

Stormwater Regulations Perspective

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Stormwater Regulations Vote

After about two years of Planning Commission work (13 public meetings), two months of Selectboard deliberation (4 public meetings), including two formal public hearings, stormwater regulation revisions were approved by the Selectboard on May 18. A valid petition was submitted requesting a town-wide vote on these regulation changes. Voting will be by Australian ballot on July 28 from 7am-7pm at the Town Office, with early voting ballots accepted ahead of time. There will be an informational meeting on July 23 at 7pm at the Town Office. What zoning changes are in question? To read the full proposal, see the Town website at www.hinesburg.org. For questions, feel free to contact me via email, phone, or in person at the Town Office. Here's what the proposal does in a nutshell:

1. Erosion Control on Construction Sites – Requires that development follow basic erosion control provisions for areas disturbed during construction (i.e., exposed soil) as outlined in the State of Vermont's "little yellow booklet" (available on the Town website). Requires that development in sensitive areas (e.g., steep slopes, around streams) submit an erosion control plan (diagram and narrative) to show how these areas will be protected during construction.
2. Stormwater Control for New Development – Requires a stormwater control plan designed by a licensed engineer for new development that creates 10,000 square feet or more of new impervious surface (e.g., rooftop, parking, roads/drives). The engineer must certify that the plan conforms to the State of Vermont's current stormwater treatment standards.
3. Incremental Improvements for Village Area Redevelopment – Requires that small projects or redevelopment projects in the village growth area implement incremental stormwater control improvements. Degree of improvement tied to area impacted. Improvement examples include: rain barrels, rain gardens, plantings around drainage areas and streams, infiltration areas, etc.
4. Independent Review – New language to enable the Development Review Board to hire independent experts to review or "fact check" development applications. The cost to be covered by the applicant rather than the taxpayers. Currently enabled for subdivision review but not for other types of review (e.g., site plan review, conditional use review).

Why is the Town's trigger different than the State's?

The new stormwater rules only apply to new development that creates 10,000 square feet or more of new impervious surface. The trigger for State stormwater permitting is 43,560 square feet of new impervious surface. Most development in Hinesburg does not meet the State trigger, and therefore, does not need to meet State stormwater control standards, get a State stormwater permit, or even be designed by a licensed professional. Requiring that a licensed engineer design a stormwater control plan will require developers to spend money - in the same way developers

spend money on designs for other project infrastructure (e.g., septic systems, roads, etc.). The intention is that by ensuring proper stormwater control, we will reduce the cumulative stormwater impacts from mid-size projects that see no State review. The hope is that this will save taxpayers money by reducing future problems that have to be addressed by the larger community (e.g., you, your neighbors, Town, Lake Champlain watershed, State).

Are these new standards? Can the Town even administer them?

The new rules piggy back on the State stormwater control standards - i.e., we largely mirror the State standards for consistency. Additional Town staff will not be necessary to implement these rules. Just as with septic system designs, stormwater plans will be designed and certified by a licensed engineer, and must include provisions for inspections and long term maintenance by a qualified professional.

Were these regulations vetted?

The Planning Commission began work on this in January 2013. They began with education and feedback from experts in the field, including State stormwater regulators, developers, engineers, and watershed protection groups. They followed that by reviewing model language from the VT League of Cities and Towns and from other municipalities. The proposal was the result of extensive conversation, research, and thought. The Planning Commission held a public hearing on July 23, 2014, and made substantial changes based on feedback and concerns from community members.

Will these regulations cost taxpayers more money?

As noted above, the intention is just the opposite when it comes to new development. Developers should be covering the cost to control stormwater runoff created as part of their projects. South Burlington and Williston have resorted to town-wide stormwater assessments specifically because of polluted waterways and resulting clean up mandates based on the Clean Water Act. This is largely because of inadequate stormwater control related to past development. Polluted waterways and mandatory clean up orders are exactly what the new Hinesburg rules are designed to help avoid.