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## MEMORANDUM

**TO:** Selectboard  
**FROM:** Planning Commission  
**DATE:** May 19, 2016  
**RE:** Stormwater Regulation Revision Assessment

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In August of 2015, after affirmation of the recent storm water regulation updates by town vote, the Selectboard requested that the Planning Commission look into adding a self-assessment, risk categorization process for storm water similar in nature to the State's erosion risk assessment. The intent of the self-assessment would be to determine if a stormwater control plan prepared by a qualified, licensed engineer would be required for "low risk sites". Responding to the Selectboard's request, the Planning Commission discussed this at several meetings starting in August of 2015 – 8/26/15, 1/13/16, 4/13/16, 5/11/16. After discussion and research into alternative stormwater assessment options, the Planning Commission feels the current regulations should remain in place for the following reasons:

- 1. Erosion vs. Stormwater Standards.** Proper stormwater control post construction (i.e., in perpetuity) is more complicated than temporary erosion control during construction. The interplay of on-site conditions, off-site conditions, and storm dynamics (1-year, 10-yr, 100-yr) make stormwater assessment complex, and make it necessary to have plans prepared by a qualified, licensed professional. The State's erosion control self-assessment and erosion control standard practices for low risk sites are simply not transferable to the creation of permanent stormwater control measures.
- 2. Prescriptive Measures.** The Planning Commission did review an alternative strategy released in October 2015 by the VT League of Cities and Towns. This Green Storm Water Infrastructure (GSI) Simplified Sizing Tool provides a menu of size specific green stormwater control options based on a project's area of impervious surface – e.g., tree retention/planting, rain barrels, dry wells, rain gardens, vegetated swales, infiltration trench, etc. Unfortunately, this tool is still relatively complicated, and still recommends independent technical review for projects with over a half acre of impervious surface. More importantly, the GSI measures only address the State's water quality standard, and are not necessarily adequate to prevent flooding impacts to neighboring properties and municipal infrastructure.
- 3. Cost.** Proper stormwater planning and control does cost money. Hinesburg taxpayers and neighboring landowners will be forced to pick up the cleanup cost if stormwater from new development isn't properly addressed. Taxpayers have a large enough responsibility already in helping the Town address stormwater control and treatment from municipal roads. More Town staff oversight to ensure proper self-assessment and control measures simply shifts costs to the Town that should be absorbed by the development in the same way as other project costs like surveying.

The Planning Commission feels that the present regulations should be given a chance to work. As with all regulations, the Planning Commission remains open to evaluating evolving tools and development practices going forward.