

TOWN OF SHELBURNE
STORMWATER ADVISORY COMMITTEE
MEETING MINUTES – MAY 21, 2019

Present: Marty Illick, Mike Schramm, Chip Stulen, Dick Elkins; also Chris Robinson, Lee Krohn, Tom DiPietro, Milly Archer, Tom Nold.

The meeting was called to order at 3:00 P.M.

The agenda was approved by consensus. There were no public comments.

The history of the committee, the work to create a proposed stormwater ordinance, fee structure, and credit manual, and late breaking concerns that led the Selectboard to not adopt the ordinance last year were all reviewed. This year's goal per the Selectboard is to bring back an ordinance that can be adopted in time to incorporate into next year's budget cycle.

Understanding that stormwater is an issue for all, concerns were raised about the fees that nonprofits would incur, and the complexity of the process to apply for credits. It was noted this is inherently a technical issue. Further, although Shelburne's proposal allows landowners to earn up to 70% credit, higher than any other ordinance, is it actually possible to achieve anywhere near that much credit in the current proposed system?

Nonprofits present agreed they did need to participate, but suggested the concept of a third tier of users (single family residential, non single family residential, and new here – nonprofit- with a capped fee of \$5000, based on their belief of capacity to pay).

Further discussion ensued. There may be limited legal basis to consider nonprofits as a separate category of land use, so what other strategies, if deemed appropriate, might exist to lessen the financial burden on these entities? Is there a different or better way to exclude "disconnected" lands from impervious calculations to better reflect actual stormwater discharges offsite? This could help on properties like Shelburne Farms, where some roads and buildings are physically disconnected from any discharge paths or locations, and thus perhaps should not be counted as impervious and leading to higher fees. Can the education and agricultural credits be increased in the credit manual? It was also suggested that certain public benefits, such as the trails at the Farms which Shelburne residents are allowed to use for free, count 'against' the Farms as impervious area; is this fair? Can there be an additional "public benefit" credit category?

It was noted that irrespective of these ideas and concerns, the state will be rolling out its own requirements for stormwater permitting on sites larger than three acres, so entities like the Farms and the Museum will be required to take steps toward stormwater mitigation no matter what. Those required actions will be the same as those that will earn credits in the Town's proposed system.

The question then arose whether a slower “rollout” of the Town’s process might be helpful; let the stormwater fees ramp up over two or three years to lessen the financial impact while the costs associated with state permitting are incurred; and at least that work will also count toward Town credits.

The concept of a several year “rollout” of the fee structure seemed like an approach worth considering. In that context, since certain stormwater projects must be done, perhaps some of the cost must remain on the tax base in the short term, shared with the interim fees to be received by the utility itself.

Since fees for single family homes are quite modest, it was agreed these should just phase in at year 1. Perhaps fees for all other uses might phase in at 50% in year 1, 75% in year 2 and 100% in year 3; so as the fees to the utility increase over time, the amount raised by property taxes would decrease proportionally.

This may take further consideration to determine fiscal, practical, and political dynamics and ramifications, but seemed worth considering.

Next meeting: Tuesday, June 11, 2019, 3:00 P.M.

With no other business, the meeting adjourned at 4:30 P.M.

Respectfully submitted by Lee Krohn.