

PLANNING COMMISSION
June 23, 2021 Meeting Minutes

Planning Commissioners: Ken Mason, Sean McFeeley, Curtis Carpenter, Tammy Martel, Nedah Warstler, Andrea Day (arrived at 6:06), Jacqueline Friend (arrived at 6:30)

Public Official(s): Nicole Gratton

Press: Paul Hayes, Caledonian-Record

Public: Richard Spiese, VT DEC (via Zoom)

Ken Mason chaired the meeting, which was called to order at 6:02 p.m.

No agenda changes.

Ken Mason requests grammatical changes to the minutes. Sean McFeeley made **a motion to approve the minutes as amended of June 9th, 2021.** Curtis Carpenter **seconded the motion.** The Commission **voted 5-0.**

Tap & Die: The last few meetings have included the discussion of the Tap and Die, and now there is discussion to demolish the building by Kennametal. Lyndon would like to see how the demolition moves forward and see if there will be input from the Town to how the Tap and Die building and site is left. Curtis Carpenter notes the Northeast Tool site that was demolished and was left paved over and now is a solar panel field. This is not the wish for the Tap and Die site that is located downtown. There is known contamination. How does the Town get involved so that the result is not left like Northeast Tool?

Richard Spiese (VT DEC) shares that about a year ago NVDA and Lyndon Planning tried to move the remediation along to entice redevelopment of the site and building. Spiese put pressure on Bosch to move along their corrective action plan (CAP). In 2016, there was a CAP received by VTDEC for chemical oxidation injections that occurred in Powers Park, no comments from the Town were received. The consultant was not happy with the progress was made by the injections, (often several injections are needed) so a delay was requested to develop a revised plan. Spiese authorized the delay and additional borings were done. Spiese, 1 year ago, asked Bosch to mitigate vapors within the building and groundwater contamination that had travelled across the street. At the same time, a Bosch representative reached out to Kennametal to have Kennametal buy the lot. Six months ago, Bosch reported no deal with Kennametal. A couple months later the attorneys of Bosch and Kennametal were working a deal to sell. 1 month ago, demolition plan came forward. VT DEC still needs a CAP regardless of sale of land. There is a limited amount of contamination above ground. Most of the contamination is below ground. 1 week ago, Spiese reached out to Bosch asking for an update. And there has been no

response. Bosch was not regulated by RECRA?? There is more limited control over what remediation can be required when an entity is regulated by RECRA. Bosch controls what they do with the site.

Curtis reiterates that the Bosch/Kennametal site should be redeveloped.

Spiese notes that there is a thick concrete slab that Bosch wishes to keep.

Sean notes that the slab inside the building has some sort of oil on the floor.

Spiese suggests writing to Bosch requesting information about their plans. VT DEC has authority on contaminates in the ground.

Curtis asks if a full Phase 1 assessment has been done. Can a demo happen without a phase 1?

Spiese shares that the responsibility of the law is with the owner of the building. But a violation has to happen before there can be legal ramifications. So, Bosch can demo without a phase 1 but may be in violation after the fact.

Curtis asks, if the building was removed would a CAP need to be in place to remediate known contaminates? If a new developer takes over, would they need to also have assessments done?

Spiese says that most new developers would want the liability protection and would want to do a Phase 1 again. Right now, Kennametal and Bosch are in logjam about decision making. Once the building is gone, Kennametal is no longer invested in the property. Which could make for a simpler process, having only one party to work with.

Curtis asks what is known of the contaminates. Spiese notes that there are 60-70 borings for the site and beyond, all the way to the Passumpsic river. There are three levels of contamination. Chlorinated solvents have moved toward the south, and are "diving", about 60 feet below the surface. There had been concern with the dwellings on the other side of the street. No chlorinated vapors were found there- there is good water on top of the contamination.

Spiese notes that there was a tank leak and that is what started the whole process. Kennametal had been storing chlorinated solvents in the basement which most likely leaked and moved out to the surrounding areas. There may have been other leaks and breaks. At the industrial part of the facility there are very low levels or nearly no contaminates found. East and North sides of the facility have no chlorinated solvents, from the borings.

Curtis asks about the waste removal. Spiese notes that Casella will require to know what is in the waste.

Ken asks about the status of the Northeast Tool site. Does Bosch still own that? Spiese notes that there was chrome waste there and there was an extensive cleanup done. Ken notes that the solar panels on the East are not ground mounted but are in footings on the surface of the soil. Spiese will send an email with details about ownership if he can find anything and ask about their future plans for the Tap and Die site (lease, sell).

Bosch has deferred to NVDA and then NVDA shares the info with Lyndon. Ken suggests a more direct communication with Bosch. Spiese supports this decision.

Definitions: Sean shares the email he sent out where he combined the definitions to the matrix.

Nicole shares that she broke out the definitions and matrix from Sean's email and sent an email to Nedah, Sean, and Tammy to get hands on the document to get the ball rolling. The land use matrix has been

simplified, noting either a P (permitted) or C (conditional), in the column. All the definitions used are recorded in the matrix to match.

Nicole has some questions about distinctions of definitions: What is the difference between retail service, retail store, and personal service establishment? Where should these be allowed? What are the differences between Gas Station and Fuel Distribution and where should these be allowed? Curtis asks about propane tank exchange sites. Would this require a permit if “fuel distribution” definition notes propane sales? How is a convenience store different than a retail store? Sean notes that most “convenience stores” are developed in conjunction with a “gas station”. Tammy suggests that a “convenience store” is not the same as a “retail store”. Curtis notes that the “lodging” definition should accommodate or define separately the use of a structure as an Airbnb and other short-term rentals. Should a “Parking facility” be allowed as the sole use of a lot in Village Commercial or Main Street?

Tammy notes that gas station was under “retail”. Would you have a gas station in an industrial area? What are the definitions of industrial and commercial? Should gas station be under industrial? Tammy thinks “gas station” and “fuel distribution” should be split. Sean thinks they can be combined.

Sean asks how to move the process forward. Ken wants to do it all in one sitting. **Nicole will create document for Planning Commission member feedback on the definitions that need definition clarification. Once definitions are in place, adjustment to the Land Use Matrix can happen.**

USACE: Ken notes the emails that he sent out documenting two conversations he had with 1) VT DEC and 2) USACE.

Andrea notes that it seems like the plan is going to die and sit on a shelf.

Ken notes that there is a need for a NEW Non-Federal Sponsor. It does require a 35% cost share.

Andrea wonders if Lyndon took on NFS would they be responsible as NFS for all communities.

Ken said that Lyndon could be broken out from the other communities in the study. The USACE is moving forward to complete the study. Vermont said that there would be no involuntary buyouts which was a requirement of the USACE is why the study moved toward the Locally Preferred Project. Ken asks why the infrastructure projects were removed from the LPP? USACE felt that for the money they invested, there was a bigger return by elevating and floodproofing residences and businesses, rather than improving bridges and roadway structures. All documents have been sent to the Select Board. PC decides to send letter to Select Board asking if the Town serious about remediation. The issues cited in the latest study have been noted before in other studies and plans. Lyndon will need to decide if they want to invest into the needed infrastructure to address the issues. **Ken will write a letter to the Select Board.** Planning Commission feels they have done their due diligence and the decision lies in the hands of the Select Board.

Email from 6-10-21:

The PC discusses the bulleted items and assigns PC members to help with items 1-3.

#1- The PC decides to hold off on redefining the zoning district boundaries until after the definitions, land use matrix, and updates to permitted/conditioned uses per zone are done. (SEE DEFINITIONS discussion above). **ALL 7 members will provide feedback on a Google Doc Nicole will share.**

#2- Design overlay- Nicole has done the background work. Nicole would like a PC sub-committee to look it over. **Sean and Jacqui volunteer to assist.**

#3- Park and Ride- This is a timely project. There is a VTrans grant due August 5, 2021. The grant requires a town share of 20%. The Town owns a lot (0.6- acres) next to Calkins Rock along Route 5N near I-91.

Andrea notes that it has been used as an informal park and ride site in the past. Mapping and application

are near done. Nicole notes that the PC should seek letters of support (and financial commitment) from the Select Board. Curtis asks if the site is large enough. Nicole has drawn to scale how the site could accommodate about 10 parking spaces. The site is considered River Corridor, but 2002 flooding didn't touch this site. This is important to consider. **Nedah and Tammy volunteer to assist.**

#4- Energy Plan- The PC will wait on this one.

#5- Winter Parking Ban- the PC will hold on this one to see what recommendations emerge from the Better Connections Study.

There are questions about the Town Plan and the action items the Planning Commission should be working on. In addition to the 5 addressed in the 06-10-21 email there are several actions that fall under Better connections (Actions 2.2, 3.2, 3.5.).

Curtis asks about Riverfront Park development. Nicole shares that in conversation with Christine Beling from EPA, the site has had a Phase I and Phase II assessment. The site needs a Phase II Supplemental assessment as well as ECAA/CAP to be done. This site is on the list with NVDA to be eligible for Brownfield funds with the next grant cycle that opens this fall. Christine Beling suggests that the site be transferred to an NGO for the remediation, as the Town is the responsible party for the contamination and would be ineligible for funding to support contamination cleanup. The site needs attention and applied pressure. RCT hopes to connect the Kingdom Trails Association Sprinter Van route to the Town Garage site as a satellite location for KTA parking.

Better Connections Update: Sean did not attend last meeting. Andrea also did not attend the last meeting. There were connection issues at the last meeting. The RFP is out.

Next meeting is scheduled for Wednesday July 14, 2021 and will be held both in-person and on Zoom.

Jacqui Friend made **a motion to adjourn**. Sean McFeeley **seconded the motion**.

The Commission **voted 7-0**.

The meeting adjourned at 7:22 p.m.

Respectfully submitted by Nicole Gratton