

Notes on Meetings 2/16/06 and 2/21/06 re: Stormwater Permitting

2/16/2006 – 7pm City Hall, South Burlington, Upstairs Conference Room

In attendance:

Steve Berkett
Martin Courcelle (Champlain Consulting)
Sue Deacon
Richard Parent
Mike St. Germain
Betsy Walters

Plans for the new stormwater pond include the following features:

Deepening the existing pond 2-3'
Increasing the steepness of the existing grade to accommodate the deepening
The increased pond depth & grading will mean that the pond's overall size will also increase
A larger perimeter fence will need to be added
A grass access pathway will need to be built from the street to the pond

Some trees behind the garage facing the pond will probably have to be removed

The new pond meets 4 out of the 5 requirements of the 2002 Vermont Stormwater Management Manual, the most recent guidance issued by the state for stormwater management. Those four areas are:

Water Quality
Groundwater Recharge
Channel Protection
Overbank Flood Protection (i.e., 10-Year Storm Protection)

Winding Brook is not required to meet the 5th requirement – Extreme Flood Protection (i.e., 100-Year Storm Protection) because the Winding Brook development includes less than 10 acres.

Champlain Consulting estimates the new pond construction to cost \$63,000. This amount does not include any permitting fees, nor the engineering fee to be paid to Champlain Consulting for their design. Construction seems likely to be able to be completed in this building season.

The new pond will not satisfy all State requirements for stormwater treatment because it does not satisfy the Net-Zero Discharge requirement. Net-Zero Discharge means that the amount of sediment added to Potash Brook by Winding Brook development must be equal-to or less-than the amount of sediment added to Potash Brook by the land before Winding Brook was constructed. Champlain Consulting has determined that the target sediment discharge is 200 pounds per year. Winding Brook development currently discharges 400 pounds of sediment a year.

Because Winding Brook is unable to meet the Net-Zero requirement, Winding Brook is unable to qualify for a state stormwater permit. The South Burlington City Utility is expected to be able to

pool its resources and/or use offsets from other developments to qualify for this permit once we deed the new pond to the City.

Furthermore, final State requirements are not yet established, and may not be (due to revisions and appeals of any promulgated standards) set for the next 2-3 years. These standards will be set forth in a Total Max Daily Load (TMDL) regulation.

It is expected that Winding Brook and Champlain Consulting will receive approval from the City to begin construction on the pond improvements. Once complete, Winding Brook will deed the pond to the City, who will manage the pond and will proceed to secure a State stormwater permit for Winding Brook.

This is a concern because Winding Brook's provisional (Grandfather) stormwater permit will expire in 2007. Without a valid permit, residents will be unable to sell their Winding Brook property after that time. Once Winding Brook deeds the new pond to the City, the permitting process is substantively beyond our control. This is also a concern.

The City is currently contributing stormwater runoff to Winding Brook's stormwater system via Kennedy Road. This is to be removed by the City.

A meeting is set for 2:30pm on Tuesday February 22, 2006, between Marty Courcelle and the City planning office staff to discuss the plans for the new pond. Steve Berkett and Richard Parent will try to attend this meeting with Marty.

2/22/2006 – 2:30pm City Hall, South Burlington, Large Conference Room

In attendance:

Steve Berkett

Martin Courcelle (Champlain Consulting)

Tim Grover (City of South Burlington Stormwater Utility Superintendent)

Juli Beth Hinds (South Burlington Director of Planning and Zoning)

Richard Parent

Mike St. Germain

Juli Beth Hinds joined the meeting late. At its beginning, only Tim Grover was in attendance from the City.

Tim will have his crew look at the Kennedy Drive stormwater drain connected to Winding Brook's system.

The flooding from Hinesburg Road that is causing the rocks to cover the sidewalk leading to Hinesburg Road is a State Department of Transportation issue, as the State owns Hinesburg

Road. The State wants to turn control/maintenance of Hinesburg Road over to the City. Whether this will happen (and whether the City is interested in this) is uncertain.

Tim informs us that Potash Brook has a lot of beavers, causing many problems along the Brook.

The flooding of the existing pond is due to a failed culvert underneath Hinesburg Road. This culvert is the State's responsibility to repair.

The Village at Dorset Park is also attempting to deed their stormwater pond to the City. In this, they are in exactly the same situation as we are. Once they (and we) deed the pond to the City, the City will start trying to get a State permit for the development. However, Dorset Park does not need to improve their pond – their pond is already in compliance with the 2002 Vermont Stormwater Management Manual. This means that Dorset Park is substantially closer to deeding their pond to the city and getting a State permit than they are, as they do not have to secure approval from the City to begin work on their system.

Stone House Village has already reached an agreement with the City's lawyers about transferring its stormwater system to the City. We do not know any more details about Stone House Village or its system.

Tim feels that Winding Brook should upgrade to the 2002 standards (as Champlain Consulting's new pond design will accomplish), and then the City will take possession of the pond and work to secure a State permit.

Juli Beth Hinds met with Jeff Wennberg about the State's new Total Max Daily Load (TMDL). She did not report to us on the results of this meeting.

Tim Grover expects that the expiration of Winding Brook's existing grandfathered permit in 2007 will not be a problem, as the City Utility will secure a permit before that happens. In Tim's words, 2007 is "about right" to resolve the permitting issues with the State.

From Tim: Winding Brook will have to file a Residential Acquisition Process appeal to deed the new pond to the City. This process can be lengthy, Tim advises. The RAP, even if filed immediately, could take until May or June to be completed.

Champlain Consulting is to submit to Tim the plans for the new pond, the Environmental Feasibility Assessment (EFA), and the original survey of the development showing the complete collection system. Tim will then begin work approving the plans to improve the pond. After a quick glance over the plans, Tim says that they look good.

Tim will e-mail the RAP forms to Marty at Champlain Consulting after receiving the plans and reports from Marty.

Tim says that Winding Brook will not deed the pond to the City, but will instead grant an easement to the city.

Tim says that the City Utility will have greater luck in getting the State permit because the State responds better “when residents are concerned,” rather than merely being a City issue.

At this point, Juli Beth Hinds joined the meeting.

Juli announced that if Winding Brook meets 2002 Best Fix standards (as the new pond is designed to do), then the City *will* take ownership of it.

Juli suggests that Winding Brook has our lawyer talk with the City’s lawyer, Steve Stetzell, about guarantees Winding Brook wants and/or needs about the timetable for constructing the new pond, handing it over to the City, and receiving the State permit through the City Utility.

Steve Berkett said he will talk with Winding Brook’s attorney about this.

Tim and Juli both agree that Winding Brook should solicit bids from contractors for the construction of the new pond now, before approval from the City, as the construction season is rapidly approaching.