



# Franklin Regional Council of Governments

## Franklin Regional Planning Board— *MINUTES*

Date & Time:	Thursday, October 27, 2016 / 6:00 – 8:00 p.m.
Location:	JW Olver Transit Center, 12 Olive Street Greenfield, MA – First Floor Conference Room
Facilitator:	Jerry Lund, Chair

### FRPB MEMBERS

- Jerry Lund**, Chair, Leyden, At-Large, FRPB Executive Committee
- Sam Lovejoy**, Clerk, Montague, At-Large, FRPB Executive Committee, FRCOG Executive Committee
- Thomas Miner**, Second Vice Chair, Shelburne, At-Large, FRPB Executive Committee
- Thomas Hutcheson**, Conway Select Board
- Joan Rockwell**, 1<sup>st</sup> Vice Chair, Colrain, At-Large
- Ted Cady**, Warwick Planning Board, FRPB Executive Committee
- Joseph Strzegowski**, Conway Planning Board
- Ted Cady**, Warwick Planning Board
- John Ryan**, At-Large
- Jim Basford**, At-Large
- Mike Shaffer**, Erving Planning Board
- Nathan L'Etoile**, At-Large
- Chuck Washer**, Shelburne Select Board
- Patricia Marcus**, At Large
- Bryan Smith**, Erving Select Board

### FRCOG STAFF

- Peggy Sloan**, Planning & Development Director; **Liz Jacobson-Carroll**, Administrative Services Assistant;
- Beth Giannini**, Senior Transportation Planner II;

### PRESENTERS/GUESTS

- Nancy E. Milkey**, Senior Project Manager – Tighe & Bond; **Walter Ramsey**, Montague Town Planner;
- Linda Overing**, New Salem resident;

<b>1. Introductions</b>	Jerry Lund, FRPB Members
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J. Lund convened the meeting at 6:05 p.m. A round of introductions followed.

<b>2. Review and Approval of September 22, 2016 FRPB Minutes</b>	Joan Rockwell
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**T. Cady moved to adopt the 9/22/16 minutes, S. Lovejoy seconded the motion, and the motion passed with one abstention.**

<b>3. Presentation on the FRCOG Regional Brownfield Assessment &amp; Clean-up Program</b>	N. Milkey, P. Sloan
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P. Sloan introduced the program, noted its goals, summarized its history, and reviewed the status of several of the fifty-eight properties receiving attention under the current funding. She noted that most

projects focus on exterior site work (e.g., cleaning up the site of a mill to create a park in Erving), but a few target on the interiors (e.g., cleaning up the inside of a Greenfield bank). Regarding administration, she indicated that FRCOG distributes sub-grants directly to partner municipalities. Projects are identified, initially, either by FRCOG or by the towns themselves.

Describing FRCOG's use of the assessment portion of the grant, Project Manager N. Milkey (of Tighe & Bond, the engineering firm involved since 2004) described past work to identify and prioritize the sites which pose the greatest problems relating to public health, public safety, and the environment. Assessments of the sites involve two phases, she said, as well as remedial action plans based on state and federal contingency regulations. She went on to describe various types of assessments and methods used, including database review, interviews of local residents, officials and boards, historical mapping and GIS work, and research into state and federal records. Phase I focuses on site reconnaissance searching for clues such as stains, residues and refuse/containers, N. Milkey continued, and often includes investigation of the past and present uses of adjacent properties. Phase II pertains to subsurface assessment, which involves collaboration with the EPA to determine if and when to dig, and the appropriate methods of sampling and analysis. What they look for is dictated by the use of the site; lab results indicating the presence of substances in quantities exceeding state thresholds are reported.

In addition to reviewing the various sites, and in response to a question from J. Lund, N. Milkey indicated that deed restrictions ensure proper procedures are followed by subsequent owners of these properties; soil would have to be treated before a daycare center could be built, for example. Most banks would require Phase I assessment before granting a mortgage, P. Sloan said, then added that those paying in cash should initiate assessments on their own, as they could face liability issues. She noted that those who inherit brownfield properties may encounter other problems.

In response to T. Cady's question regarding the advisability of towns taking brownfield properties for back taxes, N. Milkey and P. Sloan explained that although some towns will take such properties in order to build public works facilities or initiate development, most will not do so until they have determined the potential cost of the clean-up required.

P. Sloan indicated that in of cases unresponsive property owners, towns should be aware that research to locate individuals, court proceedings to gain permission to conduct site reviews, and applying to the Department of Environmental Protection (DEP) for funding may be required before clean up can begin. In response to M. Shaffer's question, she explained that the DEP can proceed with testing without an owner's permission, but only if the brownfield issues are affecting adjacent properties. Impending property transfers are the usual triggers for active owners to request an assessment, she said. While permission of only one owner of a property is required before an assessment can begin, FRCOG follows legal counsel's recommendation that all owners' permission is granted before the process begins.

Damage to the long-abandoned Ramage Paper Mill building, in Monroe, caused by Tropical Storm Irene in 2011 was used to illustrate other potential problems. Bank erosion resulted in dangerous cantilevering and the probable collapse of the structure into a portion of the river frequently used as a gathering spot by local raft guides. While a Phase I assessment of hazardous materials (including asbestos, fluorescent bulbs, and oil barrels) located on the property was conducted a few years prior to

the storm, a lack of interest in developing the property and an inability to locate the owner stalled further work.

In response to J. Basford’s expression of concern regarding the ongoing hazardous situation and resulting liability, P. Sloan explained that the town has only recently assembled, from three sources, the \$250,000 required, and that the many “moving parts” of the project -- including the need for a survey, an appraisal, a town meeting, community relations work, a health and safety plan, and the following of eminent domain procedures – have slowed things down. Nonetheless, they have recently begun the cleanup and demolition process on an accelerated schedule in order to avoid the possibility that the structure will collapse under the weight of snow. Monroe will be utilizing the revolving loan program, which will use up the available funding.

P. Sloan indicated that FRCOG will soon apply for additional funding, and that they continue to evaluate newly-identified sites. There are always more brownfield sites, she noted, and encouraged FRPB members to contact her with information about any of which they become aware. In response to questions from J. Strzegowski, she indicated that the land Conway is considering for a wastewater system should be assessed.

S. Lovejoy initiated a conversation regarding the relative roles of the state DEP (more hands-on) and the federal EPA (more procedural). N. Milkey notes that Massachusetts, more than other states, vigorously protects human health and the environment.

J. Lund’s expression of thanks was followed by a round of applause.

Please see the attached “FRCOG Regional Brownfields Program.”

<b>4. Presentation on the Millers Falls National Historic District</b>	B. Giannini, W. Ramsey
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B. Giannini presented her work assisting the Town of Montague, upon its request, to nominate the village of Millers Falls as a National Register Historic District. While the designation is federal, the program is administered through the Massachusetts Historical Commission (MHC), she explained, and aims to preserve significant buildings, sites, structures, objects and districts deemed important in American history, culture, architecture or archaeology. The program allows owners of income producing properties to be eligible for tax incentives, and in some instances, can provide limited protection from the adverse impacts of a project. Private property owners are not restricted in any way by the designation.

B. Giannini went on to explain that, with assistance from consultant Bonny Parson, she updated the MHC inventory (from the 1970’s) with photographs and detailed information regarding the architectural significance as well as the lives and professions (e.g., the Millers Falls Tool Company) of former residents of each building. Research involved both primary and secondary sources, including state and municipal records, local archives, census records, real estate sales, and interviews with Montague officials and members of the community. Upon reviewing the updated inventory, the MHC deemed Millers Falls eligible to be nominated for the national register. Next steps include an informational public meeting (which MHC will attend), and the completion of the nomination form, she indicated. If the nomination is approved, Montague will be required to hold a public hearing.

N. L'Etoile (or W. Ramsey?) explained that MHC is interested in the project, in part, because all of the buildings in the proposed district were built during a 5-year period following a fire in 1895, thus providing a "snapshot in time." He referred to a map of eight buildings recently or currently under historically-sensitive renovation, followed by photos of a building where an alternative approach prevailed. Using additional photos, he described the Town's successful development of a property it acquired through tax title, which involved solving zoning issues, enlisting FRCOG's help in the assessment process, twice requesting proposals from developers, and then selling the property to a local firm committed to following national standards of historic renovation. Two of three storefronts are now occupied, as are market-rate apartments on the 2<sup>nd</sup> floor; other enterprises on the street appear to be benefitting.

In response to questions from T. Cady and J. Basford regarding financial incentives for developers, B. Giannini and N. L'Etoile indicated that developers, in general and in this specific instance, are motivated by tax credits which, in turn, enable them to achieve the high standards, architecturally.

In response to a question from J. Lund, P. Sloan explained that developers can sell their historic credits to recover some money, as was done by the developer of Greenfield's Arts Block. After J. Lund clarified that both tax breaks and tax credits are possible, N. L'Etoile stated that federal standards must be met and P. Marcus indicated that funding can be lost if the required paperwork, which is extensive, is not completed.

J. Lund's expression of thanks was followed by a round of applause.

Please see the attached "Proposed Millers Falls National Register of Historic District Project."

<b>5. Update on FERC Relicensing of the Northfield Mountain Pumped Storage Facility</b>	T. Miner
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T. Miner announced that FirstLight filed, with FERC, 10 study reports on October 14<sup>th</sup>, and a formal license amendment request on Oct. 20, in order to utilize the extra capacity of the Upper Reservoir from Dec. 2016 to March 2017. FirstLight has been allowed to increase capacity on an emergency basis several times, he said, and that they will build that into their application for a new license in order to increase base generation. They claim there has been no impact due to the temporary increases, though this has not been studied, he added.

FirstLight will be presenting the results to stakeholders and state and federal agencies -- including the MA Division of Fisheries and Wildlife and the Connecticut River Watershed Council (CRWC) -- at the following meetings at the Northfield Mountain Recreation Area:

- October 31, 9:00 am to 4:00 pm: Fish and Aquatic Studies, 7 study reports, focusing on wildlife
- November 1, 8:30 am to Noon: Geology and Recreation Studies, 3 study reports, focusing on recreational uses of the river

T. Miner noted that the deadline for stakeholders to file responses or request to amend the study report is **December 13**, and indicated that FRCOG and CRWC staff are planning to submit joint comments after reviews by their executive committees [by the deadline on Nov. 21, 2016]. Their comments will address what they see as problems with the causation study, including the claim that erosion has been only 4%, he said. (Two different deadlines, Peggy? Tom said 12/13, but wrote

11/21...) Northfield and Montague may submit comments also, as they are concerned that access to the river, and thus tourism, may be affected.

Further, FRCOG is exploring opportunities for consultant assistance to review the computer modelling process used by FirstLight, as well as the conclusions of the causation study, he said. A less biased review of the studies will provide stakeholders with grounds for putting conditions on the new license, and for countering possible conditions proposed by FirstLight, whose license expires in 2018, or a new owner. (While the consultant from University of IL that FRCOG engaged in 2014 is not currently available, we expect that his colleague(s) will utilize his knowledge of the site, and that he will return to the project upon completion of his dissertation in early 2017.)

J. Lund’s expression of thanks was followed by a round of applause.

<b>6. Discussion of Potential Changes to the FRPB Meeting Schedule &amp; Upcoming Meeting Topics</b>	P. Sloan, FRPB Executive Committee Members
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P. Sloan announced that the FRPB Executive Committee has proposed a reduction, from 8 to 6 of FRPB meetings annually, citing excessive demands of time placed on members who attend multiple committee meetings within their own towns, who attend workshops and training sessions, and who may be involved in a number of related FRCOG programs developed in recent years. She noted that the FRCOG staff, too, is strained for these reasons and a decrease in administrative support positions. She asked members to consider the changes, and to get back to her with feedback in the near future. S. Lovejoy, after summarizing the proposal, noted that adopting it would necessitate a bylaw change, then suggested a vote in advance of the new year.

P. Sloan distributed information and referred to upcoming training sessions pertaining to ethics and public records law, reminding attendees that FRCOG may be able to cover the cost of training for members whose towns cannot afford to do so. In conclusion, she noted the success of the event, earlier in the day, dedicating the conference room to Bill Allen, who was active in regional planning with FRCOG and the FRTA for many years.

<b>7. Topics Not Reasonably Anticipated 48 Hours in Advance</b>	J. Lund
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**T. Miner moved to adjourn the meeting, D. Travers seconded the motion, and the meeting was adjourned at 8 p.m.**

Documents Distributed / Presentations Viewed:

- Agenda
- Minutes of September 22, 2016
- *FRCOG Regional Brownfields Program* presentation
- *Proposed Millers Falls National Historic District Project* presentation
- *Citizen Planner Training Collaborative Fall 2016 Workshops*
- Draft proposal of FRPB meeting schedule changes

The next meeting will be held on December 1, 2016. Copies of all documents are available. Please contact Liz Jacobson-Carroll at [info@frcog.org](mailto:info@frcog.org) or 413-774-3167 x101.