

Town of Montgomery
PO Box 356 Montgomery CTR Vermont 05471

www.montgomeryvt.us
montgomeryzoning@gmail.com

Fee Schedule: <https://montgomeryvt.us/wp-content/uploads/2023/01/Zoning-Fee-Schedule.-rev-2019.pdf>

APPLICATION FOR BUILDING/ZONING PERMIT

Applicant: Name(s) Lynn Locher Phone 802-326-2171
Mailing Address 4601 Gibou Rd. Email plocher@ptd.net
Physical Property Address: Montgomery Center, VT 05471
Project: ☐ New Building ☐ Improvement/Addition ☐ Subdivision ☒ Other (explain below)
Description: pond maintenance
New Building/Addition: Length (ft) 200 Width (ft) 70 Height (ft) ≤ 12 Total Sq. Footage _____
Setbacks: Edge of Road right-of-way (ft) 190 Rear line (ft) 650 Left line (ft) 970 Right line (ft) 1450
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 Lynn Locher 8-4-25
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-17-25
Permit approved subject to conditions specified below and is valid (except if appealed)
beginning on Aug 22, 2025 and expiring on Aug 22, 2026

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. Applicant will follow practices for pond maintenance Section 6.14 as described by VT DEC

Signed Ellie Fox August 7, 2025
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.

{Blank Area Below for Recording Stamp}

RECEIVED	
Date Received	
AUG 04 2025	
TOWN OF MONTGOMERY, VT	
PAID / RECORDED	
Zone Class	RURAL RESIDENTIAL
Parcel ID #	00033.010X
Town Bk/Pg	

Section 6.14 Best Management Practices for Pond Maintenance

- ii. Wait until just before beginning construction to clear vegetation and to disturb soil.
 - iii. Minimize the area of bare soil within the approved work zone as much as possible.
 - iv. Maintain a buffer of natural vegetation around wetlands to slow runoff and trap sediments.
 - v. Dredged material shall be dewatered and permanently disposed of outside of the wetland and buffer zone in a stable, upland area outside the 50-foot buffer zone at least 100 feet from waters of the state.
 - vi. A recommended slope of 3:1 or flatter is suggested. Steeper slopes tend to be unstable, difficult to vegetate, and may be an unreasonable hazard.
- d. Minimize the alteration of natural hydrology:
- i. Maintain historic water level if potential exists to impact adjacent wetlands or water bodies by altering the water level of the pond.
 - ii. Time your work in wetlands and watercourses to occur during low flow season (between June 1 and October 1) when wetlands and streams are the driest and potential to impact spawning fish is minimized.
 - iii. All in-stream work (intermittent or perennial) must be performed in a dry work zone. An adequate de-watering plan must be in place to keep the work zone dry during construction. In doing so, to the maximum extent practicable, all efforts shall be taken to maintain the normal downstream flow conditions at all times.
 - iv. Dewater no more than a foot a day if pond outlets to a natural body of water such as a stream, wetland or lake.
 - v. Water must be clear before it enters surface water.
- e. Invasive species should be prevented:
- i. The equipment should be cleaned so as to contain no observable soil or vegetation prior to work in wetlands and buffer zones to prevent the spread of invasive species.
 - ii. Only clean fill shall be used.
 - iii. If dredged material contains invasive species, care should be taken to dispose of the material in a manner that does not spread the invasive species to new areas.
3. Other Permitting Considerations
- a. Dams that can impound more than 500,000 cubic feet of water or other liquid require a dam permit (10 V.S.A. Chapter 43). Dam work may also require local permits, an Act 250 Permit and/or a permit from the U.S. Army Corps of Engineers and associated Section 401 Water Quality Certification.
 - b. Any change to the inflow or outflow of a pond that will obstruct fish passage must get prior approval from the Vermont Department of Fish and Wildlife.
 - c. Most in-channel management activities require regulatory action by the River Corridor Management Section and the Army Corps of Engineers. State jurisdictional thresholds regulations are provided on the Vermont Watershed Management Division webpage or by contacting the Watershed Management Division Stream Alteration Engineer in your area.

State of Vermont
Agency of Natural Resources
Department of Environmental Conservation

Procedure for Existing Constructed Features

August 2017

I. Introduction

This procedure is intended to clarify how the Wetlands Program (Program) determines when a feature shall not be regulated as a wetland under the Vermont Wetland Rules (VWR) in accordance with §3.1(b) of the VWR.

II. Definitions

Existing Constructed Features: Features which were human constructed by excavating, grading or filling and are functioning as a manmade feature listed in section 3.1b of the VWR.

Manmade Pond: Ponds that have not been created by beavers or other natural processes. Manmade ponds are those that have been actively constructed by excavating an area to create a depression to be filled with water. Manmade ponds may also include infrastructure such as berms or walls, dams, pond bottom linings, or other physical structures used to contain water. These include Wastewater treatment ponds, manure treatment ponds, stormwater ponds, snowmaking ponds and other similarly constructed ponds.

III. Exemption from the Vermont Wetland Rules

The VWR define instances where areas which have wetland soils, hydrology and plants shall be regulated as wetland:

“3.1 Exemptions

The following shall not be regulated as wetlands under the Vermont Wetland Rules, but may be subject to regulation under federal law:”

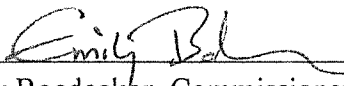
The VWR define certain wetland-like manmade features as exempt from being regulated as wetland so long as they were constructed in uplands:

“3.1b The following man-made features, which when constructed in uplands may exhibit wetland characteristics:

- (1) Stormwater conveyance, treatment and/or control systems.**
- (2) Wastewater treatment ponds and sludge lagoons.**
- (3) Manure storage and treatment ponds.**

activities within the buffer zone of a protected Class II wetland, unless the activity is considered an allowed use under section 6 of the VWR.

Signed this 9th of August, 2017

By 
Emily Boedecker, Commissioner
Department of Environmental Conservation

**State of Vermont
Agency of Natural Resources
Department of Environmental Conservation
Watershed Management Division
Wetlands Program**

Agency Guidance for Applying Allowed Use 6.12 of the Vermont Wetland Rules

I. Introduction

The purpose of this guidance document is to provide the Agency of Natural Resources' (ANR) interpretation and application of the Vermont Wetland Rules (VWR) Allowed Use Section 6.12. Allowed use Section 6.12 applies to maintenance, reconstruction, routine repair, and non-substantial expansion or modification of structures and facilities in wetlands and buffer zones. In instances where activities in Class I and II wetlands and buffer zones qualify as an allowed use under a different subpart of Section 6, no wetlands permit is required. In all cases, the Section 6.12 allowed use applies only to structures and facilities currently in compliance with the VWR.

II. Allowed Use 6.12

"The following uses shall be allowed in a Class I or Class II wetland and in its buffer zone without a permit, provided that the configuration of the wetland's outlet or the flow of water into or out of the wetland is not altered and that no draining, dredging, filling, or grading occurs except as may be provided for in subsections 6.01, 6.02, 6.03, 6.04, 6.07, 6.08, 6.12, 6.13, 6.14, 6.15, 6.16, and 6.22 below. Designation of allowed uses in these rules shall not provide relief from liability for violations that commenced prior to the effective date of such allowed uses.

* * *

"6.12 The maintenance, reconstruction, or routine repair of structures and facilities (including ski trails, public transportation facilities, bulkheads, docks, piers, pilings, paved areas, houses, or other buildings) in compliance with the Vermont Wetland Rules in existence as of the date of their construction or in existence as of February 23, 1990 or additions to such structures or facilities which do not involve substantial expansion or modification in a wetland or buffer."

III. Application of Allowed Use 6.12

- A) Structures and facilities** means an existing assembly of materials for occupancy or use, including the area above a buried pipe, extending to the toe of the exterior slope of a pond berm, and the edge of grading for any in-ground systems. Structures and facilities include ski trails, bulkheads, docks, piers, pilings, paved areas, houses, other structures or public transportation facilities, including roadways, runways, park-and-ride lots, sidewalks, recreation paths, curbs, and their associated ditches.

- G) Non-substantial modification** includes purposeful deconstruction and rebuilding of an existing structure or facility entirely contained within the footprint of the original structure or facility as long as the modification to the structure creates no more than 250 square feet of additional impervious surface in a wetland or buffer, the structure or facility is not graded in such a way as to alter the hydrology of the wetland, the modification does not result in additional impacts to Class II wetland or buffer, and there is no substantial increase in the frequency of vegetation management activities. A structure may be both expanded and modified and qualify as an allowed use so long as the thresholds described above in part E are not exceeded.
- H) Vegetation management** means the cutting of vegetation within 10 feet of an above ground structure or in a corridor up to 10 feet wide centered above underground pipes for the purposes of maintaining or repairing existing structures or facilities, unless a vegetation management plan is otherwise documented in a previous state permit. Cutting vegetation outside of an existing lawn is not considered adjacent vegetation management and requires a permit.
- I) Abandonment.** A structure or facility is considered abandoned if its original features are not evident, and/or it cannot be easily distinguished from the adjacent area (e.g. is the same or similar to native ground). Roads are considered abandoned when the road surface cannot be easily distinguished from the adjacent area (e.g., is the same or similar to the native ground) or if the road is impassable as a result of woody vegetation growth within the traveled way. Abandonment also includes the relinquishment of a structure or facility that was not timely reconstructed (see part D).
- J) Allowable temporary work zone.** Temporary impacts to Class II wetlands and buffers may be necessary in order to conduct routine repair, maintenance, and reconstruction of existing structures and facilities. Work associated with the routine repair, maintenance and reconstruction of existing structures and facilities may be conducted in a temporary work zone extending up to 10 feet beyond the edge of an existing above-ground structure or 20 feet centered over an underground pipe without a wetland permit. All temporary work zones shall be restored to natural grade and revegetated upon project completion. The use of “swamp mats” for temporary access to perform the allowed activities is not considered in the calculation of the 10-foot temporary work zone, so long as there is no cutting of woody vegetation, minimal soil compaction, and the duration of use is less than one growing season.

Listed below are examples of activities that **qualify** as Section 6.12 allowed uses when the activity occurs within Class I or II wetland or associated buffer zone:

- i) An in-ground stormwater pond that is retrofitted to hold more water with expansions beyond the edge of the pond’s grading of less than 250 square feet. This qualifies as a “non-substantial expansion” because the pond’s size is not expanded more than 250 square feet.

V. Permitting considerations

When a structure or facility is substantially expanded within the wetland and buffer, the entire expansion in the wetland and buffer, including the first 250 square feet of the project and any temporary workspaces beyond the structure or facilities original location, shall require permit coverage. For example, if a project expands a driveway by 500 square feet into a wetland the full 500 square feet of expansion needs permit coverage, not just the 250 square feet over the threshold for a "non-substantial expansion." Activities that qualify as maintenance, reconstruction or routine repair, or non-substantial modification shall not require a permit, or be included in the square-footage calculation of the application fee, even if another portion of the project does need a permit.

VI. Public notice

This guidance document will be subject to public notice and comment prior to any amendment or revocation.

Signed this 3rd of February, 2020

By Emily Boedecker

Emily Boedecker, Commissioner

Department of Environmental Conservation