

9.2.26 meeting

This meeting was held remotely.

Members present: Alison Anand, Chelsye Brooks, Virginia Clarke, Mark Fausel

Members absent: *none, one vacancy*

Others present: Keith Osborne (Director of Planning and Zoning), Tom Astle (MMCTV), Trevor Brooks

1. Welcome

Clarke opened the meeting at 7:03 PM and welcomed members and guests.

2. Review agenda and public comment on non-agenda items

As there were no alterations to the agenda and no public comments, the meeting proceeded with the posted agenda. Clarke added a second meeting memo to be considered under item 4.

3. Review minutes of 8.19.26 meeting

There were no corrections or additions or other comments for these minutes, so they were accepted into the record as written.

4. Continued discussion on stormwater memo dated 9.2.26

Clarke began the discussion by reviewing the agreement from the last meeting that projects requiring state permits also need to comply with our Section 6.17. She then moved on to the baseline threshold that would require projects to comply with 6.17. This was suggested in the memo as: 2,000 sf of disturbed land; OR slopes of 15% or more; OR a 3-tiered lot size requirement where 300sf of new impervious on a lot of <0.5A; 600sf on a lot of 0.5-1A; or 1,000sf on a lot of > 1A would trigger compliance with 6.17. She then suggested that if either disturbed land or new impervious were triggered, then both EPSC and stormwater would be required, because it would be unusual to have one without the other, and the required solutions would match the difficulty of each component. She also mentioned T. Brooks' suggestion that allowing stormwater management projects on existing developed sites to be exempted from needing a zoning permit might be a good idea, which Fausel liked. C. Brooks thought maybe such projects could just require a "notice of intent to build" with no permit fee. Clarke suggested this might go under Section 5.1.1[d].

C. Brooks suggested that engineering costs might be significantly greater if both EPSC and stormwater needed designing for a DRB-reviewed plan. Osborne agreed that engineering wasn't cheap. Clarke said she could find out more about the financing aspect. A discussion followed about the Mary Dr extension project, which involves an engineer reviewing another engineer's plan and seemed costly. Osborne said this was an unusual situation.

Discussion then turned to requirements for a professionally-designed plan, which Clarke suggested should only be required if the DRB was going to review it. The 20,000 sf of disturbance as a trigger was acceptable to Fausel. The 20% of existing, or of permanently created, slope as a trigger was then discussed. Osborne said that currently RZR requires engineered plans for any project on a 20% or more slope, which he thought was onerous, and that P&Z could handle EPSC for 20 – 35% slope in house by using the *Low Risk Handbook*, and that development on slope >35% was currently not allowed. Fausel agreed with this, but remained concerned about the stormwater potential of newly created slopes, especially if close to a downslope property line. C. Brooks also agreed that EPSC could be managed on any slope without DRB review, but that new slopes needed more review if close to property lines. The language settled on for the next draft of proposed regs was: 500 sf or more of a newly-created permanent slope of 20 – 35% (with > 35% not allowed) within 50 feet of any downslope property boundary would trigger DRB review and an engineered plan. Anand agreed with this. The final proposed trigger for a professionally-designed plan was 10,000 sf of new impervious surface created. Any of these triggers would send the plan to the DRB for review with public hearing(s).

The next discussion concerned whether the DRB should be able to waive site plan review, and if so, on what grounds. Commissioners did not like the “for good cause” phrase, and wished to see specific reasons that site plan review could be waived. Osborne felt it was necessary for the DRB to have some ability to grant waivers. Fausel and Clarke thought the PC should say that a professionally-designed plan for the DRB would not be needed for EPSC/stormwater if our baseline criteria for applicability were not met. Clarke suggested saying if no construction, land disturbance or new impervious surfaces were proposed, i.e. land development, no EPSC/stormwater needed planning for, but DRB review for the use would still be needed (for example, for CUR).

Requirements for the applicant-designed plan for stormwater was next addressed. Clarke explained that the criteria laid out in the original meeting memo began to seem cumbersome, and that Osborne had expressed that applicants would have too much difficulty with this, and that the ANR maps were not really adequate and correct enough at the small scale to be useful. This led to discussion of the alternate memo, that Clarke had posted earlier today, suggesting a different strategy. This strategy suggested two levels of P&Z/ZAO review, with the higher level taking the place of projects that might need a professional plan, but no DRB review. This middle level would require the applicant, with the assistance of P&Z to utilize the *Vermont Green Stormwater Infrastructure (GSI) Simplified Sizing Tool for Small Projects* and select one or more of the practices described. Projects in this category would be proposing 2,500 – 10,000 sf of new impervious surface. Osborne says P&Z is willing to work with this, and this is like the set of pre-designed strategies that T. Brooks and the original memo suggested that P&Z would provide. Applicants proposing between the baseline size and 2,500 sf of new impervious would only need to work with P&Z to select strategies from the *Low Impact Development Guide* to satisfy 6.17’s requirements. Over 10,000 sf of impervious would go to the DRB and need a

professional plan. The professionally-designed plan for stormwater and DRB review would have to follow the guidelines of 6.17, would be required to intercept the first 1" of rainfall, and also plan to control stormwater for the 10-year (or 25-year) storm.

Osborne suggested that the *Simplified Sizing Tool* is similar to what Trevor had introduced at the last meeting, and said he thought it was a good way to manage the medium-sized "small projects." Clarke reviewed the levels being suggested: tiny project = no EPSC/stormwater; small project, up to 2,500 sf impervious = LID for 1st 1" applicant with P&Z; 2,500-10,000 sf impervious = GSI for 1st 1" applicant with P&Z; and over 10,000 sf = professionally-designed plan for 1st 1" and 10-yr storm. Osborne admitted that this would put somewhat of a burden on the P&Z office, but he thought it would be possible, especially if training were ramped up. Clarke also suggested training for the DRB, especially on the need for these requirements.

C. Brooks wondered what percentage of permits fell into each category. Osborne thought the majority of the smallish group of SFH's would fall into the 2,500+sf category, but the majority of the total permits would be ADU's, sheds, additions etc., thus small structures. Brooks thought this information would help us to know what sort of impact our proposed regs would ultimately have. As far as subdivisions go, she wondered, who is responsible for complying with the stormwater regs, the subdivider or the buyer of the subdivided lot who wants to put a house on it? She suggested that the person proposing to develop the lot would need to come back before the DRB and thus be exposed to the EPSC and stormwater regs at that time. Osborne agreed with this idea, saying that this could be a condition of approval on the initial subdivision approval. A lengthy discussion followed on this topic, ending with the feeling that it should be clarified in the RZR and RSR how this would work, and that the two documents should match. C. Brooks suggested non-quorum field trips to look at the types of properties that illustrate some of these challenges that have been discussed. Fausel and Clarke volunteered to participate in the drive-by's; Osborne suggested reporting in on any conversations at the following PC meeting.

5. Updates and other business

The meeting schedule was discussed. The decision was: in-person meeting on September 16 at the Town Center; remote meeting on September 30th as the first "October" meeting; second October remote meeting on October 14th; then regularly-scheduled meetings on November 4th and 18th, which could be either remote or in-person. Fausel suggested 6:30 – 8:30 for the 9/16 meeting, to which the PC agreed.

6. Adjourn

As there was no further discussion, Brooks motioned to adjourn, seconded by Anand. As there was no objection, Clarke closed the meeting at 9:08 PM.

Minutes submitted by Virginia Clarke.

