

THANK YOU, CHAIRMAN WATSON AND MEMBERS OF THE SENATE NATURAL RESOURCES AND ENERGY COMMITTEE, FOR THIS OPPORTUNITY TO APPEAR BEFORE YOU.

I AM JOHN OTIS AND I OWN A CONDOMINIUM AT 50 FREEDOM DRIVE IN MONTPELIER.

I AM HERE AS A CONDO OWNER AND BOARD MEMBER OF THE BOARD OF DIRECTORS FOR THE THIRD GREAVES FARM CONDOMINIUM ASSOCIATION WHERE FOR THE PAST FIVE YEARS MY DUTIES INCLUDED STORMWATER COMPLIANCE.

I AM HERE TO GIVE TESTIMONY ON THOSE PORTIONS OF HOUSE 481 THAT ARE APPLICABLE TO 3-ACRE SITES.

I RESPECTFULLY ASK FOR THE CHAIRS INDULGENCE TO ALLOW ME TO BRIEFLY EXPLAIN THE 3-ACRE IMPACT ON THE FOUR CONDOMINIUM ASSOCIATIONS LOCATED JUST A COUPLE MILES FROM WHERE EACH OF YOU ARE SITTING. THE FOUR ASSOCIATIONS ARE COMPARABLE IN NUMBER OF UNITS AND IMPERVIOUS AREA

IN AND OF THEMSELVES, NONE OF THE ASSOCIATIONS HAS 3 ACRES OF IMPERVIOUS AREA. HOWEVER, THE TWO 3RD GREAVES FARM ASSOCIATIONS ARE CROUPED WITH THE CITY OF MONTPELIER TO FORM THE THIRD GREAVES FARM 3-ACRE SITE CONSISTING OF A TOTAL OF 4.11 ACRES.

SO WHY ARE WE COMING FORWARD AT THIS TIME?

GENERAL PERMIT 3-9050 INCREASES THE PORTION OF OUR ANNUAL BUDGET FROM 1% TO 12% TO COMPLY WITH THE NEW RUN-OFF REQUIREMENTS. OUR ASSOCIATION'S SHARE OF THE ESTIMATED \$250K COST OF CONSTRUCTION AND PENALTY FEES AMOUNTS TO AN ESTIMATED \$100K SPREAD OVER THE NEXT 5 YEARS FOR EACH OF THE THIRD GREAVES FARM ASSOCIATIONS. JUST A FEW YEARS AGO OUR TOTAL BUDGET AMOUNTED TO CLOSE TO \$100K.

HOW ABOUT THE TWO OTHER CONDO COMPLEXES (1ST AND 2ND GREAVES FARM). THEY HAVE BENEFITED FROM IMMUNITY TO THE STORMWATER RUN-OFF MANDATES. THEY BOTH HAVE IMPERVIOUS SURFACES—BUT WHAT THEY DON'T HAVE IS THEIR ACREAGES AGGREGATED FOR THE PURPOSE OF COMPLIANCE UNDER STORMWATER REQUIREMENTS AS WE HAVE.

IN HOUSE 481 IN PARAGRAPH 1264 (D) (2) THERE IS AN EXPRESSION OF FUNDAMENTAL FAIRNESS ABSENT FROM OUR SITUATION WHERE THE REFERENCE STATES IN PART “MUNICIPALITY MAY ASSESS MUNICIPAL IMPACT FEES ON USERS OF THE STORMWATER SYSTEM PROVIDED THAT A MAJORITY OF THE PROPERTY OWNERS SUBJECT TO THE IMPACT FEE **CONSENTED** AND THE IMPACT FEE ASSESSED IS A **FAIR** APPORTIONMENT TO THE USER OF THE COST OF THE IMPROVEMENT IN ACCORDANCE WITH THE BENEFITS THE USER RECEIVED.”

AGAIN, IN PARAGRAPH 927 THE DEVELOPED LANDS IMPLEMENTATION PROGRAM PROVIDES FINANCIAL ASSISTANCE TO PERSONS WHO ARE REQUIRED TO OBTAIN A PERMIT TO IMPLEMENT REGULATORY REQUIREMENTS THAT ARE NECESSARY TO ACHIEVE WATER QUALITY STANDARDS. THUS FAR, FUNDING HAS BEEN ONLY PROVIDED FOR THE DESIGN OF THE PROJECTS. I AM PROPOSING AN ADDITION TO LINES 7 AND 8 THAT CURRENTLY READS “THIS PROGRAM SHALL FUND OR PROVIDE FINANCING FOR PROJECTS RELATED TO THE **PERMITTING** OF IMPERVIOUS SURFACE OF THREE ACRES OR MORE ...” THE RECOMMENDED CHANGE TO BE INSERTED BEFORE THE WORD “**PERMITTING**” WOULD INCLUDE THE WORDS “**DESIGN, CONSTRUCTION AND ...**”

THIS WOULD ALIGN THE CURRENT PROGRAM WITH THE SAME **FUNDAMENTAL FAIRNESS** EXPRESSED IN SECTION 10 OF HOUSE 481 WHERE IT READS “THE STUDY COMMITTEE SHALL (3) (C) PROPOSE HOW A REGIONAL STORMWATER UTILITY DISTRICT COULD BE ELIGIBLE FOR CLEAN WATER STATE REVOLVING LOAN FUND AWARDS AND ACCESS STATE LEVEL FINANCIAL ASSISTANCE FOR THE **DESIGN, CONSTRUCTION, AND OPERATION** OF REGULATORY AND NON-REGULATORY STORMWATER SYSTEMS, INCLUDING FROM THE CLEAN WATER STATE REVOLVING LOAN FUND; AND...”

IN ORDER TO OFFSET A PORTION OF THE FUNDING TO IMPLEMENT THE CHANGES ASSOCIATED WITH FUNDING CONSTRUCTION, AS WELL AS, PERMITTING/DESIGN, I PROPOSE A **CHANGE TO SECTION 927** JUST AHEAD OF THE LAST SENTENCE THAT ADDS THE WORDS “THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION WILL CONDUCT A **REVIEW** OF 3-ACRE SITES AND **DELETE THOSE 3-ACRE SITES** WHERE MULTIPLE PROPERTY OWNERS OR ASSOCIATIONS HAVE BEEN **GROUPED** FOR THE STATE’S CONVENIENCE SO AS TO FALL UNDER THE 3-ACRES OF IMPERVIOUS AREA MANDATES FOR STORMWATER RUN-OFF.”

THE ELIMINATION OF THESE GROUPS FOR 3-ACRE COMPLIANCE WOULD ENHANCE JUSTICE AND FAIRNESS BY ELIMINATING NEIGHBOR ON NEIGHBOR CONTROVERSY AND THE SIGNIFICANT EMOTIONAL TOLL THAT THE INEQUITIES ARE TAKING THAT SENATOR CHITTENDEN MENTIONED IN HIS TESTIMONY HERE JUST TWO WEEKS AGO.

FINALLY, I HAVE POINTED OUT HOW HOUSE. 481 STRESSES THE IMPORTANCE OF FAIRNESS, AND EQUITY. THAT IS NOT THE CASE WITH THE GREAVES FARM ASSOCIATIONS WHERE **ONLY 64 OF 132 UNITS MUST COMPLY WITH STORMWATER** MANDATES. WE HAVE COMMUNICATED OUR OPPOSITION TO BEING INCLUDED IN A 3-ACRE SITE TO THE DEC ON MULTIPLE OCCASIONS ONLY TO BE REBUFFED EACH TIME. RECENTLY, I SENT A LETTER TO SENATOR WATSON OUTLINING OUR PREDICAMENT AND NOW WE ARE SEEKING THE SUPPORT OF EACH OF YOU TO HELP US IN OUR EFFORTS TO ACHIEVE SOME SEMBLANCE OF **FAIRNESS, EQUITY, AND JUSTICE** AS IT RELATES TO STORMWATER MATTERS.

OUR SITUATION IS AKIN TO THE CITY APPLYING A 12% TAX INCREASE ON THOSE PEOPLE WHO RESIDE ON HUBBARD AND LIBERTY STREETS AND EXEMPTING FROM THE TAX INCREASE THOSE RESIDENTS WHO LIVE ON MAIN AND STATE STREETS. THERE WOULD BE NO FUNDAMENTAL FAIRNESS HERE.

FINALLY, BOTH THIRD GREAVES FARM ASSOCIATIONS SEEK YOUR SUPPORT FOR OUR PLIGHT AS STORMWATER ISSUES CONTINUE TO HAVE SIGNIFICANT IMPACTS ON HOMEOWNER, ASSOCIATION, AND MUNICIPALITY BUDGETS.