

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR APRIL 17, 2023 MEETING
Approved on May 15, 2023**

Commissioners Present: George Lamphere, Gordon Gebauer, Mark Letorney, Seth Jensen

Commissioners Absent: Mo Reilly

Also Present: Melissa Manka (Town Planner), Harmony Cism (Planning Assistant, Minute Clerk), Amy Macrellis (Stone Environmental), Tom Orfeo, Sheila Franz, Kim Guidrey, Ira Allen, Maureen Wilcox, Emily Hackett (ANR Reviewer), Pat Haller, Lori Johnson, Peter Lazorchak (Stone Environmental), Julie Beth Hinds (Birchline Planning)

Meeting Began: 6:30

Amendments to Agenda

None

Reorganization

The PC is organized with a Chair, Vice Chair, and Clerk. These positions are reappointed annually. G. Lamphere has been Chair for several years. The PC likes to rotate the position to other commissioners when possible. M. Letorney, G. Gebauer, and S. Jensen have all served. M. Reilly has expressed interest, but currently has a hectic schedule. M. Reilly has offered to run for Vice Chair.

G. Gebauer MOVED to nominate G. Lamphere for the position of Planning Commission Chair.

S. Jensen SECONDED the motion.

The motion was approved 4-0.

G. Lamphere shall continue to serve as Chair.

G. Lamphere MOVED to nominate M. Reilly for the position of Planning Commission Vice Chair.

G. Gebauer SECONDED the motion.

The motion was approved 4-0.

M. Reilly shall serve as Vice Chair.

G. Gebauer MOVED to nominate M. Letorney for the position of Planning Commission Clerk.

G. Lamphere SECONDED the motion.

The motion was approved 4-0.

M. Letorney shall continue to serve as Clerk.

The PC reviewed the *Rules of Procedure and Conflict of Interest Policy*. A few grammatical, punctuation, and formatting edits were suggested. The PC also had a couple of suggestions related to the wording around the appointment of members to committees and suggested changes to time allotted for agenda items. G. Lamphere and M. Manka will prepare a revised document to be reviewed and adopted at the next meeting.

The PC confirmed the meeting schedule. They will continue the current schedule, with meetings on the 3rd Monday of the month, and the 1st Monday of the month as needed.

Minutes of the March 20, 2023 Meeting

G. Lamphere MOVED to accept the minutes as amended.

M. Letorney SECONDED the motion.

The motion passed 4-0.

Meeting Rules of Procedure

G. Lamphere outlined the meeting rules of procedure for the public.

Citizens to be Heard – *Items not on Agenda*

None.

Correspondence

The PC received correspondence from Maureen Wilcox, dated 3/23/23. The correspondence was in reference to Bill S.100. This bill has passed in the Senate, and has gone on to the House. Maureen's question is about clarifying the reference that the PC made to 100,000 gallons per day for a soil-based system.

S. Jensen stated that Bill S.100 is a lengthy bill with several sections relating to things like funding of housing-related projects and Act 250. Maureen's question relates to amendments to Chapter 117, which is the enabling act for planning and zoning at the municipal level. There has been some commentary circulating about provisions of that bill as it relates to areas served by water and wastewater. S. Jensen had made the comment that the way the bill was written as passed by the Senate has specific provisions that narrowly tie to water and wastewater service areas, and that these provisions would not be impacted by the outcome of the WW vote due to language that referenced indirect discharge systems. S. Jensen believes that his use of the phrase "soil-based" may have caused some confusion. There are several versions of the bill as it goes through the legislative process. We won't know what it says until it has been adopted and signed by the governor. The language that S. Jensen had referred to can be found in Section 2(15)(A)(ii)(VII). This is a good reminder that when a reference is made to a bill, time should be taken to cite the bill rather than taking a quote from public commentary.

G. Lamphere commented that it is not the PC's role to interpret and make judgements on pending legislation. It is their job to share information with the public and to be as accurate as possible. Nothing can be done until we see the final bill.

Ira Allen thanked the PC for an honest attempt to explain what the bill says, but he says it makes no sense. The PC is in agreement. We need to wait for the final bill. We may or may not have to revisit zoning regulations. All indications right now are that any changes to the zoning regulations would be independent and not connected to the outcome of the WW bond vote.

S. Jensen clarified that his attempt to understand the bill is not an endorsement of the bill.

Whether or not the PC will be forced to look at zoning regulations and propose changes for the town to consider is yet to be determined. Based on the current language, it won't be driven by a yes or no bond vote.

Pat Haller commented that he looked at a version of the bill about a month ago. That version was looking at communities that had zoning that allowed for single family residences but did not allow for duplex or

multi-family housing. If a town has such zoning restrictions, the passing of this bill would not allow for these restrictions. The *Town of Westford Land Use and Development Regulations* do allow duplexes and multi-family dwellings wherever single-family dwellings are allowed, with the exception of multi-family dwellings in the R10 district. Therefore it seems to be a moot point, as our zoning already allows for these types of structures.

Lori Johnson pointed out that there is a lot more to the bill than duplexes in single family locations.

S. Jensen added that the appropriate avenue for people with concerns or supportive statements is to contact their representatives for the best interpretation. Existing statute has requirements about what towns can or cannot do related to housing.

Community Wastewater Project

Amended Step 2 CWSRF

M. Manka reported that on 3/23/23 the PC received the Authorization Funding Letter (ALF) from Tom Brown at Clean Water SRF. He then sent that paperwork to the bond bank. M. Manka has been in touch with Ken, one of the loan officers, regarding whether it can be approved administratively or if it must go to the full board. Originally, his opinion was that it would have to go before the board due to the amount of the loan ask. Once subsidy and State ARPA are factored in, there is no Step 2 loan amount that the town would be responsible for. Ken will be looking at things like the Town's finances, ARPA agreements, and paperwork from Tom Brown. As of 5pm tonight, Ken has stated that they might be able to expedite the approval process and possibly execute the loan agreement this week. Ken just needs to review the draft State ARPA agreement to confirm that Step 2 is included. M. Manka is hopeful that the bond bank can approve administratively. If not, the bond bank board is meeting on 5/4/23 and the PC would receive a decision sometime after that. In late May/early June the SB should be able to sign off on this. If the PC receives the administratively approved documents this week, M. Manka can request a special meeting with the SB to review and approve.

State American Rescue Plan Act Grant (ARPA) Agreement

M. Manka reported that Renee Miller is working on a couple of edits from the second review of the grant agreement. G. Gebauer submitted concerns with language that is boiler plate but doesn't refer to infrastructure projects. The response was that it's just boilerplate language that may not apply but needs to stay in the document. A number of other towns have had the same question. Renee Miller requested a legal opinion over whether this language can be omitted. This will take a week or two. At the end of April/early May, the PC should have a final opinion on that, and final grant agreement to put before the SB for their 2nd review.

E. Hackett added that this is wording that affects many projects, not just Westford, and editing the language could take a while.

M. Manka added that the hope is to use Step 2 before tapping into State ARPA.

Community Recovery & Revitalization (CRRP) Program Grant

M. Manka reported that Angela Farrington (State of VT) is processing applications. She reached out to M. Manka for some additional info and clarifications. The State requested that we increase the amount of the ask to 20% of the project, which M. Manka did. This equates to \$757,472. Angela processed the amended application and now the VT Economic Progress Council will review on 4/27/23. Decisions will be announced in mid-May.

G. Gebauer asked for clarification on the loan amount. M. Manka explained that the award amount could be 20% or less, but the request must be for the full 20%. They ask that we request the full amount that we are eligible for.

Draft Project Schedule

Wastewater consultants Amy Macrellis, JB Hinds, and Peter Lazorchak were present to discuss the project and schedule.

Amy Macrellis reported that the PC received a couple different versions of the project schedule. The Gantt Chart version is the one most likely to be standardized. This version maps out the schedule more visually than a spreadsheet. The Gantt Chart outlines how the consultants believe that milestones and the overall schedule could align and evolve. There are many assumptions in this project schedule about how long certain things will take. Currently, consultants are aiming to complete a re-survey, coordinate with vendors, and coordinate with archaeology and forestry. This timeline will extend into the summer. The project schedule shows a bond vote on the first Tuesday in November. This is aggressive and may be shifted to Town Meeting of next year. There is an assumption built into the project schedule that the bond vote is successful. From there, we move into the next phase of design (60%), and we should have a good idea of what will happen at that point. This goes into spring of 2024. Permitting would take place in summer 2024. The wastewater indirect discharge permitting process could take the longest. The project schedule assumes the maximum amount of time to review. Finishing final design and starting construction bidding would start in winter 2024/spring 2025. This is all subject to much change. The project schedule is the current best guess but there is a lot that can change and shift. The schedule assumes that construction will begin in 2025. There will be a potential shut down in winter 2025 and continuation in spring 2026.

S. Jensen asked about the evaluation of the ledge on Brookside Road and what kind of effort is needed to manage that. He also inquired about the refined, updated O&M costs, ordinance breakdown, fee schedule options, and where these things fall on the timeline.

Amy Macrellis responded that the ordinance and fee schedule piece is more flexible. The ledge probes were working with platform drilling to get their availability and schedule. This will hopefully sync with resurvey work this spring and early summer. More information can be provided after understanding the subcontractors' availability. Consultants hope to refine construction costs and have a better understanding of O&M costs and what users may be expected to pay.

S. Jensen commented that there are several threshold items that need to be met before the bond vote. Estimates need to be updated.

JB Hinds added that she is doing a lot of work with O&M cost estimates right now. Costs have not been going down, and we need to be realistic about that.

G. Lamphere asked if there will be an opportunity to see drip dispersal professionals come talk to us and be available for community outreach. This would be helpful to provide efficient information.

S. Jensen asked about the projected first bond repayment date of Sept 2027.

Amy replied that we must spend the ARPA money and be able to demonstrate that the project is done by the end of 2026. The first payment for any remaining Clean Water SRF loan is not due for a year after project completion.

S. Jensen added that once we have the final number, there will be some predictability and the ability for the Town to create a budget around that predictability.

G. Gebauer inquired about where we are in the phase of contacting/contracting subcontractors. The response was that some are already lined up, and some will be contracted further down the road. The Geoprobe operator has been contracted and we are just waiting for an update from him. There is an allowance in the Step 2 agreement for archaeology. This will progress once we have completed the re-survey and have a better understanding of things like service lines along Brookside Road where the desktop ARA (archaeological resource assessment) identified potential sensitivity.

G. Gebauer noted that the archeological component is scheduled for June/July/early August.

E. Hackett added that there are some serious changes within our project related to archaeology, so that timeline may stretch a bit. There are big asks for projects related to archaeology. It may be important to hold off until further decisions have been made about where pipes will be placed. Clearance won't be until the end. Some items will need to be approved by SHIPO. New changes will cause some hiccups. A delay may actually be to our benefit.

G. Gebauer asked for clarification on what they are looking for. The response was that they are looking for pre-contact artifacts. They will record what they find. A finding may mean that a more detailed assessment may need to be done. This will require more time and money, and hopefully will not delay construction. Archaeological Resource Assessment will not stop a project. They want to collect information before the infrastructure project comes through. This is a process required for all federal funding. Having this done now could possibly expedite future projects.

S. Jensen spoke about the indirect discharge permit process. There may be other villages coming through. What can be done to ensure Westford is first in line? Amy replied that we need final plans before applying for this permit. The preliminary capacity determination means that they have already reviewed information about the disposal site and agree with the consultant's assessment. At the end of this field season we will have background water quality assessment done at Brown's River. This can be submitted in mid-November. The consultants don't anticipate any surprises. They can then put together the demonstration of compliance with aquatic permitting criteria. Design drawings and specifications will need review with the permit application.

M. Manka asked about the Fish & Wildlife coordination and Migratory Bird Treaty Act Investigations. Will they happen this summer or will they have to wait? Amy replied that they would like to revisit this piece as early in the process as possible. S. Jensen added that it is important to avoid impact but not lose sight of discussions about opportunities to enhance the field in terms of mowing schedule and replanting. Delayed mowing can enhance habitat.

G. Lamphere asked about the schedule. He asked the Commissioners to think about the baseline schedule. Should the PC take action, distribute/post? This is a tremendous amount of information. The information will change, it is a living document. What is the role/duty of the Commission? S. Jensen responded that this does not need to be an action item, as it needs to be changed throughout the project. It may be

helpful to identify specific benchmarks that will need to be hit to get to the goal of a bond vote in November. Amy added that providing an updated schedule that represents the best present understanding to the PC would be a good communication vehicle to keep the PC apprised of where the milestones are. This information may be confusing to the general public, so the PC should offer something simpler for the public. A simpler Gantt chart with fewer lines is probably best. JB commented that the PC is reviewing details on a periodic basis. G. Lamphere added that the PC has a responsibility to review the schedule monthly. This is a useful tool, and the PC thanks the consultants. There may be interested parties and key stakeholders (Selectboard, Town Admin, school, Road Foreman) that this information should be distributed to. The PC needs to take info in and put it out at the right time.

M. Manka will take a look at what distribution should look like and come up with a list of key stakeholders that might need updated schedules. A simplified schedule/executive summary should be drafted. The PC will present the full schedule to the SB. Updates should be provided to stakeholders monthly.

No motion or adoption is needed because this document will change over time.

The PC agreed to adopt the schedule and forward it to the SB. They will ask the Outreach Committee to weigh in on this process. Next month the PC can better formulate the process.

Pat Haller stated that the Outreach Committee will discuss an outreach plan. One thing will be the potential of having the timeline be a monthly expectation. It may be effective to focus on a “plan of the month” for control and visibility.

Next Steps & Actions

JB reported that tomorrow (April 18, 2023), a subgroup of the communications committee will meet for an extended working session to create a communication plan to present to the full committee. Discussion will involve details of message, timing, key points, and key graphics. They intend to create a robust communication plan to present to the PC.

November 2023 & March 2024 Bond Vote Timeline

Nanette gave the PC a timeline based on statute. It is consistent with the Gantt schedule, which assumes a November 2023 bond vote.

Public Outreach

G. Gebauer reported that the next Outreach Committee meeting is May 3rd. They are working through updates to the FAQs. They created a first draft, to which M. Manka, A. Macrellis, and JB Hinds added comments. The FAQs will be refined, discussed, and brought to the SB. They will also work on a detailed communication plan using Nov bond vote timeline date as a target. The OC will also talk about additional outreach efforts to the community. Timing will be dictated by additional engineering work and research that needs to be done on the site. When we start engaging with the community again, the Outreach Committee will have significantly more information. There will be additional outreach efforts in late summer. A letter has gone out to property owners. In August/September, information will ramp up.

Public Comment

Tom Orfeo lives in the potential service area. He wants to know the physical layout. He also would like to know the estimated cost to maintain, monthly fees, and legal language surrounding a shared WW system. He is also curious about the bigger picture including plans for buildout and the number of potential new

homes. What can the system manage, and for how many years? What will the system cost individuals? This info is needed by September 28, so that voters can have time to understand what they are voting on.

JB commented that there will be a need for legal services, and this will be a selectboard issue. It is reasonable to want to see easements and covenants. Westford's attorney should be engaged and have sample documents ready to discuss with residents.

Quarterly Financial Report

G. Lamphere followed up with the Town Treasurer regarding the fact that the Conservation Commission shows up in the middle of the PC report. The Treasurer will take a look. The only potential challenge is that if moved, historical info won't be where people might look for it. However, it makes sense to move it. This would happen in FY'24 (July 1st). If it is not changed this year, it may be revisited from time to time. This is not part of our budget; it just shows up there in the Town Report.

2023 Work Plan & Future Project List

M. Manka checked in with John Olin at Hoyle & Tanner. They will not be ready for a May 1st meeting. Late May is probably more realistic for reviewing the stormwater conceptual plan. Therefore, the May 1st meeting can be omitted. At the 5/15 meeting, the PC will review the conceptual design for the Town common/Route 128 culvert area, review the updated Gantt chart, review the draft communication plan, and follow up on distribution of the Gantt chart based on the Outreach Committee's suggestions.

The task of drafting a SB memo will be pushed to a future meeting date. Consultants don't want to get too far ahead without first taking care of certain items. The State ARPA agreement and CWSRF are the two top priority items to discuss with the SB. M. Manka will also update the SB on the project schedule, communication plan, and funding stack. A memo on ordinance can be drafted.

G. Gebauer suggested that the drafting of ordinance by the Outreach Committee will first occur at their 5/3 meeting. It can be presented to the PC at the 5/15 meeting or in June, and then it can be submitted to the SB. The ordinance memo will take a while to digest. The OC wants to get the memo to the SB and then plan a meeting to talk about it. The 1st step is to have the OC discuss, set a plan in motion for how it will be drafted, and work from there. It would be good to have as much done as possible by the end of September, before the bond vote.

G. Lamphere commented that this project will take a lot of the SB's time and effort. The PC should get info to them ASAP. The PC should make recommendations, but ultimately is a SB decision.

There will be no 5/1 meeting. The next meeting will be on 5/15.

G. Gebauer noted that the Mountain Gazette had some nice articles about Westford in the April 6th issue.

M. Letorney asked if there is a way to make the Town Office wi-fi secure. It is out of date and needs updating. There is not a secure connection. M. Manka will follow up on this.

Adjourn: 9:00pm