

Town of Montgomery
Development Review Board
PO BOX 356 MONTGOMERY VT 05471
(802) 326-4719

Town of Montgomery
FINDINGS AND DECISION
APPLICATION FOR CONDITIONAL USE APPROVAL AND VARIANCE
Thursday, April 24, 2025 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by The Town of Montgomery for Conditional Use Approval and request for Variance from setbacks requirements for a Water Resource Recovery Facility, which is a public use facility, at 428 Mountain Rd. The parcel for the 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 require a public hearing by the Development Review Board.

1. A **Public Hearing** was warned for **April 24, 2025** at 5:30 pm.
2. **Notice of the Hearing** was posted on March 6, 2025 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger on March 7, 2025*.
3. **Barry and Denise Domina, Susan Baker, Suzanne Wilson and Charlie Hancock** have requested interested party status as prescribed by 24 V.S.A. § Section 4465(b), 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.
4. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on April 24, 2025**, at the **Montgomery Public Safety Building, Conference Room**.
5. **Present** at the Hearing were **Development Review Board Members: Parma Jewett (Chair), John Kuryloski and Barry Kade.**, **Suzanne Wilson** is an interested party. **Mary Garceau** was absent. **Ellen Fox** was present as representative of the Town. Visitors included **Dave Edson and Sarah Fox** of **Hoyle Tanner Engineering**, **Charles Purrier**, **Christopher Johnson**, **Harvey Chaffee**, **Phillipa Coville**, **Michelle Meunier** and **Lynda Cluba**, Clerk.
6. At the outset of the Hearing **Parma Jewett, Chair of the Development Review Board** gave the oath to all the applicants and the guests.. She also asked if any Board members felt they had a conflict of interest. None claimed conflict.
7. All parties wishing to offer testimony were sworn in. All Affirmed
8. The hearing was called to order at 5:35 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 **14.6 acres** identified as **Parcel ID #242.039X** located at **428 Mountain Rd** in the **Town of Montgomery Center, Vermont**.
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 By-Laws and Vermont State Regulations**
 - a. Article 4, Section 4.2 District Land Use and Development, Rural Residential
 - b. Article 5, Section 5.1 Conditional Use Approval
 - c. Article 5, Section 5.3(D) Variance Approval, Review Standards
 - d. Article 6, Section 6.12 Storm water Management and Erosion Control
 - e. Article 7, Section 7.9 Public Facilities

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Cont. page 2

FINDINGS OF FACT

1. David Edson of Hoyle Tanner Engineering explains the Water Source Recovery Facility is a treatment facility and will require a retaining wall on the lot as the useful area is quite small and it drops off on the right to wetlands..
2. The property would be a public use facility and would require a variance for the construction of a retaining wall.
3. The wall will be an interlocking block wall which will deal with storm water runoff.
4. The wetlands and slope of the land are not useful for the purpose of the disposal unit.
5. David explains the wall will be set back 7 (seven) feet from the front yard right of way. The wall will be the only structure within the 25 road right of way.
6. The wall has different elevations on different sections of the 78 foot wall.
7. The control building would be approximately 80 (eighty) feet from the right of way and referred to page C13 of the design plans with details of the retaining wall.
8. The dirt road on the property will be improved to the rear where the disposal unit will be. .

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use and a Variance for setback requirements for a Water Resource Recovery Facility in Montgomery Center, Vermont.

Parma made a motion and was seconded to APPROVE the application for Conditional Use to change from residential use to a public facility.

Roll Call Vote: Parma - YES; John - YES; Barry - YES Motion passed 3-0.

Barry made 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

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, Vermont, this 19th day of May 23, 2025..

Parma Jewett, Chairperson Montgomery Development Review Board

Town of Montgomery
Development Review Board
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Town of Montgomery
FINDINGS AND DECISION
APPLICATION FOR CONDITIONAL USE APPROVAL FOR A PUMP STATION
Thursday, April 24, 2025 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by The Town of Montgomery for Conditional Use Approval to construct 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 Development Review Board.

1. A **Public Hearing** was warned for **April 24, 2025** at 5:30 pm.
2. **Notice of the Hearing** was posted on April 8, 2025 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger*.
3. **Barry and Denise Domina, Susan Baker, Suzanne Wilson and Charlie Hancock** have requested interested party status as prescribed by 24 V.S.A. § Section 4465(b), 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.
4. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on April 24, 2025**, at the **Montgomery Public Safety Building, Conference Room**.
5. **Present** at the Hearing were **Development Review Board Members: Parma Jewett (Chair), John Kuryloski and Barry Kade. Suzanne Wilson** is an interested party. **Mary Garceau** was absent. **Ellen Fox** was present as representative of the Town. Visitors included **Dave Edson and Sarah Fox** of **Hoyle Tanner Engineering**, **Charles Purrier, Christopher Johnson, Harvey Chaffee, Phillipa Coville, Michelle Meunier and Lynda Cluba, Clerk**.
6. At the outset of the Hearing **Parma Jewett, Chair of the Development Review Board** gave the oath to all the applicants and the guests.. She also asked if any Board members felt they had a conflict of interest. None claimed conflict.
7. All parties wishing to offer testimony were sworn in. All Affirmed
8. The hearing was called to order at 5:35 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 **1.76 acres** identified as **Parcel ID #N118.050X** located on **North Main St** in the **Town of Montgomery Center, Vermont**.
2. This property is located in the **Village 1 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 By-Laws and Vermont State Regulations**
 - a. Article 5, Section 5.1 Conditional Use Approval
 - b. Article 6, Section 6.5 Landscaping and Screening
 - c. Article 6, Section 6.8 Performance Standards
 - d. Article 7, Section 7.9 Public Facilities
 - e. Article 8, Section 8.5 (A) Special Flood Hazard Area
 - f. Article 8, Section 8.5 (C) River Corridor

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Cont. page 2

FINDINGS OF FACT

1. Dave Edson explains the pump station would sit at the end of North Main St in the Center on the South side.
2. The pump station would require one generator and one backup generator.
3. The electrical components and the generators would sit on a 10 (ten) by 12 (twelve) foot steel platform that will sit above the special flood zone.
4. The platform has electrical panels and would sit about 6 (six) feet above grade sited on the north edge of the lot and would be visible from the road.
5. Effluent would flow from the septic tanks by gravity to the pump station and pumped to the treatment facility.
6. There will be 5 horsepower pumps that will run on diesel fuel.
7. The noise level could reach up to 70 decibels. Screening and noise control should be considered.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Conditional Use approval for a pump station on North Main St. in Montgomery Center, Vermont.

Barry made a motion and was seconded to APPROVE the application for 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.

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, Vermont, this 19th day of May 23, 2025.

Parma Jewett, Chairperson Montgomery Development Review Board

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Town of Montgomery
FINDINGS AND DECISION

**APPLICATION FOR HAZARD AREA REVIEW FOR COMPONENTS OF MONTGOMERY CENTER
WASTEWATER INFRASTRUCTURE**
Thursday, April 24, 2025 @ 5:30 pm

INTRODUCTION AND PROCEDURAL HISTORY

This proceeding involves an application submitted by The Town of Montgomery 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 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 Development Review Board.

1. A **Public Hearing** was warned for **April 24, 2025** at 5:30 pm.
2. **Notice of the Hearing** was posted on April 8, 2025 at **Montgomery Village Post Office, Montgomery Public Safety Building, Sylvester's Market, Montgomery Town Website** and published in *The St. Albans Messenger*.
3. **Barry and Denise Domina, Susan Baker, Suzanne Wilson and Charlie Hancock** have requested interested party status as prescribed by 24 V.S.A. § Section 4465(b), 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.
4. This application was considered by the **Montgomery Development Review Board** at a **Public Hearing on April 24, 2025**, at the **Montgomery Public Safety Building, Conference Room**.
5. **Present** at the Hearing were **Development Review Board Members: Parma Jewett (Chair), John Kuryloski and Barry Kade, Suzanne Wilson** is an interested party. **Mary Garceau** was absent. Ellen Fox was present as representative of the Town. Visitors included Dave Edson and Sarah Fox of Hoyle Tanner Engineering, Charles Purrier, Christopher Johnson, Harvey Chaffee, Phillipa Coville, Michelle Meunier and Lynda Cluba, Clerk.
6. At the outset of the Hearing **Parma Jewett, Chair of the Development Review Board** gave the oath to all the applicants and the guests.. She also asked if any Board members felt they had a conflict of interest. None claimed conflict..
7. All parties wishing to offer testimony were sworn in. All Affirmed
8. The hearing was called to order at 5:35 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 components of the Montgomery Center Wastewater Infrastructure located in the **Town of Montgomery Center, Vermont**.
2. This property is located in the **Village 1 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 By-Laws and Vermont State Regulations**
 - a. Article 7, Section 7.9 Public Facilities
 - b. Article 8, Section 8.1 Hazard Area Regulations, Applicability and Interpretation
 - c. Article 8, Section 8.2 Development Review in Hazard Areas
 - d. Article 8, Section 8.3 Application Requirements
 - e. Article 8, Section 8.5 Hazard Area Development Standards

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PO BOX 356 MONTGOMERY VT 05471
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Cont. page 2

FINDINGS OF FACT

1. Dave Edson explains the plan is to identify and not have to replace septic tanks that are less than 5 years old.
2. He explains they do not know where many of the tanks are and if they are structurally ok.
3. The Department of Environmental Conservation requires tanks being replaced that are failing or not working properly.
4. They require tanks to be demolished in place and new ones placed nearby unless one is too close to a dwelling where it may not be practical, regarding stability of the structure.
5. The discharge from the tanks would go into the collective sewer and into the pump station.
6. The Engineers (Hoyle Tanner Engineering) will go to every property and locate the tanks.
7. In order to bid the project the Engineers had to guess some locations where there is possible failure.
8. New tanks will be 1500 gallon and approximately 8500 gallons for commercial facilities.
9. The application is in process with the DEC and they will make the decisions regarding the project.
10. Everything included in the project, on each property, is owned by the town and will remain for perpetuity.

DECISION

Based upon the findings, the Montgomery Development Review Board **APPROVES** the application for Hazard Area Review for the Montgomery Center Wastewater Project in Montgomery Center, Vermont.

Barry made 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 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.

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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, Vermont, this 19th day of May 23, 2025.

Parma Jewett, Chairperson Montgomery Development Review Board