



To: Hinesburg Selectboard

From: Trevor M. Lashua

Date: April 2, 2015

Re: Proposed amendment to the Wastewater Capacity Allocation Ordinance (instituting a moratorium on new allocations for a 12-month period).

In this first iteration of ordinance amendments or adoptions, the focus is on the wastewater capacity allocation ordinance – specifically, implementation of a moratorium on the award of new allocations. The State’s moratorium on new water connections should provide the time needed to create and adopt a water allocation ordinance.

When the Board receives the updated annual wastewater capacity numbers in June, the uncommitted reserve numbers for both the residential (70% of the uncommitted reserve) and the enterprise/commercial (30% of the uncommitted reserve) capacities will likely be less than the June 2014 numbers used as the working baseline to this point. Residential capacity may be closer to 35,000 gallons per day (gpd) and the enterprise/commercial capacity slightly lower (by 100-120 gpd when compared to June 2014). These numbers are estimates only.

Initial discussion on the ordinances has included the possible adoption of a “competitive” allocation award process, similar to the system adopted by the Town of Williston. Williston’s growth management system is implemented through its development bylaws (the equivalent of Hinesburg’s zoning and subdivision regulations). Williston implemented the system through its development bylaws following a successful challenge by a developer looking to overturn the allocation system when it was vested within its wastewater ordinances. The timeline included with the Board’s materials for the April 6th meeting presumes that a competitive allocation award system is included in a subsequent revision of the zoning regulations.

The allocation moratorium is the only change proposed.

Section 4.C; (page 4)

Proposed change: Replace the existing language with the following – “The Town of Hinesburg prohibits new wastewater allocations for a period not to exceed 12 months from the effective date of this ordinance. The Selectboard may still consider requests related to existing residential uses (such as the addition of a bathroom or in-law apartment) and enterprise/commercial users, provided that those allocation requests do not exceed 2.5% of the total residential or enterprise/commercial reserves.”

Reason: To institute a moratorium on wastewater allocations. A moratorium on allocations provides the time necessary to complete the wastewater capacity study, plan for and/or implement regulatory and statutory changes (such as the anticipated reduction in phosphorous discharge limits), connect the new water supply and treatment wells, budget for and begin capacity recapture efforts, and implement an allocation award system that phases development and allocation on a standardized, competitive basis.