

**TOWN OF WESTFORD  
PLANNING COMMISSION MINUTES  
MINUTES FOR NOVEMBER 1, 2021 MEETING**

Approved on December 13, 2021

**Commission/Board Members Present:** Koi Boynton (PC), Gordon Gebauer (PC), Seth Jensen (PC), George Lamphere (PC), Mark Letorney (PC), Bill Cleary (SB), Lee McClenny (SB), Dave Baczewski (SB)

**Also, Present** Melissa Manka - Town Planner, Nanette Rogers - Town Administrator, Rep. Alyssa Black, Juli Beth Hinds - Birchline Consulting, Katie Harris - Resident, David & Lynn Gauthier - Residents, Lori Johnson - Resident

**The Meeting Began:** 6:31pm

**Amendments to Agenda:** None

**Citizens to be Heard, Announcements, Correspondence & Other Business:** None

**Minutes of the October 18, 2021 Meeting:** Not available

**Town Center Community Wastewater Project**

**Public Outreach Report:** Melissa reports out on the meetings held and survey circulated to user area. As of this meeting date - 80.65% of user area have responded. 72% are interested, 16% maybe, 12% not interest. 88% are or maybe interested. This survey represents 25 dwelling units because municipal and civic buildings are not included.

**Status Update & Timeline:** The Town received Step 1 funding from the Clean Water State Revolving Loan Fund to complete the Preliminary Engineering Report (PER). The PER is nearly closed out. The Town is waiting for the state to approve the environmental review. The Step 2 has also been approved. This will be for final design and permitting, with a cap of \$125,000 until other funding is secured. The Step 2 includes soil borings and hydro testing at the leach field which will tell if pretreatment is possible. The second half of the approved Step 2 will be needed to complete the final design. To access the second half of the Step 2 the Town will need to secure other funding or a successful bond vote. The estimated construction cost of \$2.4 million would allow for pretreatment. The funding approved by Northern Borders Regional Commission and Economic Development Agency for \$466,000 is for construction. This grant agreements should be sent in the coming weeks. The Planning Commission with support from Rep. Black has been advocating for state funds from the American Recovery Plan.

**Example Community Wastewater System Ordinance:** Julie Beth Hinds (JB) from Birchline Consulting reviewed an example wastewater ordinance. She explained the

ordinance is adopted under the Selectboard's authority. The Selectboard has a lot of leeway around connections and finances but not a lot of leeway around engineering of the system. JB provided an example ordinance to provide an example of the content that is within it. She directed people to page 7, article 2 that covers capacity, allocations & connections. This is the most important and demonstrates the PC's recommendation that the Town allow for voluntary connection. Those with functioning systems can continue to use their systems, if they choose to. Users would submit an application to the SB to connect. Cost associated with connecting at the time of construction is wrapped into the total project cost. Users that connect after initial construction will need to pay a fee to connect. Section 6 covers failed systems and addresses public health. Only when a system has failed and cannot be remedied on site is the only time that a user would be required to connect to the system. This is a matter of public health. Section focuses on allocation of capacity. This section will take time to draft. The first priority are failed systems within the user area. These users will likely not require more than a few 100 gallons of the allocation. Another priority is additional housing units, adaptive reuse structures, and accessory structures. The allocation section will need to be reviewed on a regular basis. Reserved capacity will expire every 2 years, if not used, and those wishing to reserve capacity will need to reapply. The allocation section will require intense consideration from the SB prior to activation of the system. There needs to be an application process. Section #5 outlines transfer of capacity back to the town, if reserved capacity is not acted on. Reserved capacity is a public resource. Typically, there are fees for the application and reserved capacity. The discharge section is all engineering language. The Fees are in Section 5&6, it includes how does the Town charge people, how much is set aside each year for maintenance, and what to do if someone doesn't pay. Section 6 includes the mechanics of the fees. George asks about the timeline of the ordinance. JB explains that the ordinance does not have to be adopted until construction is going to happen. If the Bond Vote is in March of 2022 and construction begins in the spring of 2022, the ordinance should be adopted by labor day. At that point capacity allocation, secured funding and what the fees need to be will be much clearer.

**Draft Community Wastewater System Ordinance Policies Resolution:** JB shares a draft resolution that would assure users that the Town's intention is to move forward with voluntary connection. The resolution provides public assurance regarding a voiced concern. The PC does not have the authority to say hookup is voluntary. The resolution would be adopted by the SB and provide that public assurance that hookup is voluntary. Dave is concerned that the draft language over-sells the maturity of the ordinance language. There is a short discussion on how to address this.

**VOTE:** George makes a motion to strike the final whereas within the resolution.

Koi seconds the motion.

The motion carries.

The SB has a meeting on Wednesday and the resolution can be signed then.

**Draft Town Meeting Warning:** JB shares draft language for the bond vote and explains that the bond vote could happen at town meeting or a later date but should happen in the current fiscal year. The final construction numbers will be in place mid to late December along with the final request to the SB to move the bond vote forward. Nanette points out that the language of the article would be included with all town meeting warnings, it would not stand alone. It is also discussed that there does need to be informational meeting, ensuring that it will be Australian ballot, that voters do not have to be present to vote, it is not a floor vote. Moving the bond vote forward will also help with the state funding, further demonstrating the Town's commitment to the project. The SB requests simple outreach to explain what a yes or no vote means for the bond vote. There is a question regarding the use of the December 31, 2022 date. JB explains that this date is inline with the Agency of Natural Resources' (ANR) deadline to dedicate funding, prior to the next fiscal year. The SB asks if the \$125,000 from the Step 2 funds are enough to come to a decision on final construction and bond vote. The amount is not a concern. The concern is the ability to get the needed work related to determining pretreatment done before the ground freezes. Not all of the Step 2 \$250,000 is needed to get to the bond vote. The SB asks if inflation in construction costs have been considered in the cost estimates. JB explains that no public works project costs are 100% assured. The bid needs to be clear and cost estimates are updated as close to the bond vote as possible. Green Mountain Engineering is actively working on public works construction projects and is therefore aware of costs. We must take time with the bid, ensure bidders are qualified and contingencies are in place.

### **1705 Rte. 128 Project**

**Project Overview:** This project started 3 years ago, when the town staff notified the SB and the PC that the space was becoming too small and that the vault is at capacity. At a similar time the 1705 property came on the market and the owners showed interest in working with the Town. The PC put a committee together to explore options for the property. The property has the potential to provide a great deal of what residents are looking for, based on community surveys. The property could provide river access, housing, and possible town office space. The River Conservancy (RC), Champlain Housing Trust (CHT), Green Mountain Habitat for Humanity (GMHH), and Chittenden County Regional Planning Commission (CCRPC) all came on board with interest in the project.

**Status Update, Timeline & Public Outreach:** The project partners are slated to have the first public meeting to review the project and ensure that it is keeping inline with the community's vision for the common. SE Group has been contracted to create a conceptual site design. They have created options for green space, housing, mixed housing, and river access. The Town is fortunate to have a civic minded family working with us on this project. The first public meeting for this project was in January 2020. This was a public hearing that was held at the school. Bill Cleary was the only Selectboard member in attendance, Dave and Lee are new to the SB. The PC is aware that with wastewater and 1705, it is a lot going on but the project came together when it did. The conceptual plans that are being created fit within the town plan and zoning. On

November 9th the partners will hold a public meeting and work on these conceptual plans together. The PC is asking the SB for continued support on this project. The final conceptual plan will be selected in December. The appraisal will also be complete and the Pigeon Family Trust and River Conservancy will be working toward a purchase and sale agreement. January 10th is the application deadline for the funding from the VT Housing and Conservation Board (VHCB). The final decision on that funding will be made at a VHCB board meeting in March. The Town is ultimately outside of the purchase between the River Conservancy and the Pigeon Family Trust but the River Conservancy is willing to work with the Town and housing partners to develop the land. If a parcel is left, they would sell it to the Town for \$1. The Town has been supporting the work on the Brownfield and likely would continue to work with the partners to secure funds to address the contamination. The partners have been working to identify who is interested in elements of the project and the property. If secured, VHCB funding would pay for subdividing the property. Stormwater is also being considered as part of the plan with funding the town secured for CCRPC's UPWP program. The stormwater work would account for stormwater along 128 from the Library to the property. The PC answered questions regarding the contamination. There are two sources of contamination, petroleum and PAH. The CCRPC Brownfields funds and the property owners insurance has allowed for the removal of an underground storage tank. Additional cleanup under that storage tank will happen next week. This is to clean up some of the petroleum. To address the PAH the redevelopment site plan will include a corrective action plan (CAP). A non-profit or municipality must own the property to access clean up funds. PAH is present and can be addressed with CAP, but must align with the use. There is not an issue with putting a well on the property. Vapor issues have not been identified. PAH can be managed by excavating or encapsulating gravel or redevelopment would provide a protective barrier. There could be a monitoring well for the petroleum to ensure that there is no runoff. Archeological work will be needed but it is a manageable site. At the end of the day the property will need a certificate of completion. Future owners are entered into an umbrella insurance plan. The SB asked if the redevelopment would go to the Development Review Board (DRB). The project should be administratively approved because it is within the form based code. The Neighborhood Development Division of affordable housing does not trigger ACT 250. The project does have to comply with the Westford Land Use and Development Regulations. It is discussed what financial constraints a private developer would face because they can't access Brownfields funds. It is pointed out that the property would likely sit vacant if this project doesn't happen. There was a question from Bill Cleary regarding sewer capacity on the property. The property has a grandfathered wastewater system with no additional capacity to the Town's knowledge. It has the same clay and high water table as the rest of the Common. Wastewater can happen without this project. The project would be difficult to move forward without wastewater. 1705 does potentially offer well water for the town offices and library and provides public access to the river. It will also provide affordable housing in the center of town with all the amenities. The public meeting will be on November 9th at the school at 6:30pm.

## **Town Center Area Stormwater Mitigation**

**Project Overview & Status Update:** The UPWP through CCRPC secured \$20,000 to study stormwater on the Common, with a focus on route 128 from Brookside Road along Town land and down to the covert that runs under route 128. The culvert is failing and impacting the water quality of the Browns River. There was a scoping project completed by Fitzgerald to identify some of the stormwater issues around the Common. Some of these have been addressed - such as the drain near the Library. Coordinating this project with the 1705 project will allow the Town to address stormwater from the common and the state highway that is ending up in 1705. Preferred design of 1705 will be passed off to Haule & Tanner, allowing them to create one cohesive plan for stormwater. The goal would be to not have something with invasive ditching but implementing more natural ways to lessen flow of stormwater and decrease runoff. This will allow the Town to present a plan to VTrans to address the failing culvert.

**Governor Scott Site Visit:** George, Gordon and Rep. Black, and Senator Chittenden discussed sending an invite to the Governor to visit Westford. Governor Scott has provided ongoing support to the Westford Wastewater project but it has been difficult to drive verbal support into action. This request would raise the visibility of the project and Governor Scott's support. Rep. Black points out that wastewater is important to the Governor and in the legislature. An invite to visit and hear about the good work could help to gain support from other government agencies. There was discussion whether or not just wastewater is enough to invite the Governor and if there are other things that the Governor would like to hear about - affordable housing, Country Store. It is agreed that this could be determined in coordination with the Governor's office but likely staying on target with wastewater is the best approach. It was discussed to polish the letter and include how revitalization of the Common is dependent on wastewater. Revise the letter and send it to the SB for vote and signing at their next meeting.

**2021 Work Plan:** Wednesday at 10am the 1705 Steering Committee is prepping for a public meeting. November 8th is the PC meeting. Needs for the meeting - greeter, mic runner, zoom monitor, remote person. We can determine roles on the 8th. The November 16th meeting will focus on wastewater. PC Town report is back on the agenda.

**Adjourn:** 8:57pm