

TOWN OF LYNDON
DEVELOPMENT REVIEW BOARD
September 16, 2021
Minutes

Members

Brandon Carpenter
Kevin McKeon
Curtis Carpenter
Jeremiah Aiken
Amy Rast

Public Officials

Nicole Gratton

Press

Paul Hayes (Cal-Rec)
Quintin Peer (NVU)

Public

Ken Mason
Dennis Bouffard
Joe Buzzi
Jan Rossier
Chris Laundry
Eugene Shepard
Rick Wheeler
Seth Rice
John Young
Lucas Zaun
Korie Kritzky
Chris V. Antea Group
Kristina Roy

Brandon Carpenter chaired the hearing which was brought to order at 6:00 pm.

Mr. B. Carpenter asks for agenda changes. No changes.

Review of September 2nd, 2021 minutes. Mr. McKeon made the motion to approve. Mr. C. Carpenter made the second. All in favor. Motion carried.

Public Comment on Non-Agenda Items: No public comment.

Mr. B. Carpenter provides an explanation of “interested persons’ and their ability to appeal a decision issued by the Board. Mr. B. Carpenter then swore in anyone wishing to provide testimony.

Mr. B. Carpenter gives a brief explanation of the development review process; each item will be opened and then there will be disclosures of conflict of interest. The Board hears presentations by the applicant(s), asks questions of the applicant(s), and then opens the floor to public comment or written comment. Once the Board has received all relevant information the public hearing is closed, and the Board has up to 45 days to deliberate prior to issuing a written decision on an application. Applicants and all interested persons are notified of the decision by the Zoning Administrator and all decisions by the Board are subject to a 30-day appeal period. Mr. Carpenter reminds applicants that when there are 5 or 4 DRB members in attendance, the applicant can choose to postpone their hearing to another date when there may be more DRB members present to hear the application.

Mr. B. Carpenter opened the public hearing on **2021-082**: Lucas Zaun is seeking approval to subdivide a 9.9 +/- acre lot located Lily Pond Road into 2 lots. The application requires final plat approval for a minor subdivision in the Residential Neighborhood District under section 7.7 of the Town Zoning Bylaws.

Mr. Zaun shares that the land in question is owned by his aunt, Korie Kritzky, and they hope to subdivide a 1.4+/- acre parcel from the 9.9+/- acre parcel. The newly created parcel will be given to Mr. Zaun to build a home on in the future. There is a 50' right-of-way to access the lot.

Mr. McKeon notes that the right of way is not monumented. It is an invisible right-of-way. Mr. Zaun shares that the right of way is "to the right of the apple tree at the bottom of the driveway".

Motion to close 2021_082. Mr. C. Carpenter made the motion, seconded by Mr. McKeon. All in favor. Motion carried.

Mr. B. Carpenter opened the public hearing on **2021-085**: Kennametal Inc. is seeking a demolition permit for the structures located at 378 Main Street. The application requires a waiver of Article 8.8 of the Bylaws.

Mr. John Young represents Robert Bosch Corp. opens the dialogue by sharing the plans for the former Tap and Die building located at 378 Main Street. Kennametal is responsible for the demolition to remove the building but intends to leave the cement slab and foundation in place. Mr. Young says that the current slab/foundation acts as a barrier to any subsurface contamination. The slab also provides a safety precaution from those contaminants while further sampling takes place with VTDEC. And third, the slab may be a good thing to have in place for future development of the site. Bosch plans for further environmental investigation once the building is removed. They plan to begin the investigation within 30 days of demolition. After the investigation, Bosch will complete reports and proposed contamination plan with environmental consultants to come up with a revised Corrective Action Plan (CAP) with a target of having this completed by February 2022. Bosch intends to direct their remediation efforts with the future of Lyndon in mind.

Mr. Seth Rice representing Kennametal shares the history of the building/land arrangement between Kennametal and Vermont American Corporation (Bosch). Kennametal ceased operations at the Main Street location about 7 years ago. The goal was to sell the building, but despite sustained efforts to sell the building, Kennametal has been unable to find anyone that would want to buy or use the building in its current state. Their current plan is to demolish the building. The Demolition Plan is included in the Findings of Fact. Mr. Rice thinks that this is the best path forward for this property.

Chris V. with Antea Group shares the demolition process. Please see the Demolition Plan. The wood structure materials will go to the landfill. The 1977 building steel structure will be recycled. Antea Group will start demolition in the east corner, fill any demolition, and remove the fuel tank in the parking lot. The demolition should take 6-7 weeks.

Ms. Rast asks what the contaminates are and the history of the contaminates. Mr. Young shares that there are soil and ground water contaminants. The contamination originated in 1991. Mr. Eugene Shepard, the environmental consultant for Bosch, shares that the contaminates include chlorinated solvent compounds including 101-TCA, Trichloroethylene. Mr. Shepard thinks there may be 30 monitoring wells on the site which are monitored in collaboration with VTDEC.

Mr. C. Carpenter asks if a Phase 1 environmental assessment has been done. Mr. Young says that most Phase 1 assessments occur when there is a change of hands. The company may have done a quasi-phase 1 back in the 1990's. The company knew there was a release in the 90's.

Mr. C. Carpenter asks how the decision for leaving the slab in place was made. He asks if removing the contamination and placing a membrane barrier and covering with clean fill would be an option. Mr. Young says that

the company chose to use the slab as the barrier. The Corrective Action Plan that was in place for the fuel tank was stopped when more contamination was found. The easiest choice is to leave the slab in place.

Mr. B. Carpenter has concerns about the long-term usability of the parcel. Mr. B. Carpenter wonders whether there would be interest in a large slab on a site that also has contamination. He wonders if leaving the slab is in alignment with current environmental standards. Mr. Young notes that the slab is a temporary measure. Mr. Young notes that the company has explored options dealing with the slab but is not sharing those options at this time. They hope by February 2022 they can submit a plan to address the contamination sometime in 2022. The company has done some chemical oxidation remediation at this site in the past. Mr. B. Carpenter asks why the slab removal is not part of a more thorough remediation and demolition plan. Mr. Young notes that the first step is to get the building down. The plan for the removal of the slab is not being discussed at this time. But it will be part of the revised Corrective Action Plan that the company submits to VTDEC.

Mr. C. Carpenter asks if Kennametal will be involved in the site once the building is removed. Mr. Rice, representing Kennametal, notes that once the building is down and there will be a termination of the land lease with Bosch, and at that point sole control would be with Bosch, the landowner. Mr. Young notes that at that point Bosch will take over remediation of the site. Mr. Rice representing Kennametal notes that Kennametal is not a party to the remediation project.

Mr. McKeon shares that he worked for Kennametal for 13 years and asks about the plan for ongoing cleanup of daily seepage of oil out of the concrete slab. Mr. Eugene Shepard shares that he has been in the building and noted that there is oil on the walls and ceilings but has not personally seen oil coming through the slab. Mr. McKeon shares that on humid days the company would have to come through several times a day to clean up the seepage. He wonders where that oil will go when the concrete slab is exposed to weather elements.

Mr. C. Carpenter asks for clarification about what is being left behind. Mr. Rice shares that all foundations will stay in place. Mr. Rice shares that the building was cleaned back when it was decommissioned.

Mr. Dennis Bouffard discusses what happened previously in this town with a parcel owned by Bosch Corporation. The future of this site can be seen up on Pudding Hill where a former industrial site was decommissioned, contamination was found, and foundations were left in place. The site cannot be touched other than to place solar panels on the site in an above ground mounting system. Mr. Bouffard has reached out to Mr. Dave Snedeker, a lawyer and other individuals trying to reach out to Kennametal about buying the building. If the building is torn down, there is the potential of having a vacant site in the center of town for a long time. Mr. Bouffard left several messages with Mr. Young and never received a return call. Mr. Young says he has not received any messages.

Ms. Gratton notes that as the Zoning Administrator she has reached out to Kennametal, via Stavros Bourgis at Kennametal about Mr. Bouffard's interest in buying the property and received a reply saying that Kennametal was not interested in selling the property.

Mr. Young notes that there are indoor air quality issues that would need to be addressed before the building could be sold.

Mr. Seth Rice of Kennametal shares that Kennametal has made numerous attempts to sell the property, but it cannot sell the building as it is. There is an economic disincentive for Kennametal to remediate the building so that it is sellable. Potential buyers either haven't followed through, couldn't get financing, or couldn't use the building as they had hoped.

Mr. Bouffard notes that there must be state funds available to take care of some of the remediation actions that the building and site require.

Mr. Young closes with a thank you for considering the proposal.

Motion to close 2021_085. Mr. Jeremiah Aiken made the motion, seconded by Ms. Amy Rast. All in favor. Motion carried.

Mr. B. Carpenter opened the public hearing on **2021-086**: Chad and Kristina Roy are seeking approval to convert 14 hotel rooms into 7 efficiency apartments at 4992 Memorial Drive. The application requires conditional use approval for a multi-family dwelling [3.6.2.1] in the Commercial District under section 4.2.2 of the Bylaws.

Ms. Kristina Roy and her partner, Chad Roy, filed for a permit in 2019 but the project was not finished. The 2019 project was to turn 22 motel rooms into 11 efficiency apartments. COVID-19 has delayed their progress. Before COVID, tenants would only stay for a month or two, which provided the time and space to do the improvements. Since COVID, most tenants have stayed long term making repairs harder to do. They have completed 4 units so far.

Mr. C. Carpenter notes that back in 2019 the permit was filed as an after-the-fact permit and this put the Town in a tough position; either issue the permit or have low income people kicked out and put on the streets. With only 4 units of the 11 done in the past two years, Mr. C. Carpenter asks how much more time would be needed to finish the project. Mr. C. Carpenter understands that there were a lot of complications because of COVID-19. Mr. Carpenter shares that the police, both locally and at the state level, have been called to the site over 20 times.

Mr. B. Carpenter shares that it puts the DRB in a tough spot when a building without a current certificate of occupancy that is now seeking a new permit for the same work. He asks if anything has changed in scope of the work.

Ms. Roy shares that everything is the same as the original permit. Ms. Roy shares that most of the rooms require only a doorway to be cut and then closing the room-adjoining-door and the units would be complete.

Mr. C. Carpenter asks how many units are currently occupied. Ms. Roy says that there are 12 units occupied at this time. One person moved in right before COVID restrictions were imposed, otherwise there would be 11 units, all occupied.

Ms. Roy shares that the police call issue is being addressed. During COVID it was not possible to evict anyone, so now that the moratorium has been lifted, those tenants that are causing disruptions are being moved through the eviction process.

Motion to close 2021_086. Mr. C Carpenter made the motion, seconded by Mr. Jeremiah Aiken. All in favor. Motion carried.

Other Business: None.

Next meeting is scheduled for October 7th, 2021.

Mr. B. Carpenter seeks a motion to adjourn the meeting. First by Mr. C. Carpenter, second by Mr. McKeon. All in favor. Motion carried. Meeting adjourned 6:46pm.

Respectfully submitted by: NGRATTON