

**TOWN OF WESTFORD  
PLANNING COMMISSION MINUTES  
MINUTES FOR MAY 18, 2021 MEETING**

Approved on June 21, 2021

**The meeting began:** 6:33pm

**Roll Call - Commission/Board Members Present:** Koi Boynton, Gordon Gebauer, Seth Jensen, George Lamphere and Mark Letorney.

**Also, Present:** Melissa Manka - Town Planner, Amy Macrellis – Stone Environmental, Jeff Fehrs – Engineering DEC/CWSRF Program Supervisor, Julie Beth Hinds – Birchline Planning, Brad Washburn – Green Mtn. Engineering, Lynette Claudon – NRDEC (joined at 7pm), Tom Brown – DEC (joined at 7pm)

**Amendments to Agenda:** Meeting with the Selectboard on Thursday for ARPA funds discussion.

**Town Center Area Community Wastewater**

**Status Update – Preliminary Engineering Report (PER), Environmental Impact Determination (EID) & Step 2 Application & Engineering Services Agreement (ESA):** The PER was submitted and accepted by the state. Brad does need to make some edits and corrections based on town feedback. This will be submitted with the draft EID. The submitted draft environmental report and the companion EID will start the environmental review period. Some of the PER modifications were discussed. George asked what the process for revisions will be and who needs to approve them. Selectboard (SB) review is not a requirement of the state Clean Water Revolving Loan Fund but the Planning Commission (PC) should ensure that the SB is up to date in order to be responsive to the timeline. Consultants will provide a bulleted list of points to cover from the PER, for the PC's reference when communicating about it. Brad stated that the PER would be done by the week of May 28<sup>th</sup>.

The Step 2 application will be wrapped up next week and the draft can be sent to the state. Our timeline is tight for getting in during the current fiscal year and 100% loan forgiveness. There was discussion regarding if the loan application needs a SB signature for submission. Tom Brown needs to confirm this and hasn't joined the meeting yet. Brad was waiting for this meeting to ensure that everything is in place. It is ready to be shipped off.

**Financial & Technical Questions:** Step 2 – The goal is to submit the Step 2 to take advantage of the subsidy that exists this year. The ESA has still not been submitted. The ESA needs to get in to ensure everything is appropriate and eligible. Brad states that the ESA can be submitted, it is ready to go, pending this evening's meeting. The Step 2 application should be signed before it goes to Tom Brown. Draft ESA and loan application needs to be executed before June 30<sup>th</sup>. The

facility plan is not needed. The state discusses a possible process of disbursing the loan while the facility plan is being put together. It is agreed that all parties have been working on this project long enough to know that the environmental impact is going to be minimal. There was discussion of breaking the project into 2 lumps. Lynette proposes a Step 1 amendment so that as much as possible can be forgiven. DEC will discuss with Tom. The recommendation is to submit the ESA, so the state can review and make recommendations for splitting it in two. There was a question regarding what can be covered by the Clean Water Revolving Loan Fund – administrative costs, income survey, mailings, permit fees? Requests will go to Jeff but he will need to check with other staff on historic practices as well as Federal Funding regulations. The loan term is 0% interest, 0% administration, no payments 5 years and 5 equal installments to pay off, if it is not constructed. If construction happens, the original loan is rolled over into a construction loan with 2% administration, 0% interest, term is for the asset life (20 or 30 years). JB asked how asset life is established. Lynette explained that everything in the bid is assigned an asset life though a mathematical formula. The discussion of splitting the loan into two was raised again. This approach would allow the town to take full advantage of the subsidies and reapply for an amendment so there is no gap.

Public Outreach – The User Survey is in Step 2. What does this look like and are there existing examples of this survey? JB explains that it is not actually a survey but a public engagement process. Typically, this outreach includes meeting with intended users one on one or in small groups to ensure that they will want to connect. It provides a feedback loop from the end users to the consultants and town. A letter of interest is sent out to invite the end users to a meeting or event to begin the process. Everyone that is a potential user needs to be talked to – to ensure user numbers, upon construction, are accurate. There was discussion regarding incentives for end users and how these would be presented. JB urges the PC to find out what incentives will work. One example is lower residential user fees but this needs to be a discussion before putting an incentive package together. Lynette explains that there is an exemption for these types of projects and individual permits are not required. No permit fee is an early hook up incentive. Questions regarding what can be included in construction costs. Lynette explains that permanent easement should be in place and the town should own the infrastructure all the way up to the tank connection, all of that can be included in the construction costs. This raised a question regarding who owns the step tanks. Jeff states that it is either the town, utility, or residents. Amy suggested that the town should maintain ownership of the step tank in order to maintain the system. A local ordinance should be drafted to identify what can and can't go into the system and penalties for not obeying. The ordinance should also address connections, indirect discharge and system permits. The ordinance is part of the work but not on tonight's agenda – request to move on.

Step 2 – There is a question regarding impact on pay back and subsidy, if the bond vote fails. The subsidy is connected to the loan and not predicated on construction. If no construction, the original subsidy still applies but it is a %. It is clarified that ARPA funds can't be used as a match for other federal dollars. Lynette clarifies that both Northern Borders and ARPA are federal. CWSRF is sometimes federal. Tier 2 funds come directly from the state and those funds can be a grant match. The question is whether tier 2 funds are eligible for a subsidy.

Draft Intended Use Plan: The state confirms that there is no subsidy for construction next year. The strategy was to get everyone as much subsidy for planning and design so when ARPA and potential infrastructure funds come down projects are ready to go. \$8 million is the approved amount from ARPA funds allocated to waste water – what % of that will go towards construction projects? With all waste water project affordability is a priority factor. The subsidy helps make systems affordable. Affordability will be a driving factor when getting money to villages. JB mentioned that there is new EPA guidance that addresses affordability and she can work on making that case with the town for the public comment period. Draft IUP for the current year is 100% up to \$125,000 for Step 2. Next year, that will also be the case but up to \$250,000 limit but doesn't apply to waste water. Melissa asked about the left over Covid response funds from the current fiscal year and if that will be used for projects. Tom and Lynette can get back to Melissa on that. Melissa will send questions to Tom, who will review with Theresa.

PER Summary: JB will provide a PER Summary draft. She will include direct links to website, contacts, milestones of go or no-go decision points. Brad will provide information on what each house will go through to get hooked up, to provide a better idea of property impact. This could go with the informational letter or PER Summary. Keep the summary simple so that it can go out more broadly. The PER Summary should be distinct from outreach documents. Draft can be completed by the end of the week.

Informational Letter & Public Meeting Invite to Service Area Property Owners: There was discussion on when to start outreach considering that public outreach is in the Step 2, along with the ESA. It was discussed that there is a sense of urgency to talk with end users. That the PC needs to drive the public outreach and we need to talk about what we do know and what is the point that we would not move forward. There are big things that need to be identified - end user fee, tax impact, and what we need to bring in for funding. Seth can help with organization of public outreach once the Step 2 is together.

Leahy Congressionally Directed Spending Proposal: Deadline is Friday but George needs it complete by the end of the day Thursday. Points discussed where how the project will address environmental problems of the future. Something about the gaps in growth and housing development should be included. Ask for \$2.4 million. George requests that commissioners continue to answer his list of questions and he will submit by the end of day Thursday.

**Citizens to be Heard, Announcements, Correspondence & Other Business:** No citizens to be heard. Meeting with the Selectboard on Thursday for ARPA funds discussion. Update SB on timeline for submitting Step 2 Application and ESA to the state. Melissa went over ARPA fund logistics. Projects like waste water and upgrades to public buildings are eligible. Surface infrastructure or upgrades to roads are not eligible. Towns do not need to know how the funds will be used to apply. Funds need to be obligated by 2024 and spent by 2026. Funds could be used to subsidize the waste water system. Melissa and Gordon will attend the SB meeting.

During the meeting an email came in from the SB requesting to post on Front Porch Forum regarding the waster water system. The PC reviewed, discussed, and offered positive feedback on the post and the SB taking part in this type of outreach. George will follow up, letting them know that PC is in support.

**Minutes of April 19, 2021 Meeting:**

*VOTE: Seth makes a motion to move the minutes of April 19th.*

*George seconded the motion. Koi abstained.*

*Motion carried.*

**June Newsletter/FPF Article:** PER Summary. Keep the piece short and point people to the new resource with links to the full report. Invite them to engage and ask questions.

**2020 Work Plan:** June 7<sup>th</sup> is the next PC meeting and will include 1705 updates, UPWP culvert confirmation and next steps, VCDP appraiser selection. Melissa will be focusing on Step 2 and ESA. June 7<sup>th</sup> should also include time to discuss public outreach and delegate a commissioner to head that up. George needs support for the SB's June 10<sup>th</sup> public hearing for the Land Use and Development Regulations amendments. Mark will also attend. June 17<sup>th</sup> is DEC's public hearing, mark calendars.

**Adjourn:** 9:34pm