

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR OCTOBER 17, 2022, MEETING
Approved on November 8, 2022**

Commission/Board Members Present: Seth Jensen, Gordon Gebauer, Mark Letorney and Mo Reilly.

Commission/Board Members Absent: George Lamphere

Also, Present: Melissa Manka (Westford Town Planner), Diane Finnigan (Minute Taker), Barb Peck, Lori Johnson, Sheila Franz, Maureen Wilcox, Katie Harris, Bill Cleary (SB), Thomas Chittenden (State Rep), Chris Cunningham, Sarah Pinto, Vicky Ross, Louise Jenson, Robert Pittala, Jeff Fehrs (DEC), Nanette Rogers (Town Administrator), Richard Coleman, Joel Fay, Amy Macrellis (Stone Environmental), Peter Lazorchak (Stone Environmental), Heather Armata, Emily Hackett, Dave Baczewski (SB), Eric Ford, Mel Allen, Ira Allen, Clayton Wilburn, Rebecca DaVanon, Kim Guidry, Carol Winfield, Elias Rosenblatt, Kristen Tyler, Elias Shumaker, Juli Beth Hinds (Birchline) and Pat Haller.

The meeting began at: 6:31 p.m.

Amendments to Agenda:

Discuss upcoming local ARPA meeting.

Minutes of the October 3, 2022, Meeting:

S. Jensen MOVED to accept minutes as presented.

M. Reilly SECONDED the motion.

The motion PASSED 4-0.

Meeting Rules and Procedure:

Tonight's regular PC meeting is also a FONSI hearing. Time constraints may limit everyone's ability to ask multiple questions to give everyone a chance to speak. On the regular agenda items, please hold your questions until we get to the end of the agenda item.

Citizens to be Heard – *Items not on the agenda:*

None currently.

Correspondence:

One item forwarded to the PC by SB from Joseph Franz. This is not on the agenda tonight, but we will address next meeting.

Community Wastewater Project

Public Hearing on Agency of Natural Resource (ANR) Notice of Intent (NOI) to Issue a Finding of No Significant Impact (FONSI):

Project Benefits, Components and Design Criteria:

A. Macrellis introduced the wastewater project to the public indicating that DEC and ANR required a hearing to be held on the project. E. Hackett from DEC was also present and able to answer the public's questions. A hearing period will be open until November 13 for citizens of Westford to reach out with questions and comments. After the 30-day period, public comment will close and hopefully the FONSI will be issued.

The EID has been in DEC review since May of 2021. Early this month DEC acted on the document and the FONSI notice of intent was issued. A FONSI hearing is required to take place as part of that review process. Grants have been applied for including State ARPA, NBRC and Local ARPA.

In November 2021, a hydrogeological study was conducted to better understand the soil and bedrock. The results of this were better than we had thought. It allowed us to re-design the field technology and increase capacity to approx. 24,300 gallons per day.

In February 2022, GME ceased operations. The town has been working with Stone Environmental and Birchline Planning to develop a Step 2 ESA to pick up work where GME left off. Stone, DEC, and PC are working to close out Step 1 and GME's Step 2 work.

The project area is located around the town common and a portion of Brookside Road. Since the project is funded through state and federal agencies it must comply with SERP. It would provide 24,300 gallons per day at full capacity and would serve approximately 27 properties or 45 equivalent users at the time of construction.

Impacts and Mitigation Measures:

New discharge to groundwater – follows indirect discharge rules and receive state permit.

Wetlands and buffers – delineate, avoid mitigation.

Flood Hazards - avoid

Bird Migration - evaluate field for ground nesting birds during design and avoid disturbance during nesting.

Historical/Archaeological - complete Phase 1B study, as needed, following design and tank/service line layout.

Prime Ag - avoid.

Hazardous Sites: Avoid known contamination if possible and use contaminant specific mitigation measures during construction, if unavoidable.

Urban Background soils - follow State approved process.

Benefits:

Modern wastewater treatment conforming to regulations.

Protects public health and environment.

Protects wells and drinking water.

Supports Westford's vision for Town Center.

Provides capacity for town office, library, common hall, and brick meeting house.

Public Comments:

I. Allen asked if the drip technology will drain completely and be well protected. A. Macrellis responded in the affirmative and that this system is commonly used around the state.

R. Patella asked if there was a holding tank. A. Macrellis responded yes.

R. Coleman asked if Westford had received additional funding and if there was an expiration date. M. Manka answered that two grants have been awarded – an NBRC and State ARPA grants. The PC continues to work on receiving additional funding.

B. Cleary asked if we could move the pump station in order to reserve space for an expanded town office. A. Macrellis indicated that this would be addressed during the design phase. We might end up moving the tank if we want to keep the town office parking lot as is. P. Lazorchak indicated that we had flexibility as to where it is located. The pump station would be an underground vault.

L. Johnson asked about ledge impacts. Isn't this an environmental impact? A. Macrellis responded that we will work through the bedrock removal as more data is collected, but we are not there yet. There are well established state regulations for the removal of bedrock.

P. Haller noted that his septic was installed in 2017 and the ledge, which is the same as the ledge in question, was excavated not blasted. He also asked if the field that is currently hayed, could continue to be hayed due to the new drip system. A. Macrellis replied the area where the leach field is located would need to be maintained with a garden tractor instead of the heavy equipment that is currently used, but areas outside of the leach field could continue to be hayed.

I. Allen offered that we need to keep mowing the Jackson Farm so that it does not get taken out of the agricultural use because if it were, we would have to pay a mitigation fee.

V. Ross asked how locating the pump station on the Town Office and Library site would impact the property. A. Macrellis said it was hard to say at this point, but the details would become clearer during final design. We do plan to decommission the old tank.

C. Winfield asked how many agricultural acres would be lost and where in the field would the system be placed. A. Macrellis said the leach field is not located on prime agr land and the leach field would utilize 3 acres of the land. M. Manka replied that the Jackson Farm and Forest Project conserved 43 agricultural acres through the Vermont Land Trust and 133 acres as a Town Forest - 7 of those acres are reserved for the wastewater.

C. Winfield requested that the project be presented using a conditional tense instead of the future tense.

C. Wilburn and R. DaVanon asked if the conceptual plan in the presentation showed final locations. They live at 4 Common Road and the current drawing shows the main line right where their well head is. A. Macrellis will check the records as refined preliminary plans are in process. R. Davonnon stated she supports the project.

B. Peck said the Town has not done enough work on what needs to be done - ANR does consider ledge removal as an environmental concern and there is concern about the impacts to wells, foundations, etc from blasting. Proper studies still need to be done under Brookside.

S. Jensen responded that the town and ANR recognizes that there are areas that require further study and that is completed during CWSRF step 2. Issuance of the FONSI occurs in CWSRF step 2. In order to receive funds for additional study we must get through environmental review.

S. Franz stated that Ira had asked about the drip irrigation system looked at by the vendor and where the system was used. S. Franz offered that no one north of Westford was using this system and that we would need to mow the field more frequently than 2-3 times in the summer.

K. Harris wanted to know what inventories the PC has obtained on rare, threatened, and endangered plant inventories and had any review for significant natural communities been done. Do we have an Act 250 permit? A. Macrellis responded that an Act 250 permit is not required at this time. Also, there are not any mapped significant resources in the area such as deer wintering yards, threatened or endangered plant, etc. There will be limited disturbance of the field during construction and then the field will be restored.

E. Hackett said that the FONSI with the environmental report is available on the ANR website and Town of Westford's website.

B. Peck stated that identifying disturbances and ledge should be done before the FONSI is issued.

H. Armata wanted to thank the PC.

M. Allen wanted to thank everyone for the measures taken and approach to preserving natural resources.

B. Cleary asked if November 13 is the earliest date for approval. A. Macrellis replied that yes this would be the end of the comment period and that she suspects that the state will want to respond to comment. B. Cleary asked how long it will be before the Town is reimburse for expenses. E. Hackett replied that once the FONSI is issued the Town can receive facilities plan

approval and the remaining 10% of Step 1 reimbursements will be paid and Step 2 expenses to date can be reimbursed.

L. Johnson is concerned about urban soil contamination and invasive species management such as snake worms. A. Macrellis responded that soil would remain on site as far as possible.

K. Harris wants to know how the stream on her property will function as a buffer. A. Macrellis said water from the system will flow downhill from the site toward the ditch with the Browns being the receiving water, meaning the development and wells on the other side of the ditch will be isolated from the system.

E. Hackett shared that the system would need to receive an indirect discharge permit and water quality testing was required under the permit. A. Macrellis indicated that this is done by collecting background water samples prior to construction and regular monitoring after construction. We must be able to demonstrate that we do not increase nitrates and phosphorus.

R. Pittala asked if there was a required travel time for system water to reach the river. A. Macrellis offered that it would be about a year.

C. Winfield asked if we could hold a site walk.

C. Wilburn thanked everyone for their time.

K. Guidry asked the current capacity needs versus full potential of the system. A. Macrellis responded that in the initial year it would be about 10,000 gpd with full capacity 24,000 gpd.

G. Gebauer closed the public hearing.

Community Wastewater Project

Step 2 Amended Engineering Services Agreement:

M. Manka and A. Macrellis met with DEC and have submitted all additional information that was requested. DEC needs to compare the GME work plan to the Stone Environmental work plan and then break down the Stone ESA to standard vs. nonstandard categories.

NBRC/EDA, State ARPA, and Local ARPA Grants:

E. Hackett updated that she is reviewing the ESA step 2 and now that the public hearing has been held, she should be able to get back to reviewing it and send it to the PC. It is imperative that Step 1 get closed out prior to moving forward.

J. Fehrs said that the town has the option to move forward on non-design items related to Step 2 such as archaeological and habitat. M. Manka spoke with Tom Brown and the previous step 2

is null and void with the closing of GME. Therefore, the town cannot move forward without the new step 2.

M. Manka updated that the SB approved grant agreement.

On the state ARPA, the governor has signed, and we should see something soon.

Local ARPA is on the agenda for Thursday and the PC will present the proposal. We have 15 minutes to present the project, why it should be funded and answer questions. M. Manka, S. Jensen and G. Lamphere will be in attendance.

Estimated Project Schedule:

A. Macrellis provided that once the FONSI and Step 2 approved things will move more quickly. We would begin construction in 2024 at the earliest. To comply with state ARPA everything must be done by 12/31/26. M. Manka hopes that in the coming months we will get the FONSI, facility plan, close out Step 1 and get amended step 2 going and then we can hire Stone and Birchline.

1705 Route 128 Property Project

VDCP Grant Scope of Work and Close Out:

M. Manka updated that the tank was removed today and that no other tanks were found. The tank was 2000 gallons. The tank was in good condition but was filled with water from openings on the top of the tank. They removed 10 drums of contaminated water. They will be wells to monitor contamination. S. Jensen pointed out what a good thing this was to remove 2000 gallons of contaminated water from the town center.

M. Manka spoke with SE group last week to ask them to contact Button Surveying and KAS about completing the scope of work. They are also amending the scope of work and additional scope of work to omit additional public engagement. M. Letorney will reach out to Lincoln Brown. He will also update the website with the last webinar. The webinar should indicate that the town is closing out the grant and the property is up for private sale.

C. Winfield asked who is doing the work and who is paying. M. Manka responded that the grant we obtained from VHCB was funding the consultant work. The Pigeon family trust insurance company, regional planning and the DEC paid to remove the tank.

M. Reilly asked if there would be a FPF post the cleanup efforts. M. Manka will ask Angela to write up something so we can share the success.

Draft FY 2023 Planning Commission Town Report:

G. Gebauer to reach out to G. Lamphere to obtain draft to distribute.

2022 Work Plan:

Much of the work plan depends on what items get returned to us from outside agencies and we may not have much progress for the next meeting.

M. Letorney to create webinar draft.

Next meeting November 7.

Draft 2023 Work Plan:

Nothing at this time.

Adjourn: 8:54 p.m.

Submitted by,

Diane Finnigan, Minute Clerk