877-590-5097

Reference Number:	27670226
MUNICIPAY*SERVICE FEE	\$5.70
Total	\$5.70

Signature:

Langrock

SPERRY & WOOL

September 2, 2026

BY US MAIL

Town of Montgomery
Development Review Board
PO Box 356
Montgomery Center, VT 05471

RECEIVED
SEP 10 2026
TOWN OF MONTGOMERY, VT
PAID / RECORDED

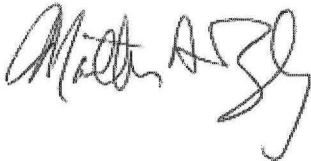
Re: Notice of Appeal of ZP-05-26

Dear Ms. Jewett:

Please see enclosed a notice of appeal of ZP-05-26, as well as a copy of the permit at issue. I do not see a DRB secretary identified on the website, so I am sending this notice to your attention. Please let me know if I need to direct it to any other person.

Please send the DRB's response to my attention at the email address or mailing address below.

Sincerely,



Matthew A. Zidovsky
mzidovsky@langrock.com
MAZ:kmj

CC: Town Clerk (by email)
DRB (by email)
ZA (by email)

REPLY TO: Burlington Office • WEBSITE: www.langrock.com • EMAIL: attorneys@langrock.com

MIDDLEBURY: 111 S. Pleasant Street, Middlebury, VT 05753 • (802) 388-6356 • Fax: (802) 388-6149
BURLINGTON: 210 College Street, Suite 400, Burlington, VT 05401 • (802) 864-0217 • Fax: (802) 864-0137

A Limited Liability Partnership Including a Professional Corporation

**TOWN OF MONTGOMERY
NOTICE OF APPEAL OF ZONING PERMIT # ZP-05-26**

Appellant: **Leiha Macauley, as Trustee of Buttricks Trinity Irrevocable Trust**

Location: **10.3 Acre Residential Lot South of Mountain Road
Montgomery, VT 05471**

Applicant: **Stacey Manosh**

To: **Parma Jewett, Chair of DRB
Elizabeth Reighley, Town Clerk
Ellen Fox, Zoning Administrator**

NOTICE OF APPEAL

Interested person Leiha Macauley, as Trustee of Buttricks Trinity Irrevocable Trust (“Appellant”), by and through counsel of record Langrock Sperry & Wool, LLP, pursuant to 24 VSA §§ 4465-4466, hereby appeals the zoning administrator’s approval of permit Application # ZP-05-26 (“Application”) filed by owner Stacy Manosh (the “Applicant”). The Applicant lives at 2145 Mountain Road, Montgomery, Vermont. The property at issue is a residential lot, zoned rural residential (“RR”), consisting of 10.3 acres located south of VT Route 242/Mountain Road. Appellant owns the adjoining parcel, which is located at 1918 Mountain Road.

The Application was submitted to Montgomery’s Zoning Administrator on or around March 5, 2026. The Application was administratively approved by Montgomery’s zoning administrator on March 12, 2026. The Application was not reviewed by the Montgomery Development Review Board (“DRB”).

Unbeknownst to Appellant, Applicant secured a building permit to build two residential properties and an accessory dwelling on her single lot. The Application describes two different residential homes and two primary uses. One primary use is a single-family home with an accessory dwelling and a garage. The other primary use is a two-family home. The lack of conditional use review and the requisite notice to adjoining landowners for a project of this scope violates the operative Zoning Bylaws (“Bylaws”) as discussed below. Appellant therefore requests that the DRB apply its inherent authority to reopen this matter and vacate the permit. Because of the unconventional posture of this appeal with respect to timing, Appellant has provided additional analysis as to why this appeal should be treated as timely below.

ANALYSIS

Pursuant to the Bylaws, the relevant permitted uses for lots zoned RR are: a single-family dwelling, with or without an ADU, and/or a two-family dwelling. *See* Bylaws at 25, 70. An

accessory dwelling is permitted on the same lot as a single-family dwelling, but not on the same lot as a two-family dwelling. *See* Bylaws at 70.

A single lot is limited to a single principal building/use unless the applicant has a second principal building/use approved as a conditional use. *See* Bylaws at 28, 72, 74 (defining “principal building/use” as “a structure or use directly involved with the primary purpose of ownership on a particular lot, which together with its accessory structures/uses, constitutes all structures and uses of said lot” and providing that “there shall only be one principal building on a lot, unless approved by the DRB as a PUD” and “there shall only be one principal use on a lot except that the DRB may approve as a conditional use more than one principal use within one principal building if all uses are allowed within the District”). Both a PUD and a second principal use on a lot require a conditional use review by the DRB. *See* Bylaws at 28, 33.

Applying the law to the facts of this case, the Applicant’s failure to apply for a conditional use, the Zoning Administrator’s failure to identify the application as flawed without a conditional use review, the resulting absence of conditional use review, and the ineffective notice for a project requiring conditional use review, violates the Bylaws. This violation of the Bylaws deprived Appellant of due process. Had the Applicant, the zoning administrator, and/or the DRB properly engaged in the conditional use review process, Appellant (as an adjoining landowner) would have been entitled to significantly elevated notice, including by publication, public posting, and written notice from the zoning administrator to all adjoining landowners. *See* Bylaws at 4-5, 29. None of these notice requirements were met in this case. Conditional uses must be approved by the DRB in a public proceeding, where Appellant would have had the opportunity to comment and give evidence about the merits and impacts of the proposed project.

While the appeal period has passed, “the question remains whether due process or fundamental administrative fairness requires that a party deprived of notice of a zoning permit be allowed to contest the permit, notwithstanding the strong policy interests in finality.” *In re Hignite*, 2003 VT 111, ¶ 8.

Moreover, pursuant to 24 V.S.A. § 4464(a)(5), a defect in the form or substance of a notice arguably invalidates the notice if the notice is “materially misleading in content.” In this case, the original notice of the permit was materially misleading because it failed to disclose the zoning administrator’s functional grant of a PUD and/or conditional use permit without due process.

APPLICATION FOR BUILDING/ZONING PERMIT

Applicant: Name(s) Stacy Manosh Phone 802.326.2255
Mailing Address P.O. Box 127 Montgomery, VT Email Stacy9665@gmail.com
Physical Property Address: E911 pending (Southside Rt. 242 across from 26 Hannah Clark Brook Rd)
Project: ☒ New Building ☐ Improvement/Addition ☐ Subdivision ☐ Other (explain below)
Description: See plan - 1 & 2 Family Home + garage and ADU + garage
New Building/Addition: Length (ft) 50' Width (ft) 28' Height (ft) 10' Total Sq. Footage 2838 sq ft
Setbacks: Edge of Road right-of-way (ft) 25'± Rear line (ft) 1500'± Left line (ft) 50'± Right line (ft) 340'±
New Subdivision: Lot # _____ Frontage _____ Depth _____ | Lot # _____ Frontage _____ Depth _____

I hereby certify that the information in this application (including attachments) is true and correct. *All owners must sign*
IMPORTANT: Attach a map or sketch to show property boundaries, easements and right of way, locations of existing and proposed structures and land alterations, water supply, sewage systems, roads, and driveways. Indicate scale and North.

Signed Stacy Manosh 3/5/2026
signature(s) date
Submit this application with a zoning fee of \$ 50 + \$15.00 (recording fee). Payable to Town of Montgomery.

For use by Administrative Officer Only

Decision: ☐ Denied ☒ Approved Permit # ZP-05-26
Permit approved subject to conditions specified below and is valid (except if appealed)
beginning on 3/29/2026 and expiring on 3/29/2027

Conditions: All land development must comply with State & Federal Regulations. All additions/renovations to dwellings, new Single Family, and new multi-family dwellings (in buildings up to 3 stories) must meet the Vermont Residential Building Energy Standards.

Signed Ellen Le 3/12/2026
Administrative Officer Date of decision
An interested person may appeal a decision by the Administrative Officer, within 15 days of the date of such decision, to the Development Review Board.

RECEIVED

(Blank Area Below for Recording Stamp)

Date Received	
MAR - 5 2026	
TOWN OF MONTGOMERY, VT	
PAID / RECORDED	
Zone Class	
RURAL RESIDENTIAL	
Parcel ID #	Town Blk/Pg
00242.075X	89/35