

Brownfields Report

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Pursuant to June 3, 2004 request
to the Joint Fiscal Committee by:

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House Commerce Committee 2003 – 2004 Session

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Executive Summary and Recommendations

Cleaning up brownfields for redevelopment is a critical component of community revitalization in that it protects public health and the environment, creates jobs, contributes to the tax base, and prevents sprawl. The cost of environmental assessment and remediation is often a prohibitive factor in the redevelopment of a brownfield site. In addition to financial resources, a substantial commitment of time, energy, and expertise is required to reuse a brownfield site. Every site has many different characteristics, such as site ownership, pollution, available infrastructure, and community involvement; devising a single solution is impossible. The best hope is to get the various parties working together. The General Assembly might consider:

- Establishing liability protection for owners who participate voluntarily in site investigation, assessment, development of cleanup plans, and approved remediation activities. Recent EPA regulations seem to afford more liability protection, at earlier stages in the process, than Vermont statutes allow.
- Creating a fund to subsidize the cost of liability insurance premiums for owners of brownfield sites to cap the cost of assessment and cleanup. The policy could be assigned to the buyer when the site is sold.
- Using different and more appropriate groundwater standards for sites that are on public water and sewer.
- Actively pursuing former owners as responsible parties, possibly through bankruptcy proceedings, back taxes, or pressure on parent companies. More action on known contaminated sites could encourage cleanup.

Since many brownfields are found in or close to municipal centers, successful brownfield redevelopment is a valuable tool for curbing sprawl, revitalizing downtown centers, and accomplishing smart growth goals. To date, brownfield redevelopment efforts in Vermont have been scattered, variously successful, and uncoordinated. Some regional planning commissions have aggressively taken a lead in brownfield redevelopment, while others have relied on local initiatives and state involvement.

Brownfield redevelopment requires a collaborative effort among federal and state programs and local organizations. In addition to compliance with federal EPA requirements, most Vermont projects also have to comply or interact with various state programs within different departments, including the Brownfields Program within the Agency of Natural Resources and the Division for Historic Preservation and the Economic Development Department in the Agency of Commerce and Community Development. Coordination is difficult, particularly for local organizations that lack experience and sophistication in undertaking this type of redevelopment. Other legislative approaches could include:

- Creating the position of Brownfields Ombudsperson to spearhead coordination of the various programs involved in redeveloping brownfield sites and to provide advice and support to municipalities in their efforts to redevelop downtown brownfield sites, similar to the ombudsperson in the Department of Commerce who provides advice and coordination for economic development projects and the ombudsperson in the Massachusetts governor's office who coordinates the state's brownfields cleanup efforts.
- Expanding and enhancing current state initiatives by internally improving the coordination among the state programs and encouraging the sharing of information,

advice, and contractor resources among regional and municipal entities involved in brownfield redevelopment.

- Ensuring sufficient staffing levels in the Division for Historic Preservation and the Department of Environmental Conservation in order to provide a higher level of service and a consumer-friendly program.

A number of the successfully redeveloped brownfield sites in Vermont and a majority of the sites in the process of redevelopment are spearheaded by public sector entities with community development goals. While private sector redevelopment should be encouraged, incentives that are focused solely on improving for-profit financial returns will be of minimal assistance to many of the sites being actively redeveloped. Public sector entities rely extensively on local, state, and federal resources. The legislature could consider enhancing and streamlining funding options by:

- Seeding the Brownfield Revitalization Fund¹ to make grants that support brownfield development projects. The state has never capitalized this fund. A one-time or an ongoing appropriation for the Revitalization Fund could be used for grants to perform assessments or assist with cleanup, once corrective action plans are determined. These limited funds could be targeted at sites with community or not-for-profit coalitions coordinating the redevelopment.
- Providing funding for historic preservation feasibility studies in the Downtown Reinvestment Fund. Direct appropriations or fees may be a source of revenue.
- Creating a state fund to convert portions of projects or entire sites to open space, recreation, or other purposes that provide a public good but that are not expected to generate private economic return after remediation is complete.
- Maximizing the state's utilization and coordination of federal EPA funds by working as a partner with regional planning commissions and other entities; continuing to apply for EPA Revolving Loan Funds at the state level; providing assistance and support to sites and communities applying directly for EPA Targeted Brownfields Assessment Funds and other direct programs; improving and promoting Vermont's brownfields program by publicizing Vermont success stories.

¹ established in 2001 in 10 V.S.A. § 6615a(1)

BROWNFIELDS REPORT

Background – Study Origin

Brownfields contaminated with nonpetroleum hazardous waste pose unique problems for redevelopment partially because of the numerous stakeholders involved. Simply defined, brownfields are “real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or perceived presence of a hazardous substance, pollutant, or contaminant.”²

Various parties, private and public, local and state, have a stake in remediation and reuse of these properties. Many of these interests can conflict, such as environmental concerns and adequate cleanup of the sites, preservation of historic features, and redevelopment for a useful economic purpose.

Late in the 2004 legislative session, the Agency of Commerce and Community Development (ACCD) submitted a proposal to the House Committee on Commerce for economic assistance for “redevelopment zones” to be included in S.42 (2004 Session), a bill entitled “An Act Relating to Creating an Office of Land Recycling, and Otherwise Revising the Brownfields Reclamation Program.” As the session was drawing to a close, the chair and vice chair of the House Commerce Committee asked the staff of the Joint Fiscal Office and the Legislative Council to study and make specific recommendations that would facilitate reuse and development of brownfield sites (see Appendix A – Study Request Letter). The legislative staff made four site visits to Windsor, Springfield, Bellows Falls, and Richford, Vermont. The legislative staff also met and had conference calls with local, state, and federal officials, private consultants, and development staff in other states and researched potential brownfield reuse.

Current Players in Vermont’s Brownfields Redevelopment

As we reviewed specific projects, it was clear that Vermont’s brownfields redevelopment efforts involve a number of local, regional, state, and federal players. Among those are:

- City and town officials
- Not-for-profit community development groups
 - Housing Vermont, among others
- Private sector, including:
 - Development consultants
 - Private site owners
 - Businesses operating on brownfield sites or intending to purchase these facilities
- Regional government entities:
 - Regional planning commissions
 - Regional development corporations
- Departments of state government, including:
 - The Department of Environmental Conservation (in ANR)
 - The Division for Historic Preservation (in ACCD)

² EPA Definition <http://www.epa.gov/region01/brownfields/> and ANR web page <http://www.anr.state.vt.us/dec/wastediv/SMS/RCP/FAQ.htm>

Economic Development Department (in ACCD)
 Community Development Block Grant Program
 Vermont Housing and Conservation Board
 The Legislature
 Department of Buildings and General Services (grant program)
 Department of Health
 Department of Banking, Insurance, Securities, and Health Care Administration
 Department of Labor and Industry

- Federal entities, including:
 - The Environmental Protection Agency
 - Army Corps of Engineers
 - US Department of Justice
 - National Historic Preservation Program
 - National Park Services – Rehabilitation Investment Tax Credits
 - Congressional delegation – earmarks and other support

Coordination of the many and varied interested parties is a problem reflected in the specific case studies. Other states have attempted to solve these issues by establishing ombudsman programs for brownfield redevelopment projects.

Brownfields in Vermont

The Vermont Department of Environmental Conservation (DEC), has a Sites Management Program within the Waste Management Division which began in the 1980s. In 1995, the Legislature added the Redevelopment of Contaminated Properties Program (RCPP), which is also overseen by DEC.

These programs are intended to:

- Remediate brownfields and return them to productive use, create jobs, contribute to the tax base, and reclaim natural resources for the public.
- Eliminate potential and actual risks to human health and the environment.
- Provide adequate protection to prevent further environmental degradation of the state's natural resources
- Leverage private and public funds for community revitalization and economic growth.

Since the 1980s, approximately 3,150 active sites have been identified by the Sites Management Program. This list includes petroleum as well as nonpetroleum sites. A majority of the sites are petroleum sites with faulty underground storage tanks which are mitigated using the Petroleum Cleanup Fund. Approximately 160 of these identified sites may be "nonpetroleum cleanup fund" brownfields, although the total number of potential sites remains unknown. The attached (Appendix B – List of Potential Brownfield Sites) was used by DEC to estimate the number of brownfield sites in the state.

The brownfields or identified nonpetroleum hazardous waste sites include: sites publicly or privately owned; town or farm landfills and dumps; state and national guard facilities; commercial establishments such as dry cleaners and shopping centers; and industrial facilities; in various stages of abandonment, reuse, and cleanup.

The Sites Management program works with owners to ensure that remediation and cleanup activities are conducted on known sites, and approximately 1,500 sites have received Site

Management Activity Complete (SMAC) letters since the program began. Of these, 85 – 90% are for petroleum-related activities. An SMAC letter indicates that a specific activity undertaken to address the immediate concerns by DEC has been completed, but does not absolve the owner from other, future cleanup activities if new concerns are raised or additional discoveries are made at the site.

The Redevelopment of Contaminated Properties Program (RCPP)³ the second program at DEC is a more comprehensive program that reviews and approves the applicant's Correction Action Plan with the goal of addressing all of the environmental issues at a site so that the owner may be released from future liability. The RCPP program was created in 1995 "to enable certain interested parties, prior to becoming an owner or operator of a property contaminated by hazardous materials, to request the assistance of the secretary in reviewing and overseeing work plans to investigate, abate, remove, remediate and monitor those properties in exchange for protection from certain liabilities" (1995 Act No. 44). Each participant must pay a \$5,000 deposit to cover the costs of reviewing its plans and any additional costs incurred by DEC for plan review. Since the inception of the program, nine sites have enrolled in the RCPP program; one withdrew and three received "certificates of completion." The sites that participated in the RCPP program are:

- Ethan Allen – Beecher Falls (*completed*)
- Jones and Lamson Plant 1 – Springfield (in the process of re-applying)
- Vermont Transit (Trolley Barn) – Burlington (*completed*)
- Exxon Oil Terminal – Burlington
- Central Vermont Shopping Center – Gerrish Motors
- Richford Main Street Mill Development, Inc. – Richford
- 453 Pine Street – Burlington
- Town of Poultney – Staco (*completed*)
- Harry's – Barre Montpelier Road (*withdrew*)

Of the eight sites in the RCPP program, three sites, Ethan Allen at Beecher Falls, Vermont Transit in Burlington, and the Staco site in Poultney, received a Certificate of Completion (COC) to date. On average, the process took approximately three years from receipt of the initial RCPP application to issuance of the COC (see chart).

³ Administered by the Department of Environmental Conservation, the RCPP allows a prospective purchaser to acquire property and clean up the property in exchange for receiving liability protection. This liability protection extends to all successors in the chain of title. While participation in the RCPP is not mandatory for federal programs, it potentially affects eligibility for future assistance from the State of Vermont. Applications for grants and loans under the Brownfields Revitalization Fund are contingent on participation in the Vermont RCPP unless specifically excluded as ineligible. For this special case, work plan approval is still required. From ANR web page <http://www.anr.state.vt.us/dec/wastediv/SMS/RCPP/FAQ.htm>

**Vermont Redevelopment of Contaminated Properties Program
Summary of time lines for milestones to Certificate of Completion**

Project	Application to RCPP Program	CAP^[1] Approved	COC^[2] Issued
Former Staco Site (Town of Poultney)	June 1996	August 1996	2000
Ethan Allen, Beecher Falls	October 2000	March 2001	November 2003
Vermont Transit (Trolley Barn), Burlington	February 2000	December 2000	March 2003

[1] CAP = Corrective Action Plan

[2] COC = Certificate of Completion. The COC is not issued until monitoring is completed.

Source: George Desch, DEC

Many of the steps in the brownfields redevelopment process have uncertain outcomes, and in Vermont, until a project is cleaned and receives either a Sites Management Activity Complete (SMAC) letter or the more thorough Certificate of Completion (COC), there is a considerable amount of ambiguity as to what the applicant will be required to do to meet the regulatory hurdles. The redevelopment process requires an unpredictable commitment of time and resources that frequently deters prospective purchasers and potential redevelopers. In addition, the liability protection provided with a Certificate of Completion is limited and therefore diminishes the benefit a landowner gains from participation in the program.

Brownfields redevelopment projects involve an inherent tension between holding landowners liable for the cleanup and bringing about the environmental remediation to enable the renewed use of the property. The state role is complicated by these potentially conflicting goals. The regulatory function of this program and its need to ensure a high standard of environmental integrity limits its ability to act as an advocate for reuse development of these sites.

The Division for Historic Preservation within the Agency of Commerce and Community Development reviews proposals that involve historic components. The division reviews approximately 1,000 projects per year, some of which are brownfields redevelopment sites. The equivalent of three full-time employees perform the environmental review in the division annually. In addition, one architectural historian, one archeologist, and part of the time of the deputy state historic preservation officer, a second architectural historian, and an administrative assistant are devoted to reviews. The Agency of Transportation and the Community Development program have programmatic agreements by which they too may review federally funded projects for compliance with Section 106 of the National Historic Preservation Act.

Funding for Brownfields

The State of Vermont historically has not supported brownfields initiatives with state funding but has relied instead on federal EPA funds and local (private, nonprofit, other) sources of revenue to finance the redevelopment of brownfields sites. Occasionally, state funds have been appropriated for specific sites or projects throughout the state, but funds have not been generally made available. The existing Brownfields Revitalization Fund in the Department of Environmental Conservation has never been capitalized. For the first time in 2004, \$75,000 was appropriated (2004 Act No.121 Secs. 5 and 49) to the newly established Property Assessment Fund for a new brownfields and redevelopment program to be administered by the Department of Housing and Community Affairs (Appendix C – Downtown Property Assessment Program Grants).

The EPA distributes funding through various mechanisms. Below is a graph of US EPA region 1 funding, by program, over the past ten years (see Appendix D – EPA Funding in Vermont for a breakdown of the entities receiving the various program funds).

**Summary of Brownfields Funding in New England
Program Funding Distribution by State 1994 – 2003**

Program	CT	ME	MA	NH	RI	VT	Total
Assessment Grants	5,265,000	1,609,017	11,333,132	1,540,000	1,103,000	2,600,000	23,450,14
EPA TBA*	1,450,000	270,000	2,290,000	290,000	305,000	150,000	4,755,000
Cleanup Grants	60,000	-	852,000	-	200,000	-	1,112,000
Revolving Loan Fund	5,750,000	2,650,000	10,468,119	2,450,000	4,700,000	1,000,000	27,018,119
Job Training	1,000,000	-	1,550,000	-	200,000	-	2,750,000
Showcase Communities	300,000	-	500,000	-	300,000	200,000	1,300,000
State Response Programs	2,175,667	750,892	12,729,974	1,908,369	1,338,820	307,030	19,210,75
Site-Specific Assistance	714,960	519,545	781,000	1,255,293	598,115	458,000	4,326,913
Total	16,715,627	5,799,454	40,504,225	7,443,662	8,744,935	4,715,030	83,922,933

*Targeted Brownfield Assessments

Source: EPA Program Summary & Success Stories, October 2003

Vermont has been awarded 2004 EPA funds of approximately \$600,000, which are not included in the chart, some of which are for petroleum cleanup. The state's share of the region's resources are generous compared to our population. However, the state could take further advantage of the funds available, especially from the Revolving Loan Fund Program. The regional planning commissions (RPCs) were the first to receive these funds from the EPA with the Southern Windsor Regional Planning Commission (SWCRPC) receiving the \$1.0 million shown in the chart. Since receiving these funds, the SWCRPC has expressed interest in forming a partnership with the state or with a state entity, such as VEDA, to manage the financial aspects of the program. The EPA allows a group to receive up to \$1.0 million for each participating partner. The state (through the DEC) recently applied unsuccessfully for a grant at the state level. It might be appropriate for the state to partner directly, instead of just working cooperatively with the RPCs and other entities to apply for more funds and possibly consolidate and administer the existing resources. Other states, such as Rhode Island, Connecticut, and New Hampshire, currently use this model and form brownfield coalitions which include environmental agencies, economic development agencies/groups, and other interested parties, such as housing entities, to apply for and manage EPA funds for state brownfields redevelopment projects.

The state also receives funds directly from EPA and uses these funds to pay for new staff recently added in the Waste Management Division and to implement a state-run Targeted Brownfields Assessment program. Applications for these funds are available on the DEC web site. There are no funds available for the next crucial step, cleanup.

Lastly, the Legislature should consider funding the brownfields program to a level that would annually support a couple of targeted projects that provide a direct public benefit. This would demonstrate to federal, nonprofit, and private entities the state's commitment to brownfields redevelopment including projects with little economic return such as those designed to create

open space, recreation, or other public use as the sole or partial purpose of the redevelopment. Currently, there are limited⁴ resources for these types of projects.

Unique Features of Brownfields Redevelopment

The uncertainty of the duration and extent of costs associated with environmental assessment and remediation is the most significant and prohibitive factor in preventing the redevelopment of a brownfields site. This uncertainty even plays a role in sites with relatively minor or no contamination. The potential consequences of the environmental assessments are a deterrent for many developers when considering purchasing and redeveloping a site. Even brownfield sites with significant natural advantages, such as a central location in a desirable downtown, accessible municipal water and sewer systems, and community support are difficult to bring to fruition. If a site is suspected or known to have an environmental contaminant, the developers must commit an additional and unknown amount of time and resources in order to assess the environmental damage, mitigate the damage, and receive clearance to proceed with the project.

A for-profit developer can more easily realize a positive return from the redevelopment of a clean greenfield site than a brownfield site situated similarly. For this reason, most of the successfully redeveloped sites in Vermont and a majority of the sites in the process of redevelopment are not spearheaded by the private sector. In the brownfield areas visited for this study, the redevelopment efforts were proceeding with a combination of community groups, not-for-profit organizations, and government entities, with minimum private investment. While private sector redevelopment should be encouraged, incentives that are focused solely on improving for-profit financial returns will be of minimal assistance to the majority of the sites actively being redeveloped in Vermont.

As noted, the most difficult aspect of brownfield redevelopment is the lack of certainty in the process. Many sites are suspected to be brownfields because of their history and prior uses, but the degree of contamination and types of environmental issues have yet to be determined. Even after assessment, the length of time required for environmental remediation, the potential for discovering additional contamination, the difficulty in receiving final approval from DEC, and the limited liability protection provided all hinder brownfields redevelopment.

Legal Liability and Insurance Issues

The issue in a brownfield is pollution. The problem is how to clean up the pollution so that the site can be redeveloped. The cleanup costs money, often a lot of money. In a fair world, the responsible parties that caused the pollution would clean it up. Unfortunately, in some cases, they are long gone. In addition, subsequent owners may have continued to pollute or made the pollution worse by their use of the property. Until the assessments are completed, the nature and extent of the problem are unknown. Because owners or potential owners cannot know at the beginning how much time and how much money cleanup will take, there is great reluctance to participate in the program. Even once the assessments are complete, the situation can change. Chemicals can be very volatile and can continue to move through the environment. This is one reason why regulators are so reluctant to make a final determination that will

⁴ One such resource is the EPA Brownfields Cleanup Grants, which are awarded with a priority for projects with open space or other public benefits on a competitive basis.

absolve an owner from liability. The reluctance can translate into requiring further testing, thereby further adding to cost and time for the project.

Some insurance products that have been developed ease the liability concerns by capping the liability an owner may face. In accordance with Section 4 of Act 164 (S. 42) of 2004, John Kessler of the Agency of Commerce and Community Development submitted a report on the availability of insurance products to assist with brownfields redevelopment. Massachusetts and California have established statewide insurance programs. Connecticut has taken a facilitator approach and helps to identify private market solutions. Wisconsin provides a transferable certificate of completion with payment of a one-time insurance fee to purchase insurance under a state master insurance policy. More complex projects generally have a greater need for insurance. The Kessler report discusses environmental insurance as another response to brownfields redevelopment. The report states that the experience in Vermont suggests that policies seldom pay claims. The legislative committees might consider exploring these options in light of this Agency of Commerce and Community Development report.

There are several other policy options. The Agency of Commerce and Community Development suggested the use of tax credits. In our investigation, the response from those working in the field was that although potentially helpful, tax credits would not be useful to nonprofits in Vermont in regard to brownfields redevelopment projects, and the cost of the tax credits could be hard to quantify for the state. As an alternative to tax credits, the state could consider providing seed money to the existing brownfields fund, which might encourage further funding from the EPA.

Parties involved in brownfields redevelopment consider the Vermont program to be risk-averse as compared to programs in other states. The agency report suggests that the current liability protection under Vermont Law, 10 V.S.A. § 6615a, which occurs once an approved corrective action plan is in place, has been problematic in practice. New Hampshire's approach of providing liability protection at an earlier stage of the redevelopment process might also be explored. If an owner takes possession subsequent to the polluting event or a potential owner invests in pre-cleanup or cleanup practices required for the site, those owners could be held harmless. Paying for the assessment is an example. The results of an assessment could indicate that no action is needed, a conclusion that suddenly makes the site significantly more valuable. On the other hand, the assessment could indicate the site can be used only for limited purposes, thereby reducing the value and potential redevelopment. The potential legal liability for environmental damage, if discovered, is an important issue related only to brownfields redevelopment and not associated with clean sites.

Another liability issue is how to pursue former owners responsible for indemnification for cleanup costs. In some cases, either the former owners themselves or successor entities are still viable, and aggressive state action against those previous owners would ease the cost of redevelopment and provide a tremendous boost to the efforts to remediate sites.

Site Visits and Case Studies

As part of the research to prepare this report, Legislative Council and Joint Fiscal Office staff visited the four communities and project sites listed below:

1. Bellows Falls – Waypoint Interpretive Center, Meatland, and TLR/Penta sites
2. Richford – Main Street Mill (formerly Sweat Comings)
3. Springfield – Jones & Lamson
4. Windsor – Rails to Riverfront area: Cone Blanchard and Goodyear

The case studies outlined in the second half of this report contain a short history of the projects and some relevant facts. The project analysis section discusses issues specific to each site but have a larger impact on brownfields redevelopment and could warrant further investigation.

CASE STUDIES

The descriptions of the Bellows Falls case studies were all provided by Susan MacMahon of the Windham Regional Commission. She leads the Windham Region Brownfields Reuse Initiative (WRBRI). The project analysis was added as part of this study.

1. The Bellows Falls Waypoint Interpretive Center Site

Zone: Industrial and Downtown Historic Overlay District

Site Acreage: 1 acre

Owner: Public, Town of Rockingham

Project History

The site has been the focus of Phase I (September 21, 2000) and Phase II Environmental Site Assessments (ESA) performed by Stone Environmental (November 10, 2000) and additional Site Investigations (April 2001, August 2001, and December 2001) performed by ATC.

In February 2002, the State of Vermont brownfields program sent a letter requesting quarterly sampling for the span of a year at the site to establish the temporal conditions for the contaminant discovered at the site. The Vermont Department of Environmental Conservation (DEC) allowed the owners of the site to proceed with redevelopment activities while sampling continued. In December 2002, a letter was received from DEC in regard to this site. The letter stated that "DEC is satisfied that the groundwater concentrations of tetrachloroethene do not at this time represent an imminent risk to human health and the environment." DEC requested that a notification to the town land records about the site be submitted, and then the state would consider declaring this a Site Management Activity Complete (SMAC) site.

Even though the land records notification was still in process, DEC gave the approval to close the monitoring wells. The wells were closed in February 2003. The town has obtained all appropriate signatures and has submitted a notification to the town land records. The town is currently waiting for a Site Management Activity Complete (SMAC) letter from the State of Vermont.

Site Reuse

Windham Regional Commission assisted the Town of Rockingham as the project manager for the Bellows Falls Connecticut River Scenic Byway (CRSB) Waypoint Interpretive Center project. The project redeveloped a site previously used as a rail yard on the "Island" in Bellows Falls into a visitor information and interpretive facility for the Connecticut River Scenic Byway project. The Bellows Falls Waypoint Interpretive Center (BFWIC) is one in a series of visitor centers along the length of the CRSB, which runs from South Hadley, Massachusetts through Vermont and New Hampshire to the Canadian Border. Funds to redevelop the site were secured from HUD, FHWA Scenic Byway program, Vermont Agency of Transportation Enhancement Program, Connecticut River Joint Commissions Partnership Program, and the Windham Foundation and the Windham County Regional Marketing Organization. The project began construction in June 2002, and a formal project groundbreaking was held on July 16, 2002. A ribbon cutting ceremony was held December 8, 2003. A Farmers' Market for the site opened in May 2004.

Communities/Groups Involvement

The partners for this project included the following:

- Town of Rockingham – Receiving town for Waypoint Interpretive Center
- Bellows Falls Village – Physical location of the center
- Housing Vermont, Inc. – Nonprofit organization whose mission is to increase the number of affordable housing units in the state. Partnered with Rockingham Arts Museum Project to renovate the historic Exner Block that provides affordable artist housing and gallery space in the Village of Bellows Falls. The BFWIC provided required parking for the Exner Block project
- Green Mountain Railroad – Privately-owned regional excursion train company
- Rockingham Arts and Museum Project – Nonprofit artist organization in Bellows Falls
- Great Falls Chamber of Commerce – Responsible for operating the BFWIC when it was completed
- Windham County Regional Marketing Organizations
- Windham Regional Commission – Regional Planning Commission for Southeastern Vermont
- Surrounding communities in New Hampshire and Vermont

Project Analysis

This project is almost complete as the Waypoint Center has been constructed, is operational, and has won awards for its design (2004 Preservation Trust of Vermont and New England AIA). The monitoring wells are closed and the notification has been submitted to the town land records, so the only outstanding issue is that the project has yet to receive the SMAC (Site Management Activity Complete) letter from DEC. Planning for the BFWIC project began in 1998, funding was received in 2000, and the site investigation began in 2000. The site was identified as an active site by DEC in 2000, and all aspects of the environmental requirements were complete in December 2002 except for the SMAC.

- The prolonged length of time for the final stages and termination of the environmental testing is of concern, even though it did not hold up the completion of this particular project. Many developers would not continue with an investment if the environmental liability issues were not conclusively determined. In the case of some sites, this type of prolonged approval from the state could prove detrimental marketing the site to private businesses for redevelopment.
- The state requested that a notification about the environmental issues at the site be submitted to the town land records prior to receiving the final (Site Management Activity Complete) letter from DEC. The public nature of the ownership of this site and the intended public use makes it unlikely that the property will be sold in the future. A brownfield site, however, that is being redeveloped as a capital investment by a private owner could be financially affected by this type of requirement if this notification reduces the value of the property or its marketability.
- This project was spearheaded by local and regional groups and not-for-profit organizations. All of the funds for redevelopment came from government and nonprofit sources, and the reuse of the site is as a public space and interpretive center. Therefore, tax incentives would have minimal impact on the success of this project. Direct incentives, such as grants or tax credits which would be transferable to a bank, are possible alternatives which could allow the public/nonprofit sector to receive additional resources, since this type of project is more expensive to develop than never-developed sites.

2. Privately Owned Site, Bellows Falls

Zone: Central Business and Downtown Historic District Overlay

Site Acreage: .15 acres

Ownership: private

Project History

The building was constructed circa 1900 and is privately owned. The building was previously used as an auto garage, grocery store, and then a pub. Currently, the building is not occupied. Potential renters/purchasers have referred to concerns about auto batteries (lead) stored in the building and lead paints and possible asbestos materials used in construction. However, other contamination may exist. Batteries have since been removed.

Phase I/II ESA completed. An additional site investigation was warranted and the consultant developed a work plan and Quality Assurance Action Plan (QAAP) and submitted it to EPA in early July 2004. Testing on the site began in September 2004.

Planned Reuse

Possible reuse for commercial or not-for-profit.

Project Analysis

This site is undergoing environmental assessment and does not have a prospective tenant or significant interest to drive the redevelopment. It is located in the central business district at the gateway to the downtown. The owners are working with the Windham Regional Commission on the brownfields issues related to redevelopment of the site.

- This is one of a number of sites in downtown Bellows Falls which needs to undergo environmental assessment and remediation if necessary, and to be adapted for reuse. The large number of sites in this relatively small community makes it difficult for the town, local businesses, and nonprofit entities to raise the funds needed to address all of the potential sites.

3. TLR/Penta Sites (2 sites)

Project History

The Town of Rockingham owns the TLR site. Historic records show that the property, which is adjacent to the Connecticut River and near an historic rail-line and industrial and commercial properties as well as a residential neighborhood, was operated for many years as a paper manufacturing facility under various ownerships. The property now presents a potential for contamination risks to nearby receptors. The Penta site, which adjoins the TLR property, is privately owned and at one time had an historic canal running through it. About 1980, all operations ceased at the Penta site, and the building is currently unoccupied. Most of the TLR property is unoccupied, except for the Adams Grist Mills in which the Bellows Falls Historical Society has an historical museum.

Tetrattech completed a preliminary site assessment for Rockingham's TLR site through the EPA Targeted Assessment Program. The site investigation indicated the presence of PAHs metals and VOCs in the surface, subsurface soils, and groundwater at the former TLR Complex. The EPA placed the TLR site in its removal action program for asbestos in the building. Removal

Action for TLR was completed in December 2003. EPA released the final removal action report in March 2004.

The site was given the number 2002-2989 and placed on Vermont's state list of hazardous waste sites. Due to the past use of the contiguous TLR and Penta sites as a single paper mill facility, VTDEC recommended additional testing of both sites for contaminants. A work plan and Quality Assurance Project Plan (an EPA requirement) were completed in January 2003 and approved in March 2003. The chain of ownership of these sites was also researched. After the TLR Removal Action was complete in December 2003, the Windham Regional Commission (WRC), Department of Environmental Conservation, Rockingham officials, and the consultant met to review the next steps for TLR/Penta site. A telephone conference to review the status of the site was held on April 2, 2004, involving the town, WRC, state, and EPA. In June 2004, the Quality Assurance Project Plan was amended and approved to include changes to the site that resulted from the removal action. The Environmental Site Assessments (ESA) began in July 2004, and a draft report was issued in December 2004.

Planned Reuse

The town has completed a feasibility study for the TLR building. The study proposes redevelopment of the site as a "Heritage Center." The Bellows Falls Historical Society is interested in owning the Adams Grist Mill and expanding its operations into other buildings on site. The community has also expressed an interest in creating parkland that would provide the only Bellows Falls access to the Connecticut River. All redevelopment plans are on hold pending the outcome of this additional site investigation.

Project Analysis

These sites are located adjacent to the Connecticut River, over a significant historic canal, and next to a railroad underpass, which, due to its narrowness, poses a problem for wider contemporary railroad cars. This is a large site, with a complicated history of multiple uses, many of which likely led to the contaminants found on site. By virtue of its proximity to the Connecticut River as well as the downtown and other commercial and residential neighborhoods, it offers the potential for multi-use development, including a proposed Heritage Center, other historic sites, museums and related services, and park and recreational space and river access. While the extent of cleanup is unknown, this is a large and critical property that has generated considerable development interest.

4. Richford – Richford Main Street Mill Development, Inc. (formerly Sweat Comings)

Zone: Located on Main Street in downtown Richford

Site Acreage: 2.6 acres

Ownership: Richford Main Street Mill Development, Inc. (not-for-profit organization)

Project History (see chronology) Main Street Mill was a wood-processing plant and furniture factory on Main Street in downtown Richford. The town had a thriving wood products industry that took advantage of the extensive timber stands in eastern Franklin County. The site originally contained 9 buildings and over 2.6 acres. The Sweat Comings Company closed in late 1995, and the buildings were shuttered.

In 1997, the Vermont Council on Rural Development, the Department of State Buildings, the Community Development Program, and the Division for Historic Preservation along with the Richford community attempted to determine a use for the buildings and, while recognizing that the buildings were deteriorating quickly, preserve as much of the complex as possible.

Preservation Trust had an option to purchase the property and was considering alternatives for adaptive reuse of the buildings. After SAS Architects, commissioned by the Department of Buildings and General Services, determined that the structural integrity of some of the buildings, especially #1, was in jeopardy and significant costs would be required for rehabilitation, Preservation Trust released its option. The property was then purchased in 2000 by Wilfred Pollander, a private owner. Later, ownership was transferred to the current owners, Richford Main Street Mill Development, Inc., a nonprofit board.

From the time the factory closed until 2001 when significant work began at the site, several of the buildings had deteriorated beyond reasonable repair. Several studies, including the Phase I and Phase II environmental assessments, were conducted in 1998 and 1999. The project also applied to the state RCPP program in 2001 to comply with state remediation standards. In consideration of the cost estimates for some of the environmental work, it was determined that the demolition of some of the structures, although they are historically significant, would be more cost-effective than rehabilitation. In late 2001, buildings 1, 3, 4, 5, and 6 were demolished.

Several public sources provided funds for this project, including: \$60,000 appropriated by the State of Vermont in 1999⁵, \$50,000 from Preservation Trust, \$20,000 from Housing Vermont, \$50,000 from the Vermont Housing and Conservation Board (VHCB), and \$945,000 total from the Vermont Community Development Program (VCDP), operated by the Vermont Department of Housing and Community Affairs using federal Community Development Block Grants funds administered by HUD. This \$1,125,000 has been used for demolition, stabilization, environmental cleanup, architects, engineers, attorneys, and other professionals, grant administration, and some holding costs (such as taxes, insurance, and debt service). None of these funds were used to acquire the property.

Most of the physical progress at the site, including demolition, remediation, and stabilization took place during 2002 and early 2003. Also during this time, Main Street Mill applied to the RCPP (Redevelopment of Contaminated Properties Program) at the Agency of Natural

⁵ Act No. 29 Sec.4(g) - Capital Bill

Resources, Department of Environmental Conservation, Waste Management Division, in order to comply with state statutes, follow a certified action plan, and eventually receive a Site Management Activity Complete (SMAC) letter. The project developers have been working with the Division for Historic Preservation to receive federal tax credits.

Phase II, construction and rehabilitation of the site, has begun.

Community Involvement

Redevelopment of the Sweat Comings property has benefited from a substantial amount of community involvement. Currently, the property is owned by a not-for-profit, Richford Main Street Mill Development Inc., with a board of directors appointed by the town Selectboard, Richford Economic Advancement Corporation (REAC), and Housing Vermont. The board currently has a member from each of these groups as well as a member at-large from the Richford Health Center, a prospective tenant.

Planned Reuse

The Main Street Mill project has proposed mixed-use redevelopment with some retail space, a medical center, office space, and housing. The not-for-profit Richford Health Center, which includes a pharmacy, is the anchor tenant for the redevelopment, and construction of this space for this tenant is expected to be completed by December 2005. Housing Vermont, a partner in the project, is providing expertise and assistance on the affordable housing component. The project is also trying to attract a border patrol station as part of the expansion of the Department of Homeland Security. Altogether, 44% of the project space is committed.

Richford Project Analysis

Despite its location in a less accessible and thinly populated part of Vermont, the Richford project has enjoyed substantial support from local officials, private citizens, nonprofit organizations, and the state. Main Street Mill has leveraged their resources to their best advantage and has utilized public funds for a large portion of the environmental remediation. The project has two significant prospective tenants, the Richford Health Center and Housing Vermont, to anchor the redevelopment and several other potential tenants.

- The Richford project is currently planning to commence construction this spring despite being unable to reach a final conclusion with the state RCPP program regarding completion of all the environmental remediation activities required to qualify for a final COC (Certificate of Completion). This is due in part to a gasoline-related plume of contamination that may be affecting the property from off-site. VTDEC has notified the property that is the suspected source across the street to investigate and determine if that contamination is eligible for the Petroleum Cleanup Fund. The remaining buildings contain a large aboveground storage tank, as well as boilers and transformers that may also have asbestos. These structures have been "mothballed" by Main Street Mill and are not part of the proposed development. In order to be complete from an environmental perspective, however, the entire site must undergo remediation. A common frustration for this project as with other sites in the program, is the difficulty in getting timely final approval from the state in regard to the environmental remediation process. While some of this conflict is a natural tension between regulatory entities and developers, the extent of this tension is an issue that the Legislature could consider in its examination of the approval process.
- During the process of environmental remediation, several decisions were made that significantly increased cleanup costs, which decreased the budget available and thereby limited the project's ability to save more of the historic structures. For example, the project

was required to remove asbestos-lined bricks from kilns at the site and dispose of them in a lined landfill. The owners of the site had proposed to store them in an on-site cistern. Another example was to treat the rain barrels collecting water from the holes in the roof of building #1 as hazardous waste. The cost of removal and disposition of these barrels was further increased by the fact that the condition of the building made working in it unsafe. Some of the participants had the perception that the RCPP applies much more stringent application of environmental standards than the EPA requires or is in Vermont statutes. This too may be an issue for legislative consideration.

- The project is currently involved in negotiations with the Division for Historic Preservation and the National Park Service (NPS) to obtain approval for eligibility for a federal 20% Rehabilitation Investment Tax Credit. The developer has agreed to rehabilitate the building to meet historic preservation standards and thus be eligible for the federal tax credit. Some negotiations have been prolonged by the discussion of preserving the original windows with steel sashes because the putty sealing individual panes of glass is suspected of containing asbestos. Recently, the issue was successfully resolved. According to the Vermont Division for Historic Preservation, the demolition is a particularly sensitive issue in regard to federal funding regulations (Section 106 of the National Preservation Act) and the use of the Rehabilitation Investment Tax Credits. The National Park Service has requested the developer to submit documentation of the conditions of the historic buildings in the complex that justifies demolishing the buildings before NPS approval can be granted. If Richford were a designated village center in the Vermont Downtown program, it would qualify for an additional 5% state tax credit. The town is planning to apply for this designation.
- This project is an example of one that the regional planning commission did not at the time of redevelopment have a program to assist with negotiations with the state, coordinate with state and federal entities, and maximize available resources. The town and region do have a limited population and resources that can be dedicated to these types of projects. A majority of the work was done by local officials and citizens, community groups, Housing Vermont, and consultants hired for portions of the project. While the Richford group has achieved a considerable amount with limited resources, additional assistance could have led to earlier intervention, preservation of more historic resources, an increase in the pace of the project, and more expertise and experience to more effectively negotiate with the various departments of state government.
- The culmination of several factors, including the VCDP grants, interest by the Richford Health Center and Housing Vermont in anchoring the site, and the determination and persistence of the groups involved in developing the site, has led to the progress made thus far. After languishing for a number of years, the Main Street Mill project has benefited from a substantial amount of interest, energy, and resources. Without the resources, community involvement, and private interest, this site would likely not have reached this stage of remediation and development. This success is too rare in Vermont and more difficult to achieve in the current environment with little available funding for environmental assessments, few public resources for assistance, and a state system that is compartmentalized and inflexible. There are changes that could increase the odds for brownfield redevelopment success in the state.

The following chronology was developed with assistance from Ken Sassorossi of Housing Vermont.

RICHFORD MAIN STREET MILL	
Chronology of Selected Events in Demolition, Remediation, & Stabilization	
DATE	EVENT
December 14, 1995	Sweat Comings ceases manufacturing
September 1, 1997	Community Visit conducted by Vermont Council on Rural Development to determine priority community needs
September 12, 1997	Feasibility/Adaptive Reuse Study funded by State Department of Buildings and General Services released
April 1, 1998	KD Associates releases Phase I Environmental Site Assessment
May 3, 1998	KD Associates releases Phase II Environmental Site Assessment
1999	Preservation Trust negotiates an option to purchase the property
April 3, 2000	Town submits VCDP application for \$750,000. Application is later withdrawn
Spring 2000	Study released; finds that bldg #1 not economically feasible for reuse, redevelop bldgs #2 & 3
April 6, 2000	Wilfred Pollender acquires property from Sweat Comings
August 15, 2000	Preservation Trust makes \$40,000 grant commitment
August 21, 2000	Town resubmits VCDP application for \$750,000
October 19, 2000	VCDP Grant of \$750,000 awarded
January 11, 2001	"First Letter" from the Brownfields Program, identifies the site as a brownfield and notifies owner of legal responsibilities, asks for additional investigation after reviewing Phase I & II reports
March 9, 2001	Notification of Eligibility for RCPP (Redevelopment of Contaminated Properties Program)
March 20, 2001	Initial Site Reconnaissance visit from the Brownfields Program; Visit Report (March 21) identifies additional requests
April 16, 2001	ATC issues Supplemental Phase I Report, including site asbestos report
April 20, 2001	Site Investigation Work Plan submitted to Brownfields Program for review
May 1, 2001	ATC hired to develop supplemental Phase I & II reports on basis of Site Management Division request for more information
May 3, 2001	Work Plan Evaluation - State Response
September 4, 2001	Environmental Hazards begins asbestos removal
September 27, 2001	Earth Waste Systems begins demolition of bldgs 1, 3, 4, 5, & 6.
October 23, 2001	Richford Main Street Mill Development, Inc. acquires former Sweat-Comings property from W. Pollender
November 19, 2001	Town requests that State release \$60,000 as appropriated by legislature in 1999
December 19, 2001	Earth Waste Systems finishes demolition (except for punch list items)
January 26, 2002	Clean Harbors finishes contract to remove and dispose of hazardous materials
May 7, 2002	Town submits supplemental application for \$250,000 in VCDP funds. Application not funded
July 23, 2002	Town resubmits supplemental application for \$250,000
November 5, 2002	Parsons Construction begins demolition of bldg #2
February 14, 2003	Second VCDP Grant award of 10/02 in the amount of \$195,000
May 10, 2003	Parsons Construction completes demolition of bldg #2. Clean Harbors signs contract to remove and dispose of hazardous materials
2004	Contracting for architectural services, preparation for construction, and negotiation with prospective tenants

5. Springfield – Jones and Lamson

Zone (Federal EC/EZ, State or Local): just outside downtown Historic district

The site is approximately 16.19 acres in size and located on the east side of Clinton Street in Springfield, Vermont. The main facility is a single-story structure of approximately 320,000 square feet.

Project History

The Jones and Lamson machine tool company, started in the late nineteenth century, was one of Springfield Vermont's three machine tool family-owned business.⁶ By World War II, these three companies did well over 10% of the machine tool business of the entire country. Their importance was such that during World War II, the Defense Department considered Springfield to be one of the half-dozen most important bomb targets in the country.

Jones and Lamson was the first of the machine tool companies in Springfield. After the war, Ralph Flanders, a son-in-law of the founding family, took over the company. He was elected a U.S. Senator and became particularly well-known in the early 1950s for his battle against Senator Joseph McCarthy, the "red-baiter." In the 1960s, the U.S. machine tool industry essentially collapsed, precipitated by managerial deficiencies, corporate reorganizations, and heightened international competition. By the 1970s, the U.S. had become the world's largest importer of machine tools. Jones and Lamson was sold to Textron Inc. of Rhode Island in 1964. Textron sold the J & L division to Donald C. Hoodes, an independent businessman. The facility closed in 1985. The Goldman Industrial Group subsequently bought this and other similar buildings in the region.

The 321,000-square-foot former manufacturing building and several detached smaller buildings have been largely vacant since the closure of the Jones and Lamson Machine Tool Company in 1985. Manufacturing equipment was removed over the years, and in 1997, water and heat were turned off. Since then, the main building roof has collapsed in several places, and consequently, it is presently not suitable for occupancy. A separate part of the building to the south is currently used for manufacturing stone countertops (NBC Solid Surfaces). The sale of this part of the former J&L Plant #1 building was contingent upon the environmental cleanup of the northern portion of the main building and building renovation.

After the former owner of the site, Goldman Industrial Group, declared bankruptcy, the Springfield Regional Development Corporation⁷ (SRDC) purchased the site on October 11, 2002 in a bankruptcy auction, where SRDC was the only bidder.

Shortly after SRDC purchased the building, it retained the services of a Historic Preservation consultant, Paula Sagerman, to look into Section 106 issues and begin a dialogue with the Agency of Commerce and Community Development regarding historic preservation issues.

⁶ The three companies were: Jones and Lamson, Bryant Grinder Corporation, and Fellows Gear Shaper.

⁷ The Springfield Regional Development Corporation (SRDC) is a private nonprofit regional development corporation with an eight-member board of directors. The Board primarily consists of private sector members from the surrounding communities with some members involved with the Howard Dean Center and Dartmouth. The SRDC serves the Greater Springfield Area, including Springfield, Windsor, Chester, Ludlow, Weathersfield, and Cavendish. Its mission is to create and retain manufacturing and value-added jobs in our region. They work with existing businesses and work to recruit new businesses to our region. See: <http://www.springfielddevelopment.org/>

A day-long retreat was held in July 2003 to discuss potential options for the building. At the urging of the Agency of Commerce, Division for Historic Preservation, consultants from Boston, who specialize in the reuse of industrial buildings, were invited to attend along with other interested parties. The results of the meeting were mixed. The parties interested in preserving the building felt that SRDC needed to do more marketing of the building, while SRDC felt that there has already been sufficient efforts by various parties to market the building without success. The retreat cost SRDC \$10,000.00.

SRDC's construction committee initiated the site's master plan process and also contracted for architect renderings. These plans and drawings have been revised a number of times and provide the basis for reuse planning.

Since July 2003, SRDC has had 4 or 5 meetings with the Agency of Commerce, Division for Historic Preservation to develop and receive approval on a plan for the site. As of January 5, 2005, no formal agreement has been signed by the Agency of Commerce and SRDC.

SRDC used the Phase I and II environmental investigations conducted by Dufresne-Henry, Inc. in 1989 and Greatwood Management Company in 2000 to evaluate the environmental site conditions prior to purchasing the subject property. Both DHI and GMC are respected environmental consultants in Vermont. SRDC decided to acquire the site based on the understanding that they would be considered an innocent prospective purchaser as defined under the EPA Brownfields Act promulgated in January 2002. SRDC was in ongoing contact with the Vermont DEC Sites Management Division because of its interest in enrolling the site in the Redevelopment of Contaminated Properties Program (RCPP). A follow-up Phase II site investigation was completed on the Jones and Lamson #1 property in 2003 by Griffin International, a firm contracted by the Southern Windsor County Regional Planning Commission through their EPA-funded Brownfields Reuse Project. When this report was finished, the Vermont Department of Environmental Conservation - Sites Management Division staff recommended little additional work other than to characterize petroleum-based contamination to determine whether the petroleum contamination on the site was eligible for the Petroleum Cleanup Fund (PCF). SRDC is still working with the Site Management Section to enroll the petroleum contamination in the PCF.

After the completion of Phase II, SRDC hired ECS of Brattleboro to complete a Corrective Action Plan (CAP) in preparation for enrolling in the RCPP. Staff changes at the Sites Management Division put a new project manager in charge of the site. The new sites manager reviewed all environmental work completed on the property and asked for additional site investigation work before starting on the CAP. This site investigation work is being completed under the EPA-funded Brownfields Reuse Project through the Southern Windsor County Regional Planning Commission. ECS and DEC staff have held extensive discussions, and the \$18,000 Phase III site assessment is now projected to cost \$53,000.

Site Reuse

The SRDC is planning to market the facility once approved plans are in place, focusing on commercial and manufacturing use. The location lends itself to use as office space with the community recreation facility across the street. NBC Solid Surfaces may expand its operations as part of the facility reuse. In the long term, this industrial facility may provide mixed uses, including commercial, office, and manufacturing operations.

Community Group Involvement

Planning and involvement has included a number of groups with the Springfield Regional Development Corporation spearheading the initiative. Southern Windsor County Regional Planning, Springfield on the Move (a group formed when Springfield received its downtown designation), the Springfield Regional Chamber of Commerce, the Springfield Board of Selectmen and Planning Commission, the Agency of Commerce and Community Development, the Division for Historic Preservation, and the Trust for Historic Preservation have all participated in discussions regarding the reuse of the building.

Jones and Lamson Project Analysis

The Jones and Lamson development project raises several issues for consideration:

- The Springfield Regional Development Corporation (SRDC) purchased the site on October 11, 2002. The willingness of SRDC to take on the development of the Jones and Lamson building, due to its importance to the larger community, puts SRDC as owner at significant risk. This is an important role more willingly undertaken by a community organization than by a private entity. Vermont's approach to project liability might be reevaluated by considering New Hampshire's statute which provides liability protection to purchasers earlier in the development process.
- The involvement of the Agency of Commerce and Community Development and the Division for Historic Preservation reflects the dual role that those organizations must play. On one hand, they are regulators with administrative responsibilities and federal mandates regarding the development of historic buildings. On the other hand, the agency is charged with promoting economic development in the state. Both operate with limited staff. The interaction of these potentially different functions is critical to economic development generally and this project specifically. The state has still not approved a development plan despite the passage of considerable time. This delay causes community concern. On the site visit, we heard a preference for more pro-active state involvement in plan development rather than the "passive role of reviewing submitted plans." Massachusetts has established an ombudsperson position to help advance brownfield redevelopment projects at the state level. Vermont could establish that position similar to its successful ombudsman position that helps to coordinate economic development projects.
- Similarly, the usefulness and successful implementation of the Redevelopment of Contaminated Properties Program remains a concern. For a variety of reasons, the changing site assessment requirements and time delays experienced by this project suggest that improvements could be made to improve the efficiency of this program.
- The length of time involved in project development remains a major impediment to development. In part, delay is due to the unavoidable complexity of the project and the array of federal and state entities involved in its outcome.

6. Windsor – Rails-to-the-Riverfront Area: Cone Blanchard and Goodyear

Zone

Until the 1980s, the Rails-to-the-Riverfront area was a thriving center of industry and employment. National Acme Company, which purchased the former Goodyear property from the Windsor Machine Company in 1916, built worker housing for a very large workforce. The area remained primarily industrial and high-density residential through the tenure of the Goodyear Company (1936-86) and the Cone Blanchard Machine Tool Company (1916-2001).

Site Acreage: 70 acres of mixed use land.

Cone Blanchard's site is 30 acres with two buildings, one that is used primarily for storage located at the end of the property with 200,000 square feet and one occupied by Rod Gray Machine located at the southern end of the site with 20,000 square feet. Goodyear closed in 1986. At the time, the 17 acres had about 280,000 square feet of manufacturing space. Now there are 120,000 square feet on this site. The central portion of the site was formerly occupied by a 160,000-square-foot brick manufacturing building that was demolished. In total, the Rails-to-the-Riverfront site has 50-60 acres of former industrial/railroad land and 10-20 acres of residential structures that are in poor to decent condition and substantially occupied.

Project History

The Rails-to-the-Riverfront site is located in Windsor's Designated Downtown within walking distance of the Main Street commercial district, but separated from it by the railroad tracks and train station, and includes extensive water frontage on the Connecticut River. Along with Cone Blanchard and Goodyear, the site also includes two former railroad buildings and a complex that used to house a lumber yard. There are 50-60 acres of former industrial/rail road land and 10-20 acres of residential structures that are in poor to decent condition and are substantially occupied.

According to the Census, between 1980 and 1990, largely due to the downsizing of Cone Blanchard and the closing of Goodyear, almost 1,000 jobs were lost, in a town of slightly less than 4,000 people. Economic Policy Resources in November 2003 indicated that in 1989, Windsor income levels were 102% those of Vermont as a whole. By 1999, Windsor income levels represented 82.8% of Vermont household incomes. There is also a "disproportionately large number of households clustered at the lower end of the income spectrum."⁸

In the 1980s, at peak operations, roughly 1,000 people were employed at Cone Blanchard, a direct descendant of the first machine shop founded in Windsor. After years of downsizing, Cone Blanchard sold the facility to Park Corporation of Ohio. The Park Corporation finally closed all operations in 2001. Today Seldon Technologies, a nanotechnology company, operates in 20,000 square feet of the 200,000 square feet in the Park Corporation (Cone Blanchard) facility. Seldon currently has approximately 30 employees (including contract scientists and engineers). The Park Corporation has not been active in exploring brownfield issues in the former Cone Blanchard building.

Goodyear Tire and Rubber closed in 1986. The building was originally built in 1909 by Windsor Machine Tool and taken over in 1916 by the National Acme Company, also a machine tool shop. Goodyear bought the facility in 1956. At present, the 120,000-square-feet of remaining buildings space on the property is occupied by a variety of businesses.

⁸ "A Strategic Approach for the Development/Redevelopment of the 'Rails to the Riverfront' Area, Town of Windsor," November 20, 2003 prepared by Economic Policy Resources, Inc., p.1.

The Goodyear facility was sold in 1985 to the Connecticut River Development Corporation (CRDC) (and Southern Windsor County Regional Commission at the time). From 1986 through the mid-1990s, some businesses continued to operate out of the property. Clyde River Transport, a trucking company, received paper by rail and shipped it out by truck. Also the offices of the Regional Planning Commission (then combined with the Connecticut River Development Corporation) were in the Goodyear office building until 1994. The CRDC has been maintaining the facility and leasing space for small manufacturing businesses and for storage. In 1995, the CRDC applied for, but did not receive, an Agency of Transportation Enhancement Grant to do an assessment of the main structure. In 1998, the Town of Windsor received a VCDP planning grant to do a structural analysis of buildings and environmental site assessment of properties. With this grant and funding from CRDC, Phase I & II site assessments were completed at a total cost of \$30,000. Three redevelopment scenarios were designed with this grant. The Phase II site assessment located contamination in several areas and recommended that further site assessment be conducted to determine the extent of contamination.

Since 1998, Rebecca Basch, the assistant director of the Southern Windsor County Regional Planning Commission (SWCRPC), reported the following timeline:

- **January 1999** - SWCRPC applied for an EPA Brownfields Assessment Grant to assist with additional site assessment at Goodyear and to look at other brownfield sites in the region.
- **June 1999** - SWCRPC received \$200,000 Pilot Assessment Grant.
- **Winter 2000-2001** - Roof on historic structure collapsed from snow load. Division for Historic Preservation took six months to respond to a request to look at the situation. Demolition for health and safety reasons began before DHP could review the situation. The Division for Historic Preservation eventually ruled that the demolition done for health and safety reasons was illegal.
- **January 2001** - Phase III site assessment completed by Marin Environmental through funding from the Brownfields Assessment Grant. Total cost for this Phase III is \$50,828.
- **June 2001** - SWCRPC received \$150,000 Supplemental Grant.
- **December 2001** - Vermont DEC Sites Management Section sent a letter to the Goodyear Tire and Rubber Company and CRDC, saying both parties were potentially responsible for contamination found on the property, and that further site investigation was required.
- **February 2002** - Goodyear requested an extension of 30 days before starting site assessment on the property. After one meeting and several conference calls between Goodyear, CRDC, and SWCRPC, Goodyear acknowledged *partial* responsibility and agreed to pay \$30,000 of the \$57,000 for the next phase of site assessment.
- **June 2002** - SWCRPC received a \$1,000,000 grant to start a Brownfields Cleanup Revolving Loan Fund.
- **October 2002** - The town of Windsor received a \$40,000 VCDP Planning Grant to complete a master plan and economic study of the Rails-to-the-River area, which did not include the Goodyear site. This exclusion was due to the earlier ruling by the Division for Historic Preservation that a health and safety demolition was illegal.
- **February 2003** - Griffin International completed a second Phase III site assessment with funding from EPA assessment grant and \$30,000 contribution from Goodyear. Total cost for this site assessment was \$57,000.

- **May 2003** - DEC Sites Management Section sent a letter to Goodyear and CRDC regarding Griffin's Phase III report, stating that the state has several concerns, and that additional site assessment work will be required on the site. Additional site assessment work is estimated to cost \$127,000, which includes 11 new wells and three rounds of sampling over 18 months. Initiating free product removal and ongoing monitoring of this system over a five-year period is estimated to cost \$225,000.
- **July 2003** - Representatives from SWCRPC, CRDC, SRDC, Griffin International, and the Town of Windsor met with representatives from Vermont DEC, John Kessler, and Senator Matt Dunne to discuss how to proceed with additional assessment work and redevelopment of the Goodyear property. Attendance at the Anaheim trade show resulted in four strong wood products-related prospects needing a total of 100,000 square feet of space.
- **August 14, 2003** - Meeting held to bring state resources into play to move redevelopment of facility forward.
- **September 2003** - SWCRPC applied a Targeted Brownfields Assessment Grant from EPA to complete site assessment work on the former Goodyear property.
- **October 15, 2003** - Letter submitted to Wally Ito, attorney at Goodyear Tire and Rubber Co., from Michael Parker, former attorney for EPA hired by SWCRPC, asking for assistance with assessment costs. No response.
- **November 2003** - SWCRPC awarded \$100,000 EPA TBA Grant for Goodyear property.
- **March 10, 2004** - Letter submitted to Win Cobert, new attorney at Goodyear Tire and Rubber Co. asking for assistance with assessment/cleanup. No response.
- **April 2004** - Hugo Martinez Cazon of Department of Environmental Management, Brownfields Division sent comments on TetraTech work plan
- **October 28, 2004** - TetraTech Report submitted to DEC and EPA. Waiting for response from DEC. Additional \$63,000 work recommended.

The total project costs to date for environmental site assessment are:

PURPOSE	SOURCE OF FUNDS	AMOUNT	SERVICE PROVIDER
Phase 1& 2	VCDP Planning Grant	\$30,000	1998
Phase III	EPA Brownfields assessment grant	\$50,900	Marin Environmental 1/2001
Phase III	EPA Brownfields assessment grant/Goodyear	\$57,000	Griffin International 2/2003
Phase III –awaiting approval	EPA Targeted Assessment Brownfields	\$100,000	TetraTech -EPA 10/2004
Additional site assessment work recommended		\$63,000	Awaiting state approval of new work plan

Other costs include:

1. Costs for removal of asbestos and transformers (PCBs): \$50,000
2. Estimated costs to begin remediation and monitoring of free product: \$225,000
3. Estimated costs for enhanced bioremediation and monitoring: \$244,000
4. Estimated costs for removal of oil-water separator \$ 14,000
5. Costs of removal of contaminated soils have yet to be determined

Site Reuse

The Windsor project is fascinating in its scope. The community, with the help of local development organizations and consultants, has developed an overall master plan for a 70-acre parcel, including the two former machine shops and brownfields and related housing. The plan envisions a combination of industry, retail, and commercial development, as well as housing and recreational spaces.⁹ The parcel's strong relationship with the core of Windsor makes such planning important for the community.

Community Group Involvement

The Windsor Rails-to-the-River project involves a number of community entities and businesses. The Windsor Improvement Corporation and its long-term consultant Jill Michaels, the Town of Windsor, and the Southern Windsor County Regional Planning Commission have all been involved in the long-term planning and development efforts. In February 2003, the Goodyear Tire and Rubber Company of Ohio contributed \$30,000 to site assessment. However, since then, multiple legal and technical staff changes at the company have occurred, and Goodyear has been unresponsive to letters and phone calls from the project developers. The state considers both Goodyear and CRDC, the current owner of the property, to be potentially responsible parties to the contamination.

In 2002 a new tenant, Seldon Technologies – a nanotechnology business – started operations in the Cone Blanchard building. The National Center for Precision Manufacturing and Endurance Building Systems, a producer of patented manufactured wood products, is expected to occupy the building in the coming year. These new businesses are important parts of the development. State and federal financial support has been critical to the project. This support includes EPA funds, state and federal grants, and assistance with contract acquisition for area businesses. State legislators, the Congressional delegation, and executive branch officials have contributed to this effort.

Windsor Project Analysis

As an ambitious urban planning and development initiative, the Windsor Rails-to-the-River project is bound to take a long time to come to fruition. It has benefited from long-term support and involvement of the project consultant and the regional planning agency. It will continue to need support with indirect financial returns, benefiting the community and the region and helping to provide a project base that makes the long-term goals achievable. The Windsor area and project location have many key geographic advantages, including access to I-91 and rail connections, and proximity to Hanover and Dartmouth and the Connecticut River.

A review of the timeline indicates several state policy concerns:

- First, the site assessment process for the Goodyear facility has been fairly drawn out, creating additional uncertainty and increased costs for the project. The site has been through one Phase II site assessment and three Phase III site assessments in order to determine the extent of the contamination, yet more wells are being recommended by the state and EPA consultants, and further attention to the site assessment process may be warranted.
- Second, delay in review by the Division for Historic Preservation that led to the demolition of a structure before state approval created an additional and ongoing problem in funding. The Division of Historic Preservation takes exception to this interpretation and states that the

⁹ Appendix F contains some site planning materials for the Windsor project.

project developers, in addressing the unsound building “did not present the Division of Historic Preservation with a proposed project.”¹⁰ The relationship of the Division for Historic Preservation and complex brownfield development efforts should be examined to identify areas where improvements could be made.

In addition, as the case of Springfield's Jones and Lamson demonstrated, the dual and often conflicting roles of the Agency of Natural Resources and the Division for Historic Preservation as enforcers and project supporters need to be examined. There is a perception that the agencies' role has become less facilitative and more defensive than necessary. This needs to be reviewed.

- Third, the Park Corporation's decision not to explore brownfield issues raises concerns. The specter of liability may prompt the economic decision to wait for a purchaser willing to take on the property with all its issues. A major component of brownfield development remains subject to private business choice. The Goodyear facility experience may further discourage the Park Corporation from considering brownfield redevelopment.
- The town commits \$45,000 per year of local tax dollars to economic development. That amount will be increased this year as the project heats up and the application process for a large federal grant begins. The Windsor project is very expensive for a small community with very limited resources, and the project's scope with its regional impact is a difficult undertaking for a host community of 4,000 to support alone.
- Other states have provided some liability protection for prospective purchasers and other incentives for the redevelopment of brownfield properties, including the availability of cleanup funds, establishment of ombudsman programs, and other incentives. Although the project has been carefully thought out, its location on the eastern side of the state between two much larger Vermont communities and across the river from the New Hampshire and the Hanover/Lebanon area limits its ability to attract private sector notice and investment.
- The limited participation that Goodyear has provided to finance assessment is a major issue. It is important to consider the advantages of providing more resources for brownfield redevelopment from state pursuit of responsible parties for financial participation for assessment and clean-up of contaminated sites.

¹⁰ See Appendix E for specific comments.

Appendix A – Study Request Letter

June 3, 2004

Senator Peter Welch, Chair
Members
Legislative Joint Fiscal Committee
State House
Montpelier, VT 05633

Stephen Klein, Chief Fiscal Officer
Joint Fiscal Office
1 Baldwin St.
Montpelier, VT 05633

Dear Senator Welch, members of the committee, and Mr. Klein:

Late this last legislative session, the Agency of Commerce presented a proposal for incentives for the redevelopment of underutilized or empty industrial facilities. This proposal was offered as an addition to Senate Bill S.42, entitled

“AN ACT RELATING TO CREATING AN OFFICE OF LAND RECYCLING, AND OTHERWISE REVISING THE BROWNFIELDS RECLAMATION PROGRAM.”

The Commerce Committee chose not to move forward with the agency’s proposal, in part due to the lack of time to analyze adequately the proposal’s costs and benefits to the state. The agency indicated to the committee its interest in drafting a proposal for next session. In order to be prepared, we would ask that the Legislative Joint Fiscal Office with the assistance of the Legislative Council study the availability and use of incentives to encourage redevelopment of commercial and industrial sites that have been abandoned or underutilized.

The goals of the study would be to:

- (1) determine facilities suitable for potential redevelopment in Vermont;
- (2) propose criteria for projects to qualify for incentives, taking into consideration, for example:
 - (A) reasons for abandonment;
 - (B) the obstacles to redevelopment;
 - (C) the potential for reuse; and
 - (D) how potential redevelopment would integrate with statewide economic development efforts and strategies.
- (3) review existing state incentives and resources available for redevelopment;
- (4) survey the success of other states’ targeted economic development programs and identify additional alternatives.

It would be helpful if this work could be available for the House Committees on Commerce and on Ways and Means and the Senate Committees on Economic Development, Housing and General Affairs and on Finance by January 15, 2005.

Thank you for your assistance with this request.

Sincerely,

Rep. Mark Young of Orwell, Chair,
House Commerce Committee

Rep. Robert Dostis of Waterbury, Vice-Chair
House Commerce Committee

cc: Bill Russell
Legislative Council

Kevin Dorn, Secretary
Commerce & Community Dev. Agency

Appendix B – List of Potential Brownfield Sites in Vermont

Site Number	Site Name	Site Town	Priority	Discovery Date	Update
982539	Barnet Town Garage	Barnet	MED	10/27/1998	8/26/2003
770027	Farwell Street Dump	Barre City	MED		10/3/2002
770095	Safety-Kleen	Barre City	LOW		6/30/2004
770206	Barre Coal Tar	Barre City	HIGH	1/1/1983	6/4/2003
941682	R&J Citgo	Barre City	LOW	10/1/1994	8/3/2004
992631	9 Depot Square (former Howe Cleaners)	Barre City	HIGH	6/1/1999	2/2/2001
20023048	Bonacorsi and Sons	Barre City	HIGH	10/15/2002	7/17/2003
770016	Ethan Allen - Orleans Division	Barton	LOW		
770008	* Tansitor Electronics Incorp	Bennington	LOW		9/30/2003
770031	Kocher Drive Dump	Bennington	MED		
770032	Vermont Tissue	Bennington	MED		6/17/2004
770138	Jard Company	Bennington	MED	4/1/1991	10/27/2004
890290	Morse Construction	Bennington	LOW	1/1/1989	6/4/2003
911093	Maska U.S.A.	Bradford	HIGH		5/1/2003
770036	Brattleboro Gas Works	Brattleboro	LOW		1/3/2003
770037	C E Bradley Laboratories	Brattleboro	LOW		
941613	Brattleboro North Plaza	Brattleboro	LOW	6/1/1994	1/15/2003
941623	Leader Beverage/Pepsi Cola	Brattleboro	MED	6/1/1994	5/3/2004
941692	Lacroix Property	Brattleboro	LOW	10/1/1994	2/16/2004
962003	Austine School	Brattleboro	MED	5/1/1996	
992663	Sonnys Sunoco	Brattleboro	LOW	8/18/1999	10/21/2002
931507	Sunset Pond	Brookfield	LOW		10/24/2001
941693	Wheatley Farm	Brookfield	MED		4/4/2003
770113	West Burke Auto Body	Burke	MED		
770004	Riverside Avenue Dump	Burlington	HIGH	1/1/1987	11/25/2002
770039	Former Bell Aircraft Dump	Burlington	MED		12/28/2001
770041	General Electric Comp. Lakeside Ave.	Burlington	HIGH	6/1/1981	9/30/1999
941733	140 - 140a Riverside Ave	Burlington	LOW	12/1/1994	1/24/2001
20033098	151 South Champlain St. - Blinn House	Burlington	LOW		4/24/2003
770046	Champlain Cable Corporation	Colchester	HIGH		1/16/2003
770047	Winooski Dump	Colchester	LOW		3/19/2002
900634	J & B International	Colchester	MED	11/6/1990	5/16/2001
972127	Ladd Research	Colchester	MED	1/1/1997	10/19/2000
770191	Pike Hill Copper Mine	Corinth	HIGH		7/23/2004
770009	Nadeau's Landfill	Coventry	MED		
770196	Citizens Utilities Pine Hill Warehouse	Derby	MED		
770010	Essex Landfill	Essex	LOW		3/19/2002
770012	International Business Machine	Essex	MED		7/1/2003
770103	Hampden Color And Chemical	Essex	LOW		10/2/2000
992695	Ross' Auto Repair	Fairfax	MED	10/20/1999	10/25/2004
20022994	Fairlee Marine	Fairlee	MED	5/21/2002	12/11/2002
962058	Guilford Central School	Guilford	MED	3/1/1996	9/29/2003
951792	Green Mountain Sanitation	Hardwick	LOW		7/2/1999
20033117	Gates Salvage	Hardwick	LOW	6/4/2003	6/4/2003
770050	Vermont Log Building Incorporated	Hartland	MED		3/11/2002

Site Number	Site Name	Site Town	Priority	Discovery Date	Update
20022984	Old Saw Mill	Hartland	MED	4/17/2002	8/28/2002
770011	Young Landfill	Highgate	MED		3/19/2002
941667	Franklin County Airport	Highgate	LOW		6/8/2001
911017	International Cheese	Hinesburg	HIGH		11/16/2001
951795	Iroquois Manufacturing Co	Hinesburg	HIGH		3/24/2004
770190	Space Research	Jay	LOW		3/19/2002
951825	Vermont Asbestos Group	Lowell	LOW		9/12/2001
20043217	Luzenac Property	Ludlow	MED	6/18/2004	9/22/2004
770014	* Darling Hill Dump	Lyndon	LOW		11/3/1999
931536	Northern Equipment	Lyndon	MED		
20043286	Former Northeast Tool	Lyndon	HIGH	7/1/2004	11/4/2004
20012924	Manchester Shopping Center	Manchester	LOW	6/1/2001	10/23/2001
972130	General Services Center	Middlesex	MED	1/1/1997	7/12/2002
770139	4 Franklin St	Montpelier	MED		3/19/2002
770187	Old Montpelier Dump	Montpelier	MED		7/9/2003
921239	Capital Plaza	Montpelier	LOW	6/1/1992	7/25/2003
982562	Green Mountain Power Plant #4	Montpelier	LOW	12/22/1998	11/15/2002
20023024	Carr and Sons (former)	Montpelier	MED	9/25/2002	1/6/2003
770059	Newport Plastics	Newport City	MED		
962011	Moore's Dry Cleaners	Newport City	LOW	7/26/1996	6/27/2002
962020	Merchants Bank	Northfield	MED	8/1/1996	
931393	Lockmasters Inc	Pawlet	LOW		
941557	Poultney Mobil	Poultney	LOW	1/4/1998	12/28/2000
770066	*Pownal Tannery	Pownal	HIGH		12/20/2001
770068	Blood Farm Dump	Putney	LOW		1/22/2003
941606	Putney Paper Sludge Landfill	Putney	MED		1/22/2003
770019	Wright Property	Randolph	MED	3/1/1986	5/23/2002
770182	River Street Dump	Richford	LOW		3/19/2002
770070	*BFI/Rockingham	Rockingham	MED		12/20/2001
20022989	TLR Complex	Rockingham	MED		8/28/2002
770020	Rutland Landfill	Rutland City	MED		3/19/2002
20002840	Comfort Inn	Rutland City	HIGH	10/6/2000	10/17/2004
770074	Harbour Industries	Shelburne	MED		8/10/2004
770022	Boise Cascade South	Sheldon	MED		10/2/2000
770043	Vermont Air National Guard	South Burlington	HIGH		12/20/2001
931383	South Burlington Street Dept	South Burlington	LOW		9/7/2004
770023	* Springfield Landfill	Springfield	MED		
770122	Jones And Lamson	Springfield	LOW	1/1/1987	6/5/2003
770123	Bryant Grinder	Springfield	MED		
941576	Former Idelnot Dairy	Springfield	LOW		3/19/2002
951806	Springfield Terminal Railway	Springfield	LOW	1/1/1995	4/6/2004
982399	Former Springfield Gas Property	Springfield	MED	4/1/1998	3/30/2000
20033109	Fellows Corporation	Springfield	HIGH	5/15/2003	5/15/2003
770126	CV Railway Inc	St Albans City	HIGH		1/22/2003
770077	EveReady St. Albans	St Albans Town	HIGH		1/22/2003

Site Number	Site Name	Site Town	Priority	Discovery Date	Update
911109	St Albans Air Force Station	St Albans Town	MED		3/18/2002
962066	Franklin Lamoille Bank- Highgate Commons	St Albans Town	MED	9/1/1996	3/19/2004
900584	Caledonia Records	St Johnsbury	LOW		
951797	White River Works	Stockbridge	LOW	4/1/1995	
770186	*Elizabeth Mine	Strafford	HIGH		3/26/2002
770081	Wessner Landfill	Sunderland	MED	3/1/1986	11/25/2002
770083	Topsham Plating	Topsham	MED	3/1/1988	3/19/2002
770084	Simmonds Precision	Vergennes	MED		1/22/2003
992617	Vt Yankee Nuclear Power Station	Vernon	MED	4/30/1999	1/8/2004
890452	Wallingford Mobil	Wallingford	MED	12/5/1989	10/11/2000
992618	Wallingford Sawmill	Wallingford	MED	6/2/1999	5/31/2001
982427	Warren Elementary School	Warren	HIGH		7/14/1999
20023002	Classen's Crane Service	Waterford	MED	5/15/2002	3/17/2003
770181	Gawet Marble & Granite, Inc.	West Rutland	HIGH		
770087	Unifirst Corporation	Williamstown	MED	8/1/1983	6/26/2001
770088	Williamstown Landfill	Williamstown	MED	3/1/1986	5/9/2002
770089	Judge Development	Williston	LOW		10/12/1999
770090	Mitec	Williston	HIGH	3/1/1986	5/7/2002
770120	Alling Industrial Park (EMCO)	Williston	MED		5/7/2002
961974	Champlain Valley Cleaners	Williston	LOW	4/1/1996	
972149	S T Griswold	Williston	LOW	2/1/1997	11/14/2000
982333	Former New England Marine Contractors	Williston	MED	1/1/1998	7/12/2002
20023020	Former Dump Site	Wilmington	MED	8/14/2002	9/25/2002
951840	Former State Prison/Windsor School	Windsor	MED	9/1/1995	9/30/1999
961965	Stacey Fuel And Lumber	Windsor	LOW	12/1/1995	3/3/2000
20002797	Goodyear Industrial Campus	Windsor	MED		11/4/2004
20002754	Winooski Redevelopment Area	Winooski	MED	10/27/1999	10/15/2002
870023	Gerrish Motors (Woodstock East)	Woodstock	HIGH		6/30/2004

Appendix C – 2004 Downtown Property Assessment Program Grants

City of St. Albans	\$10,000	\$2,500	Assessment of Seymour Block, Main Street. Property analysis and budget projection for renovation of upper floors of two buildings, now only partially occupied. Phase I (this application) includes survey, CAD drawings, and analysis for codes, ADA, windows, structure and M-E-P. Owner may develop or sell. Match coming from City (\$1,000), Phil Gerbode (\$1,000) and St. Albans for the Future (\$500). Building Owner, Phil Gerbode; Contact: Jane Kiser, City of St. Albans, 524-1053
Town of Middlebury	\$10,000	\$2,500	Technical site assessment for commercial and mixed use development at current parking lot location behind public library. Activities include preliminary title research, site survey and base map, soil boring and bearing capacity analysis, other site factors. Owned in part by Town of Middlebury and Middlebury College; match provided, 1/2 by each. Application associated with additional MPG application for other costs (\$15,000). Contact: Kathleen Ramsay, Town of Middlebury; 388-6761.
Town of Orange	\$5,000	\$1,250	Building condition analysis of Town hall for purpose of addition for handicapped accessibility, bathroom and extra meeting space. Proposal seeks funding for cost estimating and to develop specifications for contractors to bid on. Matching funds coming from taxes to residents. Contact: Town Clerk, Rita Bisson, 479-2673.
Town of Rochester	\$10,000	\$2,500	Proposal for evaluation and analysis of town-owned village site for the planned construction of a new Fire Dept. Building. Funds to be used to retain an engineer to assess traffic flow, utilities, parking, building siting and structural engineer to analyze building plans and provide specifications. Match coming from Fire Dept. Building fund. Contact: Barbara Velltura, Administrative Assistant to Selectboard, Town of Rochester, 234-5600.
Town of Brattleboro	\$10,000	\$3,600	Site investigation, schematic design and development of construction document preparation for renovation of the Plaza Park green space. Proposal includes topo. survey, locate utilities, needs analysis and design of water fountain; preparation of construction drawings, printing, copying of designs. Match provided town funds raised by "Friends of Plaza Park". Contact: Jeanette White, Town of Brattleboro, 254-4541.
Town of Rockingham	\$10,000	\$3,000	Feasibility study for redevelopment of the Stable building. Proposal includes development of architectural rehabilitation plans, evaluation of structural issues and code requirements and estimation of construction costs. Match provided by the towns current budget. Contact: Richard Ewald, Town of Rockingham, 463-3964.
Town of Hartford	\$10,000	\$2,500	Comprehensive site analysis for redevelopment of the Cameron Ashley site located at 9 Harrison Street in the historic village of White River Junction. Potential reuse for mixed retail, offices and housing. Match from Town Budget. Contact: Lori Hirshfield, Town of Hartford, 295-3075.
City of Burlington	\$10,000	\$14,000	Pre-development analysis for the adaptive re-use of the Moran Generating Plant by the Greater Burlington YMCA. Project includes geotechnical borings; structural analysis and report, TCLP analysis and pigeon guano abatement plan, historic analysis and wetlands delineation. Matching funds to come from general funds of the YMCA and City of Burlington (additional work with EPA brownfields grant \$). Contact: Nick Warner, CEDO, 865-7173. *Award Pending*
Total Awards/Local Match	\$75,000	\$31,850	
Total funding available	\$75,000	Source: Department of Housing and Community Affairs, ACCD 2/2005	

Appendix D – EPA Funding in Vermont

Vermont EPA Region 1 Funding 1994 – 2003 by program*

1. EPA Assessment Grant Program

Recipient	Funding
Burlington	\$500,000
Central Vermont Regional Planning Commission	\$200,000
Northwest Regional Planning Commission (P)	\$400,000
Rutland	\$200,000
Rutland Regional Planning Commission	\$200,000
Southern Windsor Country Regional Planning Commission	\$350,000
Two Rivers Ottauquechee Regional Commission	\$200,000
Windham Regional Commission	\$550,000
Assessment Grant Program Total:	\$2,600,000

(P) Indicates grantee received petroleum funding in FY 2003

2. EPA-Led Targeted Brownfields Assessments

Site	City	Approx. Value of Assessment
28 River St	Windsor	\$100,000
Carr Lot	Montpelier	\$75,000
TLR Complex	Rockingham	\$75,000
EPA-Led Targeted Brownfields Assessments Total:		\$250,000

3. Revolving Loan Fund

Recipient	Funding
Southern Windsor Country Regional Planning Commission	\$1,000,000
Assessment Grant Program Total:	\$1,000,000

4. State-Led Targeted Brownfields Assessments

Site	City
BCIC Building Complex	North Bennington
Jewell Brook Property	Ludlow
Sweat Comings	Richford
Total:	\$458,000

5. State Voluntary Cleanup Program

Site	Funding
Vermont Agency of Natural Resources	\$704,060
Total:	\$704,060

*Funding total current as of February 2004.

Appendix E – Additional Comments

After sending the Draft Brownfields Report to interested parties for review, we received numerous comments on various aspects of the study. In instances where the suggestions led to a technical correction or clarification, the changes were incorporated into the final report. The comments below were not included in the final report, but are included here as an appendix.

Comments from Susan McMahon, Senior Planner, Windham Regional Planning Commission (received 1/26/05 via e-mail):

Comments regarding the Bellows Falls Case Studies:

Perhaps you can make the same point about privately owned sites by discussing that you visited two sites in the village and both were small parcels, but have a varied history of manufacturing, automotive etc. The perception of possible contamination on these sites has made it difficult to redevelop the sites. Both of these sites are located in important gateway areas of the Village. The current owners for both of these sites are entrepreneurial in spirit and want the reuse of these buildings to add to the vitality to the downtown. You could then still use your project analysis but change it to reflect my suggestion. These sites are part of a number of sites in downtown Bellows Falls which need to undergo environmental assessment and remediation if necessary, and to be adapted for reuse. The large number of sites in this relatively small community makes it difficult for the town, local businesses, and nonprofit entities to raise the funds needed to address all of the potential sites.

Comments from John Kessler, General Counsel, Agency of Commerce and Community Development (received 1/27/05 via e-mail):

Comments on the "Executive Summary and Recommendations" sections:

There is no reference in the following pages of this report that identify any EPA regulations that are less stringent than Vermont. If there are EPA regs that would be beneficial to the Legislature's consideration of ways to enhance redevelopment of brownfields in Vermont, then it would be helpful to include them here.

DEC has coordinated with EPA, municipalities, regional organizations, businesses, property owners, ACCD, AG's Office, the Legislature and others.

Keep in mind that DEC must responsibly carry out federal and state statutory and regulatory mandates aimed at adequately protecting public health, safety and the environment.

There is nothing DEC would require a redeveloper to comply with, and interaction with DEC although desirable in a number of instances, is also not required.

Comments on the "Background – Study Origin" section:

True, this is the EPA definition, but it has no meaning under Vermont law, which provides a definition in 10 VSA 6615a (RCPP) based on a site having a release or threatened release of a hazardous material – "perceived" is not considered.

The RCPP since 1995 has been a program the Legislature assigned to DEC to administer. It is essential that the duties DEC owes to the public in its regulatory role administering state and federal environmental laws are distinguished from its RCPP responsibility which is to manage

applications by prospective purchasers and innocent owners that wish to voluntarily take on someone else's environmental problem – successfully address it and redevelop the economic value of the property.

These qualities are not shared by both the Sites Management Section in its regulatory role and by the RCPP in remediation/redevelopment oversight and assistance role. For example, in its regulatory role, the paramount interest is protection of public health and safety through administering state and federal environmental protection laws. In its RCPP role, DEC must still act in the best interests of the public in terms of health, safety and environmental protection, but it is not in an enforcement posture as it is when proceeding against a responsible party.

A Corrective Action Plan approved by the ANR secretary under the RCPP is not likely to require a site to be "full cleaned" in the normal meaning of those words. Instead, a case-by-case determination will be made as to the level of environmental remediation required to adequately protect the public health, safety and environment. As stated in an earlier comment, the DEC will work with RCPP participants to arrive at future uses of a site that are suitable for the site's environmental conditions. In other words, there is no blanket requirement that a site must be "fully cleaned" or returned to a 0.0 level.

Reference to the process for receiving a SMAC or COC from the Sites Management Program at DEC. It's not ambiguous, but it is often unpredictable.

Rewrite of the second to last paragraph under "Brownfields in Vermont:"

On one hand, the state in its regulatory function has a duty to protect the public health, safety, and environment through responsible enforcement of environmental laws that, particularly with respect to releases of hazardous materials, often requires a time-consuming and costly environmental response, whereas in its function as an advocate for economic development and job growth, the state's ability to facilitate reuse or redevelopment on contaminated sites is challenged by the inherent difficulty in marketing a prospective development opportunity that often carries substantial uncertainty around the time required for site remediation and the cost of the same, not to mention the reluctance of financial institutions to risk money in such an unpredictable context.

Comments on the "Funding for Brownfields" section:

the EPA to date has opted to award only limited funding for this purpose and has done so on a regional rather than state level.

Why prioritize use of state funds on projects with little return on investment? Why not prioritize one or more projects that present environmental problems with which we have experienced the most success in correcting and that have a location offering the greatest potential for successful economic development?

These are all good reuses of brownfields, but not likely to be funded by private for-profit redevelopers. It would be better to use public dollars to encourage private investment in redevelopment of contaminated properties – that would better achieve the state's twin goals noted above: 1) environmental protection and 2) economic development/job growth. Spending scarce public dollars to redevelop brownfields for public uses, while desirable, largely misses the state's redevelopment goal.

Comments on the "Unique Features of Brownfields Redevelopment: section:

Is this really true – In every case, even sites with minor or no contamination involve additional and uncertain costs associated with assessment and remediation so significant and prohibitive that they prevent redevelopment?? My 12 years of direct experience with DEC and its SMS staff and the RCPP would lead me to disagree.

It is not helpful to characterize this in extremes. Fairly accurate estimates of time and cost can be made on less complex environmental sites. What have consultants said about this?

Why? If the lower market cost of the greenfield is a determining factor, why would financial assistance to equalize the cost of redeveloping a brownfield only have minimal impact? What are the characteristics of the majority of sites referenced as being redeveloped in VT?

Comments on the "Legal Liability and Insurance Issues" section:

The issue in a brownfield is pollution. This seems in contrast to the report so far which has emphasized not the pollution as the real problem, but the deterrent effect of the uncertainty in how long it would take to successfully address it and how much it would cost.

Do we know that? My impression is that the number of so-called "orphan" sites is low enough that we wouldn't say they are "many" of the known sites. I think the real issue is that it would cost the State a lot of time, labor, and money to pursue responsible parties – a diversion of limited resources from other, seemingly higher priority activities.

I'm not sure what this refers to if it's based on something in ACCD's Insurance report. The liability protection is what it is under the RCPP. The Legislature has only given the ANR secretary authority to protect successful RCPP participants from State liability. If that protection is problematic in any way, it is in its limited scope. The State cannot protect against EPA or any other federal liability, nor against liability to third parties, such as neighbors.

This statement serves to highlight the balancing of risks and benefits in the state's promoting the redevelopment of contaminated properties. Protecting prospective purchasers earlier in the process, i.e. before successful completion of an ANR-approved corrective action plan, would strengthen the state's ability to pursue its goal of advocating for economic development and job growth. The risk is that each time the state protects a new owner before the site is remediated, the state will have greater exposure to the financial obligation to complete unfinished environmental responses that must be completed to adequately protect public health, safety and the environment)

Is there data to show the number of potentially responsible parties is so low?

Comments from Jane Lendway, State Historic Preservation Officer, Department of Housing and Community Affairs (received 1/28/05 via e-mail):

I object to the report of our role in the Jones and Lamson and Goodyear cases. You asked for information about Sweat and Comings, not Goodyear. What the Goodyear project folks failed to tell you was that they did not present the Division for Historic Preservation with a proposed project. I am not going to write a long report on this here - you can ask me to come and testify if you wish. Secretary Dorn convened a meeting with Windsor officials a year ago to clarify the steps that brought Windsor to the point where the town's eligibility for federal funds may be questionable due to demolition at the site.

In the case of Jones and Lamson, again, you infer that we are holding up progress - "State approval of a development plan has not yet happened despite the passage of considerable time." SRDC has not sent us their project plans for us to review to provide comment for their Act 250 permit. We have met numerous times with them on site and have verbal agreement on an approach to the project, as well as specific details, that we can approve. Additionally, the \$10,000 charrette was funded with a \$40,000 Community Development grant to the Town of Springfield for planning for this project.

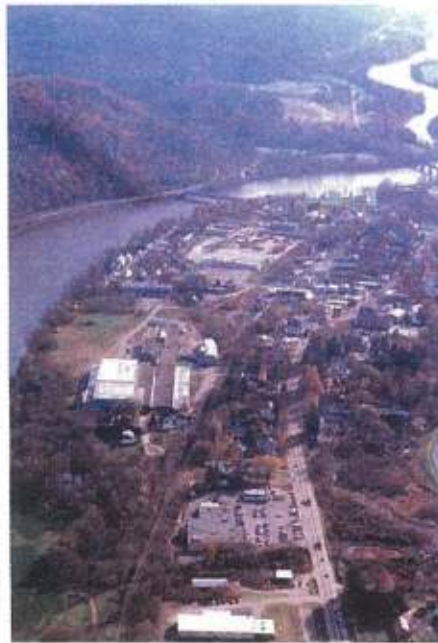
Comments from Joshua Schwartz, Assistant Planner, Central Vermont Regional Planning Commission (received 1/31/05 via e-mail):

I believe one of the largest roadblocks to the reclamation of brownfield sites is the lack of clean-up funding. This works to deter individuals from entering the program. In my experience property owners of potentially contaminated properties are fearful of owning a designated DEC "site" without the resources to remediate the problem(s). I have seen the lack of clean-up funding also complicate properties that have entered our assessment program. For instance, our Stone Cutters Way project's estimated clean-up costs have continued to escalate as we enter our fourth round of site assessment activities. The unpredictable nature of brownfields, as well as the commonplace absence of a liable party, can necessitate clean-up costs that create roadblocks for the site's reclamation. I believe that clean-up funding would greatly increase the number of projects that enter and complete the brownfields reclamation process.

The Report's 3rd recommendation focuses on different groundwater standards for sites on public water and septic systems. I suggest that work can also be done in regards to soil standards. We have run into issues with DEC soil standards that appear to be below apparent background levels in urban areas (but appropriately above background levels in rural areas). Perhaps a two tier soil standard can be implemented that is more appropriate to location. (Overly stringent soil standards in urban locations makes development cost prohibitive and reinforces greenfield development in rural locations, contrary to Vermont's Substantive Planning Goal #1).

I echo the concern of the apparent lag time in receipt of SMAC designation. I don't know how that can be addressed within the legislature. The recent hiring within the Department's Program should relieve this type of issue.

Appendix F – Windsor Site Planning Materials



Views of the Windsor riverfront

The Windsor Rails to the Riverfront project is being directed by the Windsor Improvement Corporation.

For more information contact:
Jill Michaels, (802) 674-1016
jill_michaels@valley.net

This project was funded through a grant from the Vermont Community Development Program.

prepared by CROSBY SCHLESSINGER SMALLRIDGE LLC

why windsor?

Access and Location

- Close to the I-89/I-91 interchange in White River Junction, VT
- Bordered by the Connecticut River
- 19 miles from Hanover, NH and Dartmouth College
- On the Montreal Amtrak route

Area Attractions

- American Precision Museum
- Mount Ascutney Ski Resort
- Cornish-Windsor Covered Bridge
- Saint Gaudens National Historic Site
- Cornish Colony Gallery-Museum
- Vermont State Craft Center
- Harpoon Microbrewery
- Simon Pearce Blown Glass and Hand-Thrown Pottery
- The Old Constitution House
- Mario Messina Design Craftsman
- Lawrence Nowlan Sculptor
- Cider Hill Gardens and Gallery
- Preservation Education Institute

Other Area Strengths

- High environmental quality
- Opportunities for recreational activity
- Abundant industrial and commercial sites
- Good access to health care - Dartmouth Hitchcock Medical/ Mount Ascutney Hospital and Health Center
- Active local governments pursuing economic development
- High levels of entrepreneurial energy



Windsor Riverfront



A new mixed-use district with ground-floor retail, restaurant and artisan studio spaces, upper floor residential units and a hotel/conference center will link the existing Main Street commercial district to a new 12-acre riverfront park. A hotel flanks the new park and rooms have beautiful views of the park, the river and the Cornish hills. From the tower, visitors will have views to the Cornish-Windsor Covered Bridge and Mount Ascutney.

"We made a conscious decision to relocate to the Windsor Riverfront because the town—the environment, the culture, the training of the people, the proximity to Dartmouth College—provided a unique opportunity for a firm like ours to prosper. We just wanted to be here."

—Paul Dulac, COO of Seldon Laboratories LLC, a research and development firm that recently relocated to the Windsor riverfront. The firm is using nanotechnology to purify water. The Diamond Edge Technology Incubator is being developed to complement Seldon's work.

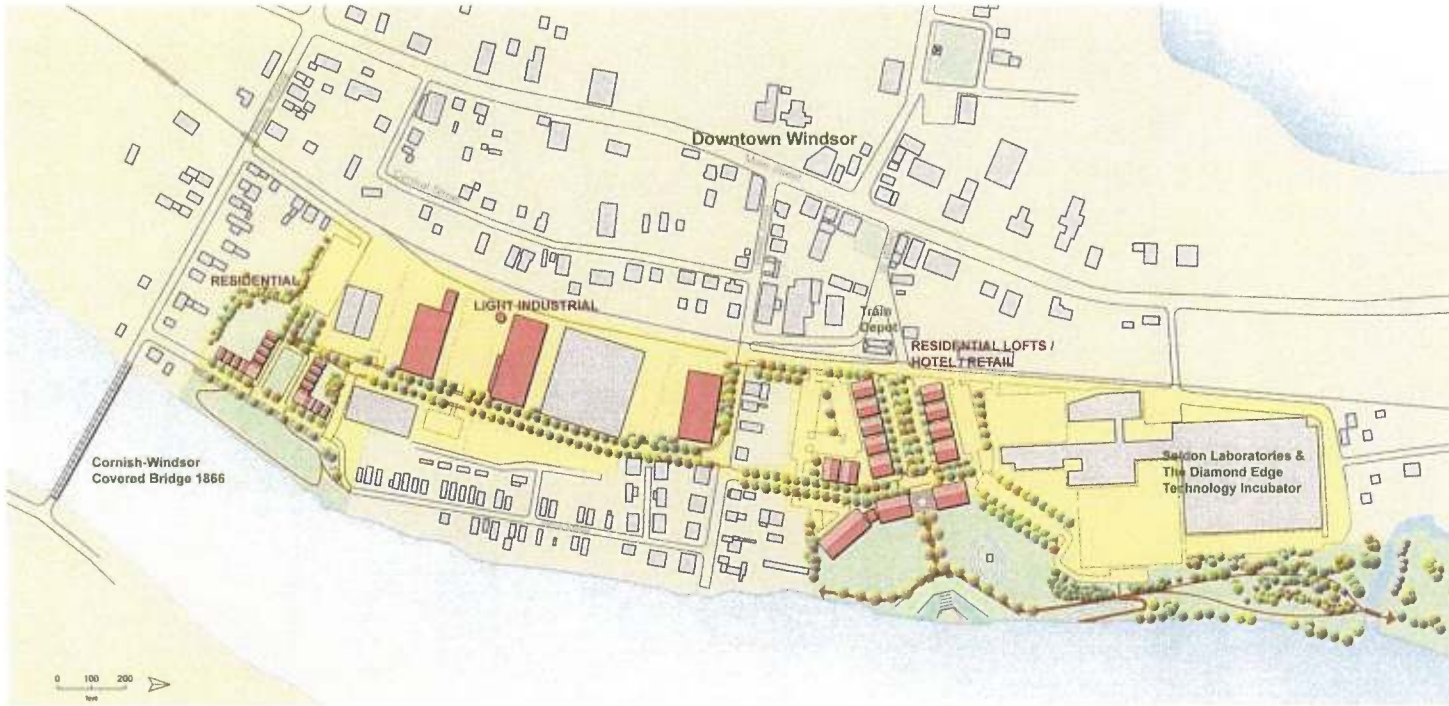


The Windsor riverfront 2003



Windsor is the "birthplace of Vermont"; its many classic New England buildings include the 200 year old Old South Congregational Church and the Cornish-Windsor Covered Bridge built in 1866 (longest covered bridge in the U.S.).

windsor improvement corporation



opportunities

- 65,000 sf of new light industrial space
- 66 new housing units
- 35,000 sf new retail, restaurant, artisan studio space
- 72 room hotel/conference center
- Two new riverfront parks 8.5 acres & 1.5 acres

redevelopment goals

- Create an active, mixed-use district on the underutilized riverfront
- Create new jobs and increase the Town's tax base
- Leverage views of downtown steeples, Mount Ascutney and the Connecticut River to attract new businesses and visitors
- Increase housing opportunities and options in the Upper Valley
- Support existing Main Street businesses by expanding retail opportunities and connecting Main Street to the riverfront
- Generate tourist activity through riverfront recreation, artisan studios, a unique retail experience, and hotel/conference center



Pedestrian links

riverfront redevelopment plan

The Windsor Riverfront redevelopment project encompasses 70 acres stretching along the Connecticut River, adjacent to downtown Windsor. The central area is designed as an active mixed-use district, directly linked to the existing Main Street commercial core. Visitors to downtown can walk down the newly extended Depot Street, shop at the new stores, restaurants and artist studios, and continue on to the riverfront park. To the north is an industrial district within an existing building complex.

South of the mixed-use district, a new tree-lined road leads through a light industrial district ideal for resource-based and resource recovery businesses – such as

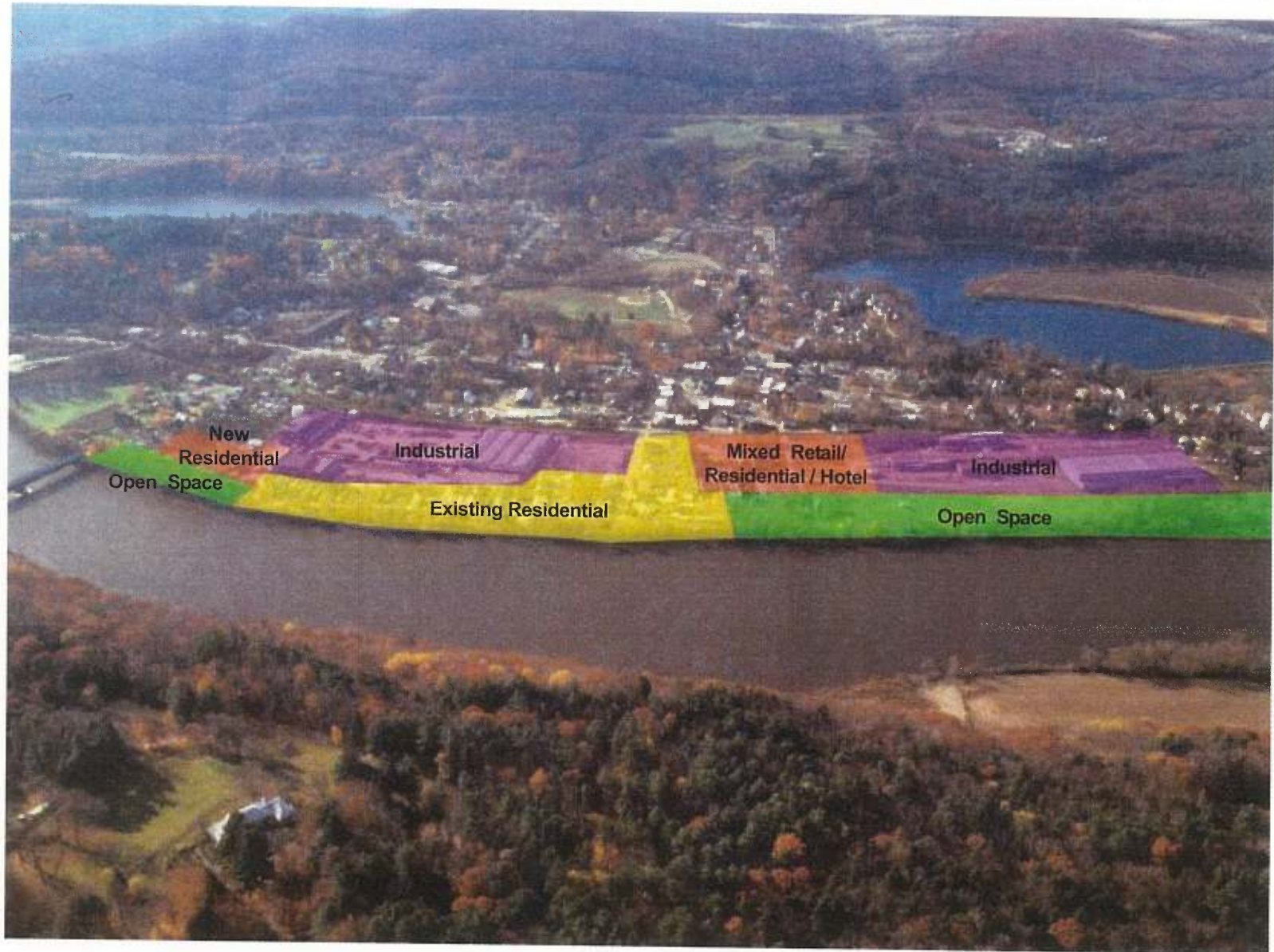
fine woodworking, and products from recycled materials – as well as other more traditional light industrial uses. Available sites include both existing buildings, vacant parcels, and the potential for a rail spur. South of this industrial district is a small residential development flanking a new waterfront park.

The master plan links the Riverfront to Main Street at Bridge Street, River Street and Depot Street, and provides an attractive, tree-lined north-south street through the entire riverfront area. Riverfront pedestrian paths could continue north, eventually crossing Main Street and connecting to the path around Lake Runnemed.



Mt. Ascutney, to the southwest, is visible from most of the riverfront. The historic railroad depot, built in 1901 and now operating as a restaurant, is a prominent landmark linking downtown and the new mixed-use district. Mill buildings in the industrial area are being rehabilitated for new uses.

Land Use Plan



20 November 2003

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