



TOWN OF RICHMOND

RICHMOND TOWN CENTER

203 Bridge Street, P.O. Box 285

Richmond, Vermont 05477



November 4, 2024

Re: Southview General Permit 3-9050, Mary Dr. General Permit 3-9050, Hidden Pines General Permit 3-9050

Dear Richmond Resident,

The purpose of this letter is to provide an update on the following stormwater permits:

- Southview General Permit 3-9050
- Mary Dr. General Permit 3-9050
- Hidden Pines General Permit 3-9050

The Selectboard has discussed these stormwater permits at its meetings on 9/3/24, 9/16/24, 9/23/24, 10/7/24, and 10/21/24. The minutes of the meetings can be found online here:

<https://www.richmondvt.gov/boards-meetings/selectboard/meeting-document-archives>

The following page on the Town website provides more information and some documents related to these permits:

<https://www.richmondvt.gov/news/post/stormwater-general-permit-3-9050-for-the-southview-subdivision>

Below is a summary of recent events regarding the above referenced stormwater permits:

- The so-called “3-Acre Permit” was issued pursuant to State law, requiring permit coverage for all subdivisions and developments consisting of at least 3 acres of impervious surface area. Compliance with this permit involves engineering feasibility assessments, notice of intent filing, Agency review and ultimately infrastructure construction and upgrades. As a result, compliance with these requirements can be very costly and likely necessitates construction of stormwater infrastructure on public and private land. In instances where developments include both private and public property, the permit applies to both private landowners and the municipality which owns the public property.

- Initially all three developments referenced above (Hidden Pines, Mary Drive and Southview) were believed to be subject to the 3-acre permit. However, after further review with the Vermont Agency of Natural Resources' Department of Environmental Conservation's Stormwater Program, it was determined that only Southview is subject to the 3-acre permit.
- The Mary Dr. and Hidden Pines developments are still subject to stormwater permits, but because the total impervious surface is under 3 acres in each development the compliance is less costly than for sites subject to the 3-acre permit. The Selectboard has hired Watershed Consulting to perform the work necessary to renew the permits for these two subdivisions, with costs covered by the Town. The cost for Watershed Consulting engineering services is \$4,750 per development. There will also be a fee of \$240 per development from the State, this cost will also be paid by the Town.
- The Town has received a grant to cover up to \$19,999 in permit fees and up to \$30,000 in initial engineering costs related to the Southview subdivision's compliance with the 3-acre permit. The Selectboard has hired Watershed Consulting to perform the initial engineering work necessary to file the Notice of Intent with the State for the subdivision and its homeowners association and to complete the 30% design that is the required next step under the 3-acre permit. The cost for Watershed Consulting engineering services is \$32,600.
- Once the 30% design is completed there will be an estimate for the cost for the final design and construction.
- Because the costs to comply with the 3-acre permit are much higher than for non-3-acre sites, those costs are split between the Town and the private landowners, with the cost share based on each party's respective ownership percentage of impervious surface area covered by the 3-acre permit. Also, the 3-acre permit likely requires more infrastructure to be constructed than for non-3-acre sites.
- There is evidence of a Declaration of Covenants that was in place at the time that the Southview subdivision was initially constructed. Based on the Town's initial review, this Declaration legally binds the property owners as members of a homeowners association, which can assess costs and fees to members for permit compliance. Unless the Town's initial position turns out to be incorrect, the Town intends to work with the homeowners association as the party responsible for the costs that are the responsibility of the private property owners since it is in the best position to determine each property owner's share of the costs of permit compliance. The Town normally enters into a Stormwater System Improvement

Agreement with homeowners associations to memorialize each party's responsibility for permit compliance and for costs and fees associated therewith.

- If there is not a homeowners association then the Town will consider other avenues for the private property owners to pay their respective share of the costs to comply with the 3-acre permit, including establishing a special assessment district. A special assessment district would collect the private property owner's share of the costs of permit compliance through a fee applied only to the properties in the Southview subdivision that are subject to the 3-acre permit. Again, this fee would be based on each respective property owner's share of the 3-acre permit's cost of compliance, typically broken down over a ten- or twenty-year term.

As noted above, the Town does not immediately expect private property owners to pay their share of costs associated with the 3-acre permit since it obtained grant funding that is expected to cover the majority of costs of the initial engineering feasibility analysis. Once that process is complete, however, the Town will look to the residents of Southview to begin paying their fair, pro-rata share of 3-acre permit compliance costs. For the residents within the Mary Drive or Hidden Pine subdivisions, the Town will continue to pay permit costs and fees until such time as the Department of Environmental Conservation's Stormwater Program requires infrastructure upgrades in those subdivisions.

Sincerely

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