



## BROWNFIELDS ADVISORY COMMITTEE

### Meeting Agenda

**Thursday, January 15, 2026, 10 – 10:45 am**

**Physical Location: Central Vermont Regional Planning Commission Conference Room  
located at 29 Main Street, Suite 4 Montpelier, VT 05602**

*Participation via Zoom<sup>1</sup>*

<https://us02web.zoom.us/j/88055614529?pwd=c2dVaTMvUnc0VU55bUd1TExTWjkzUT09>

Dial in via phone: +1 929 436 2866 | Meeting ID: 880 5561 4529 | Passcode: 215936

Download the app at least 5 minutes before the meeting starts: <https://zoom.us/download>.

Persons with disabilities who require assistance or alternate arrangements to participate are encouraged to contact CVRPC at 802-229-0389 or [cvrpc@cvregion.com](mailto:cvrpc@cvregion.com) at least 3 business days prior to the meeting for which services are requested.

**Page # AGENDA**

	<b>10:00<sup>2</sup></b>	<b>Recording Reminder &amp; Adjustments to the Agenda</b>
	<b>10:05</b>	<b>Public Comment</b>
<b>2</b>	<b>10:10</b>	<b>Review and Approval of Draft Minutes from 12/18/25 Meeting</b> (Action possible - enclosed) <sup>3</sup>
<b>5</b>	<b>10:15</b>	<b>Review Open Meeting Law Violation Allegation</b> (Action possible - enclosed) <sup>3</sup>
<b>10</b>	<b>10:25</b>	<b>Site Selection and Requested Actions</b> (Action possible - enclosed) <sup>3</sup>
<b>12</b>		• Phase I ESA - 9 Heaton Street, Montpelier
<b>14</b>		• Supplemental Phase II ESA - 707 Stonecutters Way, Montpelier
<b>16</b>	<b>10:35</b>	<b>Program Updates</b>
		• Assessment Grant Updates
		• Revolving Loan Fund Grant Updates
	<b>10:45</b>	<b>Adjourn</b>

<sup>1</sup> Dial-in telephone numbers are “Toll” numbers. Fees may be charged to the person calling in dependent on their phone service.

<sup>2</sup> All times are approximate unless otherwise advertised

<sup>3</sup> Anticipated action item.

## CENTRAL VERMONT REGIONAL PLANNING COMMISSION

## Brownfields Committee Meeting – MINUTES

December 18, 2025

**Present:**

X	Janet Shatney, Chair, Barre City Commissioner
-	Don LaHaye, Vice Chair, Waitsfield Commissioner (Alternate Seat)
X	Alice Farrell, Barre Town Commissioner
X	Peter Carbee, Washington Town Commissioner
X	Ron Krauth, Middlesex Town Commissioner
X	Heather Hurlbert, CVEDC
X	Joan Marie Misek, VT Dept of Health
X	Nicola Anderson, Downstreet Housing and Community Development
-	Liz Scharf, Capstone Community Action
X	Kevin Casey, Hickok and Boardman
-	Vacant, (environment or finance organization)
-	Vacant (environment or finance organization)

**Staff present:** Christian Meyer, CVRPC Executive Director, Eli Toohey, CVRPC Planner**Members of the Public:** Stephen Whitaker**Call to Order:** Chair Janet Shatney called the meeting to order at 10:03 am.**Adjustments to the Agenda:** None**Public Comment:** No public comment was offered on items not on the agenda at the beginning of the meeting.

**Review and Respond to Open Meeting Law Violation allegations: CVRPC**  
Executive Director Christian Meyer reviewed the Open Meeting Law (OML) violation allegation received by CVRPC on **November 11, 2025**, related to the December 4, 2025 Brownfields Committee meeting. Staff response to each allegation was reviewed, including:

- Alleged defective or misleading agenda notice
- Alleged failure to properly post the agenda
- Alleged lack of quorum
- Alleged failure to provide intelligible meeting materials

Staff explained the statutory requirements of 1 V.S.A. §312, the posting procedures used by CVRPC, the composition of the Brownfields Committee under its Rules of Procedure, and the quorum requirements. The committee discussed the discrepancy between the meeting start time listed on the agenda header and the times shown next to individual agenda items.

Staff recognized that participating committee members were not recognized at the commencement of the meeting. Each member stated their name and affiliation for the record.

Public comment was taken from Steve Whitaker regarding the agenda time discrepancy, committee appointments, quorum concerns, and meeting materials.

Committee discussion followed, including clarification of quorum requirements and committee membership structure, including reading the Membership Section of the Brownfields Advisory Committee Rules of Procedure.

#### **Action: Acknowledgment of Open Meeting Law Violation**

Peter Carbee moved to acknowledge a violation of the Open Meeting Law based on the meeting not being noticed in accordance with 1 V.S.A. §312. Joan Marie Misek seconded. Motion passed (unanimous; no abstentions recorded).

#### **Action: Cure of Open Meeting Law Violation (Ratification of Prior Actions)**

##### **1. Ratification of Prior Meeting Minutes**

**Motion:** Peter Carbee moved to ratify the motion approving the July 17, 2025, and September 25, 2025, Brownfields Committee meeting minutes. Nicola Anderson seconded. Motion passed unanimously.

##### **2. Ratification of Appointment of Liz Scharf for the at-risk populations interest group seat (Capstone Community Action)**

Peter Carbee moved to ratify the appointment of Liz Scharf to the Brownfields Advisory Committee, Janet Shatney seconded. Motion passed unanimously.

**3. Ratification of Appointment of Kevin Casey for the real estate interest group seat (Hickok and Boardman)**

Peter Carbee moved to ratify the appointment of Kevin Casey to the Brownfields Advisory Committee, Alice Farrell seconded. Motion passed unanimously.

**4. Ratification of Funding Recommendation for a Supplemental Phase II for 203 Country Club Road, Montpelier**

Peter Carbee moved to ratify the recommendation to fund the Phase II Supplemental Assessment at 203 Country Club Road, Montpelier. Alice Farrell seconded. Motion passed unanimously.

**5. Ratification of Funding Recommendation for a Phase II for 9 Heaton Street, Montpelier**

Alice Farrell moved to ratify the recommendation to fund the Phase II Assessment at 9 Heaton Street, Montpelier. Peter Carbee seconded. Motion passed with one abstention (Nicola Anderson abstained due to a conflict of interest related to Downstreet). Roll call of vote was taken.

Yes	Janet Shatney, Chair, Barre City Commissioner
Yes	Alice Farrell, Barre Town Commissioner
Yes	Peter Carbee, Washington Town Commissioner
Yes	Ron Krauth, Middlesex Town Commissioner
Yes	Heather Hurlbert, CVEDC
Yes	Joan Marie Misek, VT Dept of Health
Abstained	Nicola Anderson, Downstreet Housing and Community Development

**Approval of December 4, 2025 Meeting Minutes**

Staff noted a correction to the December 4, 2025, minutes, clarifying that a motion was *stated* rather than *restated* and suggested to add “to recommend”.

Peter Carbee moved to approve the December 4, 2025 meeting minutes as amended. Heather Hurlbert seconded. Motion passed unanimously.

**Meeting Adjournment:** Motion to adjourn was made by Alice Farrell and seconded by Peter Carbee and passed unanimously. Meeting adjourned at 10:43.



## MEMO

Date: January 7, 2026  
 To: Brownfields Advisory Committee  
 From: Christian Meyer, Executive Director  
 Re: Response to Open Meeting Law – Brownfields Advisory Committee

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☒ **ACTION REQUESTED:** Discuss Secondary Open Meeting Law violation allegation and consider possible actions.

The following memo outlines the two allegations of violation of open meeting law received by the CVRPC Brownfields Advisory Committee (BAC), the committee's actions to respond to the first allegations, and the de facto denial of a second allegation after no new allegations were raised and CVRPC was able to confer with the Municipal Assistance Center at the Vermont League of Cities and Towns.

### First Allegation

On, December 11, 2025, CVRPC received the attached notice of alleged violation of open meeting law from Stephen Whitaker, a resident of Montpelier. The allegations all related to the BAC meeting held December 4, 2025. These allegations can be broadly categorized under two themes, (1) defective meeting notice, and (2) lack of quorum.

#### *Actions Taken*

During the regular meeting of the BAC on December 18, 2025, BAC members acknowledged typos present on the meeting agenda and moved to cure the defaults by ratifying all actions taken at their December 4 meeting.

The committee reviewed CVRPC policy and the Committee's Rules and Procedures and confirmed that proper policies had been followed in nominating committee members and that a quorum was present at the December 4 meeting.

### Second Allegation

On, December 18, 2025, CVRPC received the second attached notice of alleged violation of open meeting law from Stephen Whitaker. These allegations again all hinged on the allegation that the BAC, as an advisory committee, did not have the authority to appoint its own members and therefore was unable to achieve quorum. Whitaker further alleged that by appointing its

own members it was no longer an advisory committee and therefore needed to host a physical location for the meeting. Staff reached out to the Vermont League of Cities and Towns municipal assistance center. The VLCT confirmed that there is nothing in VT statute that prohibits an advisory committee from appointing its own members and that the act of appointing its own members did not constitute a non-advisory role. Given the lack of new information and difficulty scheduling a special meeting, the BAC did not meet, which under 1 V.S.A. § 314(b)(3) constitutes a de facto denial of the allegation.

## Next Steps

In reviewing the allegations with the VLCT attorney, they recommended that the committee still meet to ensure the rational for the denial was on the record. Therefore, staff is recommending the Brownfields Advisory Committee consider moving to affirm the VLCT counsel and the de facto denial.

**Possible action:** *move to accept the VLCT legal assistance counsel confirming the legitimacy of the BAC Rules of Procedure and to confirm the de facto denial of the OML violation allegations received from Stephen Whitaker of Montpelier, dated December 18, 2025.*



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## Second notice of open meeting law violation

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**From** Stephen Whitaker <whitaker.stephen@gmail.com>

**Date** Thu 12/18/2025 11:40 AM

**To** Christian Meyer <meyer@cvregion.com>; Peter Carbee - CVRPC Commissioner & TAC Appointee - Washington <accuratecounts.vt@gmail.com>

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**To: Christian Meyer, the CVRPC Board of Commissioners, and all Brownfields Advisory Committee members.**

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# NOTICE OF OPEN MEETING LAW VIOLATION

**Exercise of Executive Authority Without Physical Meeting Location and Failure to Establish a Lawful Quorum**

**Central Vermont Regional Planning Commission – Brownfields Advisory Committee**

**Complainant:** Stephen Whitaker

**Public Body:** Central Vermont Regional Planning Commission (CVRPC), Brownfields Advisory Committee (BAC) and Board of Commissioners as BAC lacked quorum authority to meet.

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**Meeting at Issue:** December 18, 2025 (meeting purporting to "cure" prior Open Meeting Law violation from December 4, 2025)

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## I. Summary of Violations

This notice concerns a new and independent violation of Vermont's Open Meeting Law, 1 V.S.A. §§ 310–314.

At its December 18, 2025 meeting the CVRPC Brownfields Advisory Committee:

1. **Exercised executive authority** by determining and ratifying its own membership;
2. **Failed to establish a lawful quorum** because outside organizations purported to appoint voting members without statutory or Board authority; and
3. **Conducted the meeting without providing a designated physical location** where the public could attend and observe who was present and voting.

Because the Committee exercised executive governing authority while denying public physical access, and because quorum could not lawfully be established, **all actions taken at that meeting are void.**

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## II.<sup>8</sup> **Factual Background**

### 1. No Physical Location Warned or Provided

The meeting was held remotely. No physical meeting space was listed in the public notice or made available for public attendance. Members of the public, including the complainant, could not see participants or documents being discussed.

### 2. Unverified Roster at Call to Order

When the meeting began, the Committee did not identify which individuals were voting members. Participants were not asked to announce themselves or state their appointing authority. Identification occurred only later in the meeting after the complainant joined, confirming that quorum had never been verified.

### 3. Claim of Appointment Authority and Self-Ratification

During the meeting, the Committee and staff claimed that:

- written appointment records were unnecessary;
- attendance or representation by an external organization was sufficient to confer voting rights; and
- the Committee could “accept” or ratify members and their votes.

By making and acting on these determinations, the Committee **exercised executive authority**.

### 4. Outside-Entity “Appointments” Lacking Statutory Basis

Several participants were described as representatives of outside entities such as the Department of Health, regional economic-development groups, or housing nonprofits. No statute authorizes those organizations to appoint voting members to a regional planning commission subcommittee, and no CVRPC Board action confirming such appointments appears in any minutes.

### 5. Resulting Absence of Lawful Quorum

Because the total number of duly appointed members is unknown and unverifiable, quorum was legally indeterminable at the time the meeting was convened. A body cannot lawfully conduct business when quorum cannot be calculated.

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## III. Legal Analysis

### A. Advisory vs. Executive Authority

A body that exercises appointment or ratification authority acts in an **executive capacity**, not as a mere advisory group. Once the BAC determined and ratified its own membership, it ceased to be “advisory only” and became a **governing body** required to comply fully with all provisions of the Open Meeting Law.

### B. Physical-Access Requirement

Under 1 V.S.A. § 312(a)(2), every meeting of a public body must provide a **physical location** where the public may attend, observe, and hear the deliberations.

No <sup>9</sup> such location was provided. Remote-only participation is permissible only for members, not as a substitute for public access.

## C. Quorum and Appointment Authority

Quorum can exist only when a fixed number of seats are filled by individuals **lawfully appointed by the governing body**. Outside organizations have no statutory authority to appoint members to CVRPC committees. Committee "rules of procedure" cannot supersede statute. Without Board confirmation of each voting member, quorum is legally indeterminable and any vote is void ab initio.

At the December 18, 2025 meeting, the Committee further ratified the seating and participation of individuals whose appointments had been made or asserted at the prior December 4, 2025 meeting, thereby reaffirming and exercising executive appointment authority.

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## IV. Requested Cure

Pursuant to 1 V.S.A. § 314(b)(1), the complainant requests that CVRPC:

1. **Acknowledge** that the December 18, 2025 meeting violated the Open Meeting Law;
2. **Void** all actions taken at that meeting;
3. **Convene a properly warned public meeting within ten (10) calendar days**, but in any event before December 31, 2025, to:
  - reconstitute the Brownfields Advisory Committee lawfully through Board appointment or confirmation;
  - announce and verify the full roster at the call to order;
  - provide a publicly accessible **physical meeting location** with hybrid access if desired; and
  - conduct any necessary re-votes from a clean slate;
4. **Commit in writing** that the BAC will not hereafter exercise appointment or ratification authority without formal Board action.

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## V. Educational Intent

This notice is also intended to be transmitted to all current BAC participants and CVRPC Commissioners so that every member understands the governing requirements of Vermont's Open Meeting Law. The goal is to restore lawful, transparent, and accountable Brownfields oversight—not to embarrass anyone.

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## VI. Reservation of Rights

If the violation is not cured within the statutory period, the complainant will refer this matter to the Vermont Attorney General or seek judicial relief as provided in 1 V.S.A. § 314(b)(2).

Stephen Whitaker



## MEMO

Date: January 8, 2025  
 To: Brownfields Advisory Committee  
 From: Eli Toohey, Planner  
 Re: New Project Review Memo

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### 9 Heaton Street, Montpelier

**ACTION REQUESTED:** *move to recommend the CVRPC Board of Commissioners' Executive Committee approve funding of a Phase I Environmental Site Assessment for 9 Heaton Street in Montpelier.*

At their December 18, 2025, meeting, the Brownfields Advisory Committee recommended the CVRPC Board of Commissioners fund a Phase II ESA at 9 Heaton Street. In review of the Site Nomination Form, staff noted that the most recent Phase I ESA was completed in August of 2023. A Phase I needs to be completed within 6 months of the transfer of property. The transfer of property is anticipated to happen in the first half of 2026.

SMS #:	TBD
Reuse:	Affordable Housing
Owner:	Washington County Mental Health Services, Inc.
Prospective Owner:	Downstreet Housing
Developer:	Downstreet Housing
Assessment Activity:	BAC made the recommendation for the CVRPC Board of Commissioners to fund a Phase II ESA (12-18-2025 Meeting). Phase I will need to be done as well as the last one was done in August 2023 (action item for 1-15-26 BAC meeting).
Assessment Status:	Awaiting EPA Site eligibility approval prior to CVRPC Board of Commissioners approval
Funds recommended:	TBD
Contractor:	Montrose/Stone Environmental
BRELLA status:	Pending BRELLA enrollment

## **707 Stonecutters Way, Montpelier**

☒ **ACTION REQUESTED:** move to recommend to the CVRPC Board of Commissioners' Executive Committee to approve funding of a Supplemental Phase II Environmental Site Assessment for 707 Stonecutters Way in Montpelier.

This site is a new project located at 707 Stonecutters Way (the old RK Myles lo, next to the Hunger Mountain Coop). In December 2025 the Coop submitted a site nomination form requesting funding of a Supplemental Phase II ESA. The project is BRELLA enrolled, had a Phase I done prior to the transfer to the Hunger Mountain Coop and a Phase II done by Stone Environmental in June 2025. Exceedances of VOCs, PAHs and heavy metals were found, and a Supplemental Phase II ESA was recommended.

SMS #:	2025-5528
Reuse:	TBD
Owner:	Hunger Mountain Coop
Developer:	TBD
Assessment Activity:	Requested Supplemental Site Investigation
Assessment Status:	Phase I ES completed in April 2025, Phase II ESA completed in June 2025
Funds recommended:	TBD, initial proposed amount \$41,057.08
Contractor:	Montrose/Stone Environmental
BRELLA status:	Enrolled

See also; *Site Selection Criteria in packet for 1-15-26 meeting*

**9 Heaton Street, Montpelier VT**  
**Site Scoring Matrix**  
**Central Vermont Regional Planning Commission**

Factor	Criteria	Point	Score
Ownership	Publicly owned or access secured from private owner	25	25
	Private ownership but owner cooperative	10	
	Owner non-responsive and no access	0	
Redevelopment Potential	Clearly defined reuse plan	20	10
	Conceptual reuse plan or general community support	10	
	No clear reuse plan or barriers exist to reuse	5	
Equitable Housing Potential	Provide safe & affordable housing for diverse social and income groups	20	20
	Provide housing options above market value	10	
	Not a housing project	0	
Flood Resiliency Potential	Development outside of floodplain OR supports protection/restoration of floodplain	20	20
	Project located in floodplain but will not exacerbate flooding & fluvial erosion	10	
	Project located in flood hazard area & lacking clear plans for resiliency measures	0	
Community Benefit	Creation of new jobs, green space, and/or healthcare or other essential services	15	15
	Community benefits are expected but intangible or not easily quantified	10	
	No specific community benefit	5	
Disadvantaged or Overburned Community	Site is located in a low income, area of negative socioeconomic outcomes, or historically overburdened area	15	5
	Moderately low income, moderately poor negative socioeconomic outcomes, or somewhat overburdened area	10	
	Limited alignment with the above criteria	5	
Environmental or Health Risks	Documented contamination with high potential exposure pathway	15	15
	Suspected contaminated with potential high or medium potential exposure pathway	10	
	Low likelihood of contamination	5	
Readiness to Proceed	Site is, "shovel ready" for assessment to begin	10	10
	Site groundwork or clearing is needed for assessment	5	
	Site has limited safe access or requires extensive preparations to investigate	2	
Priority and Planning Alignment	Site is in an adopted land use plan, AWP area, or is prioritized by local government	5	3
	General alignment with land use plans but not explicitly prioritized	3	
	No known alignment with existing plans	1	

13 Displacement	Reuse plans will not displace existing tenants or residents	5	5
	Potential to displace existing tenants or residents	3	
	Tennants or residetns will be dispaced	0	
State Planning Goal #11: Housing	Zoning Compatibility: Sites located in areas zoned or planned for residential or mixed-use development	5	5
	Not compatibiliy zoned.	1	
	Proximity to Services: Within ½ mile of transit, schools, or essential services to support workforce and affordable housing.	+1	1
	Infrastructure Readiness: Access to water, sewer, and broadband to reduce development costs	+1	1
	Affordability Leverage: Potential to support income-qualified or workforce housing through public-private or nonprofit partnerships	+1	1
	Reuse Potential: Vacant or underutilized sites within existing settlement areas (to prevent sprawl).	+1	1
State Planning Goal #14: Flood Resilient Communities	Flood Hazard Avoidance: Outside mapped floodways and special flood hazard areas (SFHAs).	5	5
	Inside a mapped floodway or special flood hazara area	0	
	Elevation and Drainage: Sites that allow safe building elevations or low-cost mitigation.	+1	1
	Natural Buffer Preservation: Maintains riparian buffers or wetlands that reduce downstream flood risks.	+1	1
	Stormwater Management: Opportunities for green infrastructure or flood storage enhancement.	+1	1
	Community Resilience Value: Supports relocation or redevelopment of vulnerable properties.	+1	-

**Total Score (out of 160 points): 145**

**707 Stonecutters Way, Montpelier VT**  
**Site Scoring Matrix**  
**Central Vermont Regional Planning Commission**

Factor	Criteria	Points	Score
Ownership	Publicly owned or access secured from private owner	25	25
	Private ownership but owner cooperative	10	
	Owner non-responsive and no access	0	
Redevelopment Potential	Clearly defined reuse plan	20	10
	Conceptual reuse plan or general community support	10	
	No clear reuse plan or barriers exist to reuse	5	
Equitable Housing Potential	Provide safe & affordable housing for diverse social and income groups	20	0
	Provide housing options above market value	10	
	Not a housing project	0	
Flood Resiliency Potential	Development outside of floodplain OR supports protection/restoration of floodplain	20	0
	Project located in floodplain but will not exacerbate flooding & fluvial erosion	10	
	Project located in flood hazard area & lacking clear plans for resiliency measures	0	
Community Benefit	Creation of new jobs, green space, and/or healthcare or other essential services	15	15
	Community benefits are expected but intangible or not easily quantified	10	
	No specific community benefit	5	
Disadvantaged or Overburned Community	Site is located in a low income, area of negative socioeconomic outcomes, or historically overburdened area	15	15
	Moderately low income, moderately poor negative socioeconomic outcomes, or somewhat overburdened area	10	
	Limited alignment with the above criteria	5	
Environmental or Health Risks	Documented contamination with high potential exposure pathway	15	15
	Suspected contaminated with potential high or medium potential exposure pathway	10	
	Low likelihood of contamination	5	
Readiness to Proceed	Site is, "shovel ready" for assessment to begin	10	5
	Site groundwork or clearing is needed for assessment	5	
	Site has limited safe access or requires extensive preparations to investigate	2	
Priority and Planning Alignment	Site is in an adopted land use plan, AWP area, or is prioritized by local government	5	3
	General alignment with land use plans but not explicitly prioritized	3	
	No known alignment with existing plans	1	
Displacement	Reuse plans will not displace existing tenants or residents	5	5
	Potential to displace existing tenants or residents	3	
	Tenants or residents will be displaced	0	
State Planning Goal #11: Housing	Zoning Compatibility: Sites located in areas zoned or planned for residential or mixed-use development	5	-
	Not compatibility zoned.	1	1
	Proximity to Services: Within ½ mile of transit, schools, or essential services to support workforce and affordable housing.	+1	1
	Infrastructure Readiness: Access to water, sewer, and broadband to reduce development costs	+1	1

	Affordability Leverage: Potential to support income-qualified or workforce housing through public-private or nonprofit partnerships	+1	1
	Reuse Potential: Vacant or underutilized sites within existing settlement areas (to prevent sprawl).	+1	1
State Planning Goal #14: Flood Resilient Communities	Flood Hazard Avoidance: Outside mapped floodways and special flood hazard areas (SFHAs).	5	-
	Inside a mapped floodway or special flood hazard area	0	0
	Elevation and Drainage: Sites that allow safe building elevations or low-cost mitigation.	+1	1
	Natural Buffer Preservation: Maintains riparian buffers or wetlands that reduce downstream flood risks.	+1	1
	Stormwater Management: Opportunities for green infrastructure or flood storage enhancement.	+1	1
	Community Resilience Value: Supports relocation or redevelopment of vulnerable properties.	+1	1

**Total Score (out of 160 points): 102**

## CVRPC BROWNFIELD PROGRAM UPDATES

January 15, 2026

These updates keep the Brownfields Advisory Committee informed about program activities, potential modifications to state and federal programs and practices, and other news that may be of interest. CVRPC Brownfields Program receives funding from Mount Ascutney Regional Planning Commission through a subgrant agreement for assessments. This subgrant agreement is active through June 30, 2026. The program also received funding through EPA Brownfields Assessment Grant and an EPA Brownfields Revolving Loan Fund grant. The project period for the Brownfields Coalition Assessment Grant is 5/16/2025 - 09/30/2029. The project period for the Brownfields Revolving Loan Fund is 05/16/2025 - 09/30/2030. Acronyms and brownfield-related terms are defined at the end of this document. Please feel free to share additional acronyms or terms you would like explained.

### Active Sites

#### EPA Brownfields Assessment Coalition Grant Sites

##### **203 Country Club Road, Montpelier**

SMS #:	2022-5116
Reuse:	Housing and Community Center
Owner:	City of Montpelier
Developer:	TBD
Assessment Activity:	BAC made the recommendation for the CVRPC Board of Commissioners to fund a Supplemental Phase II ESA (12-18-2025 Meeting)
Assessment Status:	Awaiting EPA Site eligibility approval prior to CVRPC Board of Commissioners approval
Funds recommended:	TBD
Contractor:	Montrose/Stone Environmental
BRELLA status:	Enrolled

**Update:** 203 Country Club Road has completed the site nomination form and gone through site selection process. During the 12-18-25 Brownfields Advisory Committee the committee made the recommendation to the CVRPC Board of Commissioners to fund a Phase II Supplemental ESA.

**Next Steps:** Work with Montrose and EPA on site eligibility approval process. Work with Montrose, Stone Environmental, DEC and EPA on work plan and getting Supplemental Phase II ESA completed.

### **9 Heaton Street, Montpelier**

SMS #:	TBD
Reuse:	Affordable Housing
Owner:	Washington County Mental Health Services, Inc.
Prospective Owner:	Downstreet Housing
Developer:	Downstreet Housing
Assessment Activity:	BAC made the recommendation for the CVRPC Board of Commissioners to fund a Phase II ESA (12-18-2025 Meeting). Phase I will need to be done as well as the last one was done in August 2023 (action item for 1-15-26 BAC meeting).
Assessment Status:	Awaiting EPA Site eligibility approval prior to CVRPC Board of Commissioners approval
Funds recommended:	TBD
Contractor:	Montrose/Stone Environmental
BRELLA status:	Pending BRELLA enrollment

**Update:** 9 Heaton Street has completed the site nomination form and gone through site selection process. During the 12-18-25 Brownfields Advisory Committee the committee made the recommendation to the CVRPC Board of Commissioners to fund a Phase II ESA for 9 Heaton Street. A Phase I ESA was done in August 2023 so a Phase I will also need to be done prior to transfer of property.

**Next Steps:** Work with Montrose and EPA on site eligibility approval process. Work with Montrose, Stone Environmental, DEC and EPA on work plan and getting Phase II ESA completed. Brownfields Advisory Committee will need to take action on whether or not to recommend to the CVRPC Board of Commissioner funding for a Phase I ESA (this is on the agenda for BAC 1-15-26 meeting).

### **Mount Ascutney Regional Commission Assessment Funds FY24 Sites**

#### **33 North Main Street, Waterbury**

SMS #:	TBD
Reuse:	Flood Plain Restoration/FEMA Buyout
Owner:	Clark Feres
Prospective Owner:	Waterbury

Developer:	N/A
Assessment Activity:	BAC made the recommendation for the CVRPC Board of Commissioners to fund a Phase I ESA in 2025.
Assessment Status:	Phase I will be complete by end of January.
Funds recommended:	\$1,000 (part of contract for \$2,000 to do 33 & 35 North Main Street at the same time)
Contractor:	LE Environmental
BRELLA status:	Pending BRELLA enrollment

**Update:** 33 North Main Street, Waterbury has had a delay in Phase I assessment due to property access issues. As of January 5, 2026, LE Environmental was able to access the site and the Phase I report will be completed by the end of January 2026. The BRELLA application is taking longer than anticipated and Waterbury is having to do a parcel survey to meet the BRELLA application requirements. CVRPC staff reached out to Mount Ascutney program staff and have confirmed that an extension of the subgrant is approved. This will extend the funding period through June 30, 2026.

**Next Steps:** Work with Montrose and EPA on site eligibility approval process. Work with Montrose, Stone Environmental, DEC and EPA on work plan and getting Phase II ESA completed.

### **35 North Main Street, Waterbury**

SMS #:	TBD
Reuse:	Flood Plain Restoration/FEMA Buyout
Owner:	Clothes Quarters, LLC
Prospective Owner:	Waterbury
Developer:	N/A
Assessment Activity:	BAC made the recommendation for the CVRPC Board of Commissioners to fund a Phase I ESA in 2025.
Assessment Status:	Phase I will be complete by end of January.
Funds recommended:	TBD
Contractor:	LE Environmental
BRELLA status:	Pending BRELLA enrollment

**Update:** 9 Heaton Street has completed the site nomination form and gone through site selection process. During the 12-18-25 Brownfields Advisory Committee the committee made the recommendation to the CVRPC Board of Commissioners to fund a Phase II ESA for 9 Heaton Street.

**Next Steps:** Work with Montrose and EPA on site eligibility approval process. Work with Montrose, Stone Environmental, DEC and EPA on work plan and getting Phase II ESA completed.

## Program Outreach

Continue to outreach to prospective sites, finance partners, real estate partners, and municipal leaders about CVRPC Brownfields Program and current funds available.

## Work Plan and Budget

### Mount Ascutney Regional Commission Assessment Subaward - FY24

The Mount Ascutney Regional Commission Assessment subgrant for FY24 has funded 3 completed assessment projects and has one currently underway (this one includes 2 properties at 33 & 35 North Main Street in Waterbury. The total encumbered amount for these projects is \$ 90,653. Not all of these projects spent the full proposed amounts and there is a remaining encumbered balance of \$4,021.05. Here is a list of the projects funded with FY 24 MARC Subaward funds;

- 203 Country Club Road, Montpelier - Phase II ESA
- 173 South Main Street, Barre – Supplemental Phase II ESA
- 300-302 Granger Road, Berlin – Corrective Action Plan (CAP) Planning
- 33 & 35 North Main Street, Waterbury – 2 Phase I ESAs

### EPA Brownfields Coalition Assessment and Revolving Loan Fund Grants

No assessment or loan funds have been expended to date. Funding through EPA Brownfields Assessment Grant and an EPA Brownfields Revolving Loan Fund grant is for the following periods, 5/16/2025 - 09/30/2029 and 05/16/2025 - 09/30/2030, respectively. The first funding requisition will be at the end of January.

## Program updates

### *Ongoing MARC Assessment Project Work:*

- 33 & 35 North Main Street, Waterbury
  - BRELLA support to Waterbury
    - Currently getting parcels surveyed, a requirement of the BRELLA application if the land records doesn't have the needed details
  - Contract administration
    - Contract end date will need to be extended. Property access took longer than expected

- Reporting compliance
  - Assuring that all reports are sent to DEC
- Phase I reports (separate reports, same contract) due to be completed by end of January

*Ongoing EPA Coalition Assessment Grant Work:*

- Master Quality Assurance Project Plan is being updated per new guidance from Region 1
- Property Access Agreement – Complete
- Sites recommended for assessment being monitored
  - 203 Country Club Road, Montpelier – Property Access Agreement is being drafted and Supplemental Phase II is being reviewed by the EPA for site eligibility. It will also be reviewed by DEC and the cost will be based on the final scope. This will be reviewed by the next CVRPC Executive Committee for funding approval.
  - 9 Heaton Street, Montpelier – Property Access Agreement is drafted and in the hands of Downstreet. Either the current owner (Washington County Mental Health Services) or Downstreet will sign. Phase II ESA is being reviewed by EPA for site eligibility. Phase I was done in August 2023 so is on the agenda for 1-16-26 meeting for BAC to make recommendation to fund to the CVRPC Board of Commissioners.
- Outreach for potential site nominations
  - Prospect Heights, Barre has historical uses that require a Phase I
  - 143 Main Street, Barre Area Development contracted with Weston & Sampson to do a Phase I and they are BRELLA enrolled. The property will be transferred to the City of Barre.

*Ongoing Revolving Loan Fund Work:*

- Research and checklist for potential contracting of underwriter and/or loan servicing agent
- Draft of Revolving Loan Fund Program Manual is completed, will need terms recommendations to the CVRPC Executive Committee. Staff recommends BAC makes initial recommendation for loan/subgrant awards. This will be on the agenda for February's BAC meeting. The Executive Committee will make the final decision for loan/subgrant awards.
- The goal is to have the Revolving Loan Fund active by the end of March, 2026

Brownfield Assessment Activities		
Acronym	Assessment Activity	Description

Phase I ESA*	Phase I Environmental Site Assessment	-Background information gathering and historical records review -Visual site inspections -Other requirements according to ASTM standards
Phase II ESA	Phase II Environmental Site Assessment	-Subsurface Soil Sampling -Groundwater Sampling -Ecological Assessment (if necessary) -Quality Assurance Project Plan (QAPP) required by EPA
Supplemental Phase II ESA	Supplemental Phase II Environmental Site Assessments	-Subsurface soil sampling and groundwater sampling to determine the extent of contamination found in the initial Phase II ESA
SSQAPP**	Site Specific Quality Assurance Project Plan	- a document that outlines the procedures that those who conduct a monitoring project will take to ensure that the data they collect and analyze meets project requirements. - invaluable planning and operating tool that outlines the project's methods of data collection, storage and analysis
HBM	Hazardous Building Materials Assessment	- Assessments for the hazardous materials that impact building use, renovation or demolition. - Determines if hazardous substances are present and in what quantities, and then develop options and costs for management or removal.
ECAA	Evaluation of Corrective Action Alternatives	- Evaluation of remediation options and associated costs, while balancing environmental protection and site redevelopment goals - Identification of redevelopment scenarios - Identification of remedial alternatives Engineering evaluation of remedial alternatives and selection of preferred alternative - Required by DEC to be included in all DEC approved Corrective Action Plans
CAP	Corrective Action Planning Activities	A plan detailing the specific remedial actions necessary to implement the preferred alternative selected in the ECAA process.
<p><b>Notes:</b> *Phase I ESAs for current owners of a property may be eligible projects. This would be reviewed by DEC on a project basis as this funding is not intended to benefit potentially liable parties.</p> <p>**This is State funding so SSQAPPs are not needed. However, the expense may be eligible if a SSQAPP is needed, such as if state funding is partnered with federal funding for the project. This can be determined on a project basis.</p>		