

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Kayla Henderson
NH Department of
Safety (Interim)

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

March 26, 2019

Michael A. Klass
Principal Planner
Division of Planning
New Hampshire Office of Strategic Initiatives
3rd Floor, Johnson Hall
107 Pleasant Street
Concord, NH 03301

RE: CORD Surplus Land Review 19-001 Lebanon

Dear Mr. Klass:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on Surplus Land Review (SLR) 19-001, a request for NHDOT to lease 65,100 square feet of the West Lebanon (Westboro) railyard to Rymes Heating Oils, Inc. for off-loading fuel products from railcars to trucks. The RMAC recommends denying the lease application based on comments and recommendations received by the Mascoma River Local Advisory Committee (MRLAC) and the Upper Valley River Subcommittee (UVRS) of the Connecticut River Joint Commissions. Please find both of their letters attached.

Redevelopment of this site is a key component of the West Lebanon Master Plan and there is significant public interest in redeveloping this site for recreation and river access. The MRLAC management plan includes improving recreational access as a priority goal, the Mascoma River Greenway organization is successfully developing a rail trail through the decommissioned part of the railroad ROW, and the local Rotary Club is working to develop a park system along the river corridor and the Mascoma River. The city of Lebanon has also requested and tentatively secured funding in the Governor's budget to aid cleanup of the Westboro Rail Yard to begin redevelopment.

The City of Lebanon has submitted a request to either purchase or lease parts of the Westboro Yard, but this request has been placed on hold by NHDOT because both parties are waiting on funding for demolition of the structures to be finalized. Long-term leasing of this area may hinder these proposed improvements.

In addition, it has been relayed to the RMAC that there is significant local opposition to this lease in part due to safety concerns related to large-quantity propane storage in the densely-populated West Lebanon central business district and the potential effects this may have on the Connecticut River and its water quality. It is unclear whether parts of this proposed operation are within the Shoreland Water Quality Protection Act (RSA 483-B) jurisdiction of 250 feet landward from the reference line of the Connecticut River, and whether this proposed operation involves any new construction or alteration of terrain (RSA 485-A:17).

On March 25, 2019, the RMAC voted unanimously to recommend that the Council on Resources and Development (CORD) deny the application to lease the Westboro Railyard at this time based on: 1) the City's plans to develop the parcel as a public park, and 2) the applicant's ability to continue utilizing the property under a temporary use agreement in the

short term. The proposed propane operation would hinder municipal revitalization efforts, which would, among other benefits, provide river access. Propane storage is not the most environmentally responsible type of development to place adjacent to the Connecticut River on a historic site. This request for state land disposal is premature and should be denied or, at least, be placed on hold until the budget for redevelopment of this site is finalized. If approved, NHDOT and Rymes would be acting in opposition to the City of Lebanon's plans to redevelop this area.

If the lease is approved, the RMAC supports the recommendation of the MRLAC that the duration of the lease be shortened from five to 25 years to two years. This would allow the lease to be terminated via the currently-proposed exit clause following the securing of funding for cleanup and the redevelopment of access to the site along with the planned NH Route 12A bridge work in 2021. Should the lease be approved, the RMAC supports the recommendation of the MRLAC to reduce the lease area to the limits of the existing asphalt pad to allow redevelopment efforts to occur in the historic turntable area while Rymes continues operation.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing proposed disposals of state-owned land near, or providing access to, rivers and with advising the NHDES Commissioner and CORD on the merits of such disposals.

In conclusion, the RMAC recommends denying the lease application based on the committee's understanding that the City of Lebanon is interested in the property for a park and public access to the Connecticut River. A more favorable recommendation on the disposal from the RMAC would require additional information on the safety precautions for both the community and the Connecticut River, the proposed construction plans, the closest distance from the operation and construction to the Connecticut River, and how this use of the property could coincide with the rest of the parcel's use as a public park.

Should you have any questions regarding this letter, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: RMAC Representatives

Robert R. Scott, Commissioner, NHDES

Tom O'Donovan, Director, Water Division, NHDES

Timothy Drew, Public Information and Permitting Unit, NHDES

Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Jim Kennedy, Chair, Upper Valley River Subcommittee, Connecticut River Joint Commissions

Bill Chabot, Chair, Mascoma River Local Advisory Committee

Mascoma River Local Advisory Committee
C/O UVLSRPC
10 Water Street
Lebanon, NH 03766



March 25, 2019

Rivers Management Advisory Committee (RMAC)
C/O Rivers Management and Protection Program
NH Department of Environmental Services
29 Hazen Drive; PO Box 95
Concord, NH 03301-0095

Re: Surplus State-Owned Land Review – Westboro Rail Yard, NH CORD Application # 2019 SLR 001

The Mascoma River Local Advisory Committee (MRLAC) is pleased to present comments and recommendations for your consideration regarding disposal of the Westboro Rail Yard property in West Lebanon. We hope to provide some context to this request through local knowledge of the area and interests surrounding this property. After our most recent meeting on 3/19/2019, we prepared this summary of the issues surrounding the property, specific comments and corrections on the application submitted, our recommendations for your action, and maps illustrating how these points fit into a spatial context for your reference.

Summary of Issues:

- Redevelopment of this site is a key component of the Master Plan for West Lebanon and there is significant public interest in redeveloping the site for recreation, including river access. The MRLAC management plan includes improving recreational access as a priority goal, the Mascoma River Greenway organization is successfully developing a rail trail through the decommissioned part of the railroad ROW, and the local Rotary Club “String of Pearls” project is working to develop a park system along the rail corridor and the Mascoma River. This community interest in recreational development along with mixed use development at River Park north of the site is moving towards increasing overall community development in this area. To this end the City has requested and tentatively secured funding in the Governor's budget to aid in cleanup of the Westboro Rail Yard site to begin redevelopment.
- Access to the site from 12A is planned to be redeveloped along with the 12A bridge work currently scheduled for 2021 to avoid an access route to the redeveloped site that crosses the tracks. The abutting residential property recently purchased by the city would be used to develop this improved access.

- The City has submitted a request to either purchase or lease parts of the Westboro Yard, but this request has been placed on hold by NH DOT because both parties are waiting on funding for demolition of the structures to be finalized. NH DOT is not willing to entertain a request by the City for all the land in the Westboro Yard because they believe some areas (the Rymes location) is still viable for railroad use.
- There is significant local opposition to this lease in part due to safety concerns raised by the Lebanon Fire Chief related to large quantity propane storage in the densely populated West Lebanon central business district. Rymes has offered to installing some, but not all the requested safety measures.
- This is a state historic site and the proposed Rymes lease would increase the land developed for the propane operation from the existing asphalt pad into the historic railcar turntable area. This expansion would stifle the use of this historic and geometric feature as part of the layout of a redeveloped site. Highlighting the historic use of this property would augment the existing small railroad museum in White River Junction, VT.
- There is land on state property with two spur tracks to the north of the railroad ROW, part of which contains one active transloading operation and should be explored as an alternative location for the Rymes operation along with any other public or private lands abutting the rail corridor that do not interfere with municipal development efforts.

Comments on Request for Surplus Land Review Action:

The following item numbers correspond with the NHDOT/Rymes CORD request for surplus land review action, dated by NHDOT 1/10/2019.

| Item # | Comments |
|--------|---|
| 3 | Improvements for “long-term use” conflict with proposed redevelopment by the City of Lebanon. Short-term use (2 yrs) while redevelopment progresses would be more desirable. |
| 5 | The proposed use is within the historic turntable area (turntable has been removed). Future development as city property on a historic site could retain this geometric feature as part of a proposed layout if not leased and developed by Rymes. |
| 7 | This figure is inaccurate, the lease is relative to the Westboro Rail Yard parcel (9.4 acres), not the entire railroad ROW. The 65,100 sq ft lease area is 16% of the Rail Yard parcel (not <1%). |
| 8 | Access to the property is also available from Bridge St through other state-owned land, via rail, and S Main St (12A) through a gated drive near the 12A bridge. Access from 12A is to be redeveloped using an abutting parcel recently purchased by Lebanon along with the 12A bridge reconstruction scheduled for 2021. |
| 9b | The existing “public access” described is a paved pathway under Bridge St with no direct water access except down a rip-rap slope at the bridge footings, there is also no parking that serves this location. The potential redevelopment of this property would provide actual recreational access to the Connecticut River at the Rail Yard location. |

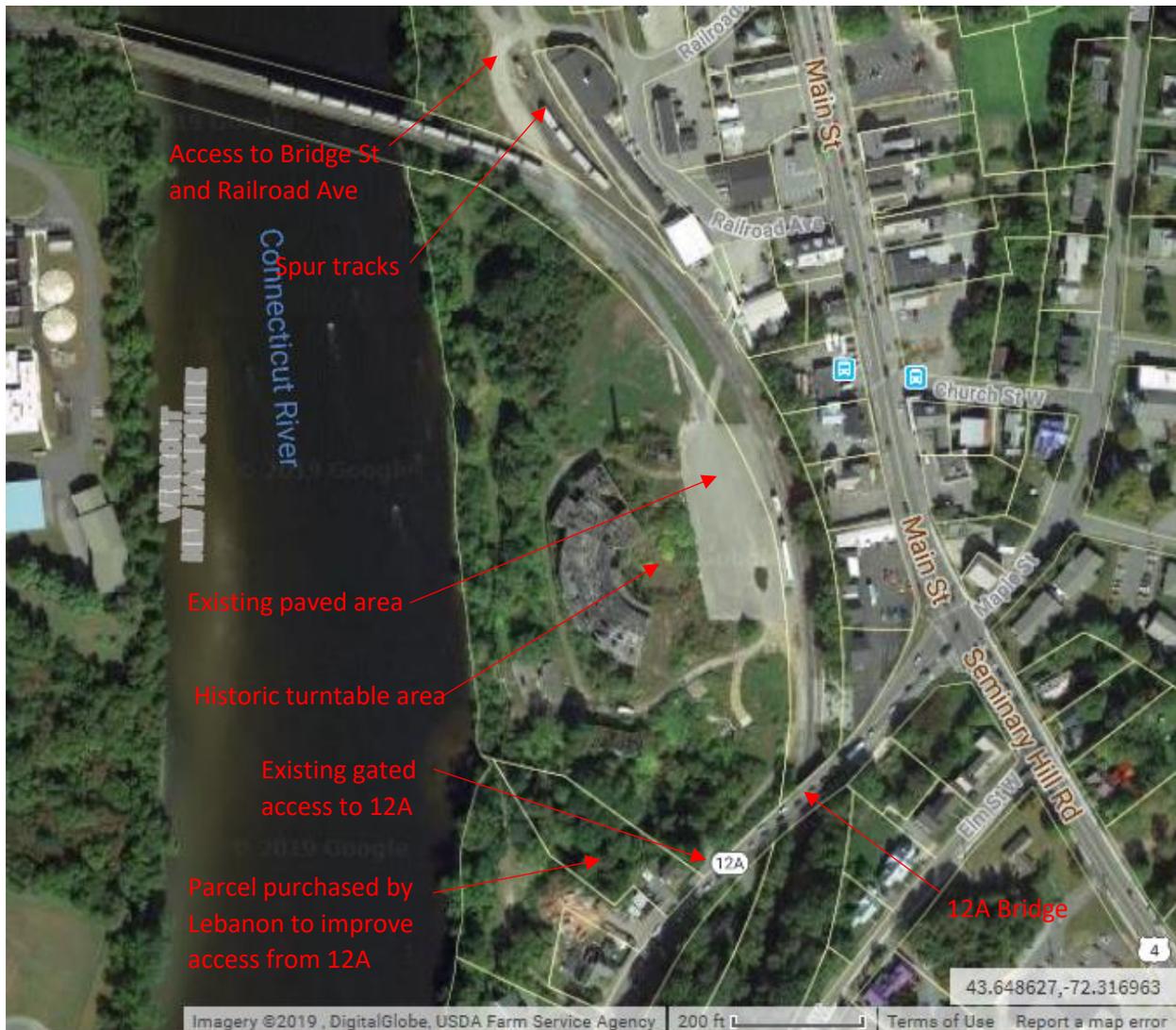
Recommendations:

- We recommend the lease not be approved at this time because it does not meet your review criteria for state land disposal. This propane operation would hinder municipal revitalization efforts, because the site would be better used for redevelopment of the West Lebanon central business district, because the redeveloped site at large would provide river access, and because propane storage is not the most scenic or environmentally responsible development type to place adjacent to the Connecticut River on a historic site.
- This request for state land disposal is premature and should at least be placed on hold until the budget for redevelopment is finalized. If approved, NHDOT and Rymes would be directly undercutting the City of Lebanon and the Governor's plans to redevelop this area in the West Lebanon central business district.
- If the lease is approved, we recommend the duration be shortened from 5 years to 2 years. This will allow the lease to be terminated via the currently proposed exit clause following the securing of funding for cleanup and the redevelopment of access to the site along with the planned 12A bridge work in 2021. If the lease is approved, we also recommend reducing the lease area to the limits of the existing asphalt pad to allow redevelopment efforts to occur in the historic turntable area while Rymes continues operation.

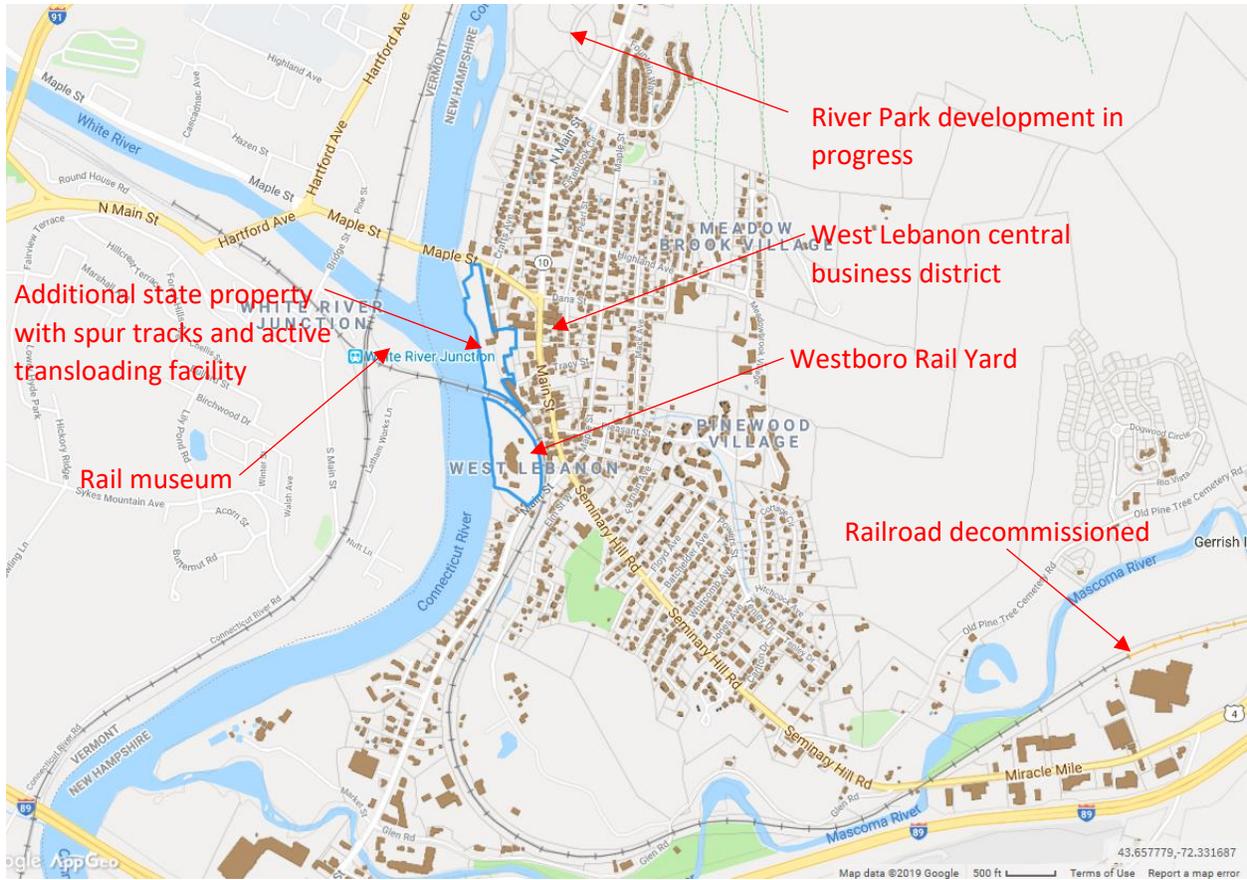
We sincerely appreciate your time and consideration regarding this matter and hope this information provides valuable insight to the implications of your decision. Please do not hesitate to contact us regarding any of the information presented here.

Sincerely,

The Mascoma River Local Advisory Committee



Map 1: Relevant features of Westboro Rail Yard parcel



Map 2: Context map of related community features

To: Tracie Sales
Rivers & Lakes Programs Manager
NH Department of Environmental Services

Tracie,

The Upper Valley River Subcommittee (UVRS) of the CRJC has briefly reviewed the Surplus Land Review proposal dated February 8, 2019 and submitted to the Council on Resources and Development by NHDOT. As authorized by RSA 483:8-a III (b), we are required "To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated."

We have concerns that the long-term leasing of land in the Westboro Rail Yard for a propane loading facility may have impacts on the Connecticut River. The plans we have received lack a graphic scale, so it is unclear whether parts of the project are within the 250' Shoreland Water Quality Protection Act, regulated under RSA 483-B. It is also unclear whether the project involves any new construction or alteration of terrain. It is our understanding that the old railroad facility contains hazardous materials, which, if disturbed by new construction, could affect water quality in the Connecticut River. Also, the storage of propane or other fuels and the daily operation of trucks and trains could also impair water quality.

Our representatives from Lebanon report that the City has been in negotiation with NHDOT for many years in an effort to clean up the site and to provide riverfront park space and recreational opportunities. We are concerned that long-term leasing of a part of the Westboro yard would hinder these improvement efforts.

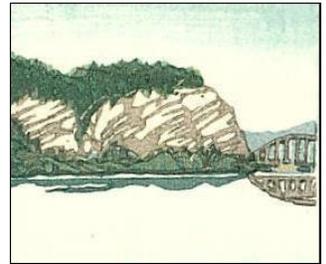
The UVRS requests clarifications from NHDOT on issues mentioned, and others that may become evident as a result of NHDES and local review. As with any project along the Connecticut River, we normally have a site visit with representatives of the applicant.

We will be submitting a formal response to CORD prior to the March 14, 2019 deadline. In the meantime, please consider this e-mail as a preliminary response. We look forward to the assistance and direction of the RMAC as we continue our review of this project.

Jim Kennedy
Hanover Representative, Chair
Upper Valley River Subcommittee (UVRS)
Connecticut River Joint Commissions
603-795-4633

Upper Valley River Subcommittee

New Hampshire – Piermont, Orford, Lyme, Hanover, Lebanon
Vermont – Bradford, Fairlee, Thetford, Norwich, Hartford



10 Water Street, Suite 225
Lebanon, NH 03766
603-727-9484

Michael A. Klass
NH Office of Strategic Initiatives
107 Pleasant Street, Johnson Hall
Concord, NH 03301

Date: March 23, 2019

Subject: **File #2019 SLR 001, Westboro Rail Yard, Lebanon, NH**

Dear Mr. Klass,

The Upper Valley River Subcommittee (UVRS) of the CRJC has briefly reviewed the Surplus Land Review proposal dated February 8, 2019 and submitted to the Council on Resources and Development by NHDOT. As authorized by RSA 483:8-a III (b), we are required "To consider and comment on any federal, state, or local governmental plans to approve, license, fund or construct facilities that would alter the resource values and characteristics for which the river or segment is designated."

We have concerns that the long-term leasing of land in the Westboro Rail Yard for a propane loading facility may have impacts on the Connecticut River. The plans we have received lack a graphic scale, so it is unclear whether parts of the project are within the 250' Shoreland Water Quality Protection Act, regulated under RSA 483-B. It is also unclear whether the project involves any new construction or alteration of terrain. It is our understanding that the old railroad facility contains hazardous materials, which, if disturbed by new construction, could affect water quality in the Connecticut River. Also, the storage of propane or other fuels and the daily operation of trucks and trains could also impair water quality.

Our representatives from Lebanon report that the City has been in negotiation with NHDOT for many years in an effort to clean up the site and to provide riverfront park space and recreational opportunities. We are concerned that long-term leasing of a part of the Westboro yard would hinder these improvement efforts.

The UVRS requests clarifications from NHDOT on issues mentioned, and others that may become evident as a result of NHDES and local review. As with any project along the Connecticut River, we normally have a site visit with representatives of the applicant.

We understand from RMAC that the deadline for comments has been extended to March 28. If you need additional information, please contact us at the above address.

Respectfully submitted,

James S. Kennedy, chair
Upper Valley Subcommittee (LAC)
Connecticut River Joint Commissions