

**TOWN OF WESTFORD
PLANNING COMMISSION MINUTES
MINUTES FOR AUGUST 21, 2023 MEETING
Approved on September 5, 2023**

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

Commissioners Absent:

Also Present: Melissa Manka (Town Planner), Harmony Cism (Planning Assistant, Minute Clerk), Lee McClenny (Selectboard), Amy Macrellis (Stone Environmental), Greg Barrows (Town Treasurer), JB Hinds (Birchline Planning), Ira Allen, Kim Guidrey, Sheila Franz, Lori Johnson, Barb Peck, Maureen Wilcox, Nanette Rogers (Town Administrator), Emily Hackett (Clean Water SRF rep)

Meeting Began: 6:31pm

Amendments to Agenda

G. Lamphere added an executive session at the end the of meeting to discuss a personnel matter.

M. Manka added a discussion of the updated O&M to the Total Project Cost discussion.

Minutes of the July 24, 2023 Meeting

G. Gebauer MOVED to accept the minutes as amended.

M. Letorney SECONDED the motion.

The motion passed 5-0.

Citizens to be Heard – *Items not on Agenda*

None.

Rte 128/104 Fairfax Intersection Meeting

M. Letorney reported that he attended a meeting hosted by Karen Sentoff of VHB. The intersection of Routes 128 & 104 is the gateway to Fairfax. The concern is based on a 55-page traffic safety review compiled in 2020. Four roads come together at this intersection (Route 128, Route 104, McNall Road, and Ramsey Road), as well as the entrance to Erica's Diner and the entrance to Field Road. This area has seen a large traffic increase. The amount of traffic has doubled from 2012 to 2019. Fairfax is planning considerable development on McNall Road, including both mixed-use and residential. There is a lot of concern about safety at this intersection. Six alternative plans were presented for consideration, ranging from easy/immediate fixes to long term fixes. A meeting for public comment on the plans and implementation of safety measures will occur sometime in Sept.

This meeting will be warned and advertised. The PC can contribute on FPF.

Village Center Designation Renewal

M. Manka reported that in 2015, the Town received the Village Center Designation (VCD). In 2019, we received the Neighborhood Development Area Designation (NDA). These designations are good for 8 years. We are due for a renewal of the VCD, which would automatically renew the NDA. There are numerous private and public benefits to these designations. H. Cism prepared the application and M.

Manka made some edits to the cover letters. M. Manka is requesting approval to submit the application, which will be presented to the SB on Thursday for their approval.

L. McClenny stated that the SB received letters from 1 or more residents asking them not to make a decision on this topic at this time. A PC representative should be present at Thursday's meeting to answer any questions. L. McClenny will forward the concerned residents' letter to the PC.

S. Jensen contributed that one major benefit is the revised VTrans standards for crosswalks which allowed the Town to add the crosswalk on Route 128. The designation prioritizes the town for grants. Seth: wonderful change in VTrans policy.

S. Jensen MOVED to approve the application to send to the SB for their approval.

G. Gebauer SECONDED the motion.

The motion passed 5-0.

M. Manka added that the designations allow for grants, tax credits, reduced permit fees, incentivized restoration of aging buildings, etc.

COMMUNITY WASTEWATER PROJECT

Updated Estimated Total Project Cost

G. Lamphere read through the letter from Stone Environmental dated Aug 15, 2023. The Total Project Cost from February 2022 was \$2,848,200. The Total Project Cost as of August 2023 is \$3,866,900. The letter explains why some costs have increased.

Amy Macrellis added that the biggest change was the contingency, which accounts for over \$700K of the total project cost increase. The ledge probe results allow for a decreased amount of bedrock to remove, but the cost to remove it has increased. The revised plans remove the centralized pump station. There are refined estimates for storage, with an increased cost of concrete and tank volume. A detailed breakdown of costs is included.

M. Letorney asked about removing the centralized pump station. Will each property have their own effluent pump? A. Macrellis replied that each property's pump will dose out to the force main that runs in the rights-of-way. The force main runs from the common up Brookside to the control buildings and the large dosing pumps. From there it is dosed out on a time basis across Brookside to the large Maple Shade disposal field. M. Letorney asked if the exterior alarm is the only warning system. A. Macrellis responded that they have not gotten to these details of design yet, but pumps usually could be connected to telemetry or to alert the operator. This adds costs. A single major pump station is easier maintenance for the operator.

S. Jensen asked if all of the bedrock removal will take place within the right-of-way. A. Macrellis responded that it is mostly in the ROW. There are a couple of portions where the connections off the southeast side of Brookside contain substantial ledge. The decreased removal is on the west side of Brookside past the White Common Hall. Pipe will be mostly within the footprint of the road. The engineers are endeavoring to minimize tree removal. Bedrock removal could require an excavator, jack hammers, or possibly explosives. The details will be refined during the design process.

M. Letorney asked if there will be sub-surface insulation of the pipe. A. Macrellis replied that most of the pipe will be laid below the frost line and should not need additional insulation. There is a line in the cost estimate that allows for some insulation.

G. Lamphere verified that the project is being split into two projects: the drip disposal and the collection system. The reason for this split is that it allows the Town to use different grants for different portions of the project.

Lori Johnson asked about pump station on the common. Since it is removed from the plans, what is the maximum distance a step tank can pump effluent to the control building? What happens if there is a power failure at some residences but not others? Will the working pumps cause a backflow into the tanks that don't have power? A. Macrellis replied that a pump on the common will not be needed because there is plenty of head supply by the individual pumps so there is no need for a central station. As to the question of the potential for individual tank malfunction that will impact the larger system, A. Macrellis answered no. There are backflow preventers as part of the effluent pump structure, so the effluent will not come back.

Sheila Franz asked about the step tanks. If an alarm is not heard and the resident is not home, and effluent backs into a house, who is responsible for damage and repair to the residence? A. Macrellis answered that this would only happen if there were plumbing malfunctions inside the structure that would fill the tank with water. The operator would respond whether the owner is home or not. JB Hinds added that there is a public/private interface with public utility and private systems. If there is a malfunction, this would be an insurance issue between the homeowners' insurance and the contract operator that would involve a claims adjustment process. There is no perfect answer. S. Jensen added that wastewater system provides an extra safeguard in terms of the operator, the ordinance, and the insurance checks. JB Hinds said that the best thing the town can do to ensure connected users are protected is to support water conservation. The less water in the system, the better protected the system will be. Indoor plumbing problems would be the most likely cause of a problem.

A. Macrellis summarized the updated O&M. This estimate refines the previous O&M cost estimate in several ways. The biggest change is contract operations. We now have a much more realistic estimate. There are added electric costs. Capital replacement will be discussed further with the SB.

M. Letorney asked if each individual tank will be pumped out yearly. A. Macrellis responded that we can assume 15-20% of the individual tanks will need to be pumped in any given year. S. Jensen asked why the dousing tank would need to be pumped. A. Macrellis replied that these are biological treatment processes. Even though solids aren't being pumped, there are still biological organisms and pathogens present, and the dousing tank will need occasional pump outs. When asked if the tanks would all be pumped at once, A. Macrellis responded no. The system will fall under the Indirect Discharge Rules, which have requirements for annual inspections, usually in April. The operator and engineer look at the system and make recommendations for tanks that need to be pumped, repairs to be made, etc. This is reported to the Indirect Discharge Program by the end of June. This report includes a schedule of repairs and pump outs. It will vary from year to year. The evaluation will include preventive maintenance.

S. Jensen asked for details on the mowing & plowing estimate. A. Macrellis replied that the project cost includes a conservative estimate for mowing twice per season, however it may not be required at all. Plowing will need to happen at the control building to allow access for the operator. The project cost includes a private plow estimate, but this could potentially be done by the road crew. The mowing

schedule will consider nesting season and habitat. Recovery of bird species along Brookside Road has been remarkable.

G. Gebauer asked about the contract operations cost of routine weekly visits. A. Macrellis clarified that the operator is onsite once a week to visit the control station, check alarms, make sure pumps are operating, etc.

S. Jensen asked how often effluent sampling will occur. A. Macrellis replied that this is to be determined. Indirect Discharge Permits for systems of similar size are usually required to be tested 3 times per year. The operator will collect samples and take them to Endyne, Inc. in Williston to be analyzed. There is no testing requirement for existing grandfathered systems. The Indirect Discharge program offers a safeguard of environmental quality that doesn't exist under current conditions. It is important to educate residents how to care for their systems.

G. Lamphere asked JB to clarify the numbers and how they have been updated. JB explained that different costs will be paid by connected users and by taxpayers. This is assuming a bond vote in November and assuming construction through 2025. In mid-2026, the first cost beyond the Total Project Cost will be paid. The first bond repayment will occur in 2027, but the community will begin paying O&M in 2026. JB broke down the costs using assumptions around inflation and the grand list.

Step 3 Funding Stack

M. Manka reported that the PC received the CRRP grant award last week. This has been added to the funding stack, which is now complete. M. Manka now needs to sort out the details of how the funding sources will work together based on program requirements and conditions.

G. Lamphere noted that the CRRP grant is for \$757,472. This brings the total funding stack awarded to \$4,020,327. The total project cost is \$3,866,900. The funding currently exceeds the project cost.

S. Jensen commented that the total project cost includes a \$700K contingency. The minimum bond amount is \$400K. There is a chance that the borrowing amount may be less than the floor. We should maximize every dollar of the funding stack. JB Hinds stated that every \$100K of the CWSRF bond is about \$4500 in repayment. The O&M cost is the baseline. The bond is a small amount relative to the total cost. The bond is not the driver of the numbers.

Preliminary Design Plans

A. Macrellis reported that she is not able to provide a final review yet. She will share the preliminary (roughly 30%) plan set before the SB meeting on Thursday. This includes a title page, general notes, existing conditions, and proposed project plans. The plans will show what could potentially happen. Proposed project plans sheets show where the force main will lay. There are still many details to lay out, but this is a fairly accurate sketch of what the system will look like.

Action Item List

G. Lamphere provided an updated item list with changes annotated. Work on a new action item list will begin right away. The next revision will be out by the next meeting on 9/5/23.

Selectboard Schedule

M. Manka reported that she and N. Rogers worked on a draft schedule. The SB schedule from now until November is outlined. A special meeting for 8/31/23 is pending, but not yet scheduled.

Project Schedule

A. Macrellis reported that there are no big changes from prior updates. The focus had been on the 8/15 deadline for cost estimates. Preliminary plans are ready to share. A few of the environmental review tasks have lagged but will be picked up now.

Communication Schedule & Public Outreach

August 30th: there will be an informal meeting with the service area. The updated O&M costs will be helpful.

September 13th: A community-wide public outreach meeting will be held at the school and via zoom. Lake Champ public TV will record the meeting.

September 23rd (Saturday): Site walk visit to King's Hill Association treatment field. This field has been operating for about 40 years. Following this site visit, there will be a walk from the Common up Brookside Rd. to the disposal site.

October 18th: 2nd Outreach meeting tentatively scheduled.

Informational postcards are going out this week to all residents.
Eric Ford and M. Manka updated the website.

M. Manka spoke about funding for the postcards and booklets: The Step 2 ESA had a \$5K estimate for outreach. This number will be exceeded, so M. Manka is working with the state to see if it can be covered with an amendment to the State ARPA grant agreement. M. Manka is asking for the PC Special Project Fund to cover the expected overage of \$1200. The Special Projects Fund budget and reserve equals \$6216.

G. Lamphere MOVED to approve up to \$1500 from the PC Special Project Fund to support community outreach.

M. Letorney SECONDED the motion.
The motion passed 5-0.

August 10th Selectboard Meeting

G. Gebauer summarized the 8/10/23 meeting. S. Jensen, M. Letorney, and G. Gebauer attended. The SB went through the ordinance and agreed with most of what was included. One question that the SB had was about the definition of the sewer connection fee and the capacity allocation fee. G. Gebauer will have a response prepared for Thursday's meeting. Most of the draft ordinance was approved and adopted.

M. Manka will send a copy of Nanette's notes to the consultants.

August 24th Selectboard Meeting

G. Lamphere wondered if the SB intends to issue a memo of any sort on their positions on big decisions in the draft ordinance. The ordinance won't be adopted until after the bond vote. M. Manka stated that this is on the SB work plan for early September. JB will draft a resolution, reviewed by the town attorney, and approved by the SB. This would contain highlights of what voters would want to know. L. McClenny offered the opinion that every part of ordinance should be available to voters. A complete, whole document should be on record. G. Gebauer added that key policy issues are needed. Passing the ordinance will be a separately warned public hearing prior to the system start up. It does not require a vote of the

public. L. McClenny added that voters have one chance to say if they want the system and the way the ordinance has been written. The SB has an obligation to tell them about the governing document. JB said that the town attorney and the bond council should be involved. Resolutions can make commitments on record. G. Lamphere asked what are the cons of adopting an ordinance in advance of construction? JB replied that key policy decisions need to be made. The ordinance does not need to be adopted yet.

G. Lamphere requested that JB create points of pros and cons. We want voters to be as informed as possible.

Public Comment

Sheila Franz had more questions about how the system works. A. Macrellis explained that the system will use high head effluent pumps that are sized appropriately to their place in the collection network. They are not likely to all pump at once, but each pump contributes to a big push up the hill to the disposal field. Stone Environmental can provide schematics and simple illustrations. This is not much different than many disposal fields.

Correspondence

The PC received correspondence from Lori Johnson regarding allocation in the ordinance and unallocated capacity. This will be discussed when the SB begins ordinance work on Thursday. Questions will be directed to the consultant team about unallocated capacity and potential fee structure.

G. Lamphere noted that there is an underlying question about what the system means for development in the service area. There is not an answer to that right now.

Lori Johnson said that she is providing information to the SB. 245 GPD are allocated per residence. She thought that some families were going to be overcharged. Lori told the SB how much capacity would be used if all current residences connect. Half of the capacity would be left if everyone connects.

M. Reilly wondered if this information was requested by the SB or volunteered by Lori? Lori answered that she sought out some answers after confusion at the last SB meeting. S. Jensen asked if Lori had reached out to a state regulator as a private citizen or in her new role as town employee. Lori answered that she reached out as a private citizen. L. McClenny added that Lori's work for the town does not involve WW, but is instead a temporary, short-term assignment. She is documenting policy/procedure and Town Admin work flow.

JB Hinds added that every financial projection has included 245 GPD for every single-family residence regardless of the number of bedrooms. Lori's statement that families were going to be overcharged was incorrect.

2023 Work Plan

8/24/23: SB meeting

9/5/23: Special meeting to prep for the informational meeting with the Outreach Committee.

9/13/23: 1st informational meeting: Outreach Committee, consultants, PC

9/14/23: SB meeting

9/18/23: PC meeting: review quarterly financial report, start work on FY'25 budget, proposed fee schedule, G. Lamphere will be absent.

9/23/23: Site walk

10/2/23, 10/16/23 meetings: prep for informational meeting. G. Lamphere will be absent on 10/16.

10/18/23: 2nd informational meeting

10/12/23, 10/26/23: SB meetings: budget proposal

11/1/23: Town Report Due

11/7/23: Bond Vote

Executive Session

G. Lamphere MOVED to enter executive session at 9:23.

G. Gebauer SECONDED the motion.

The motion passed 5-0.

G. Lamphere MOVED to exit executive session at 10:20pm.

G. Gebauer SECONDED the motion.

The motion passed 5-0.

No actions were taken during executive session.

Adjourn: 10:22pm