

Town of Hinesburg
Planning Commission
March 27th, 2013
Approved 4/10/13

Members Present: Grace Ciffo, Tim Clancy, Johanna White, Bob Linck, Kyle Bostwick, Maggie Gordon, Ray Mainer.

Members Absent: Joe Iadanza, Jean Isham.

Also Present: Alex Weinhagen (Director of Planning & Zoning), Freeda Powers (Recording Secretary) Visiting Panelist include; Milly Archer (VLCT), Marty Illick (Lewis Creek Association Director), Paul Boisvert (Engineering Ventures), Tom Dipietro (City of S.Burlington), Bart Frisbee (Sterling Construction & Developer of Thistle Hill).

Public Included: John Roos, Mary Tegel.

Bob Linck chaired the meeting, which was called to order at 7:34 p.m.

Minutes from March 13th, 2013 meeting: Ray M. made a **MOTION to approve March 13th minutes as amended.** Grace C. **seconded the motion.** The motion **PASSED 7-0.**

Municipal Stormwater Regulations—Roundtable Discussion with Invited Panel

The board welcomed visiting panelists who then introduced themselves and gave a brief overview of their role in the larger picture of stormwater quality. Milly Archer is the water resources coordinator, working with VLCT through a grant funded position to help municipalities who want guidance in creating language that protects and improves water quality. Milly helped in the past with Hinesburg's stormwater impact workshop. Marty Illick has worked for over 20 years with the Lewis Creek Association helping towns and landowners with land use/conservation. They help with water sampling for the state database (including several streams in this area). She has helped with many LaPlatte watershed reports and studies. She said Hinesburg is in a good position to implement strategies that can improve the water quality. Paul Boisvert has worked for 15 years in design consulting for stormwater. He was also part of the workshop held in 2009. He said there is a lot developers & landowners can do in most cases. Tom Dipietro has worked in stormwater utility with the city of South Burlington for 7 years. Due to the makeup of the town, Tom has experience in all aspects of stormwater (i.e., both rural and urban). Bart Frisbee (Sterling Construction) is a local developer (Thistle Hill neighborhood) and spoke from his 34 years of experience having seen development go from zero regulations to what we see today.

Bob L asked Bart F to outline how a firm such as his interacts with the state. Bart F said the most important aspect is that they have engineers who understand from the start of a project that stormwater must be part of every step and design as such from day one. This consideration *must* be part of the original design. He gave the example of the Thistle Hill development, siting one of the storm ponds at the entrance to the neighborhood where a structure would have been more financially desirable, but was necessary for proper stormwater runoff treatment. He said the engineering starts that process which in turn impacts road placements, curb designs, catch basin placements, etc.

Bob L asked if Bart ever felt pushback from the state in regards to design plans. Bart said no, if the plans are done right, they may get some clarification from the state but not a battle. He said developers (in his experience) do understand that this is important and the good ones will try to do it right from the start.

Paul B added that there are a range of options, and if something doesn't work on a certain project, you can revise plans if necessary. He said the ANR is currently updating its manual, but ultimately, it's up to the board how much they want DRB review in the process. Bob L wanted to know once the DRB has a project, what is its role in this review? Alex W explained that our current regulations on this topic are minimal; minor project plans are typically rudimentary while larger projects tend to come to the DRB with more formalized stormwater plans. All plans get reviewed and commented on by the DRB. Flood control concerns usually get reviewed by the DRB beyond the state standards. However, he admits, review is spotty and there does tend to be a level of comfort on projects which trigger state permitting.

Ray M asked about the DRB hiring an engineer to review plans. Alex W said while we *can* do that, we usually don't, and more often that is seen when concerns regarding traffic control arise.

Maggie G asked if the panel feels in regards to redevelopment, the standards are too strict? Paul B said no, they're just not flexible enough to get the best benefit for cost. Maggie G noted in terms of a cumulative effect of development, this remains one of the only opportunities to address the concern of stormwater treatment. Milly A noted that LID (Low Impact Development) practices which aim to retain water by capturing, detaining and infiltrating precipitation by use of small scale non-structural and structural practices onsite are a great alternative on smaller projects.

Maggie G remained concerned about the cumulative impact and said each new development carries the burden of overloading the system. This seems like a high responsibility which may restrict future development. Milly A agreed, and said the best practices will aim to keep water *out* of that system whenever and wherever possible through LID practices and greater infiltration.

Kyle B noted that once a developer has moved on from a large project, a great deal can change on that site in the next 10 years (i.e., decks or sheds built, etc.); he finds education an important piece of this issue. Developers can do more to educate buyers. Alex W added that maintenance of larger water treatment systems also requires education of homeowner associations.

Tom D told the board about the MS4 Permit which is determined by population density. He said public education is Step #1. He mentioned the Stormwater Education Group which works to teach people about this topic. (www.smartwaterways.org) He encouraged the board to consider where they want the threshold to be (i.e., ½ acre) and also to consider the impact on staff and the time commitments required to oversee, maintain and regulate such a threshold.

Tim C said right now, we are in a position to write on a "blank slate" as it were. He asked the panelist for their #1 piece of advice for what *to* do as well as what to stay away from. Milly A responded that our current standards are ripe for debate, which is not good for anyone. She strongly suggests the board *define* what they mean. She said it's a great start, but does need to be refined. She noted the reports given out to the board, saying they are full of things landowners and developers can and should be doing. She pointed out that slopes put the village at the "toe" so there is an opportunity at that level to implement best management practices. She suggests stormwater standards should be more specific. She encouraged the board to take ownership of the language in order to help the DRB get through the process. Local streams already have problems in water quality; she says the board needs to get smart, fast. Be aware and prepared for costs. She recommends the town identify with certainty *what* it considers the Patrick Brook canal to be and fix it up.

Marty I said roads and driveways have a big impact. Bob L asked if Marty is aware of any pitfalls or advice she can share with the board. Marty said no pitfalls, but said it is important to have clear standards with guidelines on how to meet them for the board and the applicant. She said there are lots of opportunities in our regulations; in the town's Master Plan, specifically in the VGA. She said the regs need to be site specific and discouraged the board from using models based on other locations.

Alex W asked about regulations as a guideline for individual smaller projects and subdivisions. Marty I said that's where a watershed standard applies nicely. She said it's important for landowners to be informed as well. Tom D cited stricter regulations in the city center in South Burlington. He suggested the board be as specific as possible and further suggested they tie regulations directly to the VT Stormwater Management Manual design standards.

Maggie G asked about the frequency and volume of the "typical" 25yr. storm event which she feels have both increased since the state standards were set. Paul B said www.precip.net is a website which updates climate models. Tom D added that while the data currently used is from the 1960's, the increase since has been only slight, not drastic (i.e., from .3" to .5"). He suggests the board focus more on site-specific language i.e., design of parking areas etc. Paul B reiterated the consideration of the DRB; how much do you want to increase their workload? There needs to be a balance.

Bart F said >1acre sites will be complex to regulate. He told the board to understand and be prepared for the fact that folks will get pushback if regulations require work landowners cannot do themselves. Johanna W said driveways remain a real concern as far as impact. Tom D said the board will find in some cases that their concerns might conflict with other interests (i.e., wide road regulations for safety concerns or setbacks in rural areas). He suggests the board allow for flexibility in order to lessen impacts. Alex W said there is *some* flexibility in place now.

Grace C asked about the current town sewer system; is it a combined system? Alex W said no, it is not a combined system. He explained that some stormwater does get into the system during large storm events but it has the capacity to handle that.

Ray M asked the panelists the best way to deal with clay soils. Paul B said in cases like clay soils, where infiltration is bad to begin with, the best course of action is to collect, slow down and detain runoff. Tom D added there are a variety of underground detention systems now available. Johanna W asked about tree planting, should that be a part of proper planning? Tom D said yes and noted the Urban Tree Canopy Project which helps larger municipalities properly plan and plant street lining trees. More trees = less runoff. Paul B cautioned that you need adequate soil for proper tree growth (i.e., typical 4' greenbelt not suitable). There are things developers can do to address this, however, including structural soils which allow root growth to safely expand under sidewalks.

Bart F said the board should remember that stormwater treatment is an evolving concern. We used to try to get water off site fast. Now we have new thinking, but find conflict with old road standards (as example). He reminded the board to look at all factors. HOA's don't like swales because they are tough to maintain; private owners don't like shared drives; conflicting interests are something the board should be prepared to consider. Maggie G said it sounds like LID end up being the most long term cost effective route. Milly A told the board about an "idea tree" which can be applied site specifically by an engineer.

Alex W said there are also more rural areas to consider where there are often no curbs or catch basins. Bart F agreed, saying often projects located in the VGA are already triggering state permits so the engineers are already there. It's small, individual, rural landowners who have a difficult time focusing on the bigger picture. Tom D suggested the board could limit clearing, share driveways & situate detention ponds at the end of driveways. Alex W said in many cases, these actions are already being taken but for different reasons (i.e., wildlife habitat protection or visibility concerns). Bart F reiterated his warning to the board to be prepared for resistance to some of these ideas; he always advocates specific standards *and* a method to waive them. He said no rule applies 100% of the time.

Paul B said the board should also remember the concern of phosphorus pollution as it relates to erosion.

After the panelists left, the board continued discussions and agreed that they want to look at towns implementing something *now*, and that they need to be specific in their language.

Other Business & Announcements: The board discussed the April agenda and decided to discuss Stormwater again at the 4/10 meeting. 4/24 the board will resume Stormwater discussion and come up with survey questions for the Shoreline District. RR1 discussion to resume at a later date.

Alex W said the Selectboard will be discussing RR2 draft regulations at their next 2 mtgs.

Ray M. reported back to the board about the Route 116 Corridor Study meeting.

Bob L. made a **Motion to adjourn**. Ray M. **Seconded the motion**. The meeting adjourned at 9:21p.m.

Respectfully Submitted,
Freedra Powers--Recording Secretary