

TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR JUNE 21, 2021 MEETING
Approved on August 30,2021

The meeting began: 6:35pm

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

Also, Present: Melissa Manka - Town Planner

Amendments to Agenda: IUP Comments

Citizens to be Heard, Announcements, Correspondence & Other Business: No citizens to be heard.

Minutes of May 18, 2021 Meeting:

VOTE: George makes a motion to approve the minutes of May 18th, as amended.

Gordon seconded.

The motion passed.

Minutes of the June 7, 2021 Meeting:

VOTE: Gordon makes a motion to approve the minute of June 7th, as amended.

George seconded.

The motion passed.

IUP Update: ANR is working on how the Clean Water State Revolving Loan Fund will be allocated and how the subsidy will be awarded. It states that a portion will be for village centers based on the median income of existing users. They are currently in the comments stage and will be accepting comments until July 1st. The PC acknowledges that the existing language will work for some communities with existing systems but not for communities looking to construct new systems. The PC discusses drafting a letter to communicate how this direction will not support all towns and will not support Westford. Seth has drafted a letter and the Commissioners should take 48 hours to review and provide feedback. The letter will then be sent to the state by Melissa with George's signature as PC Chair.

VOTE: George makes a motion to approve the draft letter with additional language as discussed.

Gordon seconded.

The motion passed.

Town Center Community Wastewater Project

CWSRF Step 2 Application Follow Up: The Selectboard reviewed and approved the Step 2 application. They approved it for the full amount with the condition of not spending beyond \$125,000 without the additional funding, approved subsidy or a successful bond vote. Melissa

has discussed this approach with Tom Brown and it is fine, but if we are stuck at \$125,000 for multiple years, the state may not award the second half of the funding. The Selectboard will sign the application or next Wednesday submission.

Public Outreach Committee: The newly established committee is meeting tomorrow to develop the outreach plan to those in the potential service area. George will highlight the committee in the upcoming newsletter and Seth will review it. The Selectboard has decided to not participate in the committee, as they feel it could be a conflict of interest as elected vs. appointed officials.

VOTE: George makes a motion to appoint Seth Jensen, Heather Armata, Pat Haller, Eric Ford, and Gordon Gebauer, to the Public Outreach Committee, chaired by Seth Jensen.

Koi seconded.

The motion passed.

Route 128 Property Project

Brownfield Program – Phase 2, Petroleum Clean Up, BRELLA: Chittenden Regional Planning Commission's Brownfield Program Committee has approved the testing budget. LE Environmental did not reach an area where they found no PAH. They will test again to determine where the PAH ends. Since PAH is being found in the back field, contaminated soils could be used as fill and capped vs. moving off site. This is a much cheaper option. Since LE needs to go back for more test pits, Mark would like to go on record with his belief that they did not do a complete job to begin with. He believes they should have assessed the full property from the very beginning. Melissa points out that they picked the parking area because that was where the buses were parked. This approach was to save money but because they did not find the end of the contamination, they do need to dig more pits and it will cost more. There was discussion regarding holding contractors accountable. Regional Planning has run out of Brownfields funding but they will be getting ARPA funding for more Brownfields work. The additional testing that needs to happen will be covered. The VCDP Planning grant will provide a site plan and that will include the cap. We will need additional funding for the cap but we might be able to go to the state for this funding. In order for VT River Conservancy to access funding from VHCB to purchase the property, the property needs to be cleaned. In order to clean the property a nonprofit or municipality needs to own it. Seth is advising and connecting Melissa to other municipalities that have dealt with similar situations.

Vermont Community Development Program Planning Grant: There will be a July site visit with Chittenden Housing Trust, Green Mountain Habitat for Humanity, the VT River Conservancy, the Planning Commission, and Chittenden Regional Planning Commission. At this time the partners will discuss the timing and other funding sources for the project. There is a question as to whether the current property owner's insurance can cover clean up. Melissa points out that Chittenden Regional Planning has been reimbursed by the owner's insurance company for portions of phase 1 & 2. Melissa and Taylor did negotiate with the state so that clean up under the petroleum tank can happen. This cost will be covered by the owner's insurance. The state did not approve the clean up of the PAH. The PAH clean up can't happen until a site plan is in place. This approach is to save money so that the cap can happen at the same time as construction. It is acknowledged that dealing with a Brownfield is never easy, but the steps being taken will make the property more developable. There was discussion about the challenges of the

project and the numerous contracts and how slow the process is and if it was a private project, it would move faster. It is pointed out that the current contracts that need to be signed will be held between the town and the consultants, this will give us more control over the timeline and the process. The discussion of holding contractors accountable and frustration with the speed of the project continued. It is discussed that the pace is expected to be slow when dealing with the state and so many partners, that process takes time and is not uncommon. It was pointed out that if a commissioner takes on this project outside of the current process, it will be a conflict of interest.

An appraisal is part of the VCDP planning grant. It was confirmed that the VCDP does not require a Yellow Book appraisal. The new cost estimate for this appraisal is \$10,000. The amount allocated in the grant is \$5,000. The VT River Conservancy will contribute \$2,500 and the property owner will contribute up to \$3,000. No one responded to the first RFQ, so the question is, do we go with the company that provided the cost estimate or do we put out a new RFQ. Since the contract will be held directly with the town, Nanette was asked to weigh in and she feels that we should release a new RFQ. She believes that since it no longer requires a Yellow Book appraisal, it is a change in the scope of work. Releasing the RFQ will not impact the SB's signing of the VCDP grant agreement, but the budget will need to be amended to reflect the increase in appraisal cost and new match.

VOTE: George makes a motion to revise the FFQ to take out the requirement of the Yellow Book appraisal and release a new RFQ.

Seth seconded.

The motion passed.

The partners need to be notified that the match will need to be secured and a new RFQ will be released. Mark will follow up with the property owner. George will follow up with Taylor (CCRPC) and Nanette.

Archeological & Historic Preservation: Originally, the house and garage were designated as having historical significance. The state has revised this to only include the house. They did expand the historically significant area. This change will likely require phase 1B test pits prior to development. When the site plan is submitted to the state, they will make a final determination. The cost of the test pits will need to be put in the development budget or Brownfields remediation costs.

FY 22 Unified Planning Work Program Award: The CCRPC grant was awarded. Since CCRPC has a retainer with Hoil & Tanner, they will be the engineering firm for the project. They will design a plan for designing a new culvert under Rt. 128 that will address stormwater coming off the common and integrate with the site plan for how stormwater will be addressed on the 1705 property. Coordination between KAS and Hoil & Tanner will be critical. KAS will design the storm water management for the 1705 property and Hoil & Tanner will address common stormwater. The UPWP grant will cover \$16,000 of the \$20,000 cost and the \$4,000 will come from the PC's special projects budget. It was confirmed that we have already voted for this contribution from the special project budget in a previous meeting.

Tax Increment Financing: Seth provided an update on the State Tax Increment Financing (TIF) program. Megan Sullivan at Agency of Commerce, VEPC, is encouraging towns to work with their local delegation to develop town specific language for the State Legislature to consider.

A discussion occurred around the need for the Select Board to weigh in and be part of drafting language that would be presented to the legislature. It was agreed that the SB would need to support this before the planning commission spent time on it.

Mark expressed concern that the town would not be able to generate the development value to pay back the TIF.

Seth shared he thought that other funding sources presented better opportunities for the town and that if necessary, a TIF would make sense to fill a funding gap.

Seth felt the timeline for submitting language would be Fall 2021 for the 2022 session. The PC decided to revisit the TIF funding and language drafting topic at a later date. It has been added to the PC work plan.

July Newsletter/FPF Article: George stated that the newsletter is due Monday, June 28th by noon. There is a draft in the meeting packet. Feel free to mark up / add. George will finalize and because of out of town travel will submit before Monday.

2020 Work Plan: Melissa stated we will not have a July 5th meeting as this is a Federal Holiday. The next PC meeting is on July 19th.

It was discussed that it would be good to get a status on the various funding sources the PC is pursuing. It was added to the PC work plan for the July 19th meeting. We will be looking for updates on Congressional Request, NRBC and NSF/UVM applications.

Adjourned 9:15