

**MONTGOMERY DEVELOPMENT REVIEW BOARD
UNAPPROVED MINUTES**

Zoom Recording:

The Town of Montgomery have submitted an application for Conditional Use Approval and Request for Variance from setback requirements for a Water Resource Recovery Facility, which is a public use facility, at 428 Mountain Rd. The parcel for proposed facility is Parcel ID#242.039X of 14.6 acres. The parcel lies in the Rural Residential Zoning District and partially in the River Corridor. Conditional Use Review for a public facility and Variance both require a public hearing by the DRB. Reason for the application is for Conditional Use Permit to change the property to the conditional use of public uses and facilities listed in Table 4(A) of the Zoning Regulations and application for variance (waiver) from Town's front yard setback for structures in the Rural Residential zoning district.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Public Hearing including abutting property owners; Application to the DRB which includes specific proposal of construction of a retaining wall, pump station and infrastructure project for areas within the special flood hazard area, floodway and river corridor dated 3/31/2025; Final Design plans for Town Decentralized Wastewater Treatment and Disposal System.

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Dave Edson explains he has been involved with this project for a few years. It is a treatment facility and will require a retaining wall as the lots useful area is quite small and drops off on the right to wetlands. The dirt road will be improved to the back where the disposal unit will be. Part of the slope needs to be set back with a retaining wall. The wetlands and slope of the land are not useful for the purpose. Parma asks how many feet back from the front road right of way will the wall be? Dave answered it would be 7 feet from the front yard ROW. Barry asks if the retaining would be the only structure within the 25 foot right of way ? Dave answers that it would be and the control building would be approximately 80 feet from the right of way and referred to pg C13 of the design plans with details of the retaining wall. It will be an interlocking block wall which will deal with storm water runoff. The wall has different elevations on different sections of the 78 foot wall. The retaining wall makes the area useful. Ellen reads a letter from Allan and Rita Kalsmith, **dated 4/21/25 and noted as B1**, who object to granting the variance for setback regulations. Christopher Johnson questions how the town waste would be pumped and if it could drain into the river. Parma explains the Board is to here to consider the application for a Variance and questions as this should be asked at the informational meetings. She explains the application could be approved with conditions that relate to criteria in the review standards of the Zoning ByLaws.

DRB Hearing - Application 2 The Town of Montgomery has also submitted an application for Conditional Use Approval for a pump station, which is a public facility on North Main St, Parcel ID#N118.050X. The parcel is 1.76 acres in the Village 1 Zoning District and partially in the River Corridor and Special Flood Hazard Area. **Conditional Use Review for a public facility requires a public hearing by the DRB.** Reason for the application is for Conditional Use Permit to change the property to the conditional use of public uses and facilities listed in table 4(A) of the Zoning Regulations.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Public Hearing including abutting property owners; Application to the DRB which includes specific proposal of construction of a retaining wall, pump station and infrastructure project for areas within the special flood hazard area, floodway and river corridor dated 3/31/2025; Final Design plans for Town Decentralized Wastewater Treatment and Disposal System.

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Dave Edson explains the pump station would sit at the end of Main St in the Center on the left which would require one generator and a backup generator. The electrical components and the generators would sit on a 10 ft by 12 ft steel platform that would need to sit above the special flood zone. The platform has electrical panels and would sit about 6 feet above grade sited on the North edge of the lot. It would be visible from the road. Effluent would flow from the septic tanks by gravity to the treatment facility.

Barry Kade asks if there are any plans for landscaping or screening. Dave responds that this can be added. Barry K. also asks what the noise level would be from the generator and what is the horsepower of the generator. Barry Domina states the noise level could reach as high as 70 decibels. They are 5 hp pumps and run on diesel fuel. Dave references pg S1 of the Design plans. The site will be graded to drain away from the pump station and access drive. Ellen reads a letter from Micky Ledden with questions regarding how the water is pumped. Dave answered that wastewater would flow by gravity to the pump station and then pumped up to the treatment facility. There is no provision for pumping to trucks. Many towns have this as the pumps are usually in low areas. Barry Kade then reads the Review Standards from Section 7.9(B) of the Montgomery Zoning regulations.. He suggests screening and some noise control.

DRB hearing - Application 3 The Town of Montgomery also has submitted an application for Hazard Area Review for components of the Montgomery Center Wastewater Infrastructure that are proposed within the Special Flood Hazard Area and River Corridor. These components include replacement of existing underground tanks (septic tanks) and pipelines on several different parcels in the Village 1 Zoning District in Montgomery Center. Hazard Area Review requires a public hearing by the DRB. Reason for the application is Hazard Area Review for the Montgomery Center

Wastewater Infrastructure Project for areas with development within the Special Flood Hazard Area, Floodway and River Corridor.

Evidence submitted by the Zoning Administrator noted as A1 includes: Notice of Public Hearing including abutting property owners; Application do the DRB request for Hazard Area Review dated 3/31/2025; a letter from the Engineers titled Hazard Area Review for the Montgomery Development Review Board. In accordance with the Zoning Regulations Section 8.3(A) (7) the plans submitted with this application depict the shortest horizontal distance between the Trout River top of slope and septic tanks

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located within the floodway; and Final Design plans for Town Decentralized Wastewater Treatment and Disposal System.

Dave Edson explains the plan is to not replace septic tanks that are newer, maybe about 4-5 years old, and don't need replacement. Susan Baker asks if her tank will be taken out. Dave explains they will try to identify new tanks. He states a handful may not need replacement. The discharge from the tanks would go into the collective sewer and into the pump station. Everything is buried in the Trout River crossing. Barry Kade asks if that is approved by the state. Dave responds that there are state standards that must be met and the application is in process with the DEC. Barry Domina asked if it was considered to keep old systems in place. Dave said the DEC is calling the shots regarding the project. The town is getting funds and the government requires tanks being replaced that are failing and not working properly. He also states they do not know where many of the tanks are if they are structurally ok. The state requires tanks to be demolished in place and new ones placed nearby unless one is too close to a home where it may not be practical regarding stability of the structure. Engineers will go to every property and locate the tanks. In order to bid the project the Engineers had to guess some locations where there is possible failure. New tanks will be 1500 gallon and maybe 8500 gallons for commercial facilities. Everything in the project on each property is owned by the town and will remain for perpetuity.

Barry Domina mentions an old water main abandoned in 1976 that the engineers may not be aware of. Should that be removed? Dave would be happy to provide any info on the abandoned pipe. He explains hydrogeology borings have been done and also test

pits. DEC permit will have a public comment opportunity. Parma explains the Board can only consider what is in the Zoning Regulations regarding this application and these questions should be brought up at informational meetings.

Hearings end at 7:03 pm. Barry Kade makes a motion and was seconded to enter deliberations and invite Ellen Fox (Zoning Admin) to enter deliberations with the Board. So moved 3-0 The Board exits deliberations at 7:40 pm.

Barry Kade finds the application for a Variance meets the 5 criteria in Section 5.3(D) Review Standards of the Zoning Regulations.

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Application 1 - Barry makes a motion and was seconded to **APPROVE** the Variance as standards are met in 5.3 (D) of the Montgomery Zoning Regulations. **Roll Call Vote: Parma - YES; John - YES; Barry - YES. Motion passed 3-0**

Application 1 - Parma makes a motion and was seconded to **APPROVE** the Conditional Use to change from residential use to a public facility. **Roll Call Vote: John - YES; Barry - YES; Parma - YES. Motion passed 3-0**

Application 2 - Barry makes a motion and was seconded to **APPROVE** the Conditional Use for a pump station with the following conditions:

a. The sound level at the property line not to exceed 50 decibels while the generator is running.

b. Must have natural screening on front and 2 sides parallel to front lot line and side lot lines. Roll Call Vote: Parma - YES; John - YES; Barry - YES. Motion passed 3-0

Application 3 - Barry makes a motion and was seconded to **APPROVE** the application for Hazard Area Review for the Montgomery Center Wastewater Project. **Roll Call Vote: Parma - YES; John - YES; Barry - YES. Motion passed 3-0.**

A motion to adjourn at 8:05 pm was made and seconded. So moved 3-0

Respectfully submitted:

Lynda Cluba, Clerk

