

## Agenda Summary

May 14, 2018

### Agenda Item No. 5

#### Utilities Ordinance Amendment (Upper Mountain Road District)

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Summary: This time has been set aside for a public hearing on the proposed amendments to the Utility Ordinance as follows:

Section 8-20 (d) Except as provided in this sub-section below, no ***new*** structures ***that exceed the existing permitted flows*** located in the Upper Mountain Road District designated by the Town of Stowe Zoning Regulations shall be authorized to connect and/or discharge into the Town of Stowe Disposal System. ~~except structures existing in the District on March 16, 2001, and structures constructed after March 16, 2001 that are located in planned unit developments approved under the Town of Stowe Zoning Regulations~~ *Also existing structures that existed in the District on March 16, 2001 and additions thereto, and structures constructed after March 16, 2001 that are located in planned unit developments approved under the Town of Stowe Zoning Regulations may be permitted to connect and/or discharge into the Town of Stowe Disposal System.*

The original language added to the Utilities Ordinance related to new structures in the UMR was in response to Act 250 Land Use Permit Amendment 100035-9A, dated March 16, 2001.

Act 250 has indicated that they are agreeable to new structures being connected to the municipal wastewater system in the Upper Mountain Road District provided they don't increase the total wastewater flow allocation. In a jurisdictional determination from the Act 250 District Coordinator for the Wood Chip Inn project, the determination stated: *"The facts at hand support a conclusion that the connection of one or two new structures at 4492 Mountain Rd. to the municipal sewer system will not be inconsistent with the terms of LUP#100035-9A. Specifically, the new structures will be an "in kind" replacement of the structures that exist presently. Thus, the proposed connection, so long as it does not exceed the existing permitted flows, is not a material change requiring a filing of an amendment by the Town of Stowe under Act 250 Rule 34. "*

Town Plan Impact: Sewage Disposal Task # 9: *Update the Sewer Ordinance as needed, including the Allocation section.*

Fiscal Impact: N/A

Recommendation: Move to warn approve the amendments to the Utilities Ordinance as indicated.