

Amy Coonradt, testifying as a private citizen on behalf of my neighborhood in South Burlington.

My neighborhood is supportive of H.481 as long as it contains mechanisms to ensure that individual developments or neighborhoods are able to come into compliance with stormwater management regulations, and addresses some of the operational, legal, equity, and affordability issues within the current law.

Background: 32 households in our South Burlington neighborhood, Oakbrook Pines, developed in 1980, received individual letters in the spring of 2024, notifying us that we are in a development with impervious surface of less than three acres that was previously subject to a stormwater permit designed to pre-2002 standards discharging into stormwater-impaired water (in our case, the Potash Brook), and thus we were out of compliance with state stormwater regulations and that continued non-compliance could lead to fines or clouded titles for our properties. So, even though we are a development (Oakbrook Pines) of 2.91 acres (less than three acres), we are still subject to the three-acre rule due to our proximity to the Potash Brook. Our development includes properties with relatively small lots (0.2 to 0.3 acres each), and we are not part of a collective entity, such as a Homeowners' Association. This letter did not provide concrete deadlines for action that needed to be taken, nor did it provide property-owners with detailed guidance other than to form a Homeowners Association (HOA) and apply for stormwater permit coverage through a detailed application process.

Through a round of door-knocking and email exchanges, our neighbors collectively decided to meet with the City of South Burlington's stormwater manager, who helpfully provided us with more information (but acknowledged that this set of regulations was within the purview of the State, not the City, and the City would be able to provide us with little assistance). City staff laid out three options for our 32 households **(all of which required forming an HOA):**

1. Work with the City to hire an engineer to complete a feasibility assessment, and obtain a 3-9050 permit and then construct stormwater infrastructure and apply for grant funding to offset costs;
2. Hire an engineer ourselves to complete the feasibility assessment, obtain the 3-9050 permit and construct stormwater infrastructure and also apply for grant funding ourselves to offset costs;
3. Apply for coverage under the City's MS-4 permit and pay a stormwater impact fee of \$3,631.25 per residence to bring us into compliance with regulations.

All three of these options present legal, operational, equity, and affordability challenges to our neighborhood.

1. **Legal and operational challenges:** the difficulty of obtaining unanimous consensus for 32 households to form an HOA where none previously existed, especially given that a number of the households are short-term rentals, cannot be overstated. That this was the first step for every option laid out to us was a non-starter for some neighbors, and others feared that the neighbors

who acted in good faith to form an HOA would end up shouldering the burden of paying the dues of the neighbors who ignored the regulations and decided not to engage in the entire process. We need a mechanism, as a development subject to these regulations, to comply as individual households without having to form an HOA. Asking individual households with old or expired permits to each shoulder the burden of getting into permit compliance is not reasonable, and any new legislation needs to find a more holistic approach, or one that leverages municipal systems, where they exist. Further, our neighborhood itself does not have the space to develop any real plans for infrastructure that would support better stormwater management, so hiring an engineer on behalf of 32 households does not seem to be an efficient use of resources.

2. **Equity issues:** We are surrounded by neighbors in the same development and neighborhood who aren't subject to these stormwater regulations, either because they are not located in a stormwater-impaired waterway, or because they have houses that were built before 1978. That only some of us are being subject to these stormwater regulations does not seem equitable, given that we all live in close proximity and discharge to the same stormwater ditches. This is a statewide problem that should have statewide solutions, rather than creating unnecessary sources of tension between neighbors.

3. **Affordability concerns:** Of the options laid out before us by the City of South Burlington, two of them had unknown costs—we don't know how much money it would cost our 32 households to hire an engineer, conduct a feasibility assessment, and construct any necessary stormwater infrastructure, either with or without the City's assistance. Further, we were told that because we are in an under 3-acre site, we aren't eligible for any of the grant funding set aside to help defray costs. That the City of South Burlington offered to fold our development into their own MS-4 permit at a cost of \$3,631.25 per household was generous, but also a bitter pill to swallow, especially for households (like mine) who are new homeowners in a very tough economy, or for those of us who are on fixed incomes, like a number of my neighbors. Allowing the City to incorporate this fee into our stormwater utility bills (for example) would ensure that all households subject to the regulations are obligated to pay their share in an equitable manner, and could also allow us to pay our fees over time rather than up front.

Our neighborhood believes in the health of Vermont's waterways and that the goals of the Clean Water Act are laudable. Our lakes, rivers, and streams are the jewels of our state, and they should be protected for the enjoyment of our and future generations. However, the current regulations don't set smaller non-HOA developments like mine up for success in terms of bringing us into compliance, and improvements through this proposed legislation could aid greatly in achieving greater compliance and thus the goals of the Clean Water Act.