

MINUTES

Lakes Region Brownfields Advisory Committee (BAC) Meeting

**LRPC Office Building
103 Main Street
Meredith, NH**

**August 24, 2010
10:00 am – 12:00 pm**

Committee Members Present

Michelle Bonsteel, Town of Bristol Shanna Saunders, City of Laconia John Ayer, Town of Gilford Elizabeth Dragon, City of Franklin	Mark Scarano, Grafton County Economic Development Council
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LRPC Staff

Kimon Koulet
Eric Senecal

State & Federal Representatives

Jennifer Marts, NH Dept. of Environmental Services
John Liptak, NH Dept. of Environmental Services

Others Present

Rip Patten, Credere Associates
Rick Vandenberg, Credere Associates
Michael Capone, Town of Bristol
Scott McPhie, City of Laconia

Handouts

Site inventory spreadsheet

1. Welcome and Introductions

Kimon K. called the meeting to order at 10:01 am. He welcomed the group and asked them to go around the table and introduce themselves. He asked for comments on the minutes from last the June 2 meeting. None were offered. Kimon called for a motion to accept the June 2 minutes. Michelle Bonsteel made a motion to accept. John Ayer seconded. All were in favor. None opposed.

Kimon K. gave a detailed recap of the timeline and methodology of the site nomination solicitation process, the windshield surveys conducted by Rip P., and the individual town meetings with the four target communities. Kimon K. then updated the group on the requests that

had been made to the BAC to move forward with MICA building in Bristol and the Turchin Estate in Tilton. Both properties met the criteria of the program and both received favorable responses from the committee members who did respond. It was noted that letters of determination were submitted to DES for both projects. Kimon K. also mentioned that eventual remediation the MICA building may be able to be pursued with other EPA funds.

Kimon K. reminded the BAC of the specific contract requirements that a minimum of 30 sites, 15 by nomination and 15 by survey, be identified, and that a minimum of six sites must be assessed with the Petroleum funds, and four sites with the Hazardous Materials funds. Kimon K. then asked the committee for questions. None were raised.

2. Lakes Region Brownfield Inventory and Site Prioritization

Rip Patten reviewed the completed windshield survey process and Crede Inc.'s meetings with the four target communities. Rip P. then provided a purpose statement for the remainder of the meeting: to target sites for assessment and generate a prioritized list in addition to the three existing sites. He stressed the importance of establishing momentum for high priority sites in advance of winter snow cover. He then asked for general comments on the inventory.

Mark S. asked about the inclusion of the ABM Machining site in Bridgewater. He did not think it was vacant and thought it should be removed from the list. Michelle B. gave an update on the Reynolds building in Bristol. She said it was in foreclosure and that an auction was set for mid September. She asked for clarification regarding the purchase of contaminated sites. Rip P. said Phase I must be done before getting into the chain of title. Michelle B. asked Rip P. if he would come out if the bank gives permission and Rip P. indicated that it depends on the outcome of the meeting. Michelle B. explained that the Reynolds building sits directly alongside the river, has extensive structural deterioration, and has required temporary shoring and bracing. Michael C. confirmed the urgency of moving forward with that particular site.

Kimon K. explained that he wanted to re-focus the discussion on the criteria for prioritizing sites before pushing forward with site specific discussions. He discussed the meetings that have occurred with some towns that did not submit a nomination form and stressed the potential for one-on-one meetings to be very informative. Kimon K. handed out notes on the site selection process, dated November 5, 2009, for the committee to review and agreed that momentum was important. Kimon K. then opened up the floor for discussion about how the site selection process should unfold.

Shanna S. asked about Phase I deadlines as they pertain to weather. Rip P. responded saying that Phase I assessments can be done in winter, but that certain limitations come to bear which may leave some 'holes' in subsequent reports. Rip P. stress the need for owner agreement given the potential for work with privately owned properties to stall. Rip P. said that a three month timeframe was typical for getting owner agreement, access, and turnaround and that given that timeframe it would be best to have agreements by October at the latest.

Mark S. suggested applying the CEDS weighted criteria to the inventory. Michelle B. liked that approach and emphasized the importance of access cooperation. Kimon K. asked if access issues

are typically known in advance. Rip P. said that it can usually be sensed before making too much progress. He suggested initially applying a pass/fail test on three high level considerations prior to applying any weighted criteria in order to screen in the best sites. Kimon K. suggested narrowing down the criteria from the November 5 notes. Elizabeth D. thought 'owner interest' should be a weighted criterion rather than pass/fail. Mark S. asked if the criteria listed in the November 5 notes were required. Rip P. said they were not. Kimon K. stressed that potential employment and economic impact were obvious keys to successful reuse. John Liptak then questioned whether it made sense to include such obvious keys to success in any weighted ranking. Michelle B. suggested indicating by letters on the inventory which criteria were met.

Rip P. emphasized that the purpose of the pass/fail screening was to parse out the top ten to fifteen sites, not to differentiate between individual sites. He suggested that after that, it would likely become clear which sites made most sense to proceed with. Kimon K. asked for questions based on this proposed process, suggesting that it sounded like a race to obtain an access agreement. Rick V. pointed out that a signed access agreement implies a level of commitment on multiple criteria. John L. stressed the need to prioritize sites that meet a number of key criteria, like ability to gain access. Kimon K. asked what the typical probability was for being granted access, based on Credere's experience. Rip P. said that it depended, that it was typically less likely at the beginning of a Brownfields program, increasing as the program demonstrated success. He said that less than 50 percent of privately owned sites would be accessible unless there was something pushing the project. Rip P. listed the top sites, with respect to ultimate success, were:

- 1) sites owned are likely to be purchased by a municipality;
- 2) sites where a developer has expressed interest in the Brownfields program; and
- 3) sites with no cash flow

He said bad sites were:

- 1) sites under private ownership that were lagging but had some cash flow

Kimon K. checked for interest in more criteria. Rip P. recommended removing some criteria from the November 5 list. Mark S. suggested eliminating the criterion 'reasonable potential to benefit low to moderate income residents in neighboring areas'. Kimon K. suggested that 'significant potential to be returned to successful reuse' was an umbrella criterion that supported a subset of others. The November 5 list was re-categorized based on major principles and looks something like this:

Pass/Fail criteria

- 1) Meets the definition of a Brownfield;
- 2) Level of interest by current owner of property
 - site access
 - consistency of a project with a master plan
- 3) Significant potential to be returned to successful reuse
 - potential to create employment opportunities

- potential to benefit low to moderate income residents in neighboring areas
- creation and/or preservation of green space
- level of sustainable development
- potential for private investment
- extent to which the site redevelopment will benefit the region

Other criteria

- 1) applicability of subsets of pass/fail criteria 2 and 3 above
- 2) level of support from community and adjacent, neighboring, or affected residents
- 3) potential for the project to serve as a model for other sites

John L. pointed out that rural or ‘country’ sites could be equally successful under the program as downtown reuse sites, especially because they could be assessed with fewer resources.

Kimon K. clarified the revised pass/fail criteria. Rip P. suggested using them, seeing what they generate, applying the priorities that have been given by communities with multiple sites in the inventory, and then considering the level of potential for successful reuse based on the sub-criteria and weighing that assessment against the sub-criteria for level of interest. He suggested that there may be cases where access could be difficult but the potential for successful reuse could be significant.

Elizabeth D. asked if all communities had enumerated internal priorities.

Kimon K suggested a motion for a prioritization methodology based on the pass/fail criteria. Mark S. moved for such a motion. John A. seconded. All were in favor. None opposed.

Kimon K. asked Jennifer M. to speak about the possibility for the MICA building to be put under the EPA Removals program. Jennifer M. briefed the BAC on the program pointing out that it could save money on future remediation steps. Michelle B. explained that when the building was declared unsafe, the owner was required to do some structural shoring and that the building has changed since the 2002 EPA assessment. Rick V., Rip P. and Jennifer M. explained how the EPA Removals program has worked on other sites in terms of timing and lien recovery. They agreed that it would not effect a decision about whether to do a Phase I assessment but that it would affect the timing.

Kimon K. asked Rip P. how the BAC should pare down the inventory to 15 petroleum sites and 15 hazardous materials sites, and then how to identify six petroleum sites and 4 hazardous substances sites for Phase I assessments. Rip P. suggested looking for appropriate petroleum sites after applying the broad prioritization criteria. Kimon K. reminded the BAC of the four initial target communities and also of the interest in geographic diversity. He asked the BAC if it was appropriate to lengthen the window of opportunity for buy-in from communities that have yet to respond. John L. reiterated that emails had been sent to all 30 communities multiple times, and that it did not seem appropriate to wait for them. Jennifer M. thought that some communities may simply be waiting to see how other communities proceed before getting involved. Elizabeth D. agreed with John L. and Jennifer M. that it is fair to move forward with communities that have made the effort to nominate properties. Rip P. suggested that this process can still be

dynamic and that outreach could continue as a way of identifying additional sites for future involvement.

Rip P. began to scroll through the site photos and paused when Kimon K. asked if Alexandria was aware that a property had been included in the inventory via a windshield survey. Shanna S. explained that Laconia would be sensitive to sites being on a public Brownfields list without the owner being aware of it. Kimon K and Rip P. both agreed that these sites should always be referred to as 'underutilized' sites because they cannot be correctly termed brownfields without knowledge of additional site details. Eric S. asked about distributing the list back to the original email recipients of the request for site nominations. John L. thought that sending a list of potential underutilized sites back to the towns made sense as a way of letting them know.

Elizabeth D. expressed concern about applying the 'level of support' criterion under the pass/fail screening.

Kimon K. agreed that if windshield survey results were sent back to communities for the purpose of future interest in the program then the outreach obligations of the BAC will have been met. Rick. V. stressed that prioritization of sites will emerge based on known issues.

Rip P. resumed scrolling through the site photos. Shanna S. mentioned that the NH Electric Co-op property in Alton could be a good future site, especially if Alton was aware of it. Rip emphasized that bigger sites/buildings would likely consume more of the available funds. He also clarified the problems with owner occupied petroleum sites. Shanna S. asked if it was even legal for petroleum sites to be vacated. Jennifer M. said that it was as long as the site was currently in compliance.

Elizabeth D. explained Franklin's prioritization process. Kimon K. suggested that in the interest of time Rip P. should only show photos of the sites in towns that had representation at the meeting and to complete the inventory prioritization afterwards and send it out via email. Rip P. reviewed the Laconia sites and the Gilford sites and mentioned that there was potential under the Brownfields program to do Phase III planning as well.

Kimon K. wrapped up the meeting by asking for the completed list from Rip P. They agreed that in addition to the Lakes Region Facility, the top two sites from each town should be included as priorities. The BAC agreed.

Rip P. brought up the topic of grant applications due in October and suggested the existence of a current inventory would help make an application competitive. He suggested that it is much easier to re-apply than to apply from scratch. He said that on September 15 there would be a program meeting in Manchester.

Kimon K. asked if there was any other pertinent business.

The meeting at 12:16 pm.