EBC Site Remediation and Redevelopment Program Series
Contaminated Property Buying/Selling Strategies – A MOCK Transaction

Part One: Transaction, Funding Aids, and Project Set-up

Tuesday, January 17, 2017

Law Offices of McLane Middleton | Woburn, Massachusetts

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AGENDA

8:00 a.m. Welcome: Jonathan D. Kitchen, PG, LSP
Chair, EBC Site Remediation and Redevelopment Committee
Senior Project Manager, Civil & Environmental Consultants, Inc.

8:15 a.m. Introduction & Overview: Robert Atwood
Chair, EBC Rhode Island Chapter; Program Chair and Moderator
Vice President & Senior Engineer, Environmental Strategies & Management, Inc.

8:30 a.m. Seller Team Discusses Pending Sale of MOCK Site
- Seller / Owner: Bob Atwood, Owner of “Messy Scrap Yard Incorporated”
- Legal Counsel to Seller: Bob Cox, Partner, Bowditch & Dewey, LLP

8:50 a.m. Buyer Team Discusses Preliminary Transactional Issues of MOCK Site
- Buyer / Developer: Jon Kitchen of “Clean Economy Development, LLC”
- Legal Counsel to Buyer: Elizabeth Mason, Attorney, McLane Middleton

9:10 a.m. Discussion of Site Environmental Assessment & Remediation Results
- Evan Cucé, Environmental Scientist, Environmental Strategies and Management, Inc.

9:30 a.m. Insurance Options to Support Deal
- Karl Touet, Principal, Twin Elms Environmental Insurance Brokerage
9:50 a.m.  Tax Credit Considerations  
- Warren Kirshenbaum, President, Cherrytree Group, LLC

10:10 a.m.  Networking Break

10:40 a.m.  Public Funding  
- Eleni Varitimos, Vice President, Community Development, MassDevelopment

11:00 a.m.  Developer Perspective  
- David Peter, CEO, Site Redevelopment Technologies, LLC

11:20 a.m.  Final P&S Negotiations between Buyer and Seller Teams

11:40 a.m.  Panel Discussion  
Panel Moderators: Jon Kitchen and Bob Atwood  
Panel Members:  
- Bob Cox, Bowditch & Dewey, LLP  
- Evan Cucé, Environmental Strategies and Management, Inc.  
- Warren Kirshenbaum, Cherrytree Group, LLC  
- Betsy Mason, McLane Middleton  
- Karl Touet, Twin Elms Environmental Insurance Brokerage  
- Eleni Varitimos, MassDevelopment

12:30 p.m.  Closing Remarks – Adjourn

PROGRAM CHAIR

Robert Atwood, Vice President & Senior Engineer  
Environmental Strategies & Management, Inc.  
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Mr. Atwood is founder and former President of Resource Control Associates, Inc., which merged in February 2016 with Environmental Strategies and Management, Inc. of Norton, MA. Mr. Atwood has practiced as a Registered Professional Engineer in five states and as a MA Licensed Site Professional for over 44 years. He holds a Master's Degree in Environmental Engineering from Northeastern University. His background offers broad based experience with environmental assessment and remediation, as well as civil engineering design and construction management. Mr. Atwood's environmental experience includes work covering all aspects of environmental assessments, comprehensive remedial investigations, engineering design, remedial construction and Brownfields redevelopment on a full spectrum of environmental contaminants, at a wide range of urban and rural sites.

SPEAKERS

Evan Cucé, Environmental Scientist  
Environmental Strategies & Management, Inc.  
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Evan Cucé is an Environmental Scientist and Project Manager with Environmental Strategies & Management, Inc. He holds a Bachelor's Degree in Environmental Science and Business Management
from the University of Massachusetts Amherst. His has experience in site assessment and remediation services including ASTM Phase I and Phase II, regulatory reporting and compliance, Brownfields redevelopment, vapor intrusion and indoor air quality, and remedial design, construction, operation, and maintenance.

**Warren Kirshenbaum**, President
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Warren Kirshenbaum is the President of the Cherrytree Group, LLC. Warren founded Cherrytree in 2006 and has spent the past eight years building Cherrytree into a specialist tax credit consultation, brokerage, and syndication firm. He has utilized his expertise to build an office that focuses on the structural and development finance aspects of tax incentivized real estate based transactions, particularly in the environmental remediation (Brownfields), renewable energy, and historic rehabilitation areas.

Warren Kirshenbaum has experience in business and real estate; he has worked on corporate and securities transactions, tax credit transactions including the Massachusetts Brownfields Tax Credit, Renewable Energy Tax Credits, such as the Federal Investment Tax Credit (ITC) and the federal and state historical rehabilitation tax credit.

**Jonathan D. Kitchen, PG, LSP**, Senior Project Manager
Civil & Environmental Consultants, Inc.
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Mr. Kitchen has 20 years of experience as an environmental professional. He has conducted a variety of Phase I and Phase II Environmental Site Assessments (ESAs), and subsurface investigations throughout the Northeast United States. He has substantial experience with managing remedial investigation at large complex sites with numerous areas of concern. These sites include brownfields sites where he assisted with redevelopment activities, including negotiation support for covenants not to sue, administrative consent orders, and insurance issues. Mr. Kitchen has managed projects under all phases of the Massachusetts Contingency Plan (MCP). He has managed numerous in-situ chemical oxidation (ISCO) remediation projects. He has also managed numerous compliance projects including; SPCC Plans, SWPPPs, and industrial air permitting.

**Elizabeth Mason, Esq.**, Attorney
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Betsy Mason provides strategic legal advice to commercial real estate, financial services and telecommunications clients on a broad variety of environmental, land use and zoning matters. She has over 24 years of private and public sector experience representing clients in federal, state and local permitting and enforcement proceedings, and assisting developers, property owners and lenders in developing, negotiating and implementing cost-effective plans for contaminated site cleanup and redevelopment. Before joining McLane Middleton, Betsy was a partner at Bernkopf Goodman LLP in Boston, MA. She has also been a Senior Assistant Regional Counsel in the Boston office of the U.S. Environmental Protection Agency, as well as counsel at Anderson & Kreiger LLP in Boston, MA and an associate at Goodwin Procter and Mintz Levin, both in Boston. Betsy received her B.A. from Yale University, her M.A. from Boston University and her J.D. from Boston College Law School, where she was editor-in-chief of the Boston College Environmental Affairs Law Review.
David Peter, CEO
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Mr. Peter has over 25 years of experience in the environmental industry. Currently he is President of Site Redevelopment Technologies, LLC. (SRT), a company engaged in purchasing environmentally distressed and underutilized properties for remediation and redevelopment. Past remediation experiences along with a productive working knowledge of environmental regulations provide ideal opportunities to succeed in some of the more difficult brownfield real estate projects. Initially restoring brownfields in December 2006, SRT is pursuing properties throughout the region and is currently involved in redeveloping many contaminated sites and providing new alternatives to environmental problems.

Mr. Peter holds a bachelor's degree from Rensselaer Polytechnic Institute and a master's degree from Brown University. He is a member of the American Society for Testing and Materials, the American Chemical Society and is a Board Member of the Environmental Business Council of New England.

Karl Touet, Principal
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Karl is a Principal at Twin Elms Insurance Brokerage. Karl's professional experience of 29 years ties in his previous environmental consulting experience with his current service of brokering environmental liability insurance for real estate owners, developers, investors, and lenders. Prior to Twin Elms, Karl was a Vice President in the Environmental Division at AIG in Boston. He managed underwriting regions in New England, New York and Canada, which these regions produced about $100 million in annual environmental insurance premium. Before Karl's career migrated to environmental insurance, he spent 18 years in consulting with a focus in chemistry, risk assessment, due diligence and remediation at national environmental consulting and brownfields development firms.

Eleni Varitimos, Vice President, Community Development
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Eleni Varitimos joined MassDevelopment in June 2014 as Vice President of Community Development for the Northern Region of Massachusetts. In this role, she manages the Commonwealth’s Brownfields Redevelopment Fund, the Transformative Development Initiation (TDI) program, including the development of its collaborative workspace and place making programs, and predevelopment lending. She spent 11 years as Chief of Staff to Senator Steven A. Baddour focusing her work on statewide transportation policy and fiscal affairs. Prior to working in the Massachusetts Senate, Ms. Varitimos worked at Fidelity Investments providing strategic marketing services to their portfolio companies and as a Business Analyst at PrimeStreet Corporation. Her earlier work includes helping launch the non-partisan public policy think tank MassINC and its independent policy magazine, CommonWealth. Ms. Varitimos earned an MBA with magna cum laude honors from the F.W. Olin School of Business at Babson College after graduating from Bryn Mawr College where she concentrated her studies in political science and Latin American Studies.