

**DEVELOPMENT REVIEW BOARD
MINUTES**

**SPECIAL MEETING
May 28, 2019**

MEMBERS PRESENT:

Phil Carter, Chairman Julie Nicoll
John Boehrer

MEMBERS ABSENT:

Dana Wilson

STAFF PRESENT:

Scott Murphy Rose Goings Chuck Craig

OTHERS PRESENT:

Wayne Elliott Ed McEneaney – Okemo Valley TV
Robert Pelosi Lisha Klaiber, Recorder

I. CALL TO ORDER

1. Meeting opened at 6:00 p.m. by Chairman Phil Carter. All members present, except Dana Wilson.

II. OPEN THE PUBLIC HEARING FOR VILLAGE OF LUDLOW

1. Phil Carter advised that this is an application to for a Variance to upgrade the wastewater treatment facility, including a new pump building, control building renovation. Property is located at 212 Pleasant Street Extension in the special flood hazard area (floodway) of the Municipal Proprietary District has been pulled. The applicants will return at a later date.
2. Rose Goings advised that this is application 479-19-VA. Posted in the Town Hall bulletin boards, the Berkshire Bank Bulletin Board and the Post Office Bulletin Board and on the website May 10, 2019, advertised in THE RUTLAND HERALD on May 11, 2019 and abutting property owners were notified on May 10, 2019.
3. Phil Carter administered the oath to Chuck Craig, Wayne Elliott, and Scott Murphy.
4. Wayne Elliott went through the drawings of the proposed project. There will be a new influent pulp building. Drawing C-2 is a site plan. It shows where most of the work will be done on the westerly most end of the property. Drawing C-3 shows the existing conditions in the pump control building. There will be internal renovations to the existing pump controls. There will be miscellaneous yard work on the piping. Drawing C-4 is proposed new site plan. There are 3 existing secondary clarifiers and they will rework the driveway. The new building will be 22' x 26' and for influent pumps. He explained how the flow is from the headwork structures to the wet well.

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5. Phil Carter asked if the pumps are constantly running.
 6. Wayne Elliott said no, the three pumps run at about 50% capacity and are controlled with VFDs (Variable Frequency Drives.) They maintain a constant liquid level. He said that drawing P-3 shows the lower level. He explained that it will be surrounded by a concrete wall that will enclose the structure. Inside will be the electrical controls and pumps. The pumps will lift the flow up to the rest of the facility. The building walls will be metal panels and the roof will be standing seam.
 7. Phil Carter asked, if, because of the electrical controls, do you need flood vents.
 8. Wayne Elliott said no, the building will be concrete and designed for flood conditions. We will work within the footprint. There will be electrical and HVAC upgrades and a new computer.
 9. Phil Carter asked if there would be a change in the footprint of the control building.
 10. Wayne Elliott said no.
 11. John Boehrer asked if there would be any effect to the residents.
 12. Wayne Elliott said there will be trucks making deliveries. They hope to start late this coming summer and finish by late spring to early summer 2020. He said they will stop work during the winter. There will not be any change to current chemical deliveries.
 13. Phil Carter asked if there would be any disruptions to the sewer process service.
 14. Wayne Elliott said no. The Village has a discharge permit with the state and must comply throughout construction and must stay fully operational through construction.
 15. Phil Carter asked how they would tie-in at the end of construction.
 16. Wayne Elliott said the flow is now through the head works to the wet well to the pumps to the oxidation ditches. There are 2 directions the flow can go, there will be valves to tie in and once the new system has been completed, they will test it for a period of time, and then discontinue the other flow.
 17. Phil Carter asked if anything will be removed.
 18. Wayne Elliott said not really, but you won't see the structures that above grade at the present time. They will not be removed.
 19. Phil Carter asked them to address the 5 criteria for a variance. This is necessary because the project is in the floodway.
 20. Wayne Elliott said that in their submittal, on page 1, there is a typo regarding 500 year flood elevation. It says 574.10' and should read 974.10 feet.
 21. Criterion #1 – There are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size of shape or exceptional topographical or other physical conditions peculiar to the particular property and that unnecessary hardship is due to these conditions and not the circumstances or conditions generally created by the provisions of the bylaw in the neighborhood or district in which the property is located.
 - a. The facility was built in the 1960s and has since been the predominant use at this site. The entire site is within the FEMA floodway.
 - b. The topography of the site and physical conditions requires that the new influent pumping building be built adjacent to the existing influent pump station. Any other on-site location would also require a variance.
 - c. Replacement of the existing pump station in its location would create significant hardship, making it difficult to maintain continuous operation of the treatment process and significantly increasing costs to the Village.

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22. Criterion #2 – Because of the physical circumstances or conditions, there is not possibility that the property can be developed in strict conformity with the provisions of the bylaws and that the authorization of the variance is therefore necessary to enable the reasonable use of the property.
- a. The facility was built in the 1960s and needs to continue to be used as a wastewater treatment facility. The entire project is in the floodway. The components are old and need to be replaced. The steel structure is over 50 years old and can't be rehabilitated and must be replaced. The variance is necessary so the Village can continue to operate and maintain the wastewater treatment facility on this property
 - b. Phil Carter asked if the entire site is in the floodway.
 - c. Wayne Elliott said yes.
 - d. Phil Carter asked if all sewage treatment plants need to be near water.
 - e. Wayne Elliott said yes. He said in the late 1800s and 1900s, all the plants used to discharge into rivers and that lowest point in a community.
 - f. Phil Carter asked how deep the main pipe from the village is buried.
 - g. Wayne Elliott said about 10 feet.
 - h. Rose Goings said that basically, if we do not fix the existing conditions, they will break.
23. Criterion #3 – Unnecessary hardship has not been created by the applicant.
- a. The existing pump station was constructed in 1967 and is beyond its useful life. It is a critical component of the treatment process. If this system were to fail and not be operable, sewage would discharge to the adjacent river, negatively impacting the water quality. The Village would be in violation of the state discharge permit and subject to fines
 - b. This structure sited at another location would not be cost effective, even if technically feasible.
 - c. None of the existing building on site had adequate space or depth to serve the process function. The 1st alternative would have had a reduced impact, but could not be flood proofed. For the new structure, the alternative with the smaller building size was selected which minimized the impact on the floodway. Any location selected on site would be in the floodway, so this was the preferred location recommended by the engineer and selected by the Village.
 - d. Phil Carter asked why this could not be located behind LaValleys.
 - e. Wayne Elliott said the pipe flow would have to be redirected and the pipe moved from 10 to 13 feet. They would have to relocate the existing pump station. This would be at significant cost to the Village. It would also be an operational hardship to have an off-site facility.
 - f. Phil Carter asked if the existing control room is for everything in the facility.
 - g. Wayne Elliott said yes.
 - h. Rose Goings said that the board does have copies of the additional email regarding alternate sites.
 - i. Phil Carter said it will be part of the record.
 - j. Wayne Elliott said the 3 sludge pumps can't be located off-site. The pipes have to be short and it wouldn't work off-site.
24. Criterion #4 – The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently

- impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare.
- a. A wastewater treatment facility has been the predominant use at this site since the late 1960s and this property is owned by the Village. The area is designated Proprietary Municipal District on the zoning map. The new influent pumping station building fits into the character of the site and adjacent properties and will not alter the character of the district. It will not impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, or be detrimental to the public welfare
25. Criterion #5 – The variance, if authorize, will represent the minimum variance that will afford relief and will represent the least deviation from the bylaw and from the plan.
- a. The alternatives were evaluated for this structure. The alternative selected provided the minimum size building required to adequately house the functions required, while still providing adequate flood protection. It represents the least deviation possible and minimizes the impacts to the floodway.
 - b. Phil Carter noted that a lot of documents were provided by North Star Hydro. He asked if there were a flood at the 100 or 500 year level, what would the building do
 - c. Wayne Elliott said the state required the hydro analysis. They modeled existing conditions and then “dropped” the new structure into the model.
 - d. Rose Goings noted that in his letter of April 10, John Broker-Campbell acknowledged that North Star had provided the required model.
 - e. Phil Carter said that John Broker-Campbell also noted standards for structures and asked if the applicant is aware of these standards and able to comply.
 - f. Wayne Elliott said yes. The building will be designed to prevent flotation, be water tight and resist flood damage.
 - g. Phil Carter noted that in his letter, Chief Kolenda required a permit from the Vermont Division of Fire Safety and upon completion of the upgrades a tour of the facilities for firefighters.
 - h. Wayne Elliott said that applications have been filed for both the new building and the upgrades to the existing building.
 - i. Phil Carter noted that any conditions imposed by the Fire Marshal will be part of the conditions for the town permits.
26. Julie Nicoll asked about the flood gates on the existing building.
27. Rose Goings said they will be on the doors.
28. Wayne Elliott said that they are shown on the drawings. There will be flood barriers on the outside of the existing doors.
29. Scott Murphy said that after Irene, Wilmington installed them. They just drop in.
30. Wayne Elliott said that all of the documents are in to Act 250 and they are waiting for the H&H analysis. They already have the letter from John Broker-Campbell.
31. Phil Carter asked if there will be fire suppression measures or are they waiting to see what the Fire Marshal says.
32. Wayne Elliott said that he is not comfortable responding to that. There will be smoke alarms, but he would have to look at the Electrical drawings to respond. This will meet all codes.
33. Rose Goings asked if this is a confined space.

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34. Chuck Craig said no, it is meant to be occupied by the workers. There will be an air exchange system.
 35. Scott Murphy said the facility needs to be upgraded and the voters approved the project. We need to do this work.
 36. MOTION by John Boehrer and seconded by Julie Nicoll to close this hearing. Motion approved unanimously.

III. **ADJOURN**

1. **MOTION by John Boehrer and seconded by Phil Carter to adjourn. Motion passed unanimously.**
2. Meeting adjourned at 6:43 p.m.

Respectfully submitted,

Lisha Klaiber

Phil Carter, Chairman

Julie Nicoll

John Boehrer

Dana Wilson