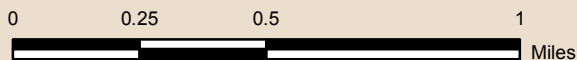


Copyright: © 2013 National Geographic Society



Sources: ESRI: US Topo Map

Location Map

Phase II ESA

12 Keith Avenue
Barre Vermont
Prepared for City of Barre

 STONE ENVIRONMENTAL INC



Figure 2

**Phase II ESA
12 Keith Avenue
Barre Vermont
Prepared for City of Barre**



www.cai-tech.com

CAI Technologies



12 Keith Ave & 25 Pearl St., Barre City

The gravel area will be finished as the parking lot for both the city, and Downstreet Housing & Community Development, seen under construction here.



CENTRAL VERMONT BROWNFIELDS PROGRAM

Site Selection Criteria Review

Projects nominated to receive Brownfields funding are reviewed by the CVRPC Brownfields Advisory Committee for their potential to achieve the mission of the program and result in successful re-use of the site. The Advisory Committee uses the criteria below to guide its evaluation of the overall strength of the site and redevelopment proposal. Sites will be selected for the program based upon its responsiveness to the criteria, other demonstrated strengths toward achieving reuse, and the amount of grant funds available.

CVRPC staff will provide recommendations on each criteria based upon information provided by the program applicant, as well as independent research. Criteria are evaluated in light of what is appropriate for the proposed redevelopment. Certain criteria are more applicable to some projects than others. Not all criteria are requisite, but all will be looked upon favorably when addressed by a project.

Site Name 12 Keith Ave. & 25 Pearl St., Barre City Date of Review June 13, 2016

Review Prepared By Gail Aloisio, Program Coordinator, CVRPC Assistant Planner

Work Requested: Corrective Action Feasibility Investigation & Corrective Action Planning

Cost Estimate: \$26, 638 per June 17th, 2015 Cost Estimate by Stone Environmental

Threshold Criteria

Is the property eligible under U.S EPA regulations?

Hazardous Substances ☐ Yes ☐ No ☒ TBD Petroleum Substances ☐ Yes ☐ No ☒ TBD

The property is likely to be eligible for both Hazardous & Petroleum Substances funding, however, the property does not contain Petroleum Substances, and therefore must draw from CVRPC's Hazardous Grant.

Has the property owner provided site access and agreed to conditions of participation?

☒ Yes ☐ No

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
2) Is there a prospective purchaser, investor, developer, etc.?	The City of Barre has purchased the property in pursuit of implementation of the North Main to Summer Street Master Plan. The City will finish redeveloping the property into a parking lot to serve the city and the new Downstreet Housing & Community Development headquarters & apartments on Summer Street between Keith Ave and Pearl St.

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>3) Site redevelopment potential:</p> <ul style="list-style-type: none"> a) Are conceptual site plans available? b) Would redevelopment conform to local zoning regulations? c) Other: _____? 	<p>The City of Barre has been steadily completing Brownfields projects in its North Main to Summer Street, and Merchant's Row, Master Plans. This includes the construction of City Place, a makeover for the Enterprise Alley Parking, and the new Downstreet Apartments. Conceptual Plans for the neighborhood excerpted from the N.Main to Summer St. Master Plan are included as an attachment. The City has already demolished a building formerly on the 12 Keith Ave. parcel in preparation for parking lot construction (former Ormsby property). Phase 1 & 2 Assessments have been completed by the City.</p> <p>A parking lot is allowed in Barre City's Central Business District as a conditional use. Following the concepts of the N.Main to Summer Master Plan, the parking will fit the Design Review Overlay District by giving special attention to the arrangement of parking to serve pedestrian and vehicular circulation.</p>
<p>4) Will the site assessment and/or reuse assist in addressing:</p> <ul style="list-style-type: none"> a) Public health b) Environmental quality c) Land use issues (Local & Regional land use goals) d) Other: _____? 	<p>The site has been confirmed to have elevated levels of tetrochloroethene (PCE), a dry cleaning chemical, in soil gases. This has been an issue which developments at the neighboring City Place, Downstreet Apartments, and Blanchard Block, have had to remediate for in order to protect the long term health of building occupants. Further monitoring of the effect of PCE contamination on groundwater at the site is also recommended. As the PCE contamination is part of a more wide-spread contamination issue in downtown Barre City, further characterizing the contamination will help to determine the need for remedial measures both on the site and at neighboring properties.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>5) To what degree does the site assessment and redevelopment have community and/or municipal support?</p>	<p>The City of Barre has already invested over \$800,000 to date in the acquisition of these parcels and the demolition of the former Ormsby building on the 12 Keith Avenue parcel. Development of this property to support the increasing demand for surface parking in downtown Barre due to the on-going revitalization and development of the City's business district is in keeping with the No. Main to Summer Master Plan (2012).</p> <p>The Master Plan planning process included broadly noticed public design workshops held to obtain public input regarding the future of the plan area. Each workshop was very well-attended and helped to insure that the interests of city stakeholders would be represented when the plan was implemented.</p>
<p>6) Will redeveloping the site offer public benefit, such as:</p> <ul style="list-style-type: none"> a) Housing, b) Parkland/greenspace, c) Economic development job creation/retention or d) Other:_____? 	<p>The project is complementary to Downstreet Apartments, a \$4 million dollar Low Income Housing Project that has already been permitted and constructed. The apartments are nearly completed and are currently seeking occupants. The City has entered into a long term lease to provide parking for 42 staff and tenants. The Downsteet project would not be viable without the parking to be provided in this lot when completed. The parking lot will also include a small pocket park for use by Downstreet tenants and the general public.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>7) Has the owner or developer provided willingness to carry out clean up, if it is necessary? Can they provide financial support/in-kind help for it?</p>	<p>The principle funding source is intended to be from a portion of the voter approved \$2.2 Tax Increment Financing (TIF) District Bond. Depending on final environmental assessment and protect development costs, additional remediation and construction funding may need to be sought. The City has been successful in obtaining Community Development Block Grants and EPA Targeted Brownfields Assessment funding in the past for other brownfields projects. The Environmental investigation expenses covered by the City to date are \$53,300 (\$28,300 over budget). An additional \$26,638 is required to perform this Corrective Action Feasibility Investigation (CAFI) and prepare a Corrective Action Plan (CAP).</p>
<p>8) Are results achievable?</p> <ul style="list-style-type: none"> a) Is the project financially feasible? b) Is the timeline realistic? c) Is there commitment from necessary partners (public &/or private)? d) Other_____? 	<p>This project is another in a series of public infrastructure projects which the City has completed in the last 5 years (Main Street "Big Dig", Campbell Place Parking Lot, Nelson Street Hydro-Turbine Project, Enterprise Alley Brownfield Remediation and Redevelopment Project. The City has voter support through the TIF Bond and a proven track record of successful redevelopment.</p>

Program Coordinator Recommendation

The Program Coordinator recommends enrolling the property for up to \$26,638 of corrective action feasibility & clean up planning work, to be carried out by Dec. 31st, 2016 (or 90 days after CVRPC procurement of contractors, whichever is later). If this work is not underway by that date, the funding will be returned to the grant funding pool to be considered for other nominated sites. Should the need for funding at this site exceed \$26,638, the Brownfield's Advisory Committee will consider a request for supplementary funding based on an update to the Site Nomination reflecting the current project circumstances.

Enrollment Determination

Determination of the Brownfields Advisory Committee regarding enrollment, and recommendation to the CVRPC Executive Committee regarding the amount of funding to authorize for expenditure to cover assessment or clean up planning activities.

MASTER PLAN



Figure 5: Master Plan Detail: No. Main / Pearl / Keith / Elm Street



LEGEND

- ◆ Hazardous Site
- Town Boundary



1: 2,533

June 13, 2016



129.0 0 64.00 129.0 Meters

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Vermont Agency of Natural Resources

1" = 211 Ft. 1cm = 25 Meters

THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER: This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.

NOTES

Map created using ANR's Natural Resources Atlas



260 River Street, Montpelier, VT

Rt. 2 East exiting Montpelier, across from Formula Ford, before entering the Rt. 302/Rt. 2 roundabout.



CENTRAL VERMONT BROWNFIELDS PROGRAM

Site Selection Criteria

Projects nominated to receive Brownfields funding are reviewed by the CVRPC Brownfields Advisory Committee for their potential to achieve the mission of the program and result in successful re-use of the site. The Advisory Committee uses the criteria below to guide its evaluation of the overall strength of the site and redevelopment proposal. Sites will be selected for the program based upon its responsiveness to the criteria, other demonstrated strengths toward achieving reuse, and the amount of grant funds available.

CVRPC staff will provide recommendations on each criteria based upon information provided by the program applicant, as well as independent research. Criteria are evaluated in light of what is appropriate for the proposed redevelopment. Certain criteria are more applicable to some projects than others. Not all criteria are requisite, but all will be looked upon favorably when addressed by a project.

Site Name 260 River Street, Montpelier Date of Review June 13th, 2016

Review Prepared By Gail Aloisio, Program Coordinator, CVRPC Assistant Planner

Work Requested: Phase 1 Environmental Site Assessment

Cost Estimate: To be Determined

Threshold Criteria

Is the property eligible under U.S EPA regulations?

Hazardous Substances ☐ Yes ☐ No ☒ TBD Petroleum Substances ☐ Yes ☐ No ☒ TBD

It is unlikely that the property will be eligible for Petroleum funding, however it is likely the property will be eligible for Hazardous Substances funding.

Has the property owner provided site access and agreed to conditions of participation?

☒ Yes ☐ No

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
2) Is there a prospective purchaser, investor, developer, etc.?	Yes. The prospective developer is the Dickinson Development Corporation (DDC), of Quincy, Massachusetts. DDC plans to partner with Patrick Malone, a local developer who owns a wide array of commercial property in Montpelier, Barre and other parts of Vermont. Over the last thirty-five (35) years, DDC has developed a number of projects around New England, including several brownfields sites. Notably, DDC spearheaded the \$90 million dollar redevelopment of a 33.5 acre landfill in Reading, Massachusetts into the Crossing at Walkers Brook, a 475,000 square foot commercial development. A summary of other brownfields projects are attached hereto as Exhibit C.

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>3) Site redevelopment potential:</p> <p>a) Are conceptual site plans available?</p> <p>b) Would redevelopment conform to local zoning regulations?</p> <p>c) Other: _____?</p>	<p>The developers propose a commercial mixed-use development and a possible city park and parking area. Conceptual plans have not yet been developed.</p> <p>The property is currently located in the General Business District of the Montpelier Zoning & Subdivision Regulations. This district is focused on providing for uses that serve the traveling public. A commercial mixed use development would likely fit this purpose. It is also worth noting that the community is currently considering zoning revisions that would further specify the nature of development in this neighborhood.</p> <p>The proposed revisions to Montpelier's land use regulations include this property in the Eastern Gateway District. This district is devoted to encourage increased business activity, mixed-use redevelopment and infill development that enhances property values, the quality of construction and site design, and the overall aesthetics of this entrance to the city. Assuming these regulations are adopted and the site design of the project is attentive to attractive building design, landscaping and signage, the redevelopment of this site should complement proposed zoning very well. The redevelopment of this property is likely to be essential to any transformation and further improvement of this gateway.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>4) Will the site assessment and/or reuse assist in addressing:</p> <ul style="list-style-type: none"> a) Public health b) Environmental quality c) Land use issues (Local & Regional land use goals) d) Other: _____? 	<p>The site was historically a manufactured gas plant, and previous investigations have identified evidence of coal tar contamination on portions of the site. The Winooski River flowing along the site is vulnerable to this contamination. Better understanding the location and severity of the contamination will provide more conclusive information as to whether the river has been contaminated. In the case that it has been effected in a detrimental way, clean up will be required of the site owner and/or developer. Presence of a viable and actively operating commercial development will require monitoring of any contamination that is not currently affecting the river. This will ensure that protective measures will be put in place should the status or behavior of the contamination change, providing ongoing environmental protection.</p>
<p>5) To what degree does the site assessment and redevelopment have community and/or municipal support?</p>	<p>The 2015 Montpelier City Plan states that the eastern gateway “has evolved in an unplanned fashion over time and does not act as a monumental entrance that the Capital City deserves.” As indicated by the proposed revisions to the land use regulations, the community is in support of improvements to this area that improve the first impression of the City upon entrance.</p> <p>The City of Montpelier has been involved in discussions with the development partners to facilitate their planning for redevelopment. The City has hosted meetings between the developers, VT Dept. of Environmental Conservation, and CVRPC, to pave the way for ongoing collaboration as project planning and decision making progress.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>6) Will redeveloping the site offer public benefit, such as:</p> <ul style="list-style-type: none"> a) Housing, b) Parkland/greenspace, c) Economic development job creation/retention or d) Other: <u>tax revenue</u>? 	<p>Housing and/or public riverside greenspace are in consideration, dependant upon the severity and circumstances of contamination. A successful commercial/mixed use development would provide additional employment opportunities, and improve the value of the property. This would provide immediate benefits in tax revenue to the City of Montpelier, as well as potentially improve property value in the immediate commercial neighborhood.</p>
<p>7) Has the owner or developer provided willingness to carry out clean up, if it is necessary? Can they provide financial support/in-kind help for it?</p>	<p>DDC and Mr. Malone plan to obtain development/construction financing that would be secured by the Property. The development team may also obtain equity financing from other investors.</p>
<p>8) Are results achievable?</p> <ul style="list-style-type: none"> a) Is the project financially feasible? b) Is the timeline realistic? c) Is there commitment from necessary partners (public &/or private)? d) Other_____? 	<p>The achievability of the project is substantiated at this early stage primarily by the reputation of the redevelopment partners. Mr. Malone has successfully developed and operated commercial properties in Montpelier, Barre City and other parts of Vermont. Current sites in the Malone Properties portfolio include Trader Joe's in Burlington, Barre Electric at 856 Barre-Montpelier Rd, and the Sherwin-Williams Paints on River Road in Montpelier. Due to the reputation of coal-tar contaminated sites to create challenging redevelopment circumstances, the redevelopment of this site is more likely to be successful under the guidance of very experienced developers.</p>

Program Coordinator Recommendation

The Program Coordinator recommends enrolling the property for up to \$7,000 of Phase 1 ESA work, to be carried out by Dec. 31st, 2016 (or 90 days after CVRPC procurement of contractors, whichever is later). If this work is not underway by that date, the funding will be returned to the grant funding pool to be considered for other nominated sites. Should the need for Phase 1 funding at this site exceed \$7,000, the Brownfield's Advisory Committee will consider a request for additional funding. A request for further funding for Phase 2 & remedial planning work at this site will be considered as a new application based on an update to the Site Nomination reflecting the current project circumstances.

Enrollment Determination

Determination of the Brownfields Advisory Committee regarding enrollment, and recommendation to the CVRPC Executive Committee regarding the amount of funding to authorize for expenditure to cover assessment or clean up planning activities.

Exhibit C

Dickinson Development Corp., Quincy MA \$150 MILLION IN BROWNFIELDS REDEVELOPMENT

2004-2005 * Abandoned Municipal Landfill (33.5 acres)– Transformed long-closed landfill into attractive new welcoming entry to town: \$90 million **Crossing at Walkers Brook in Reading, Mass.** Retail center anchored by Home Depot and Jordan's Furniture. \$750,000 annually in new real estate taxes to the town; Dickinson capped the landfill at its expense.

2007-2008 * Underused industrial / warehouse (5 acres) – Replaced a tired eyesore with a modern 69,000 square foot **\$20 million Stop & Shop Supermarket in Reading, Mass.** The market annually brings over \$100,000 to the town in real estate taxes.

2010-2013 * Abandoned Mill (14 acres) – Riverside Landing, New Bedford, Mass. – Tore down long-abandoned mill building and replaced it with 100,000 SF Market Basket Supermarket, which opened in the Fall of 2010, a Taco Bell restaurant, a multi-tenant retail building, and a hospital outpatient facility for Steward Health Care were constructed over the following three years with a total investment of over \$40 million. The property now brings \$250,000+ annually in tax revenues to the City and has created a new gateway to the city.



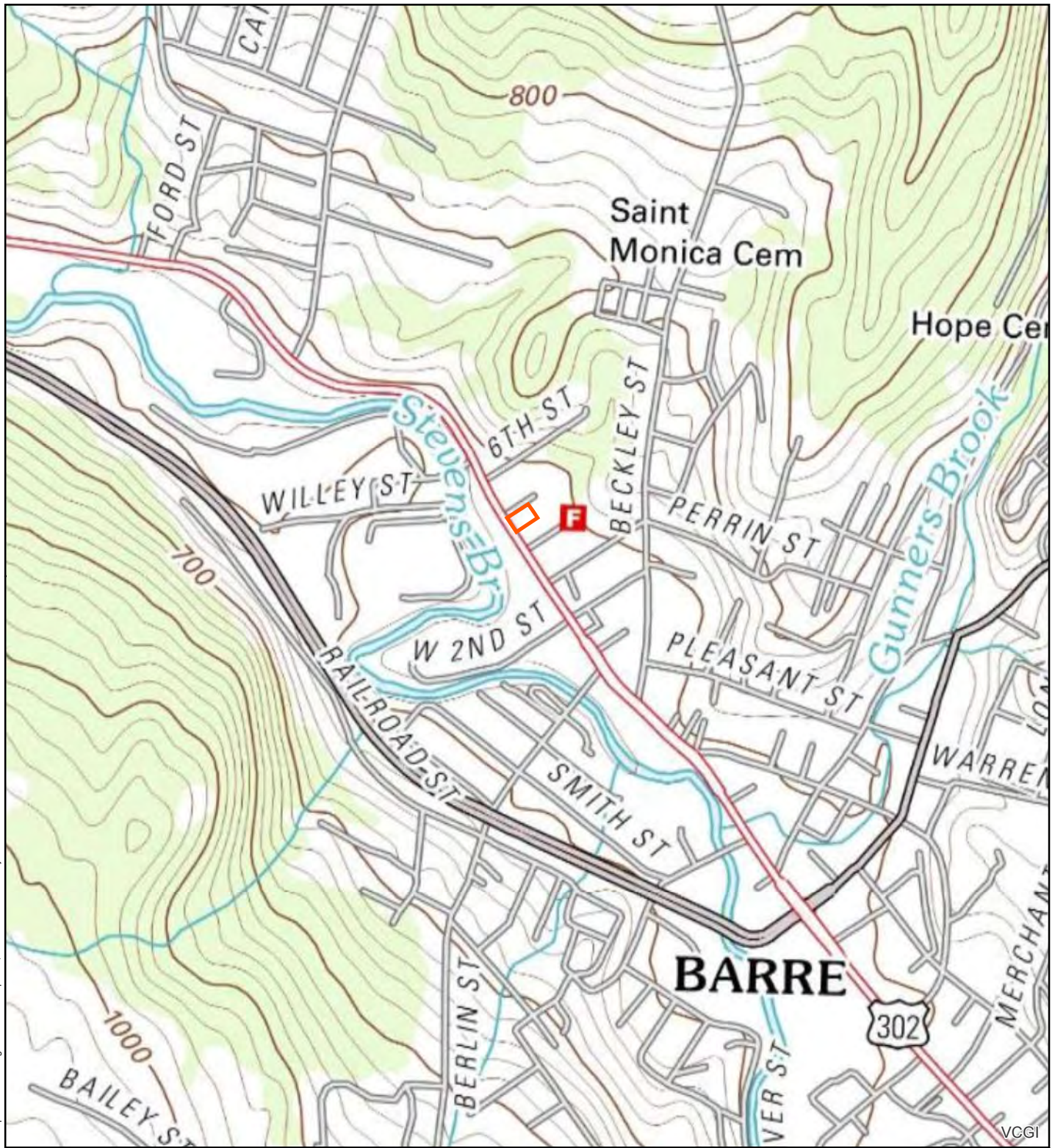
The Crossing at Walkers Brook, Reading



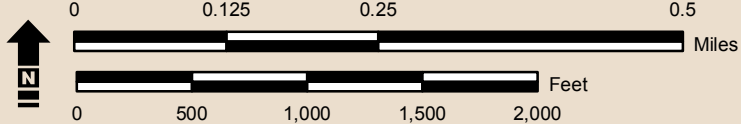
Market Basket Supermarket, New Bedford



Super Stop & Shop, Reading



Map Location



Legend

Approximate Site Boundary

SOURCES
(1) US Geological Survey topographic basement, VT Center for Geographic Information

Location Map

Phase I ESA

Ernie's Garage
Barre, Vermont

STONE ENVIRONMENTAL



O:\Proj-1516\15-174 D Ayers Ernies Garage Phase I ESA\GIS\MapDocuments\Fig 2 Property Map.mxd; created on 8/12/15 by sah



Map Location



Legend

- Approximate Site Boundary
- Parcel Boundaries (City of Barre, 2012)

SOURCES

- (1) City of Barre Tax Assesor's Parcel Boundaries, 2012, VCGI.
- (2) 2013 Barre-Montpelier Area Orthoimages, VCGI
- (3) Property walk-through by Stone Environmental, August 4, 2015

Property Map

Phase I ESA

**Ernie's Garage
Barre, Vermont**

STONE ENVIRONMENTAL



Ernie's Garage & Leblanc Residence - 561 North Main St., Barre City

Across the street from Ayer Auto Sales, which will move it's autobody repair branch into this redeveloped garage.



CENTRAL VERMONT BROWNFIELDS PROGRAM

Site Selection Criteria Review

Projects nominated to receive Brownfields funding are reviewed by the CVRPC Brownfields Advisory Committee for their potential to achieve the mission of the program and result in successful re-use of the site. The Advisory Committee uses the criteria below to guide its evaluation of the overall strength of the site and redevelopment proposal. Sites will be selected for the program based upon its responsiveness to the criteria, other demonstrated strengths toward achieving reuse, and the amount of grant funds available.

CVRPC staff will provide recommendations on each criteria based upon information provided by the program applicant, as well as independent research. Criteria are evaluated in light of what is appropriate for the proposed redevelopment. Certain criteria are more applicable to some projects than others. Not all criteria are requisite, but all will be looked upon favorably when addressed by a project.

Site Name Ernie's Garage & Leblanc Residence, 561 N. Main St., Barre City

Date of Review June 13, 2016

Review Prepared By Gail Aloisio, Program Manager, CVRPC Assistant Planner

Work Requested: Phase 2 Environmental Site Assessment

Cost Estimate: To be Determined

Threshold Criteria

Is the property eligible under U.S EPA regulations?

Hazardous Substances ☒ TBD Petroleum Substances ☐ YES ☒ No

A determination of Hazardous Substances Eligibility is pending with EPA Region 1, Boston.

Has the property owner provided site access and agreed to conditions of participation?

☐ Yes ☒ No - see Memo RE: Conditional Enrollment (attached)

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
2) Is there a prospective purchaser, investor, developer, etc.?	Mr. David Ayer, owner of Ayer Auto Sales, and Ayer Autobody in Barre City, would like to purchase the property to expand the operations of both businesses. The site is located across the street from Ayer Auto Sales, and would allow Mr. Ayer to consolidate his two businesses from separate locations into one. The Ayer Autobody business is located at 10 West 2 nd Street in Barre City, and is a successful Brownfield's redevelopment project. Mr. Ayer completed the clean up and renovation of that property through the CVRPC brownfields program.

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>3) Site redevelopment potential:</p> <p>a) Are conceptual site plans available?</p> <p>b) Would redevelopment conform to local zoning regulations?</p> <p>c) Other: _____?</p>	<p>Mr. Ayer has held an option on the purchase of Ernie's Garage & Leblanc Residence for nearly a year. Mr. Ayer has found that the redevelopment project would not be financially viable without offsetting the costs of assessment and clean up planning with assistance from CVRPC.</p> <p>Mr. Ayer has not developed drawn conceptual site plans. The garage will continue to be used as a garage to provide mechanical repair services. It is anticipated that the first floor of the adjacent residence will become a waiting area for customers of the garage. The 2nd floor will be rented as an apartment. A portion of the two properties will also be used as additional parking for Ayer Auto Sales, LLC, across N. Main Street.</p> <p>An Auto Body Shop is a permitted use in the Commercial District of Barre City.</p>
<p>4) Will the site assessment and/or reuse assist in addressing:</p> <p>a) Public health</p> <p>b) Environmental quality</p> <p>c) Land use issues (Local & Regional land use goals)</p> <p>d) Other: _____?</p>	<p>The Phase 1 ESA has identified 2 Recognized Environmental Concerns: 1) hydraulic fluid leakage from a 60 year history of hydraulic lift usage 2) an oil-water separator to which drains in the garage lead, but the discharge point of which is not known.</p> <p>Assessing the site will ensure that it is brought into management compliant with current environmental standards, and that such management will be ongoing into the future.</p> <p>Mr. Ayer is in the process of enrolling the property in the Vermont Brownfields Environmental Liability Limitation Program. Once completed, this protection will be carried with the site when transferred, leaving a legacy to the community of a property that is more easily transferred and redeveloped.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>5) To what degree does the site assessment and redevelopment have community and/or municipal support?</p>	<p>The City Plan supports continued commercial and light industrial uses in this neighborhood to accommodate auto dependent and high traffic retail uses. The Plan encourages more community serving businesses for this neighborhood that are oriented toward providing goods and services to city residents. Development in this area should also make efforts to reduce traffic congestion, improve pedestrian safety and create a more attractive streetscape. This neighborhood also faces the most significant flooding challenges in the city.</p> <p>The proposed project seems to broadly fit this vision, however it is unclear whether Mr. Ayer has communicated directly with the City, it's Planning Commission, or any neighborhood community groups for more specific feedback on how the proposed project fits into the overall vision for this neighborhood. Mr. Ayer is encouraged to do so.</p>
<p>6) Will redeveloping the site offer public benefit, such as:</p> <ul style="list-style-type: none"> a) Housing, b) Parkland/greenspace, c) Economic development job creation/retention or d) Other:_____? 	<p>The upper floor of the residence will be converted to a rental apartment.</p> <p>Mr. Ayer plans to bring in and/or acquire state of the art equipment valued at more than \$50,000, to enable the business to meet the high level of technical requirements necessary to properly service late model vehicles. This will allow the business to provide a level of service not widely available in Barre City and expand local skilled employment, with wages ranging from \$14 to \$30 per hour. Specifically, Mr. Ayer anticipates employing three (3) automotive technicians, one (1) service writer and possibly a receptionist on-site. Furthermore, Mr. Ayer anticipates increasing employment at Ayer Auto Sales, LLC because of the improved service he will be able to offer customers, as well as the additional space for displaying vehicles the dealership has for sale.</p>

Qualitative Criteria	How does the project demonstrate potential for successful re-use in response to this criteria?
<p>7) Has the owner or developer provided willingness to carry out clean up, if it is necessary? Can they provide financial support/in-kind help for it?</p>	<p>Mr. Ayer plans to self-fund or borrow funding necessary to purchase the property and conduct clean up and site redevelopment. Mr. Ayer borrowed funding to conduct the 10 West 2nd Street brownfields redevelopment project. He has received a commitment from North Country Federal Credit Union (NCFCU) that once a plan is in place to address the oil-water separator on site, the institution will loan \$300,000 toward the project (this includes purchase). This lending is based on the credit of Mr. Ayers existing business assets, not on the viability of the Ernie's Garage/Leblanc Residence property.</p> <p>Mr. Ayer is also interested in exploring the availability of low interest loans, such as those from the Vermont Economic Development Authority (VEDA), should Phase 2 findings change the lending confidence of NCFCU. This financing resource is often useful for brownfields sites in which conventional lending institutions do not have confidence.</p>
<p>8) Are results achievable?</p> <p>a) Is the project financially feasible?</p> <p>b) Is the timeline realistic?</p> <p>c) Is there commitment from necessary partners (public &/or private)?</p> <p>d) Other_____?</p>	<p>Mr. Ayer's current purchase option expires August 31st, 2016. He will purchase the property after being granted enrollment from CVRPC, and before the expiration of the current Phase 1 ESA (Aug. 13th). From acquisition, it will likely take approximately two years to complete all elements of the site remediation and remodeling plan and begin to fully utilize the property as planned.</p> <p>Mr. Ayer has demonstrated understanding of how to plan the project and its financing to leverage funds in a successful public-private partnership. The proposed timeline realistically takes into account the assessment and remediation planning process. With the continued commitment of NCFCU, the project has a strong outlook for successful completion.</p>

Program Coordinator Recommendation

The Program Coordinator recommends enrolling the property for up to \$30,000 of assessment and remediation planning work, to be carried out by Dec. 31st, 2016 (or 90 days after CVRPC procurement of contractors, whichever is later). If assessment work is not underway by that date, the funding will be returned to the grant funding pool to be considered for other nominated sites. Should the need for funding at this site exceed \$30,000, the Brownfield's Advisory Committee will consider a request for supplementary funding based on an update to the Site Nomination reflecting the current project circumstances.

Enrollment Determination

Determination of the Brownfields Advisory Committee regarding enrollment, and recommendation to the CVRPC Executive Committee regarding the amount of funding to authorize for expenditure to cover assessment or clean up planning activities.



MEMO - June 6th, 2016

To: CVRPC Brownfields Advisory Committee
From: Gail Aloisio, Program Coordinator
RE: Conditional Enrollment of Ernie's Garage & Leblanc Residence

Mr. David Ayer has submitted an application the program for 561 and 567 North Main Street in Barre City. He has an option to purchase the properties which runs out on August 31, 2016. Mr. Ayer would like to request a conditional enrollment into the program due to the project financing plan he has arranged, preferences of the current property owner, and the impending option deadline.

In arranging financing for the project, Mr. Ayer has determined that the development of the site is not bankable based on the value of the site itself. This is due to concerns about contamination on the property. To make the property bankable, Mr. Ayer would like to access the CVRPC Brownfields Program to offset the costs of environmental assessment and clean up planning.

Therefore, Mr. Ayer would like the assurance that his project meets the Brownfields Program Site Selection Criteria, and that the Committee has conditionally enrolled the property, before closing. Mr. Ayer understands that enrollment in the program is not a guarantee that his project will receive any CVRPC funding. Funds are allocated as they are available and upon final approval of the CVRPC Executive Committee.

Mr. Ayer is requesting a *conditional* enrollment, contingent on his purchase of the property and subsequent signature and granting of access to CVRPC, and its consultants, to the property. The current property owner is not willing to agree to the indemnification terms contained in CVRPC's Site Access Agreement. Mr. Ayer, however, is comfortable with the terms of CVRPC's Site Access Agreement, and has expressed his willingness by signing the attached Site Access Agreement.

Upon receiving CVRPC's conditional enrollment, Mr. Ayer intends on closing on the property. North Country Federal Credit Union has approved purchase financing on the value of Mr. Ayer's other business ventures. Mr. Ayer is also seeking concurrent enrollment in the Vermont Brownfields Environmental Liability Limitation Program. Completion of the requirements of this program will afford Mr. Ayer further predictability in managing the costs of environmental remediation.

Mr. Ayer has successfully redeveloped properties previously with the assistance of the CVRPC Brownfield's Program. In 2009, he redeveloped a former granite shed into Ayer Autobody Shop, at 10 West 2nd Street in Barre City. CVRPC's financing of the environmental assessment and corrective action planning costs was critical for the financial viability of that project.



Central Vermont Regional Planning Commission

29 Main Street • Suite 4 • Montpelier • Vermont 05602
802.229.0389 • fax 223.1977 • evrpe@cvregion.com

Central Vermont Brownfields Program

AGREEMENT FOR SITE ACCESS

Name of Site: Ernie's Garage & adjacent LeBlanc Residence
E-911 Site Address: 567, 561 North Main Street, Barre, VT
Parcel Number.: 1095-0567-0000 & 1095-0156-0000

The owner(s) ("OWNER") of the above referenced property in Barre, Vermont ("the Site"), hereby agree(s) that the Central Vermont Regional Planning Commission (RPC) and its consultant _____ (CONSULTANT) have a right of entry to the Site, and that its access to the Site shall include the ability to bring heavy equipment onto the Site.

CONSULTANT is working under agreement with the RPC who is working under agreement with the U.S. Environmental Protection Agency (EPA). In recognition of the benefit received from the Central Vermont Brownfields Program, as outlined in the Owner Participation Agreement, OWNER does hereby hold harmless the RPC, the State, and the EPA against any and all claims, damages, suits, or causes of action for damages arising from the performance of services under this agreement after the commencement of the term of this agreement and any orders, decrees, or judgments which may be entered therein, brought for damages or alleged damages resulting from any injury to person or property or from loss of license sustained in the performance of this agreement by any person or persons whatever.

OWNER hereby permits CONSULTANT to perform investigation services on the Site, including but not limited to sampling, drilling, and the making of test borings and other soil compilings. OWNER recognizes that CONSULTANT's use of exploratory equipment may cause some damage, and understands that the correction of such damage is not part of this AGREEMENT.

OWNER also understands that CONSULTANTS' discovery of certain conditions and/or taking preventative measures relative to such conditions may result in a reduction of the property's value. Accordingly, OWNER shall, to the fullest extent permitted by law, waive any claim against CONSULTANT, and indemnify, defend, and hold CONSULTANT harmless from any claim or liability for injury or loss allegedly arising from procedures associated with exploratory activities or discovery of materials CONSULTANT believes to be regulated contaminants. OWNER also shall compensate CONSULTANT for any time spent or expenses incurred by CONSULTANT in defense of any such claim. Such compensation shall be based upon the CONSULTANT prevailing fee schedule and expense reimbursement policy (the term "any claim" used in this provision means "any claim in contract, tort, or statute alleging negligence,

errors, omissions, strict liability, statutory liability, breach of contract, breach of warranty, negligent misrepresentation, or other acts giving rise to liability").

CONSULTANT warrants that it will perform the services with a degree of care and skill normally exercised under similar circumstances by similar organizations in the profession. OWNER warrants that he/she has provided CONSULTANT with all necessary information regarding the Site, including but not limited to the location of subterranean structures such as water, sewer and gas mains and telephone and electrical lines. CONSULTANT shall comply with the requirements of the "Call Before You Dig" program before undertaking any intrusive investigation of the Site.

OWNER understands that two types of mandatory reporting may result from the environmental site assessment. CONSULTANT will provide to RPC, and RPC will provide to OWNER, a copy of all draft and final reports, which will identify whether a release occurred or is suspect to have occurred. OWNER understands that CONSULTANT is required under law to report imminent threats to human health or the environment to the State of Vermont. OWNER is responsible for notifying the Vermont Agency of Natural Resources immediately regarding releases that have occurred under Vermont law. The State may require additional site work, which may or may not be funded by the Central Vermont Brownfields Program, depending on the circumstances.


OWNER or OWNER REPRESENTATIVE

CONSULTANT

TITLE

TITLE

April 25, 2016
Date

Date

RPC

EXECUTIVE DIRECTOR

Date