

Brownfields Advisory Committee Meeting Notes October 20, 2009

Committee Members in Attendance:

Jay Minkarah, City of Manchester, Director of Economic Development
Bruce Hoskins, Town of Derry/Kleinfelder
Jean Methot, SNHPC Commissioner, Town of Chester
Robert Brown, Town of Chester, Board of Selectmen
Stephen Heavener, Capital Regional Economic Development Corporation
Laurel Bistany, Rockingham Economic Development Corporation

Staff:

John Liptak, NH DES Brownfields Program
Gary Lynn, NH DES Brownfields Program
Chris Lombard, US EPA Region 1
Jack Munn, SNHPC
Bettina Eames, Loureiro Engineering
Rip Patten, Credere Associates
Rick Vanderberg, Credere Associates

Jack Munn, Chief Planner, SNHPC welcomed the committee and reviewed the agenda for the meeting. He introduced the Commission's new consultant's Rip Patten and Rick Vanderberg with Credere Associates who would be working with the Committee on the new EPA Brownfields grant and noted that there was a big agenda to work through and that he hoped the Committee could be completed sooner or no later than 3:00 PM.

Both Rip and Rick Vanderberg with Credere Associates presented a quick overview of their qualifications, the scope of work to be fulfilled with the new grant, including updating the Commission's existing Brownfield's inventory; getting property owner agreement to participate in the program; conducting specific outreach work to communities within the region; and undertaking specific site assessments from Phase I to remediation planning and tank pulls as necessary. They also noted that the New Hampshire DES Brownfields Program has clean up funds such as the Odds Fund for petroleum which require a local match.

Jack Munn mentioned that one of the key work plan elements under the new EPA assessment grant for \$400,000 for both petroleum and hazardous substance will also be updating the list of membership on the Advisory Committee to include more stakeholders from the economic development/business community. He thanked Stephen Heavener, Jay Minkarah and Laurel Bistany for attending the meeting today and stated that he hoped they would continue to participate as Committee members. He noted that the Committee would not be meeting more than 3 to 4 times per year and that the new grant will take 3 years to complete.

Jack Munn also distributed a copy of a list of area developers and realtors to consider contacting to participate. Several Committee members suggested Dan Scanlon, Realtor Grub & Ellis and member also of Metro Center-NH Board of Directors; Ben Grenache with Anagnost Investments; and William Suglia with Manchester Housing & Redevelopment Authority. Other names and companies were also suggested. Jack replied that many names on the Committee from all the municipalities have changed and will also need to be updated and that he would be working on this over the next several months.

Bettina Eames, Loureiro Engineering summarized the current work they are performing under the Commission's existing \$200,000 petroleum brownfields grant. She indicated that her firm had completed initial grant outreach work – generating an initial inventory of potential sites; facilitating a number of area wide workshops, preparing a program brochure; contacting area developers and property owners; and preparing many site nomination forms. She also noted that the Committee had gone through an initial ranking of all the identified sites based upon a number of key eligibility and program criteria and that the objective was to spread the brownfields funding between eligible sites located in the eastern, western and central subareas of the region.

Jack Munn read out the priority sites identified by the Committee after going through this process. He noted that as the Committee was going through the list of sites many sites fell out of consideration due to eligibility issues, such as the former Palmer Oil and Dustin Oil (Difeo Property) in the Town of Derry which NH DES found did not meet the federal guidelines for eligibility due to the existence of viable owners/parties. Jack also noted that the Committee's number one site – a proposed commuter rail train station to be located in Bedford had fallen off the list as NH DOT found it was not suitable after all due the lack of adequate land area for parking. He pointed out however that the Jac Pac Foods site and Bass Island sites in Manchester were still on the list and could possibly be considered under the new brownfields grant. Other priorities on the list include a number of other sites in Derry, the former Agway Gas site in Manchester, Precision Truck in Candia, several vacant sites in downtown Goffstown, Fred's Auto Garage in Candia, LeClair's Garage in Chester, and a number of other sites scattered between New Boston, Derry, Hooksett, Londonderry and Manchester, including Golumb's Market.

John Liptak, NH DES provided an update on the LeClair's site as this site was recommended by the Committee and accepted by NH DES to be included as part of the NH DES Brownfields Grant program – primarily for assessment and future clean up funding consideration. John Liptak noted that the PCB's at the site had been removed and a water sampling program had been installed and that recent samples had shown no violations. He commented that NH DES is still providing bottled water to the residents and Nobis Engineering recently completed the necessary Phase I assessment to proceed with the Phase II assessment which is the next step.

Bettina Eames next provided an update on the assessment work for Golumb's Market. She indicated that the Phase I assessment has been completed and that the Phase II assessment is also nearing completion. She reported that an additional well had to be

sited and that the levels in this well seem to be fairly consistent possibly indicating that the contamination sources off site are not getting worse, but that the sampling data investigation is not yet completed. Jack Munn inquired if the site would need a remedial action plan for clean up. Bettina Eames responded that she believed it would, but could not say for sure until the Phase II report is completed.

Jack Munn inquired about the status of the Gentle Slopes site. He noted that the property owner had recently agreed to participate in the program and that NH DES had determined the property to be an eligible site and that the Committee had voted to proceed with assessment work. Bettina Eames reported that she would be contacting the owner soon about the access agreement. She indicated that LEA had submitted a proposal to conduct both a Phase I for the entire site and a Phase II assessment of the area proposed for a new entrance location.

Other current project include: (1) LEA's proposal to attend an upcoming NH CIBOR workshop to present an overview of the Commission's brownfields program to real estate professional and developers throughout the state; (2) the Benchmark property previous occupied by a computer manufacturing company which handled hazardous substances; (this site is now owned by Saint Anselm College in Goffstown and is located across Rt. 114 from the Gentle Slopes site); and (3) the Heat-Ol site located in Manchester which is still in Bankruptcy Court. Gary Lynn noted that the Trustee has still not issued an order to release the property so a decision regarding assessment and tank pull has not been made yet.

Rip Patten next proceeded to review a number of new sites that Credere has identified and would like to present to the Committee for approval. He indicated that several of the sites are currently on the Committee's priority list and that all the sites have significant development/redevelopment potential. The first site is the Granite Landing, Granite and 2nd Street property which is currently owned by the Raphael Social Club and is under contract to be purchased and developed by the Manchester Development Corporation. He noted that there was a former ARCO gas station on the site and evidence of below ground tanks had been found. He also reported that New Hampshire Department of Transportation had been an immediate past owner of the property and he noted that a letter of eligibility determination and site nomination forms had been prepared and submitted to NH DES and EPA.

Gary Lynn, NH DES reported that he had started to take a look at the site and raised a concern whether the New Hampshire Department of Transportation being an immediate past owner would pose an responsible party issue as they had purchased the site as right of way. Chris Lombard noted that there are specific federal requirements regarding the existence of a responsible party and that EPA's attorneys would need to evaluate whether this would present an issue. Jay Minkarah, City of Manchester reported that there the purchase and sale offer expires October 30th and that it was critical to receive a determination on this quickly. Rip Patten also indicated that the site seemed to be the perfect brownfields in terms of meeting all the Committee's criteria and that it could be a great Brownfield's success story. Jack Munn moved to recommend that the site be

recognized and approved as a priority site in the program contingent upon EPA/NH DES eligibility approval. Laurel Bistany seconded the motion. Upon further discussion, the motion carried. Chris Lombard and Gary Lynn responded that they would hurry up as much as possible there review of the site.

Rip Patten reported that the second site is the Rivers Edge II site located at 50 and 52 Elm Street in Manchester which is the location of a former Banana Factory. He indicated that the property is divided into four parcels and that they had prepared the necessary site nomination forms, EPA eligibility determination forms, and access agreements for both Phase I and Phase II with the property owners consent to proceed. Chris Lombard replied that EPA had reviewed the sites for hazardous substance assessment and that it would be ok to proceed with a Phase I on the site and that when the Phase I is reviewed, a determination would be made whether a Phase II is permitted. She recommended that the parcels be entered into the ACRES database.

Rip Patten reported that the city had nominated the site for a planned redevelopment project of commercial office space (\$40 million) and that the developer Anagnost Development is also planning to acquire the adjacent Manchester Transit Authority property to expand their redevelopment. He noted that the Manchester Transit Authority facility was formerly part of large railroad yard and has been used to maintain public transportation buses since 1974. He indicated that he will be obtaining the access agreement for the site soon and that Credere has prepared the necessary site nomination and EPA eligibility determination forms.

Rip Patten reported that the last site is the Fred Kelley auto repair facility located at 71 Raymond Road in Candia. He indicated that the owner had finally agreed to participate in the program and had agreed to sign the necessary property access agreement for both Phase I and Phase II assessments.

The Committee proceeded next to review and discuss the additional site nominations and inclusion in the Commission's Brownfield's program. While it was recognized that the intent of the program is to spread the assessment funding around the region as best as possible, under the new grant the intent is to include both petroleum and hazardous substance sites with the potential for real redevelopment and reuse and that these sites meet this criteria. Chris Lombard, EPA noted that with the winter months are approaching and that it would be advisable to accept the sites as priority sites for Phase I assessment work now and then return to evaluate the results at the Committee's next meeting to be held early next year. Stephen Heavener asked what this would cost in terms of grant funding. Rip Patten replied that the typical cost for the Phase I reports are in the order of 3 to 5,000 dollars so that there would not be significant appropriation of grant funding at this time. By consensus the Committee agreed that this made the best sense and authorized Credere to precede with the Phase I assessment work on these sites only at this time.

Jack Munn next reported that the Commission had attempted to pull together a coalition of partners, including Capital Regional and Rockingham Economic Development

Corporations and the City of Manchester in submitting a Revolving Loan Fund grant to EPA this round, but that recently the Commission had received several legal opinions that regional planning commissions in New Hampshire do not currently have the necessary statutory authority per EPA requirements to administer this grant. He indicated that further discussions would be necessary to determine how to best resolve this issue and who would be best to submit the application next year.

Lastly, Jack Munn reported that the Commission would be working the next several months to restructure the membership of the Advisory Committee to include all the regional economic development corporations, local developers and real estate professionals and new municipal leaders. He thanked everyone for attending and participating in this important meeting.

There being no further comments the meeting ended at 3:30 PM.