

SOUTHWEST REGION PLANNING COMMISSION
BROWNFIELDS ADVISORY COMMITTEE
MINUTES
October 21, 2009

Present: Bill Prokop, Chairman, Town of Antrim; Rodney Bartlett, Town of Peterborough; Jack Dugan, Monadnock Economic Development Corporation; Beth Fox, Town of Swanzey; John Gomarlo, Town of Winchester; Bob Harcke, Town of Westmoreland; Ralph Wentworth, Town of Troy.

Staff: Tim Murphy, Executive Director; J. B. Mack, Senior Planner; Eric R. Smith, Planner.

Guests: Mike McCluskey, NH Department of Environmental Services; Gary Lynn, NH DES; Frank Gardner, and Christine Lombard, US Environmental Protection Agency

I. Welcome & Introductions

Chairman Prokop called the meeting to order at 11:00 a.m. and introductions were made.

II. Minutes of September 15, 2009

The minutes of September 15, 2009 were approved as submitted by unanimous vote with Jack Dugan and Beth Fox abstaining due to absence at the September 15th meeting.

III. New Site Nomination: 12 Court Street, Keene, NH

J.B. Mack reviewed the new site nomination for 12 Court Street in Keene. The .9-acre site includes the existing Cheshire County Superior Courthouse and parking lot and is bounded by Court, Center, Middle and Winter Streets. The parking lot is to the rear of the existing Courthouse building. As part of its efforts to keep all Cheshire County court functions in the City of Keene, Cheshire County is interested in expanding the existing courthouse building by building vertically on the existing site, which would include parking. Jack Wozmak, Cheshire County Administrator, visited with SWRPC staff and requested assistance from our program in order to better understand any environmental contamination as he moves forward with redevelopment plans for the site.

Jack Dugan explained how currently the Superior Court is located within the County-owned building on Court Street. However, the District Court is located in the Keene City Hall building. He noted there is inadequate security for judges at the District Court. The State of New Hampshire has deemed the current court facilities insufficient and has been considering moving some of the court facilities to Jaffrey. Jack noted this plan has made a lot of people upset in Keene with the prospect of losing the courts. Currently a lot of attorneys work in downtown Keene. For the past six months a Committee led by Senator Molly Kelly has explored options to keep the Court facilities in Keene. They would have the District and Superior Courts under one roof. A goal has been established that any outcome of a combined courthouse facility must not cost any more than the two combined courts.

Jack Dugan noted that during the discussions to keep the Court facilities in Keene that MEDC became involved. He noted that MEDC's efforts have led to a proposal for a brand new building on the 12 Court Street property. The County could rent out some space in the existing Courthouse.

Ralph Wentworth asked what was the nature of the suspected contamination. Jack Dugan indicated the site has been a parking lot as long as he knows. J.B. Mack then noted that an underground storage tank was removed in the past few years and due to the fact that the site is located in the downtown, the County would like to be aware of historic uses and possible contamination from parcels historically surrounding the courthouse. J.B. Mack noted that we did speak to Gary Lynn from NH DES regarding the eligibility of the site for petroleum funds. Gary indicated that the County is a viable party for paying for cleanup and also they have owned the land since the 1800's. Thus the site did not qualify for Petroleum funding. J.B. then indicated that he spoke to U.S. EPA to have a precautionary Phase I Environmental Site Assessment conducted with funding from their mixed hazardous substances brownfields program, which EPA has approved.

J.B. Mack indicated that today SWRPC staff is looking for the Brownfields Advisory Committee to approve or not approve the nomination of 12 Court Street. Then we will contact one of our three consultants. Tim Murphy indicated the consultant would prepare a scope of services proposal and then we would come back to the Committee.

Motion: To accept the nomination for 12 Court Street as proposed by Cheshire County and have our environmental consultants provide a scope of work proposal to conduct a Phase I Environmental Site Assessment (ESA) on the property.

Motion by Beth Fox, seconded by Bill Prokop. Approved by a unanimous roll call vote with Jack Dugan and Bob Harcke abstaining.

Tim Murphy announced that Cheshire County is an SWRPC member, which is allowed under the Revised Statutes Annotated and commended them for being the first County he is aware of to support SWRPC programming.

J.B. noted a review of the site selection criteria fit nominating the Courthouse site (12 Court Street) into the Southwest Region Brownfields Program. The site involves infill redevelopment and meets smart growth criteria. He noted staff feels supportive of this site and a Phase II would not likely be necessary. Chairman Prokop asked how long before a proposal would be ready. J.B. Mack expected it to take one to one and a half months to have a scope of services proposal developed for review. He noted Jack Wozmak indicated there is not an immediate rush to have the Phase I ESA completed.

IV. Other Matters

a. Fall Brownfields Forum

J.B. Mack indicated that between 35-40 people are expected to attend the Brownfields Forum following today's meeting. He noted that he hoped to have representatives attend from Southwest Region towns that are not currently participating in the Program. Two in particular are Rindge and Walpole. J.B. then reviewed the format of the Forum.

b. FY 2010 EPA Brownfields Assessment Grant Application status

J.B. Mack reported that last Friday staff submitted the completed grant application to EPA to continue the Brownfields Assessment program. The FY 2010 Brownfields Assessment Grant application includes funding for both mixed hazardous and petroleum. Eric Smith noted that attending the EPA's Brownfields Grant Workshop in Worcester, Massachusetts was very helpful in completing this year's

grant application. He noted this year there was more of a focus on health issues associated with Brownfields.

J.B. Mack explained that staff had looked into submitting a grant application under the EPA Brownfields Clean-up Revolving Loan Fund program (RLF), but there are a number of loose ends that needed to be tied up before starting an application. Chris Lombard noted that Rockingham Planning Commission examined the possibility of starting an RLF program but determined that they did not meet the threshold criteria as an eligible entity for the grant. J.B. Mack noted that Southern Maine Regional Planning Commission currently administers an RLF grant and perhaps there are differences in the Maine and New Hampshire statutes that make New Hampshire regional planning commissions ineligible. Chris Lombard indicated that there will be seven new RLF grants awarded across the United States this year.

c. Site updates

Rodney Bartlett provided Committee members with an update regarding the former National Guard Armory site in Peterborough. He noted that the Town recently received a letter from the Army National Guard indicating they refused to sign papers to transfer the property to the Town. Rodney thought that this matter had been resolved last summer (2008). He noted that Pam Brenner, Peterborough Town Administrator, contacted Debora B. Pignatelli, Governor's Council Representative, who subsequently contacted the Governor. As of yesterday, National Guard signed the papers, including the quitclaim deed, to transfer the Armory property over to the Town of Peterborough.

J.B. Mack discussed two other sites being investigated for ultimate nomination into the Southwest Region's Brownfields Program. He noted the efforts of SWRPC staff member, Eric Smith, in these outreach efforts. J.B. Mack and Eric Smith noted they are investigating sites in Spofford and Fitzwilliam. Tim reminded that TRC will be looking into the Antrim Garage site. John Gomarlo asked what the status of the American Tissue site was and Mike McCluskey noted the New Hampshire Attorney General's Office is still reviewing the matter of allowing SWRPC legal access to the site.

V. Next Meeting

J.B. Mack suggested that the next meeting of the Brownfields Advisory Committee be held at the call of the Chairman. Committee members agreed with the suggestion. The meeting will be called when the proposal for the 12 Court Street Phase I Environmental Site Assessment is ready for review. Timeframe suggested is late November to early December.

VI. Adjourn

Meeting adjourned at 11:35 a.m.

Respectfully Submitted,

Eric R. Smith, AICP
Planner