

Glover Planning Commission Planning meeting Oct. 22, 2024

The meeting was called to order at 7:03. Ann Creaven, Doug Safford, Steve Lowe, Theresa Perron, Randy Williams, James Coe, Nella Cargioli Coe, Liz Nelson and Cassandra Kimmey were present.

Doug moved to approve and Ann seconded a motion to approve the minutes from the September 24, 2024.

James and Nella introduced Cassandra Kimmey who will talk about the BRELLA program of the VT Department of Environmental Conservation for the cleanup of toxic sites.

<https://dec.vermont.gov/waste-management/contaminated-sites/brownfields/BRELLA>

Kassie made a short presentation about brownfield: a property that is contaminated or may be contaminated and the liability issues. The owner is liable if they own the property. If it is a barrier to development the owner becomes responsible. In the BRELLA program the state and federal governments assume the liability. This breaks the chain of liability and the protection is passed on to the next owners also. The prospective purchaser as well as the current owner can be eligible as an "innocent land owner".

Phase 1. Environmental assessment.

Step 1. Critical to do Documentation and site visit before you actually buy the property

1. Identity
2. Collect samples
3. Evaluate options CAAR
4. Prepare a corrective action
5. Implement CAP (Corrective Action Plan)
6. Certification of completion

Redeveloping Brownfields

1. Site ID and planning
2. Environmental investigation
3. Site acquisition further investigation
4. Environmental remediation

Why enter the program?

1. protection from changing regulations
2. new regulated substances
3. releases that are not new
4. contribution claims from past owners transferable to subsequent owners
5. If CAP fails after the COC is issued, The VTDEC can request any liable person EXCEPT the person or successor of the person who completed the CAP to complete the required work or VTDEC can use state funds.

BRELLA give access and priority to funding.

BRELLA gives VT DEC is a prequalified contracts or performs work

BRELLA enrollment is required to access ACCD's to clean up grants and loans.

- . Protection from enforcement action
- .The developer proposes the project schedule.
- . Exemption from the hazardous waste tax
- . Release from Natural Resource Damages
- . Streamlined process for institutional controls (deed restrictions/easements)

Additional benefits:

COC – upon “substantial completion”

30 % cost cap on Corrective Action Plan Amendments

Early program withdrawal – personal liability protection

Other liability exemptions:

Municipalities hold on property and resale remain outside liability

RPCs/RDC exemption

Secured lenders

Potential funding:

VT DEC Brownfields funding: BRELLA participants are given priority for assessment or clean up assistance

VT DEC's prequalified contractor performs the work

BRELLA enrollment required to access ACCF's clean up grants and loans

Other benefits of BRELLA;

Protection from enforcement action

Developer proposes the project schedule.

Exemption from the Hazardous Waste Tax

Release from Natural Resource Damages

Streamlined process for institutional controls (deed restrictions/easements)

Additional benefits:

COC upon “substantial completion”

30% cost cap on Corrective Action Plan Amendments

Early Program withdrawal – Personal liability protection

Other Liability protections: Municipalities, RPCs/RDCs, Secured lenders can enter into an agreement with the Secretary of ANR prior to purchase.

Potential Funding Sources;

Regional Assessment program (EPA funding provided to RPCs)

EPA Assessment and Cleanup Grants

ACCD cleanup funding (loans and grants)

VT DEC Brownfields Funding: Work is performed by one of our state contractors. Funding may be state or federal, additional requirements if EPA funding is used. Applications are reviewed on a rolling basis. The advantage is to applicants who are in BRELLA . Can be used for assessment or cleanup.

Applications are reviewed on a rotating basis. Contact: Kristie.Farnham@vermont.gov. She manages the loans and grants. There is a tab for assistance: www.tab.program.uconn.edu. Help with applications and technical document review.

Nella asks is the work being done mean the testing? Yes. We do have funding for both. Clean up funding is available

James asks, "Is it contingent on redevelopment?" It can stay vacant but that is atypical. It usually needs to be developed. The funding would be more difficult if there is no redevelopment plan.

James:, "Is this program only for a contamination legacy because this case is an ongoing contamination. Is this program good for this too?"

Kassandra suggested that we should let it run its course because it might complicate the situation otherwise. Good to do some planning and forward thinking now, but be hesitant to invest a lot of money until the enforcement is completed.

Jim: my experience on brownfield action is usually triggered by the interested buyer who would usually do a phase 1. Is it usually triggered by an interested buyer? Kassandra say there is not a lot of funding for a project that doesn't involve redevelopment. If the town is interested, this is a good avenue. The Stone family owns it and it is for sale. They want to evict the current tenant although he wants to buy it. They don't trust him and don't want to sell it to him. James doesn't know if the town wants to buy it. This is an idea of exploring options.

Nella would like to consider options using the Yellow Barn Project in Hardwick as an example. Planning a plan doesn't need the specific answers. The Yellow Barn, a BRELLA project, was conceived as a mixed use site but what developed over time was very different from the original plan. You need ideas but not necessarily the answers.

Steve asked if the town could buy it, go through the BRELLA program clean it up, and then sell it? Nella: only if an identified purpose is known. The Yellow Barn purpose was conceived to develop economic growth – an incubator for agricultural business. There were many changes, but the original purpose remained the same.

Steve asked Cassandra if this would be an expensive site to clean up. She says she couldn't guess without a specifics on the remediation. Good to think about what does the community need, what kind of partners would be needed.

Nella asked if the cost is covered by BRELLA. Not a guarantee but a priority program....

Kassandra : "It's good to think of needs , what kind of partners, funding, architects, builders etc. It is not a guarantee that BRELLA would pay 100% of cleanup cost, we need to apply to find out." Theresa says her estimate is that it would cost \$150,000 to clean up: Nella said the yellow barn site was \$1,000,000. BRELLA paid for it. It had been a burial site for much debris from a damaged bridge, a farm site, a garage site , past constructions and floods. Nella said she would try to get a sense of how much money the state could provide.

Jim recounted that Phase 1 was started on the Yellow Barn: that was how it started. First was bought by an individual who bought it, held it, then sold it to the town.

Ann asked how much are the Stone's asking for the property? They would like less than \$200,000 and want the tenant evicted. Brian Stone would like to be paid the \$30,000 he lent the tenant money to pay back taxes and other personal loans to the tenant regarding the property.

The VT Attorney General is involved. Some of the land is in the river corridor; some was Act 250 permitted for commercial use as a log landing. James and Nella do not have the specific information about what land is out of the river corridor.

Steve asked Cassandra does flooding influence BRELLA? Good to demonstrate this need. She said it is outside her scope but that there other flooding resources: flood plain maps, mitigation of flood and fire plans etc. The owner or the prospective purchaser can apply for BRELLA. Does not need a purchase and sales agreement.

James and Nella are working on the Barton Main Street (Barton Motors) process which is in parallel for this site.

James asked outside of the BRELLA program what options are there for the town to help? The AG is the best place to start. Any way to facilitate interest in the property. The town could help with the marketing.

The Attorney General, Facilitate interest in the property, marketing, the Regional Planning Commission which is NVDA here. Everything they can do is on the NVDA website. Nella said, "Thanks. The slide show and your explanation of BRELLA was very helpful."

The Planning Commission, the town and the owners are in solidarity to remove the tenant and fix the property.

We all thank Cassandra for her advice and information for a complicated but good project. Cassandra leaves at 7:45.

Steve asked, "Does this seem like a path that will help us?The town doesn't seem to have much control." James: The alternative would be some enforcement action on the Stone's part, hire an attorney and so ultimately they will kick the guy out or sell it to him.

The Stone's have not heard back from the Attorney General but said they would forward the letter when they do receive it. Whatever happens, whether the tenant stay another year or two and then leaves, the legacy of the dump on that property remains for that parcel of land. We can see it as an opportunity.

Brian Stone inherited the property and he said he lent the tenant \$30,000 for back taxes and mortgages and he would like that money back. The tenant says that he gave the deceased owner what he called a deposit on a rent-to-own contract, but the owner has died with no documentation of a contract to this effect. The tenant does owe more than the deposit. The Stones are trying to hire two attorneys, one for eviction and one for foreclosure.

Randy said this tenant has done the same thing in Green Mountain Fence, and in Hardwick and Albany and Morrisville. He picks towns with no zoning, rents the land for a tire dump and then just leaves. In Albany he just paid the land owner money to dump the tires. Then the neighbor out bid to pay for the cleanup and cleaned the tires up himself because it affected the value of his adjoining property.

Theresa said it cost another municipality \$150,000. to clean up a tire mess. The Stone's came to Nella for clarification of where the town and the Planning Commission stand regarding this issue. Randy told them when the three members of the Planning Commission when meeting with the family that the Planning Commission was behind them. Also they were at the Selectboard Meeting where the Headwaters Housing Trust was discussed. It is an official entity that theoretically could buy the property from the town if the town owned it and cleaned it up first. This would be about 10 years of work. Headwaters is searching for a site right now.

Randy asked if it is a reasonable site? Nella said it is a good location between Greensboro, Glover and the Interstate. There is no sewer connection there. We need to look at the site -- it could possibly be a site for four houses for four families. Headwaters is looking for a place for that size project. We might ask them to meet again with us, the Glover Planning Commission. You form a trust, sell the units at an affordable price to the families. Then when they sell it there is a cap on profit to keep them affordable, but the seller still makes a margin of profit.

Randy asked what our next step as a planning commission is. Cassandra said that the enforcement action should happen first. James suggested we stop the problem. Nella asked what about the need to evaluate the site for development? Steve observed the problem is not solved by selling to the tenant. Theresa will talk about this issue with Patrick Shattuck of Rural Edge.

Nella says the town looks at the liability probabilities.

Steve: If the Stones don't need a lot of money and the town can get BRELLA, we can clean up before the sale.

James and Nella say it is a long time, the testing takes a year. Steve asks if the headache for the Stone's is relieved by the town buying and the BRELLA application. Nella says the minute you say you want to buy it, you put in an application, but that it might take 6 – 9 months for the approval to enroll. This doesn't guarantee payment. Randy asks can the Stone's wait until all this is completed. Nella says they might if they were sure that this would eventually happen.

James said, "Then you are clean of liability but you don't have money yet.

Steve asked if the Stones would go along with this plan. Nella doesn't know.

Ann asks "Would Headwaters buy it and skip the town buying step?"

Steve said, "The town might act quickly – the Stones have a headache with this tenant." Randy said the tenant's daughter is living in the house and someone is living in a trailer with septic issue. Phil Young inspected the site for the septic issue and had the Orleans County Sherriff him. James said, "We did talk to the Selectboard and said we will continue to pursue this and keep the Selectboard informed." The Selectboard was supportive of that idea.

Ann said, "It sounds like we have a responsibility to do something." Also as a next step should we contact a housing organization?"

James said, "This might be a big project for a green organization. It might take our assistance ."

Ann asked how can we put pressure on the AG to move forward." Barton has enforced action against dumps.

NVDA – town might enact a tire dump/ salvage yard ordinance? James didn't know of its power, but the AG is the most powerful option.

Nella suggested we find out where the AG is on this and also call the AG is the enforcement against the Stones as property owners. It would be good to communicate all of this with the Stones. Nella guesses that the enforcement is against the Stones – part of their stress.

Ann asked if James and Nella have connected with the Stones and assured them that the planning commission is advocating for them. The Stones are waiting for the enforcement action letter. Katherine Sims said this is part of the process, First enforcement, and then help.

Theresa will talk to Patrick Shattuck at Rural Edge. The role for the town might be in conjunction with other entities – that would be a way to go forward. The role for the town might be in conjunction with another entity to absorb some of the risk. Steve asks if the town could make an agreement with the Stones that the town will buy the land eventually. Nella says you can start the process of enrolling in BRELLA before you own it, but you have to buy it for the BRELLA to enroll it. If the deal falls through there is no consequence. Randy: In essence you are gaining some control over the property. We want to get the tenant out of there and stopping the current flow of operations. Nella say the Stones do not have the resources for the legal actions and are overwhelmed by the scope of this.

It is recommended that the buyer enroll in the program before the closing. Then you are enrolled in BRELLA and clean up can be considered. This shifts the liability to the state from the owner.

The site is 32 acres. Most of it goes downhill to the river. It is on both sides of the river. It slopes back up but has no road frontage. It is land locked by the river.

Nella asked if we can invite Rural Edge and Headwaters Trust to a meeting. Nella said she has a meeting with Rural Edge this week and will bring this up. Theresa asked if we can update the Selectboard about this also. One of them will attend. Theresa wondered if Patrick could see the land.

Steve requests a link for Headwaters. I can't find it right now but I will add it later.

Ann Leaves: 8:25

For the upcoming revision of the Town Plan, Alison Low gave the committee some Act 250 guidelines. We have a year according to the legislative mandate. We want to be in compliance with the regional plan. She gave us some guidelines. Alison suggested we not put in too much effort in now and wait and

see, or get involved very gradually. Local plans will have to be coordinated with the yet to be defined regional plan. Or get it in order so it could be grandfathered in. Two choices of action; hurry or wait. There is a year, so there is time.

About the Town Green: The legal issue is in motion. It is now in public comment. The Town has published a request for public response. It all sounds very positive. Randy thinks we should know by December.

We sent an official letter to the fire Department and they sent an Ooofficial letter that they do not wish to sell the green property. Nella say we will work with the engineer to deal with the storm runoff which would, and always has, run across their property. The previous Fire Chief Allen Mathews said we could use the white building 3 or 4 years ago, but the people in charge have changed. The water flows there already, but by formalizing it, we need their permission.

Steve moved to end the meeting. Seconded by James. So moved at 8:35 PM

Respectfully submitted,

Liz Nelson, Secretary

Recording:

<https://us02web.zoom.us/rec/share/LXUhPazxJrrhxaWI4CBY3jD02FjBzLpGIRmE03z8nZB9UqnPGBpIIShhGMJM2AF4.EYcSccjB6kmWi0qt>

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