

**TOWN OF WESTFORD  
PLANNING COMMISSION MINUTES  
MINUTES FOR DECEMBER 21, 2020 MEETING**

Approved on January 18, 2021

**Commission/Board Members Present:** Koi Boynton, Gordon Gebauer, Seth Jensen (joined at 7pm), George Lamphere and Mark Letorney.

**Also, Present** Melissa Manka (Planning Coordinator)

**The meeting began at:** 6:31pm

**Amendments to Agenda:** None

**Citizens to be Heard, Announcements, Correspondence & Other Business:** Daniel Strobridge listening in to hear status on language for primitive camp sites; Ben Bornstein joined the meeting at 7pm to hear the Land Use and Development Regulations revisions.

**Minutes of the December 7, 2020:**

*VOTE* - Mark makes a motion to move the minutes.

George seconds the motion.

The vote passes: 4-0.

**Town Center Community Waste Water Project Status Update:** The Community Waste Water Preliminary Engineering Report (PER) was presented to the Westford Select Board (SB) at their meeting on December 10, 2020. Based on Melissa's request, the SB submitted questions on the PER. The SB's emailed questions have been forwarded to the consultants. There is discussion regarding whether or not the SB approved the submission of the PER to the Agency of Natural Resources (ANR) with a vote and whether or not a vote was necessary to submit the PER. Mark and George were present for the full December 10<sup>th</sup> meeting and Seth joined at the end of the meeting. Neither Mark or George remembered a vote during the meeting. George points out that there was no discussion regarding not submitting to ANR and no concerns regarding that step. Mark points out that the discussion focused mainly on the maintenance and user fees of the Waste Water Project. It was discussed that the SB's questions and meeting discussion emphasize the need to bring them into the fold more on the project. The SB's focus on the expense of the project was also discussed. The PC identified that the user fees and construction expenses are not things we know now but are a result of the process with the consultants. Everyone acknowledged the need to bring the SB more into the fold but that we will have two new SB members after March 2021. The PC discussed the upcoming transition of the SB. Julia's term is up and Allison will likely be moving out of town by spring. There will be two positions on the town ballot, a full term and partial term SB seat. For now, Melissa will continue to ensure that SB member, Bill Clearly is up to date on the progress. To provide more clarity for the PC

and SB now, Melissa will respond to their questions and review the meeting recording to determine if a vote was taken or if there is clarity from the SB on submitting the PER to ANR.

There was discussion regarding the timeline of submitting the PER by the end of 2020. Since the PC's main objective is to minimize the financial impact to the town and we do not have the true costs yet to present to the community, should we slow down the process. Melissa points out that we shouldn't rush towards construction but we should get the facility plan approved and move towards Step 2, if there is 100% funding now and look towards a bond vote with contingencies. These actions will trigger the state to ensure the 50% subsidy program will be in place to support construction in 2021 or 2022. It was discussed that Step 2 will provide the actual construction cost and maintenance costs, providing the clarity needed to bring the project to the voters. The PC does not want Wastewater to be a burden to tax payer and wants the project to benefit the town. Step 2 will provide that clarity.

**VDCP Grant Update:** Melissa has been working on getting all the forms to Taylor for upload. Approval of the town plan is a contingency for the VDCP grant. We have everything in place for approving the updated Westford Town Plan before Town Meeting, 2021. Our current timeline is - January 18<sup>th</sup> will be the PC public hearing and the SB public hearing will be February 25<sup>th</sup>. The latest edits recommended by Chittenden County Regional Planning Commission (CCRPC) and discussed at our last meeting have been incorporate and the January 18<sup>th</sup> public hearing has been warned.

Update on the 1705 property (that is the focus of the VDCP grant) the archeologists visited the site and determined that a phase 2 archeological analysis will need to happen. It will be determined if Brownfields funding would pay for this. This archeological analysis will determine where structures can go or what needs to be done to place buildings. The archeologist determined that the house is eligible for state historic places. Their full report should be out by early January.

*Seth and Ben Bornstein joined the meeting at 7pm*

**Unified Planning Work Program Application (UPWP) Discussion:** Seth and Melissa met with Regina and Taylor from CCRPC and discussed the UPWP. The program allows towns to submit proposals for CCRPC staff time and funding for projects, the process supports the development of their workplan and budget allocations for the following year. The CCRPC is currently managing our VDCP planning grant for the 1705 property. Taylor is providing project management and administration for that grant. We need to consider implementation of that grant now and next steps. Taylor has identified that 100 hours at \$60/hour is the estimated amount of time for follow up on the VDCP planning grant. The CCRPC is not requesting a full application from Westford for the UPWP but if the PC could allocate a portion of funding towards the next steps from the VDCP then CCRPC could include that time in their 2021 work plan. There was discussion regarding committing a 20% match for the identified 100 hrs. This would be in line with the transportation UPWP applications requirements and would likely be

enough or CCRPC to prioritize the 1705 Project. It was identified that this match would be \$1,200 and the funding would come from the PC's special projects budget and would be allocated in next year's fiscal budget. There was question of the current reserve in the special projects fund. Melissa reported that we will have \$15,000 to \$20,000 reserved by next fiscal year. The PC would likely also have the \$8,000 special projects annual budget for next fiscal year, if the PC budget is approved as is. The PC does need to keep in mind that we will need to pay back \$20,000 for the clean water loan fund and we might need money to put toward that VDCP match but we should have enough to cover both. There was question regarding how the Special Projects fund has been used in the past. Melissa reported that we have used it for the wetland delineation at the 1705 property. Considering current expense and allocations, the PC would have enough to cover \$1,200 CCRPC expense, especially if level funded.

**VOTE:** George makes a motion to approve up to \$1,200 to cover CCRPC time to support implementation and next steps resulting from the VDPC grant, after the planning grant term is finished. Gordon seconds the motion. Discussion: Seth wanted to ensure that we are up to \$1,200 and no money will go towards this if there are no next steps – it is agreed that is up to and no money would be allocated if there are no next steps. The vote passes: 5-0.

**UPWP Discussion continues:** Seth and Melissa also discussed the Culvert under 128 and the drainage under 1705 property with CCRPC staff. They pointed out that they do have transportation funds that could support the plan for how to deal with that culvert. Since, the VDCP grant will not include a scope of work to figure out what to do with that culvert to ensure development of the 1705 property is feasible; the CCRPC has offered to support development of a scope of work and cost estimate to address the culvert. We know that VTrans will not cover the expenses related to moving the culvert and in order to move it; the town would need to develop a plan that is presented to VTrans that addresses the culvert. George asked Mark if this would help or hinder the 1705 project. Mark is concerned about addressing the culvert as a solo project. He believes that the entire stormwater management plan needs to be developed together and will inform where the buildings end up. It is emphasized that the two projects would all be working simultaneously and part of the larger plan and it would support presenting a plan to VTrans that is more reasonable than a 30-foot-wide grass area. Seth believes it is important to talk about what the request to CCRPC is – is it asking for the funding to have an engineer look at the culvert and where it goes and how it works with stormwater and the building positioning. It was discussed that CCRPC would help develop a cost estimate to develop a plan for moving the culvert under a state highway. The VDCP grant would focus on the actual site design. Mark points out that the site plan should drive the project and not the culvert plan driving the project. It is agreed that the site plan is the driving force but CCRPC's support would allow us to be proactive in finding a solution for the culvert so that we are not thinking about it in the last minute. There is not enough funding in the VCDP planning grant to develop the site plan and address the engineering for the culvert. VTrans has pointed out that the town is responsible for stormwater management and the state culvert needs to mesh with the full stormwater management for property. George suggested reaching out to CCRPC to see address

stormwater holistically. Mark recognizes that we need to address the culvert to deal with the stormwater but asks that the full plan is developed before CCRPC comes in to support. It is discussed that maybe the focus on the culvert is not the right way to discuss this project. The timing for all the pieces is discussed. CCRPC's fiscal year starts July 1 – they are talking about starting work on the culvert/stormwater management in September 2021, at that point the VDCP planning grant will have made a lot of progress – so if we wait until September 2022, to address the culvert/stormwater management, we will have a big gap in timing. It is two projects moving forward simultaneously – CCRPC would provide us a study that would allow us to understand the total costs of the culvert/stormwater management and the site plan will come together at the same time, allowing us to move the full project forward. Mark would like to talk to regional planning to understand how much of a role regional planning will play in our stormwater master plan. Melissa will work with CCRPC on a scope of work, budget and 20% match for the scoping plan. To clarify, it is not construction, CCRPC would hire a consultant that would develop a plan for the culvert under Route 128 that drains the common. Mark would like to ensure that they understand the entire project because it is not confined to 1705. Seth believes that we can refine it to reflect the issues that Mark is talking about.

**Form Based Code & Waiver Language:** The historical society has bought a property on Common Road and they are planning on building a replica of the blacksmith shop that once stood on the land. They will use the space to display their artifacts. It was discussed that their design does not conform with the required percentage of windows on a building's frontage. They are hoping to get a waiver but waivers are only allowed for dimensional requirements. Melissa talked with a VLCT lawyer about how to address this. The lawyer suggests that, in this instance, it is up to the town to determine whether the form-based code requirements are seen as dimensional requirements and whether that was the intent of the regulation. Melissa wanted to bring the issue to the PC to ensure that it aligns with their vision. Seth explains that the empty lot on common road next to 4 Common Road used to be a blacksmith shop and the historical society wants to replicate that building and because of that they would not meet the window standards. The purpose of the window standards is to encourage historic design and not have blank walls on the common because it is not welcoming. This historic design was not anticipated. It is a unique circumstance that is an important part of our town history of manufacturing. It would make sense to provide a waiver. Seth also suggests that the PC should add language in the form-based code to allow waivers for replicas. Gordon agrees with what Seth has said and wonders if the current design could be approved by DRB or could we address this in this round of amendments? Melissa points out that our current round of amendments will be in line with the Historical Society's timeline. Seth believes there are ways to allow this under the current form-based code, but it is in that gray zone and if there was an appeal there could be a problem. It is proposed that in order to protect the town, adding something to the Form Based Code language allowing for replicas of local historic buildings with tight conditions. We are all comfortable modifying the language to allow for this – Seth will propose language. Mark prefers keeping waivers to a minimum – all are in agreement.

Melissa will update the historical society that they can keep on their timeline and asked that the replica waiver be an administrative approval.

*George points out that we are a half hour behind schedule and Gordon likely needs to leave at 8:30. Let's move forward.*

**Westford Land Use & Development Regulation (WLUD) Amendments:** Language for nonconforming uses is discussed. George has reviewed this with Taylor at CCRPC. Taylor will be able to develop language regarding preexisting, non-conforming uses in early January. Waiting on Taylor's language for early January is reasonable and will provide us with valuable experience on how other towns have dealt with preexisting, non-conforming uses.

**Discuss Proposed Changes to Chapters 1 & 2: Chapter 2. Section 214.** Allowing for a principle residential and principle nonresidential structure on a lot. The regulations allow for this but we had not foreseen multi-family residential. Do we need to make clarifications or could we leave it as is and let wastewater dictate? It seems good for diversifying housing and it might not be what we thought would happen but it is interesting to see where people have ended up with the tools we have given them. We won't restrict mixed use...thoughts? George asked what is the worst-case scenario? It is more about size – could end up with a 10,000 square foot residential structure and another 10,000 square foot mixed use. You could have a sizable development. Maybe that is fine with diversifying the grand list. In the R5, the point system would ensure that it would blend in with the surroundings. George thinks there is enough in the regulations to guide the town in keeping with the rural character. In the R10, we restrict the number of units to 2 so it would not be huge structures. In the R5, the point system protects us. We have duplexes that are pretty large but well-designed that are 5,000 square feet but they are nicely designed. We will leave as is.

**Section 215:** Discussion regarding lots that are in more than one district. Issue is that we used to have a statement on how to calculate density. Example: if you had 11 acres in one district and 20 in another district, you would divide the minimum lot size that you had in each district and that would determine units. We added this language about moving a district 100 feet but we took out language on how to calculate density. Mark thinks each zoning district should apply. We allow moving that district by 100 feet either way. Jericho has language that would help. Mark states, it is a lot to hang on to a large piece of land and because you needed 150 feet to move the boundary instead of 100 – it seems it is heavy burden. How did we come up with 100 feet? We had a long lot that just had a sliver in 10 acres zoning district that regulations didn't allow her to subdivide to give to her granddaughter. Mark will look at Jericho's language and come back with another suggestion and Melissa will ask other planners and send it over to Mark. We should adhere by our zoning district standards so it would be good to look at Jericho's language.

**Section 251D:** Mark asks for a few minutes to get better guidance on impervious surfaces. Melissa explains that the lot coverage was just for non-residential because previously we used

to restrict the size of non-residential buildings to 4,000 square feet to ensure commercial development was in keeping with the rural character but it pushed small business out of town. It was to guide commercial development not residential, but some developers thought we were allowing a lot of impact and it surprised them. You would really allow 30% on 5 acres? R5 is along our paved roads and that is where we would have larger commercial development and if we are talking 5 acres and 30% - a greenhouse operation that we would like to see they have huge amounts of impervious surface – we count gravel driveway as impervious surface. We should encourage gravel over pavement or asphalt. Allow for less of an area if it paved vs. gravel. We do have to accommodate for commercial traffic. It is about dictating the size of commercial business. Mark will take another shot at it.

**Grant Writer Status Update:** The SB hired Liz Curry. She has an impressive background. Melissa spoke with Julia and she asked Nanette to work up the contract and other paper work and she suggested that the PC discuss what projects we have in the works and work directly with Liz. George suggests that we have Liz join us in January. Julia pointed out that the budget will not go far and the PC should identify grants so that Liz's time is spent on writing and not researching. It is decided to invite her to a meeting and see what she is thinking about the process and talk through some options. Since the PC has the Town Plan public hearing in January, we might need to wait until February for a meeting with Liz. Ben Bornstein spoke up to offer his volunteer time to support grant submission. He has time and if research needs to be done, getting paperwork together, or proofreading at the end of the process - Ben would be happy to help out to maximize the grant writer contract. The PC will explore how Liz could work with a volunteer and greatly thanks Ben for his offer of support.

**Town Center Revitalization Webpage:** Gordon reports that the website is in good shape and will roll it out in the new year.

**2020 Work Plan:** January 4th – the one thing is that it doesn't not allow a lot of time for regional planning forms but Melissa will work to get them done. On January 13<sup>th</sup> regional planning will review the town plan. These meetings are typically at 2:30 and Melissa will send along the invitation to that meeting. Melissa will be attending. January 18<sup>th</sup> is the PC's public hearing and we will refine that meeting. First meeting in February, invite Liz – yes! Every year we need to apply for state's clean water revolving loan fund to get on the priority list – each year it is more important to be on that list. The consultants review it beforehand. Instead of bringing it to a January meeting can Melissa just complete it and submit it. Yes, please submit for renewal.

**Wrap up & Next Meeting:** Seth question – did we talk about the letter to extend the loan forgiveness. Discussion about the appropriateness of the letter and need to submit it. Discussion on steps to submit – Melissa will follow up with Charlie at CCRPC to get clarity on submission.

**VOTE:** Koi makes a motion to submit the loan forgiveness letter that Seth has written to the state on behalf of the Westford Planning Commission. Mark seconds the motion. The vote passes: 5-0.

Meeting adjourned 9pm

**ACTION ITEMS:**

- Melissa will respond to the SB questions regarding the PER.
- Melissa will review SB 12/12 meeting to determine if a vote was taken or if there is clarity from the SB on submitting the PER to ANR.
- Melissa will work with CCRPC on a scope of work and budget regarding the Route 128 stormwater/culvert plan.
- Melissa will update the historical society regarding the % of windows on their intended structure will be allowed administratively after amending the regulations.
- Seth will propose language to address historic replica structures in the current round of amendments.
- George will work with Taylor in early January to develop language regarding preexisting, non-conforming uses.
- Mark will review Jericho's language regarding lots in multiple districts to calculate density.
- Melissa will check in with other planners regarding lots in multiple districts to calculate density.
- Mark will work on impervious service language taking into consideration the PC's discussion.
- Melissa will send an invite to CCRPC January 13<sup>th</sup> meeting, in which they will review the Westford Town Plan.
- Melissa will invite Liz Curry to a February PC meeting.
- PC will determine how a volunteer could support Liz Curry's grant writer contract during the February meeting.
- Melissa will submit a renewal application for the State Priority List.
- Melissa will call Charlie Baker, CCRPC Executive Director, to discuss steps for submission of the loan forgiveness letter.
- Gordon is going to get together with Melissa regarding the updated language for the point system.