

Addison County Regional Planning Commission Full Commission Meeting

Wednesday, June 12, 2002

The Addison County Regional Planning Commission's Full Commission Meeting was held on June 12, 2002, at Middlebury College's Kenyon Lounge with Harvey Smith presiding.

ROLL CALL:

<i>Addison:</i>		<i>Orwell:</i>	
<i>Bridport:</i>	Edward Payne	<i>Panton:</i>	
	Kent Wright		
<i>Bristol:</i>	Jim Peabody	<i>Ripton:</i>	Jeremy Grip
	Peter Grant		
<i>Cornwall:</i>	Donald Shall	<i>Salisbury:</i>	
	Bill McQuillan		
<i>Ferrisburgh:</i>		<i>Shoreham:</i>	
<i>Goshen:</i>		<i>Starksboro:</i>	
<i>Leicester:</i>	James Maroney	<i>Vergennes:</i>	
<i>Lincoln:</i>	Tommy Thompson	<i>Waltham:</i>	Thomas Yager
	Steve Revell		
<i>Middlebury:</i>	Fred Dunnington	<i>Weybridge:</i>	
	Karl Neuse		
<i>Monkton:</i>	Thea Gaudette	<i>Whiting:</i>	Ellen Kurrelmeyer
	Charles Huizenga		
<i>New Haven:</i>	Harvey Smith		
	Allen Karnatz		

CITIZEN INTEREST REPRESENTATIVES:

AC Chamber of Commerce:
AC Community Action Group:
AC Economic Development Corp: George Foster
Otter Creek Audubon Society: Judy Kowalczyk

STAFF:

Adam Lougee
Kevin Behm
Hillary Spitz

Public Program:

The public program began at 7:50 with a presentation by Heather Hibbard and Padraic Monks, environmental analysts for the Stormwater Section of the Water Quality Division of the Agency of Natural Resources.

Heather began the program by discussing the new state stormwater regulations and permitting system. Stormwater management is important to control urban runoff to reduce stream channel instability, pollution, siltation, sedimentation, and local flooding. Treatment and control are the two primary focuses of the group, she said.

Prior to August 2000, stormwater management was the responsibility of the Waste Management Division. They experienced long turnaround times for permit reviews, a lack of personnel to conduct compliance monitoring, and a backlog of expired permits. In May 2000, the Vermont Legislature mandated a new program to be consistent with

the Federal Clean Water Act and Vermont Water Quality standards. The responsibility for managing stormwater was officially turned over to them in August 2000.

They have developed new rules of compliance, which outline who needs a permit and what types of stormwater treatment are required. They are currently working under the 1997 Stormwater Management Procedures, but the "2002 rules," as they're called, go into effect January 1, 2003. The group will issue statewide general permits as opposed to individual permits for individual projects. The general permits will save time for the agency and enable them to spend more time monitoring. The guidance document is available at www.vtwaterquality.org.

The statewide general permits will apply to new developments, redevelopments, and linear projects (roads, bike paths etc.). Expired permits for non-impaired waters will also be covered, as will watershed improvement permits (WIPs) for impaired waters.

There are 25 total impaired waters in the state, 12 inside Chittenden County and 13 outside of Chittenden County. The WIPs are individually crafted permits that will address the development that predates the permitting program, expired permits (or those that are in noncompliance). They are a practical alternative to TMDLs, Heather said.

Each WIP will be categorized into one of three groups: existing permit holders, selected contributors, and new developments. Existing permit holders (both valid and expired) must demonstrate compliance with the terms of the original permit. "Selected Contributors" or significant polluters (as determined by DEC) must meet new standards of treatment. And new development (more than 1-2 acres of new, impervious area) must meet new standards as well.

For construction site runoff, Phase I of the process will require construction sites that disturb 5 acres or more to obtain a permit. Phase II will require a permit for construction activities equal to one acre or more. Grading and resurfacing will not require a permit. Road reconstruction (significant alterations, not re-grading or re-surfacing) will require a permit.

For multi-sector industrial sites, a permit is being drafted by DEC. ISTEA-exempted municipalities need to submit a NOI (notice of intent) by March 2003. Exemptions are available if all operations are located under one roof.

Phase II MS4s apply to urbanized areas in the Champlain Valley. Other outcomes of H. 0644 recently signed into law requires the Agency to develop rules for the use of pollution offsets by July 1, 2004.

Fred Dunnington asked if the town of Middlebury makes changes to its stormwater system, would they need to seek a new permit. Padriac answered that the permits generally apply to new construction of impervious surfaces only.

Harvey asked how far along they were in the rulemaking process. Heather answered that the draft rules are up on the agency's web site and they are currently in an unofficial comment period. They are hoping to get them completed by the end of this summer. The legislation requires them to be complete by January 2003.

Judy asked if individual homeowners need to apply for a permit. Padriac answered that single-family residences are exempt.

Jeremy Grip asked about the definition of impervious surfaces. Heather answered that paved and unpaved roads are both considered impervious. If water runs off as opposed to penetrates, it is considered impervious.

Harvey asked about how the rules will complement the agricultural and silvicultural AMPs and AAPs. Padriac answered if you're covered under the AMPs and AAPs, you won't need a permit from the state. But if your project falls under the new construction area, you will still need a permit under the federal rules.

Harvey asked about the permitting process being an alternative to TMDLs and asked how that affects the watershed planning initiatives of the county. Heather answered that they are only concerned with impervious areas. The basin planner looks at all the contributing factors to impaired waters. The WIPs might be done in place of a TMDL but only for the 25 impaired waters.

Steve Revell asked how much expediting of permits will take place and whether there's enough money in the budget

and manpower to shorten the process. Padriac answered that the current standard for review and approval is 90 days. Since they've taken over the program, they've generally been able to meet that.

Peter asked about the department's budgetary health. They don't expect any staff reductions, but they won't get as many new positions as originally anticipated.

Adam asked about special provisions/exemptions for municipalities in the new manual. Padriac answered that only multi-industrial sector projects are mentioned.

Harvey thanked the guests, and the public program was closed at 8:46.

Business Meeting

Approval of Minutes: May 10, 2002

Karl Neuse moved to approve the minutes from April 13, 2002. Don Shall seconded the motion. The motion passed unanimously.

Discussion of Executive Board Minutes

Adam said that there were some questions about the resolution the executive board sent to the legislature regarding wetlands and agricultural areas, how to distinguish between the two, and how fees for wetland conversion would be applied. The commission bylaws state that normally the full commission should send resolutions out, but the executive board has the authority to comment or speak on behalf of the commission if time is of the essence. Judy requested that, in the future, any executive board letters of a political nature should be brought up before the whole commission for input. Harvey said that the executive board was following the bylaws and occasionally they must move quickly to comment on certain issues. He said normally these subjects would come to the full commission, but there wasn't enough time in this situation.

Treasurer's Report

Peter Grant moved to approve the Treasurer's Report. Ellen seconded the motion. The motion passed unanimously.

Committee Reports

TAC: Adam said there was a joint meeting with Rutland to discuss flooding on Rte. 73. The portion that floods is in Sudbury, but the road services Addison County. The project to rebuild has been a priority for Rutland. The Transportation Agency wants to put a hold on the project and look at some alternatives. The Rutland TAC asked that the Addison TAC come down to discuss this topic. Tom Yager asked about whether they should follow up with a letter to the Agency protesting the decision. Adam said they're looking into it and a recommendation will be forthcoming.

Local Government: no activity.

Act 250: Fred said the committee has not met, but new act 250 applications received include Middlebury College's expansion of the Center for the Arts parking lot at Porterfield Rd. A hearing is scheduled for June 28 at 9:45 am at the Middlebury Town offices. A site visit will immediately precede the hearing. Another application was received from Independent Wireless for an antennae to be located on a silo on the Vanderwet farm on Rte. 7 in Ferrisburgh. Act 250 approvals include Middlebury College's Atwater Commons, Middlebury College's Western Ridgeline parking expansion, and Addison Home Hospice's 4000-square-foot addition to an existing building.

Natural Resources: Hilary said they have drafted a preliminary plan for the Basin Planning project. The TMDL comments are due on Friday, and if the commission would like to send any comments, they should discuss it now or can bring it up with her later. Harvey asked about timeframe for comments on the Basin Plan. She said there's no timeframe right now. Adam said that they'd like to divide the watershed into sub-basin groups to encourage involvement. They're looking for leaders from each group. Hilary said the second draft includes more from municipal/local officials. Allen Karnatz suggested using an Internet listserv for people to post comments etc. Don Shall suggested enlisting science teachers at local schools to design projects for school kids. Harvey asked the commission to be mindful of the fact that this basin plan will eventually become part of the statewide regulations. Adam would like the commission to endorse the outline at some point.

Housing: no activity.

Joint Partners Report

No report.

Staff/Delegate Recognition

Tommy Thompson and Steve Revell from Lincoln and James Maroney from Leicester have joined the commission as new delegates.

Old Business

Legislative Wrap Up: Adam said he has written summaries of S27 as well as H208. Harvey said the stormwater bill and the onsite bill would have some impact on the county. Harvey also discussed H477, an agricultural transportation bill that covers the registering of vehicles and weight limits, etc.

Karl discussed S27, which becomes law once signed by the Governor. The new rules will go into effect July 31. The deadline for building out on exempt lots has now been contracted to November 1, 2002. Only certified septic designers will be able to prepare applications. One permit is now required as opposed to multiple permits as in the past. Towns can take over control of the system and incorporate the state standards. Between now and July 1, 2007, towns may have stricter standards. After that, the state standards supercede. Towns must have confirmed plan and zoning regulations in order to do this. Lots that had previously been exempt can "substantially improve" the property before November 1 and remain exempt forever (unless the lot is subdivided later).

Fred mentioned that towns with sewer systems would need permits for individuals wishing to connect to the town sewer unless the town has jurisdiction.

Steve said that land west of Rte. 7 would experience much fewer opportunities for development due to the new rules. The new rules will be too difficult to meet in heavy clay soil areas. He commented that the bill is universal jurisdiction as opposed to the DNRs proposed rules.

Karl said that more sales contracts would have language regarding a failed system. Effluent on the surface is considered a failed system. The law is clarified regarding a failed system. The state is obligated to accept a "best fix" even if it doesn't meet the standards (and based on your ability to pay for the new/repaired system).

New Business:

Proposed Joint Partnership Agreement and Initiatives: Adam went over the points included on the handout. CEDS, Telecommunications, regional housing issues, emergency planning, etc.

Proposed Resolution Regarding Heritage Tourism Legislation: Adam said the legislation is on the backburner at the federal level. It's a resolution to encourage the heritage of the region. The provisions acknowledge the local efforts of Resolution Champlain. If there's federal legislation, the program will exist under local control. **Jim motioned to adopt the resolution, Ellen seconded. Jim moved to amend the language from "addressed" to "identified."** Allen seconded that motion. **The amendment passed unanimously. The resolution also passed unanimously.**

Committee Members for Next Fiscal Year: Adam said one or two new committees for Economic Development and Utilities and Facilities should be created. He asked that members think about the committees they'd like to be involved with. A memo will be sent out.

Adjournment

Karl moved to adjourn. Charles seconded the motion. The meeting was adjourned at 10:10 pm.

Submitted by Ursula Jones