

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR MAY 4, 2020 MEETING**

Approved on May 18, 2020

Commission/Board Members Present: Gordon Gebauer, Mark Letorney, Seth Jensen, Koi Boynton, Alison Hope (on the phone)

Commission/Board Members Absent: George Lamphere

Also, Present: Paul Birnholz (town resident), Taylor Newton (CRPC), Heather Armata (town realtor & resident)

The meeting began at: 6:40 p.m.

Amendments to Agenda

In light of Allison Hope's late arrival to the meeting, Gordon proposed amending the agenda to discuss a matter raised by Seth Jensen. The ANR has proposed IUP language for the Clean Water Revolving Loan fund for community wastewater systems. Language is currently of concern because it is limited to residential uses. Seth would like the WPC to provide comments recommending the language be altered to include municipal buildings and commercial establishments.

This language is problematic for Westford because of our two major goals of providing capacity for failing systems at municipal and public buildings and expanding the grand list.

Seth has put a draft letter together for the WPC. Taylor has requested copy of letter because CCRPC would also be concerned with that language. The hearing on the intended use plan is June 18th. WPC will get comments to ANR before that date. Taylor believes that CCRPC and other RPCs would support sending in letters for a language change.

While it is an assumption that the current language is a drafting error, the language is troubling and confusing and justifies the WPC submitting comments.

Commissioners should provide comments on Seth's draft letter by Monday, May 11th and the WPC will review the letter at the next WPC meeting (May 18th).

Citizens to be Heard & Announcements

Paul Birnholz joined the meeting to get a better understanding of what the Commission has been up to and better understand the current plan for wastewater because his property is near or close to the common. He will continue to attend meetings to learn what is going on.

Gordon let Paul know that COVID has slowed us down but in term of wastewater we are looking at grants and forgiveness loans but in order to meet those deadlines we need to have certain documents drafted by June of 2020. We are working with our consultants to

accomplish this. The WPC recently approved an engineering services agreement (ESA) with the Town's engineering consultants and forwarded to the SB. Once the SB has approved the ESA, the engineers will complete a Preliminary Engineering Report (PER) that the town will need in order to apply for federal and state funding sources.

Seth added that PER includes funding scenarios to determine % loan, % grant to give some idea of what the individual user fee would be and what the ratio looks like. This is the big community question and the PER will work on addressing that.

1705 Route 128 Property

The goal of this evening's meeting was to talk with the SB and town realtor to discuss how to move forward the conversation of the Route 128 Property. We asked the Selectboard if we could invite Heather to this meeting, which was approved, and we also invited Alison Hope from the Selectboard. Allison is late to join the meeting. After a brief discussion, the WPC decided to continue the discussion without Allison to determine what we agree on and what is out of our control and then we will present Allison with a WPC view.

Seth pointed out that one of the purposes of this meeting was to close the loop with the property owner (George P.). Let us discuss what message we would like to send to him, that process will be worth talking through.

Gordon acknowledges that the plan was bold to begin with and we are now in a different time where we do not know when the economy will recover. We also do not know how our community members have been impacted by loss of income and we need to be sensitive to that. We do owe the property owner a discussion of where we are at, how we see the project moving forward and a timeline for moving forward. If we are to move forward with an offer it would include significant conditions with unknown timeframes and end dates. That could be a concern to the property owner.

Discussion:

When the state TIF program language change was moving through the Legislature, the financial scenario and cost to the property tax owners was very low. Without that TIF it is a very different scenario. It is unclear if that TIF will move forward this legislative session. Therefore, we should look at other financial scenarios, which will still result in an undefined timeline. Acquiring property with federal funds has very specific rules and would that work with this property? Could we then turn that property over to a different party that is better equipped to develop that property and the town see a revenue benefit from the resale of that property?

Taylor mentioned that the Legislature will be meeting throughout the summer. We do not know the TIF legislation will be addressed in the summer? Seth responded that we should ask Rep. Bancroft about that. The outcome of the phase 2 brown fields investigation is still on hold. That would need to be complete before any offer can be made, by any buyer. Doing the wetland and flood plain delineation should be complete. Gordon pointed out that the other things that would need to occur is a successful bond vote for the wastewater system. The underground storage tank needs to be removed and the soil needs to be tested to determine contamination. Asbestos might also be an issue and that

needs to be addressed. The WPC discussed how and to what degree this property redevelopment is tied to the new wastewater system, and wondered about the condition of the current system serving the house. It is believed that the leach field for the 1705 Rt. 128 property is tied to the town office and library leach field that is under the town office parking lot.

In addition to the town office wastewater system issue, we have the issue of the vault and the fact that books are being stacked on top of books and that will not last for much longer. The town needs a new town office to address this. There are short term storage options, but they are not ideal.

Gordon is proposing that we identify how we want to move forward and then sit down with the property owner to discuss contingencies and timeline. If those terms are agreed to then write that up in a sales agreement and move forward. If the contingencies and timeline do not work for the property owner, then we would know that the project will not move forward.

Allison joined the meeting by phone at approximately 7:00pm. Gordon summarized for Allison the discussion to this point and asked Allison how the Selectboard would like to move forward.

Allison acknowledges that our world is much different since we discussed this last and the Selectboard has real concerns about property owners in the town being able to make tax payments. At this point, we do not believe that the Legislature will be moving forward with the TIF language change this session. This leaves a great deal of unknowns for the project.

The WPC agrees that there are many unknowns and we need to discuss the TIF language with Rep. Bancroft. The WPC agrees that we need to find a financing contingency that would fund a large part of this development project if the TIF does not move forward. The WPC and SB need to come to agreement on the potential conditions so that they can be presented to the landowner. A second possibility is to investigate if there is a small group of investors in the town that might finance the project.

As a town – we need village wastewater, a new town office and we cannot burden the residents with a costly bond vote. Everyone agrees with that.

Mark - We have a unique opportunity and we need to look at this creatively. We have a great many unknowns including the funding sources. What we do know is that we need this property because if we separate this property – wastewater is not going to happen. Without this property we just have a wastewater project for some town residents and the public buildings with no economic development project that this property provides. We need to include the property owner in the development of this project because this project is a dedication to their father not a financial decision. We need to build that relationship so the family can wait for us to have a full project ready to present to the voters in a package deal bond vote. We need to look at the advantages to the town owning this property and managing this economic development project so when funding does become available, we can present a full project that is shovel ready.

Gordon agrees that we need to discuss the project with the family, but this property is not necessarily tied to the wastewater project. If the project is too lofty then we might not get either project approved by the town.

Heather, the thing is that we do not know what the sale price is and how long the family is willing to wait. Until someone goes to the property owner with the conditions and offer on the property then we do not know if this property is even a viable option.

Mark believes that all we need is a conversation with the property owner to see if they are willing to wait as the project is developed and the sale price is not the sticking price.

Seth states that the outcome of the brownfield investigation is a major factor. If there is soil contamination it is possible that the remediation is a soil cap. A huge cost of the wastewater is hauling gravel off site. Moving that soil to the brownfield site that is within the town will save a huge portion of the wastewater construction cost. If the property also provides access to the river, this could be funded by the WISPr Water Infrastructure Sponsorship Program that exists through the state revolving loan fund.

Heather states that the price contingencies need to be developed with the select board and make an offer even if the timeline is two years. Unless we are under contract none of this work makes sense.

Gordon points out that the property owner will want a clear understanding of what they will get at the end of two years. That time of waiting has a value and the purchase price needs to include that, if the landowner will not consider any other offers during this time.

Mark agrees with Gordon and Heather except that it should be the WPC working with George P. on that offer, making it simple and developed in partnership with the landowner.

Gordon suggests having a screen to screen conversation with George P. about our parameters to get an understanding of whether those parameters and timeline will work for him.

Heather reminds the group that there is \$100,000 of work that the town will need to do on this project so paying prime value is not going to work for the town.

A question is posed to Allison on how to move forward with George P. – if we are just having a conversation about contingencies then it does not have to be as formal as a Selectboard meeting. Gordon believes we can have a shared meeting with the WPC and SB to have a conversation with George and talk it through. There is agreement with that. Seth points out that the timeline is what needs to be discussed and determine if the property owner is on board with that timeline. If not, this project cannot move forward. The up-front costs identified by Heather can be included in the purchase and sales agreement so that if the property is sold to another buyer the town is reimbursed for those up-front costs.

Taylor – offers that tax stabilization agreement could be tool to provide time to develop the funding plan. The town would need to have a written agreement and we could secure

a planning grant from VCDP (VT Community Development Program) to cover those up-front costs for the project. The town does not have to own the property – there is a 5 or 10% local match but that can be in-kind from town staff or CCRPC time. Apply in September, hearing is in November and the funding decision is in January. It could be May 2021, before we have a signed grant agreement. The predevelopment work is 2 to 3 years out with that timeline.

Gordon summarizes that we have agreed to have an initial conversation with George to discuss the timeline for this project and determine if that is an option for the family. Heather can work and be in person with George, if needed and the WPC and Alison can join by zoom. Mark will invite George to a meeting and bring meeting dates to the WPC, Alison, and Heather.

Gordon will send out parameters that this group discussed so that folks can offer feedback prior to the meeting with George to build consensus with WPC and SB.

Seth has requested that Taylor put together the scenario he discussed with tax stabilization and VCPD funding and timeline. That scenario will help in discussing the project with the property owner. Taylor will put that together.

Gordon mentioned Seth's letter to our town clerk about our need to continue to move project forward despite the pandemic. Seth did send it as a resident. Gordon would like the WPC see that letter. Seth will forward it.

Taylor believes it is worth asking VCPD if a town can apply for a planning grant and implementation grant in the same cycle. The implementation grant could go toward the implementation grant to fund the construction of the wastewater system. Those grants are up to \$1 million and do not require a local match. This conversation should happen in the next month.

Actions:

- Gordon will draft email of parameters to build consensus before meeting with property owner
- Mark will invite George P. to a meeting and send potential dates to WPC, Alison & Heather.
- WPC will respond to Seth's drafted letter to state by Monday, May 11th
- Taylor will draft a paragraph of suggested tax stabilization and VCPD funding options

The meeting adjourned at approximately 8:13 p.m. a

Submitted by,
Koi Boynton, Westford Planning Commissioner - Vice Chair

