

1 **Town of Richmond**  
2 **Selectboard Meeting**  
3 **Minutes of September 23, 2024**  
4

5 **Members Present:** Bard Hill, Adam Wood, David Sander, Jay Furr, Lisa Miller  
6

7 **Absent:** None  
8

9 **Staff Present:** Josh Arneson, Town Manager; Linda Parent, Town Clerk; Zoning  
10 Administrator Tyler Machia; Keith Osborne, Town Planner.  
11

12 **Others Present:** Meeting was recorded by MMCTV Erin Wagg  
13 Kevin Burke (Stormwater Program Manager, DEC)  
14 Terry Purcell (Stormwater Operational Section Supervisor, DEC)  
15 Brodie Haenke (Stormwater Environmental Analyst, DEC)  
16 Andres Torizzo (Watershed Consulting Engineers)  
17 Dan Albrecht (Chittenden Regional Planning Commission)  
18 State Senator Thomas Chittenden (Richmond Legislative Representatives)  
19 State Representative Jana Brown  
20 Dave Rugh (Attorney)  
21 Casey Wilkins, Meagan Buckley, Kevin Kittinger, Mary Ann Kittinger, Dennis Wasser,  
22 Bradley Holt, Jason Pelletier, Jen Arnott, Dolores Carter, Dana Bianchi, Thomas  
23 Chittenden, Andrea A, Sara Heim, Dorian Evans, Tom Carpenter, Andrew Kovich, Kim  
24 Thompson, Douglas Thompson, Amy Ide, Jake Ide, Tom Bednar, Roger Pedersen, Reid  
25 Webster, Nicholas Johnson, Charlotte Phillips, Shannon Walters, Tom Walters, Pam  
26 Foust, K Chastai, MJ Denis, Bill Supple, Brian Tillman, J Murray, Brian Lawrence, Betty  
27 (Office Admin), Polly, Noa Y, June Heston, Cara LaBounty, John Johnston, The Haley's,  
28 Paige Kaleita, Jeanette Malone, Brad Worthen, Mark Hubbard, Kathy Hubbard, Trevor  
29 Brooks, Eric Berliner, Sherri Skow Gouse, Amy Tillman, Bryonne Johnson, Trevor  
30 Brooks, Jean-Marie Severance, Connie van Eeghen, Silas Smith, Rebecca Butterfield,  
31 John's iPad, Navah Spero, Minta, Jon Turner, JP, Ash Kreider, Kate Kreider, Pete O'Neil,  
32 Rachel Gray, Mary Harrison, Tim Kaleita, Fiona Vietje, Brendan Filkins, Chelsye, Tom  
33 Walters, Blanc, B Johnson, Ernie, Ron Rodjenski, Robyn Casey, Joan Abu, Dan Abbott,  
34 Danielle Beaudoin  
35

36 **MMCTV Video:** <https://youtu.be/UDtGGqH12pk?si=SyXiXyIYOlxNLFH9>  
37

38 **Call to Order:** 7:00 pm  
39

40 **Welcome by:** Sander  
41

42 **Public Comment:** None.  
43

44 **Additions or Deletions to Agenda:**  
45

46 One Purchase Order added to the Agenda.  
47

48 **Items for Presentation or Discussion with those present**  
49

50 Introductions were made of the State representatives present (see list above)

51

52 **Boundary of the three permitted areas: Southview Subdivision, Mary Drive, and**  
53 **Hidden Pines**

54

55 **Discussion of how it was determined that the three-acre permit applies to the**  
56 **Southview Subdivision**

57 Timestamp: 0:05

58

59 [https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1i1\\_Town\\_of\\_Richmond\\_letter\\_9-9-24.pdf](https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1i1_Town_of_Richmond_letter_9-9-24.pdf)

60

61  
62 [https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1i2\\_Storm\\_water\\_Permits\\_for\\_Hidden\\_Pines\\_and\\_Mary\\_Drive.pdf](https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1i2_Storm_water_Permits_for_Hidden_Pines_and_Mary_Drive.pdf)

63

64  
65 [https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii1\\_6116\\_Southview\\_parcel\\_map.pdf](https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii1_6116_Southview_parcel_map.pdf)

66

67  
68 [https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii2\\_Hidden\\_Pines\\_site\\_plan.pdf](https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii2_Hidden_Pines_site_plan.pdf)

69

70  
71 [https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii3\\_Mary\\_Dr\\_site\\_plan.pdf](https://www.richmondvt.gov/fileadmin/files/Selectboard/Meetings/2024/09/3a1ii3_Mary_Dr_site_plan.pdf)

72

73

74

75 People who participated in discussion: Sander, Arneson, Burke, Purcell, Spero, Hill,  
76 Furr, Senna, Phillips, Heim, Kaleita, LaBounty, Haenke, Wilkins, Johnson, Adu, Bianchi,  
77 Thompson, Worthen, Evans, Kittinger, Buckley, Vietje, Heston, Torizzo, Chittenden,  
78 Miller, Abbott, Beaudoin, Casey

79

80 Purcell elaborated about how the three subdivisions were combined with respect to  
81 permitting. Southview was stormwater permitted in 1983. Hidden Pines and Mary Drive  
82 a bit later. The Town has been paying the permitting fees all these years. In 2020 there  
83 was a request from the Town to put those three subdivisions together under one permit  
84 that the Town paid for. This one singular permit was not intended to lump together the 19  
85 three-acre impervious sites and was intended to include Southview only. There was never  
86 a HOA for any of these subdivisions. The State had an orphan program for municipalities  
87 for stormwater permits for areas that were not subdivided or had an HOA. That program  
88 no longer exists, so permits given under that grant are no longer recognized today.  
89 Hidden Pines and Mary Drive are NOT subject to the 3-acre requirements and are  
90 removed from the discussion. The permit held for Mary Drive and Hidden Pines includes  
91 roads, private property, roofs, structures, everything with respect to storm water  
92 compliance.

93

94 Hill stated that another meeting needs to be held to vote on when the Hidden Pines and  
95 Mary Drive permits will be taken back by the Town.

96

97 The houses on Southview Drive North do not require a stormwater permit, they are  
98 covered under their own Act 250 permit. These are the houses on Southview Drive in the  
99 North, but not included in the outlined area (see map in packet). Heim asked why some

100 lots require 3-acre storm water permits and others do not. Purcell continued that the  
101 reason certain lots are under Act 250 and may not need a stormwater permit, going back  
102 to 1983, it depends when the home was built, because stormwater permitting has changed  
103 over time, the law in effect at the time of construction is what counts.  
104

105 Questions were posed about whether there are other areas in Richmond that fall under  
106 these permits or other stormwater permits that the Town doesn't know about. Furr asked  
107 why certain areas of Southview need a permit while others do not need one. Purcell  
108 explained that Southview North did not meet the threshold needed for an operational  
109 stormwater permit at the time it was built and cannot now be retrofitted to need a permit.  
110 These permits are created based on TMDL (Total Maximum Daily Load), which is the  
111 amount of pollution going into Lake Champlain, there is a pollution budget for the lake.  
112 Hills asked that all the original stormwater permits involving the Town of Richmond be  
113 sent to the Selectboard. Burke stated that expansions of housing developments sometimes  
114 skirt underneath the threshold for certain permits. Casey wanted to know what to do if  
115 one thinks one should not be part of a 3-acre site and was told anyone can reach out  
116 directly to the Department of Environmental Conservation to appeal and get any specific  
117 cases reviewed. Purcell stated that any property built after 2002 falls under different  
118 permitting rules.  
119

120 Furr suggested that a Stormwater Association be formed for the 44 properties this  
121 involves, since they do not have a HOA. The Town does not have the money to pay for  
122 the proposed stormwater remediation, which is why the homeowners need to be involved  
123 to figure out how to pay for this. Hill continued by saying that once the Town gets the  
124 legal documents pertaining to the orphan program, it can be determined with lawyers who  
125 "owns" the financial responsibility of this issue. Worthen commented that agriculture and  
126 wildlife is more of an issue regarding the amount of pollution going into Lake Champlain  
127 than actual homeowners. Evans added that it's unfair to lay the financial burden on these  
128 44 residents. Purcell replied that agriculture has its own Act 64 for pollution. The Town  
129 of Richmond was warned about this 3-acre permitting issue in 2020. Heston asked for a  
130 regulatory definition of 3-acres of "impervious surface." Hill wanted to know how the  
131 orphaned projects were determined. Purcell replied to the questions in turn, that it's based  
132 on 3-acres of impervious surface, which can also include dirt roads or driveways. He  
133 continued that this was decided utilizing satellite imagery from UVM along with GIS  
134 software to determine 3-acre sites in the state, including sites in Morrisville, Essex, and  
135 South Burlington, totaling approximately 100 orphan projects. Not all sites have the same  
136 pollution impact. A question was posed regarding what the total cost regarding these  
137 permits would be per homeowner, which Torizzo said that the pricing is very site specific  
138 and actual amounts are hard to estimate, but a conceptual plan is needed before you can  
139 get to actual cost estimates, as some solutions may be easy and cheap while others may  
140 be more time consuming and expensive.  
141

142 Chittenden reported that an area in South Burlington is also going through the same  
143 process and that he will be digging into these topics deeper, especially to understand the  
144 orphan program. Purcell urged Southview residents to submit a permit application, even  
145 if incomplete, under 390-50 as soon as possible to illustrate to the State of Vermont that  
146 things are moving forward under Title Three Permit Coverage, which continues the  
147 permit coverage for the Town. POA (Permit Obtainment Assistance program) can award  
148 ARPA funds to the Town, but that funding has an expiration date on it, which he thinks is  
149 Sept 2025.

150

151 *Furr moved that the town go ahead and file and pay for the permits for Mary Drive and*  
152 *Hidden Pines. Miller seconded.*

153 *Motion tabled until the October 7, 2024 meeting.*

154 Hill stated that this topic was not warned and needs to wait until the next Selectboard  
155 meeting. Sanders concurred. Motion withdrawn.

156

157

### 158 **Discussion of available funding sources**

159 Timestamp: 2:25

160

161 People who participated in discussion: Sander, Arneson, Haenke

162

163 Arneson stated that the Clean Water State Revolving Fund is a potential source for some  
164 funding, as well as the Lake Champlain Basin program.

165 Haenke described POA being the State's best current funding source for the 3-acre  
166 permits.

167

168

### 169 **Next steps to obtain coverage under permit, including deadlines set by the State for** 170 **each step and the structure of cost share between private landowners and the Town**

171 Timestamp: 2:26

172

173 People who participated in discussion: Sander, Purcell

174

175 Purcell explained that the regulatory due dates have passed for Southview, it's as soon as  
176 possible in terms of submitting an incomplete application, but keep in mind the  
177 September 2025 ARPA encumbrance deadlines for spending that funding.

178

179

### 180 **Overview of process from initial engineering to construction completion**

181 Timestamp: 2:27

182

183 People who participated in discussion: Sander, Torizzo, Garrett, Walters, Beaudoin

184

185 Torizzo stated that with large, forested areas intermixed with driveways and houses, it's  
186 often easy to use passive disconnection where you route run-offs through grassed areas.  
187 This type of solution is quick and inexpensive. An important first step is to assess  
188 existing areas and determine what the impervious area specifically is, and then use  
189 existing treatment option that are present or presently occurring. Then using a two-step  
190 process will help determine the implementation cost, which must go into a full Notice of  
191 Intent application. Garrett asked what the deadlines were, which Torizzo said he thought  
192 was Sept 2025. He warned that with winter coming, such an assessment should be done  
193 quickly. Walters concurred that a cost-analysis would be useful. Beaudoin asked about a  
194 budget and Torizzo said \$30,000 of the \$50k grant goes to the engineers; he thought it's  
195 \$160 per acre for the permit fee.

196

197

198

199

200 **Next steps**

201 Timestamp: 2:44

202

203 People who participated in discussion: Sander, Arneson, Furr, Burke, Hill, Beaudoin,  
204 Wood, Rugh, LaBounty

205

206 Furr pondered that sending letters out on a more regular basis as being important; also,  
207 the Town website could have a project status page. Hill wanted a letter from the State that  
208 the Town would not be responsible for the bill for this work if the permit application was  
209 submitted on behalf of Southview Drive neighborhood. Beaudoin pondered the creation  
210 of a Storm Water Association, which she thinks would not work unless everyone was  
211 invested. Wood added that everyone in Richmond is affected by stormwater permits, he is  
212 not against absorbing the cost as a Town. Rugh explained that unless the Town knows the  
213 exact cost of an improvement the Town won't know how much to allocate, nor how to  
214 divide the cost among everybody within the district.

215

216 *Miller moved to have our staff attorney and Josh address filing a permit. Furr seconded.*  
217 *Roll Call Vote: Furr, Miller, Sander, Wood in favor. Motion approved.*

218

219 **Approval of Minutes, Purchase Orders, Warrants**

220 Timestamp: 3:24

221

222 **Motions for Purchase Orders:**

223

224 **Purchase Order Motions**

225

226 *Wood moved to approve purchase order 5039, to Lane Enterprises for \$37,985.92 and*  
227 *this is for the purchase of the culvert necessary to repair Hillview road where it was*  
228 *washed out in the 2024 July flight. Hill seconded.*

229 *Roll Call Vote: Furr, Miller, Sander, Wood in favor. Motion approved.*

230

231 This will be included in the FEMA claim for 2024 flood. This will restore the road to its  
232 previous function.

233

234

235 **Next Meeting Agenda**

236 Tabled item from previous meeting regarding Hidden Pines and Mary Drive

237

238

239 **Adjourn**

240

241 *Wood moved to adjourn. Hill seconded.*

242 *Roll Call Vote: Furr, Miller, Sander, Wood in favor. Motion approved.*

243

244 **Meeting adjourned at:** 10:34 pm

245

246

247 **Chat file from Zoom:**

248

249 Sounds like the town is muted

250  
251 Navah spero  
252 49:18  
253 Thank you all for the discussion.  
254  
255 pkaleita  
256 55:57  
257 PLEASE CLIRIFY what is Southview North!!!!  
258  
259 Brian Lawrence  
260 01:16:04  
261 Noticed affected parties in the beginning? You mean 3 weeks ago?  
262  
263 Notified\*\*  
264  
265 Brian Lawrence  
266 01:27:25  
267 How do you expect 40-50 homeowners to pay for it then?  
268  
269 Chelsye's iPhone  
270 01:27:26  
271 How many other neighborhoods are there like Southview?  
272  
273 How many other neighborhoods are old enough that they are now on the town as  
274 permittee? I feel like that is data we could find right?  
275  
276 8 Replies  
277 Chelsye's iPhone  
278 01:41:31  
279 Yeah Southview may be the only one now, but what when the state changes their rules?  
280  
281 Tim Kaleita  
282 01:44:01  
283 How/who calculates the percent of impervious surface?  
284  
285 brendan\_filkins  
286 01:45:09 (Edited)  
287 Is there a relevant ratio or could it be 3 out of 3 thousand?  
288  
289 Tim Kaleita  
290 01:45:21  
291 The % of landowner, town owned impervious surface that has been mentioned doesn't  
292 seem accurate?  
293  
294 Bryonne Johnson  
295 01:47:25  
296 Do we have any sense from the engineer what the mitigation needs might entail?  
297  
298 pkaleita  
299 01:49:05 (Edited)

300 I read that this effects 7% of VT homeowners, it feels very unfair to put the burden of  
301 “clean water” on only 7% of Vermonters  
302  
303 1 Reply  
304 Chelsye's iPhone  
305 01:49:50  
306 I believe impervious surface includes roads & driveways both paved and gravel. Also  
307 ditches if they aren’t vegetated. Rooftops.  
308  
309 Chelsye's iPhone  
310 01:55:43  
311 It’s 50% less strict than if Southview was a new development.  
312  
313 Kevin Burke - VTDEC SW Program Mgr.  
314 01:56:51  
315 Impervious surface is defined in statute.  
316  
317 pkaleita  
318 02:02:18  
319 If you are basing this on the original 44 homes, then if you drew a boundary around that  
320 area, are we still at 3 acres? NOTE” those home are Westall, Joan and only the few that  
321 are around the 4-corner stop sign  
322  
323 Brian Lawrence  
324 02:03:56  
325 Will we get credit for rain barrels? Rain gardens?  
326  
327 Kevin Burke - VTDEC SW Program Mgr.  
328 02:04:36  
329 I'm not aware that the 7% number is accurate.  
330  
331 6 Replies  
332 Chelsye's iPhone  
333 02:10:00  
334 It’s still all part of the same unit and 3 acre site. You act as one. It’s an engineered plan  
335 that is cohesive. Each landowner isn’t going to have a specific thing on their piece of  
336 land. It works as a whole.  
337  
338 [1]  
[SEP]  
339 Is the question of percentage of town owned vs private owned so that then the town can  
340 take on that percentage of the financial burden?  
341  
342 Chelsye's iPhone  
343 02:15:58  
344 Or people just aren’t getting permits, because the town doesn’t have jurisdiction and isn’t  
345 enforcing it. Fun.  
346  
347 Brian Lawrence  
348 02:23:38  
349 100%

350  
351 pkaleita  
352 02:27:51  
353 If a home is within the boundary the state has drawn, but NOT part of the original “44  
354 homes” are they part of the homes that need to do this?  
355  
356 Tom Walters  
357 02:30:18  
358 What is NY doing to clean up the lake? Doesn't their pollution affect the lake's levels of  
359 pollutants?  
360  
361 pkaleita  
362 02:31:12  
363 I believe this is all a result of a Federal Law, and each state is approaching it differently  
364 to be in compliance.  
365  
366 Chelsye's iPhone  
367 02:40:23 (Edited)  
368 Stormwater permits are not fast.  
369 Especially if there are public comments made on the permit application.  
370 An approved permit could be months out.  
371  
372 Kevin Burke - VTDEC SW Program Mgr.  
373 02:41:45  
374 Property owners could subscribe to the Environmental Notice Bulletin (ENB) which  
375 shows that an application was submitted or is pending.  
376  
377 Chelsye's iPhone  
378 02:41:49  
379 Sign up for notifications from the environmental notice bulletin as well.  
380  
381 Chelsye's iPhone  
382 02:46:15  
383 <https://anrweb.vt.gov/DEC/ENBV2/>  
384  
385 For the link above, you filter it to show the town of Richmond.  
386 If you sign up for the bulletin, then you can set your notification profile so you get emails  
387 whenever things happen.  
388  
389 Chelsye's iPhone  
390 02:51:50  
391 Wetland delineations alone would be 5-10k I would guess. And lots of the firms who do  
392 them are very much booked. The creation of an actual plan, to be approved by the state  
393 would likely be just as much.  
394  
395 Chelsye's iPhone  
396 02:52:13 (Edited)  
397 Wetland site visits end in the next month.  
398 They don't open until late April or May.  
399

400 Chelsye's iPhone  
401 02:55:34  
402 Wetlands are ID'd by the state ecologists. Then private firms are hired for the actual  
403 wetland delineation. Which is like a survey, for wetlands.  
404  
405 pkaleita  
406 03:00:40  
407 See below, and sorry, I said 7%, I think it's 5%  
408  
409 I think what this is saying is that of the 700 of the 3 acres sites, it calculates to approx.  
410 5% of VT homeowners.  
411  
412 P. 27 of this document, which is from the public comment period  
413 [https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020-09-](https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020-09-01%20final%20response%20summary%20GP%203-9050.pdf)  
414 [01%20final%20response%20summary%20GP%203-9050.pdf](https://dec.vermont.gov/sites/dec/files/wsm/stormwater/docs/2020-09-01%20final%20response%20summary%20GP%203-9050.pdf) in the Lake Champlain  
415 watershed the 700 or so “three-acre sites” include, very roughly, under 5% of  
416 landowners. In other words, the vast majority of property owners in Vermont are not  
417 “three-acre sites” and may lack a compelling reason to participate in any sort of collective  
418 approach to stormwater management. Addressing this issue—the potential lack of  
419 demand for broader collective solutions—is beyond the scope of both the General Permit  
420 and the Stormwater Permitting Rule.  
421  
422 4 Replies  
423 Chelsye's iPhone  
424 03:05:29  
425 Can anyone submit it? Any interested party?  
426 Does it need to be the town???  
427 So then... are we using the same lawyer? Same advice?  
428  
429 Kevin Burke - VTDEC SW Program Mgr.  
430 03:09:41  
431 The voice in the back is not legible, who is speaking please.  
432  
433 Chelsye's iPhone  
434 03:16:36  
435 It's unacceptable for the town to skirt the responsibility of this and the consequence of  
436 ignoring it, because they're “scared” of shouldering the cost. Well.... Maybe you should  
437 then have dealt with this back when it took effect back in December of 2020.  
438  
439 You dropped the ball then... are you going to continue to?  
440  
441 Chelsye's iPhone  
442 03:18:28  
443 The issue at hand needs to begin to be addressed.  
444  
445 Cost figuring happens when it happens.  
446 Collect more special assessment taxes.  
447  
448 Bring it to the legislature.  
449 File the permit now.

450  
451 I said unacceptable. Not disgusting.  
452  
453 Don't misquote me.  
454 And for the record, I am not affected by this.  
455  
456 Tim Kaleita  
457 03:20:23  
458 Wow, finally, thank you!  
459  
460 Chelsye's iPhone  
461 03:21:19  
462 By filing the permit you are not saying that you will pay it.  
463  
464 If you're going to pay for Southview, then you should reimburse everyone else who pays  
465 their "own way".  
466  
467 Chelsye's iPhone  
468 03:21:51 (Edited)  
469 You cannot pay for one and not others.  
470  
471 Chelsye's iPhone  
472 03:23:44  
473 Does Greystone receive any reimbursement from the town for the town roads that are a  
474 part of their permit??  
475  
476 Chelsye's iPhone  
477 03:29:28  
478 Someone said earlier, that the town is being double permitted... but are they?  
479  
480 The town roads are all permitted as a unit.  
481  
482 Then they are also counted as part of the 3 acre site.  
483  
484 IMO that doesn't mean the town should pay a part, unless they are paying a part of any  
485 which include town roads.  
486  
487 That then becomes a point to bring to legislature. The fact that the same surfaces are  
488 being considered and included in two different permits.  
489  
490 Chelsye's iPhone  
491 03:34:37  
492 The shared cost is for the town roads in which I'm able to freely use.  
493 I cannot just come to Southview and hangout in any old driveway.  
494 This sucks. YES. It does. Really, these costs would be shouldered by developers and then  
495 associations "present day". The problem here is that the town took on Southview's  
496 permitting years ago, and now you're in this pickle.  
497  
498 Trevor Brooks  
499 03:34:50 (Edited)

500 3 acre sites are a change to the rules affecting specific developments. They are then  
501 forced to upgrade their stormwater systems. Consideration should be given to paying for  
502 other 3 acre sites upgrades.  
503  
504 The town should apply for the permit. There is no other entity who can.  
505  
506 pkaleita  
507 03:36:16  
508 Selectboard members: Thank you all for your work and time!  
509  
510 Kevin Burke - VTDEC SW Program Mgr.  
511 03:40:50  
512 Thank you Terry and Brodie and residents and Select Board.  
513  
514 Bard.Hill  
515 03:41:39  
516 thank you, Terry and Brodie! and Kevin...  
517