

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Stephen G. LaBonte
Administrator



DATE: April 1, 2021

AT(OFFICE): Bureau of Right-of-Way
Dept. of Transportation

SUBJECT: Sale of State Owned Land in Concord

TO: Tracie Sales, Rivers & Lakes Programs Manager (Tracie.Sales@des.nh.us)
Department of Environmental Services

The Department of Transportation (Department) is processing a parcel of land for disposal. The parcel is located at 11 Stickney Ave, in Concord NH.

This parcel consists of 5.6 +/- acres of land improved with 5 buildings, and was acquired as 4 separate parcels, from 1925 through 1938, for the construction of the New Hampshire Highway Department facility. The parcel is also improved with an asphalt parking lot. The buyer is required to observe historic covenants placed on the main building which consists of a large brick structure previously utilized as office space, and a vehicle maintenance garage. A copy of the Character Defining Features Report is included with this request.

Access to Stickney Ave will remain as is.

The Department's Bureau of Environment (BOE) reported that due to this parcel being within a quarter mile of the Merrimack River, is subject to the Department of Environmental Services review prior to the disposal of this parcel.

I have attached the BOE report for the sale of this parcel.

Please review this request to determine if this parcel is surplus to the needs and interest of the State for the purpose of disposal.

If you should have any questions, please contact Lisa Weir, of the Bureau of Right-of-Way at (603) 271-7128. Thank you.

SGL/LMW/jl
Attachments

cc: Thomas Quarles, Chairman of Statewide Public Water Access Advisory Board,
Devine, Millimet & Branch, PA, 111 Amherst Street, Manchester, NH 03101
(tquarles@devinemillimet.com)

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Matt Urban
Chief, Operation Management Section

DATE: March 12, 2021

SUBJECT: Concord
42868 (Previously 13742D)

AT (OFFICE):
Bureau of Environment
Department of Transportation

TO: Sandra Newman
Bureau of Right-of-Way

The subject parcel has been reviewed to determine if it is surplus to the Department's current or future needs. Based on the attached evaluation, the Bureau of Environment does not object to the sale or lease of this parcel, though some conditions are stipulated.

Stipulations are as follows:

- The buyer is advised to contact Kim Tuttle (Kim.A.Tuttle@wildlife.nh.gov) at the NH Fish and Game Department to discuss conservation measures for the Common Nighthawk prior to any major construction or demolition projects.
- The buyer is advised to utilize best management practices during any future construction to protect water quality.
- A historic preservation easement, which includes deed restrictions on the main 'H-shaped' building, shall be included in the sale documents.
- The NH Historic Property Documentation that was started under the Concord 28977 project shall be completed prior to transfer of the property.
- The buyer shall complete an Application for Transfer of Groundwater Management or Release Detection Permit form and submit it to the NHDES Project Manager, Thomas Fargo (Thomas.R.Fargo@des.nh.gov).
- The conditions of the groundwater management permit will need to be observed by the new owner.
- The contaminated building materials should be managed in accordance with local, state and federal regulations and health and safety requirements during occupation of and any modifications to buildings in the Stickney Avenue complex.

In accordance with the Stewardship and Oversight Agreement between DOT and FHWA, FHWA review of this parcel is not necessary.

If you have any questions or require additional information, please contact Rebecca Martin via email Rebecca.a.martin@dot.nh.gov.

MRU:mru

c.c.

Stephen LaBonte – via email

Adam Smith– via email

S:\Environment\PROJECTS\CONCORD\13742D\Environmental Documents\ROW MEMO.DOC

**Classification and/or Review of
Surplus Land**

Property Name:	Stickney Avenue Highway Garage Complex	Date:	3/10/2021
Assoc. Project:		Originating Bureau:	Front Office
Federal No.:	N/A		
State No.:	42868 (former 13742 D)	BOE Database No.:	
Property Location & Description:	The Stickney Avenue former highway garage complex is located in Concord, NH on the outskirts of downtown, adjacent to the railroad tracks and near Interstate 93 and the bus station.		
Explanation of what prompted disposal of property:	The Department has received encouragement from the Governor and the City of Concord to dispose of the property. In addition, the poor condition of the Stickney Avenue complex has led to liability concerns.		
Bureau of Environment Reviewer:	Rebecca Martin		

Environmental Parameters: Possess, Absent, Unknown

P A U

- Building or Structures**
- Surface Waters**
- Wetlands**
- Prime Wetlands (on or adjacent to property)**
- 100 yr Floodplain**
- Source Water Protection Area**
- Prime Farmland (local or statewide importance)**
- NHB Threatened or Endangered Species / Critical Habitat**
- Historical Architectural Resources**
- Archeological Resources**
- Contamination Issues**
- Recreation Use**
- Lake Access / Adjacent (within 250 feet)**
- River Access / Adjacent (within 250 feet)**
- Designated River (within 0.25 miles)**
- Other**

Potential Impact Discussions:

Field Review: 8 / 27 / 2020

SHPO Review: Several including: 11/12/2019, 1/31/2020, 3/10/2020, 6/1/2020, 7/28/2020, 8/31/2020

The Department has received encouragement from the City of Concord and the Governor to dispose of the Stickney Avenue Highway Garage Complex property. In July 2018 Commissioner Sheehan responded to a letter from State Senator Dan Feltes about the Bow-Concord 13742 project, which referenced the Stickney

Avenue complex. In the letter, Commissioner Sheehan explained that the Bow-Concord 13742 project would likely not include demolition of the buildings on Stickney Avenue, since they would not be impacted by the preferred alternative for that project. Commissioner Sheehan also committed to beginning the process of the environmental and historic review and to make a plan to address demolition of the Stickney Avenue complex. She did note that the complex is a historic district. An article in the Concord Monitor in December 2018 included comments regarding the concerns of politicians and City of Concord officials related to the Stickney Avenue complex and the lack of upkeep since the Department moved most Department operations to Hazen Drive. More recently, Governor Chris Sununu approved a State budget that included funding for state owned property demolition, which specifically named the Stickney Avenue complex. The Governor also expressed a desire to Department leadership to see the demolition of the Stickney Avenue complex move forward expeditiously.

The Department's Bureau of Right of Way completed research into the funding that facilitated the purchase and development of the complex on Stickney Avenue and has confirmed that the related projects were funded with state funds and that there was no known FHWA involvement. Therefore, the disposal of the Stickney Avenue complex will follow the Department's surplus land process and will not be required to comply with regulations that pertain to projects with federal funding or involvement. The disposal is being coordinated through the Department's surplus lands program.

There are no surface waters present on the Stickney Avenue complex property. There are no lake or river access points on the property or immediately adjacent. The property is within the 0.25 mile buffer of the Merrimack River, a designated river in NH. The property is almost entirely paved with no wetlands present on the site and no Prime Wetlands are designated in the City of Concord.

A NH DES OneStop review on 11/9/2020 showed that the Stickney Avenue complex is within the Pennichuck Water Works Source Water Protection Area. **Best management practices should be utilized during any future construction to protect water quality.**

A review of the farmland soils data available on Granitview (NRCS data) showed no farmland in close proximity to the Stickney Avenue complex.

The USFWS IPaC Species List for the project includes the Northern Long Eared Bat (NLEB) and the Small whorled pogonia. The proposed project is the sale of a surplus property. The Stickney Avenue complex is entirely developed and mostly covered with pavement. There is no potential Small whorled pogonia habitat in the project area. No impacts on the Small whorled pogonia are anticipated to result from the sale of the property. The proposed project is consistent with the NLEB 4(d) rule and would not result in unauthorized take of NLEB.

The monarch butterfly has become a candidate species for listing under the Endangered Species Act (ESA). The USFWS will review the monarch butterfly's status each year until resources are available to begin developing a proposal to list the monarch as threatened or endangered under the ESA. The candidate status of the monarch butterfly does not provide protection under the Endangered Species Act, and no further coordination with the USFWS is required at this time. Monarch butterfly habitat includes non-forested, non-shrubby areas where there is potential for nectar species (flowering plants) and/or milkweed plants, including, but not limited to, regularly or semi-regularly mowed areas within the ROW and where a clear zone is maintained. Potential habitat for the monarch butterfly is limited on the project site because the site is mostly paved. No conservation measures are required or proposed for the monarch.

The NH Natural Heritage Bureau has provided a list of potential species that might occur on or near the Stickney Avenue complex. Coordination with the NH Fish and Game Department was initiated when the

preferred alternative for disposal of the Stickney Avenue complex was assumed to be demolition of the Stickney Avenue complex buildings. At that time Kim Tuttle from the NH Fish and Game advised that the main (H shaped) building roof could potentially provide nesting habitat for the Common Nighthawk. The 2021 NH Natural Heritage Bureau report indicates that there are no records of rare species or exemplary natural communities on the property. **Since the property is now being sold, the buyer is advised to contact Kim Tuttle (Kim.A.Tuttle@wildlife.nh.gov) at the NH Fish and Game Department to discuss conservation measures for the Common Nighthawk prior to any major construction or demolition projects at the Stickney Avenue complex.**

State law RSA 227-C:9 requires that the Department cooperate with the NH State Historic Preservation Officer (NHSHP) on the location, identification, evaluation and management of historic resources. In addition, RSA 227-C:9 specifies that when disposing of property with historic resources, state agencies follow recommendations of the NHSHP to condition the sale to protect the historic resources, reserve the property, or defer the sale for further investigation and possible salvage mitigation. Therefore, the disposal of the Stickney Avenue complex could not be completed without appropriate due diligence, coordination with NHSHP, and efforts to preserve the complex. To that end, it was determined that the Stickney Avenue complex would be offered for sale with deed covenants to protect the main (H shaped) building prior to advertising any project that might include demolition of the structures.

The Bureau of Right of Way secured the services of NAI Norwood Group to market the Stickney Avenue complex for 90 days with historic deed restrictions and with information about the Ground Water Management Area (see below) starting at the beginning of August 2020. During the marketing period a bid was received that exceeded the price included in the marketing package. The City of Concord was subsequently sent a letter offering them the opportunity to match the bid and purchase the property, also with the historic deed restrictions. At this juncture, the Department assumes that either the original bidder or the City of Concord will **purchase the property with the historic deed restrictions**, which include protection of the main (H shaped) building. Therefore, an MOU has been drafted with the NHSHP that specifies completion of additional documentation prior to sale of the Stickney Avenue complex and that historic deed restrictions are included in the sale to protect the main (H shaped) building. **The MOU also includes development of a Stickney Avenue complex historical poster which is intended to hang in the John O. Morton Building on Hazen Drive and potentially at a second, not yet determined, location.** Demolition of the Stickney Avenue complex is no longer under consideration. **The additional documentation, as specified in the MOU, shall be completed prior to transfer of the property and appropriate historic deed restrictions, as have been coordinated with the NHSHP, shall be instated and included as part of the sale contract document package.**

Due to the coordination between the Department and the NHSHP and the sale of the Stickney Avenue complex with deed restrictions, the disposal of the property is in accordance with state law concerning Preservation of Historic Resources (RSA 227-C:9).

No archeological resources are known to occur or expected to be present within the Stickney Avenue complex.

Contamination is known to be present on the Stickney Avenue complex property. Information about the contamination on the site was shared with the perspective buyers and is available on the New Hampshire Department of Environmental Services (NHDES) One Stop Website, the Stickney Avenue complex is Site No. 199004021. The Stickney Avenue complex has a groundwater management permit due to contaminated soils and groundwater on the site. There are also hazardous building materials throughout the Stickney Avenue complex buildings including asbestos, lead paint (assumed based on age), and other hazardous materials, like PCBs and mercury. **An Application for Transfer of Groundwater Management or Release Detection Permit form shall be completed by the buyer and submitted to the NHDES Project Manager, Thomas Fargo (Thomas.R.Fargo@des.nh.gov). The conditions of the groundwater management permit will need**

to be observed by the new owner. The contaminated building materials should be managed in accordance with local, state and federal regulations and health and safety requirements during occupation of and any modifications to buildings in the Stickney Avenue complex.

No recreational resources are on or immediately adjacent to the Stickney Avenue complex.

This bureau does not object to the transfer of the subject property pending further environmental/archaeological review as noted above.

The Bureau of Environment does not object to the transfer of this property.

Recommended Environmental Classification for the Federal Highway Administration is

Class II – Categorical Exclusion (send to the Federal Highway Administration for concurrence)

Class II – Programmatic Categorical Exclusion

Other _____

N/A

The Bureau of Environment does not support the transfer of this property.

Attached:

Location Map:

Aerial Photo:

Tax Map:

Railroad Layout or ROW Plan:

NHNHB Letter:

Photographs:

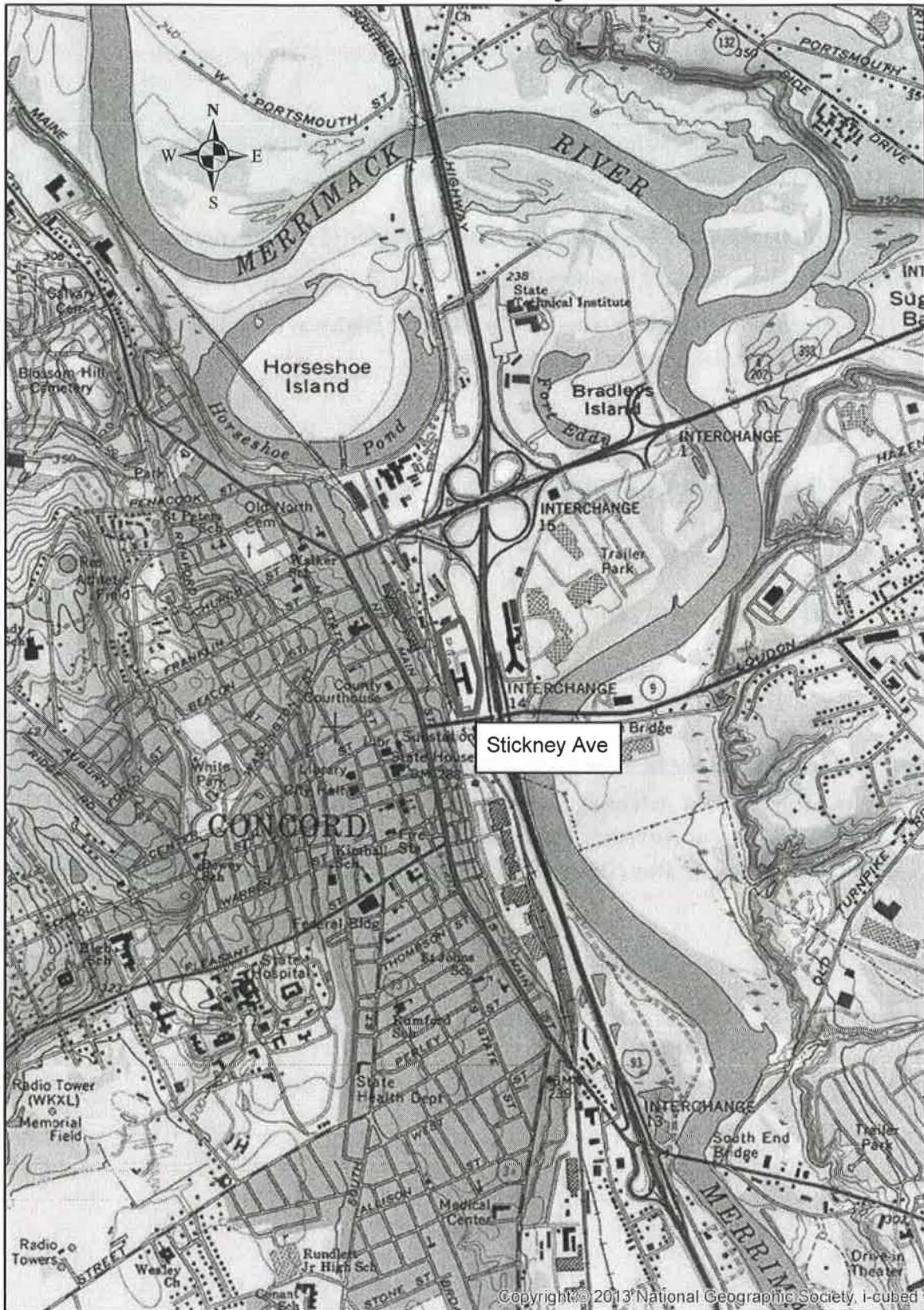
Electronic copy to originating Bureau to be forwarded to:

Rivers Management Advisory Committee: Required Not Required

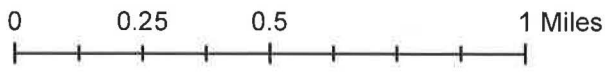
Lakes Management Advisory Committee: Required Not Required

DES Rivers Coordinator (Designated Rivers): Required Not Required

42868 Stickney Ave

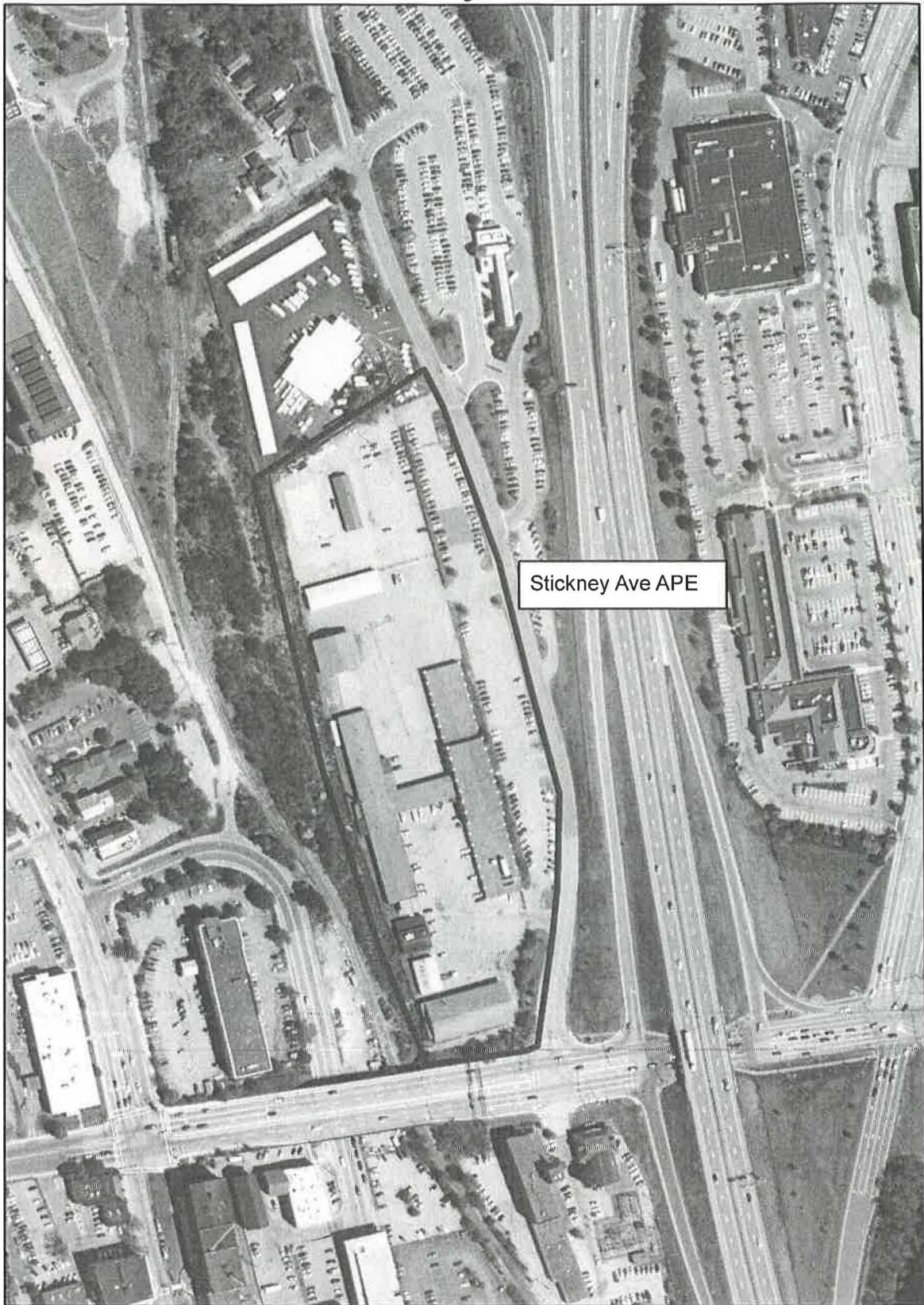


Copyright © 2013 National Geographic Society, i-cubed



1:24,000

42868 Stickney Avenue APE

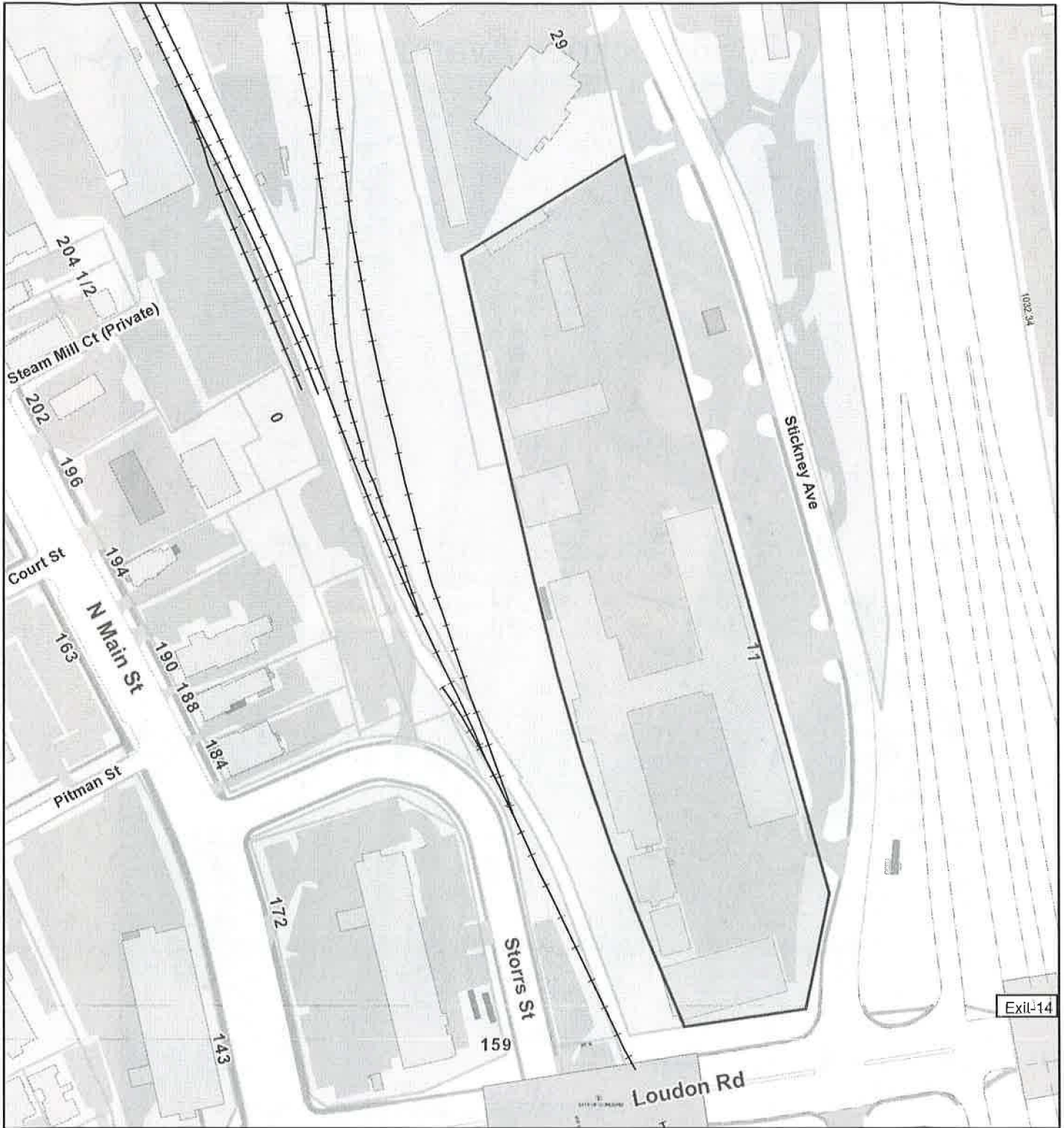


Stickney Ave APE

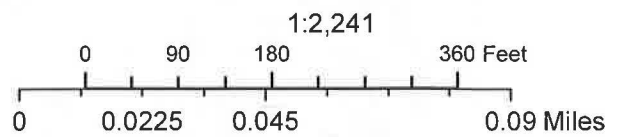
0 0.025 0.05 0.1 Miles



Stickney Ave. Highway Garage Complex Tax Map



March 10, 2021





New Hampshire Natural Heritage Bureau

DNCR - Division of Forests & Lands

172 Pembroke Road, Concord, NH 03301

Phone: (603) 271-2214 Fax: (603) 271-6488

To: Rebecca Martin
NHDOT-Bureau of Environment
7 Hazen Drive
Concord, NH, 03302

From: NH Natural Heritage Bureau

Date: 2021-02-10

Re: Review by NH Natural Heritage Bureau of request dated 2021-01-29

NHB File ID: 3631
Project type: Landowner Request

Town: Concord, NH
Location: Stickney Ave - NHDOT surplus land (Map-Bl
3264)

We have searched our database for records of rare species and exemplary natural communities on the property(s) identified in your known records for species officially listed as Threatened or Endangered by either the state of New Hampshire or the federal government. We have also searched for natural communities judged by experts to be at risk in New Hampshire but not yet formally listed.

NHB records on the property(s): **None**

NHB records within one mile of the property(s):

	Last Reported	Listing Status
Invertebrate Species (For more information, contact Kim Tuttle, NH F&G at 271-6544)		Federal
Pine Barrens Zanclognatha Moth - <i>Zanclognatha martha</i>	2016	--
Natural Community		Federal
Silver maple - false nettle - sensitive fern floodplain forest	2009	--
Dry river bluff	2006	--
Plant Species		Federal
golden heather - <i>Hudsonia ericoides</i>	2006	--
Vertebrate Species		Federal

NOTE: This review *cannot* be used to satisfy a permit or other regulatory requirement to check for rare resources that could be affected by a proposed project, since it provides detailed information only for records actually



New Hampshire Natural Heritage Bureau

DNCR - Division of Forests & Lands

172 Pembroke Road, Concord, NH 03301

Phone: (603) 271-2214 Fax: (603) 271-6488

Northern Leopard Frog - <i>Lithobates pipiens</i>	2018	--	
Common Nighthawk - <i>Chordeiles minor</i>	2011	--	
Wood Turtle - <i>Glyptemys insculpta</i>	2014	--	

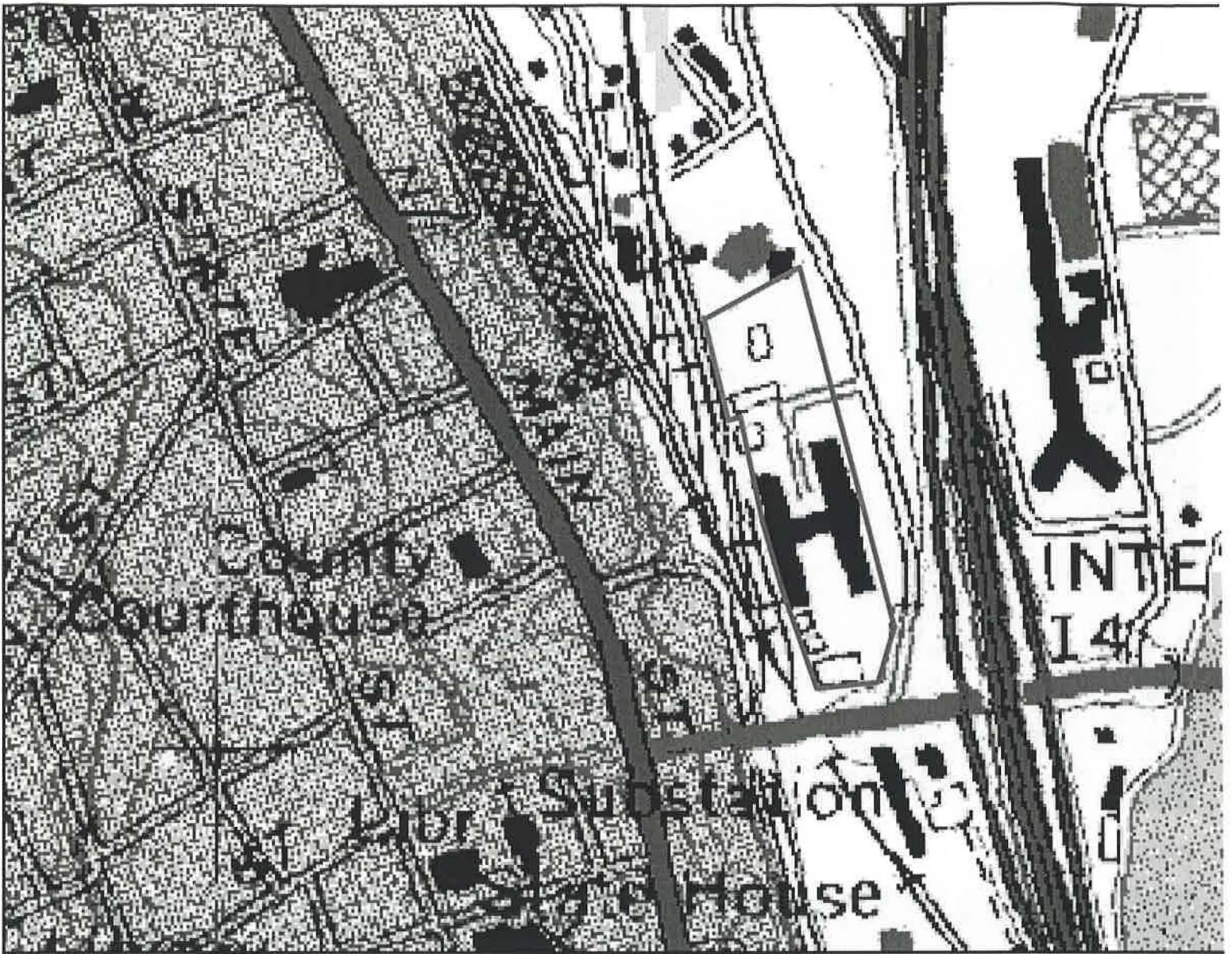
Listing codes: T = Threatened, E = Endangered SC = Special Concern

Rank prefix: G = Global, S = State, T = Global or state rank for a sub-species or variety (taxon)

Rank suffix: 1-5 = Most (1) to least (5) imperiled. "--", U, NR = Not ranked, B = Breeding population, N = Non-breeding, H = Historical, X

A negative result (no record in our database) does not mean that no rare species are present. Our data can only tell you of known species gathered by qualified biologists and reported to our office. However, many areas have never been surveyed, or have only been surveyed by a site survey would provide better information on what species and communities are indeed present.

NOTE: This review *cannot* be used to satisfy a permit or other regulatory requirement to check for rare species that could be affected by a proposed project, since it provides detailed information only for records actually



Natural Heritage Bureau
Landowner Report

Project ID Number: 3631

NOTE: Any rare species and/or exemplary natural communities in this area are not shown unless they occur, at least in part, within the property bounds.

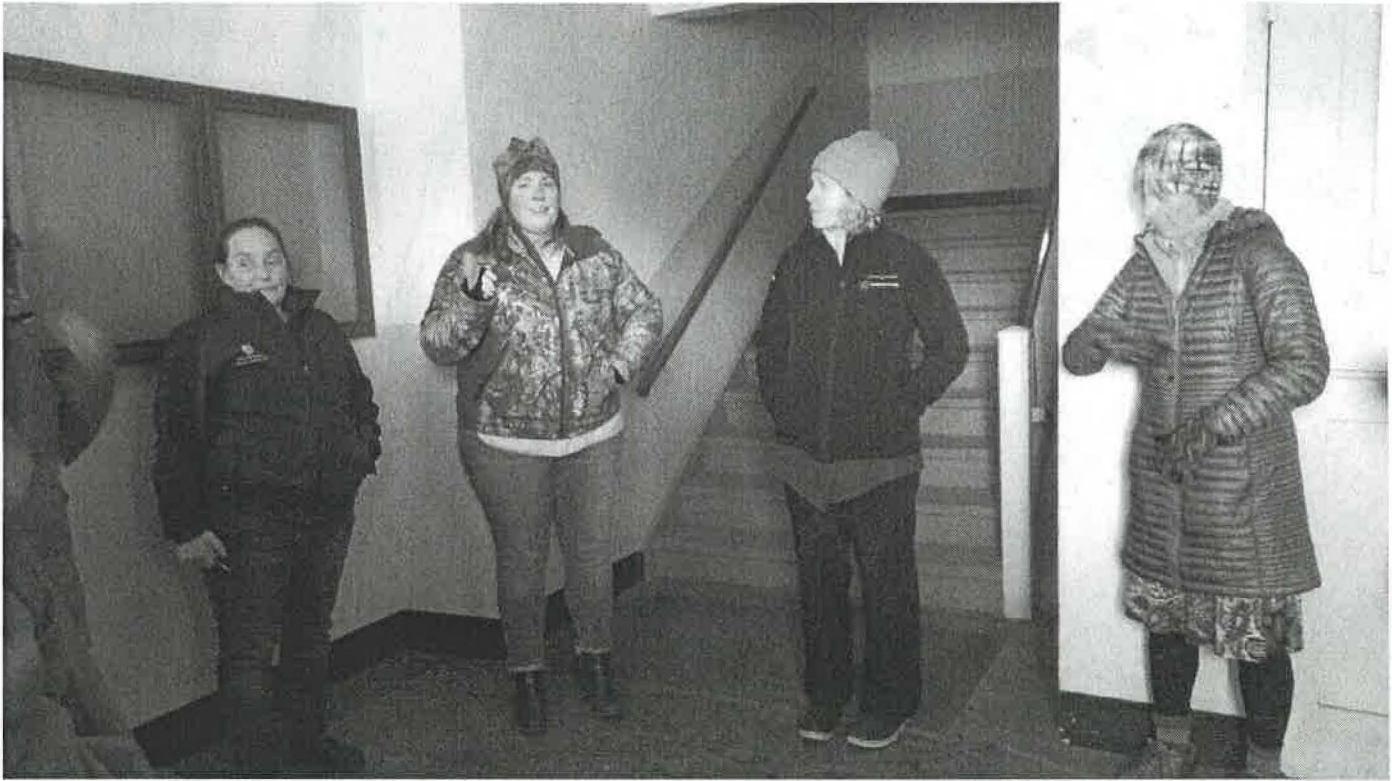
Symbol	Property Bounds	# of Records
	Plant Occurrence:	0
	Animal Occurrence:	0
	Natural Community:	0
	Ecological System:	0



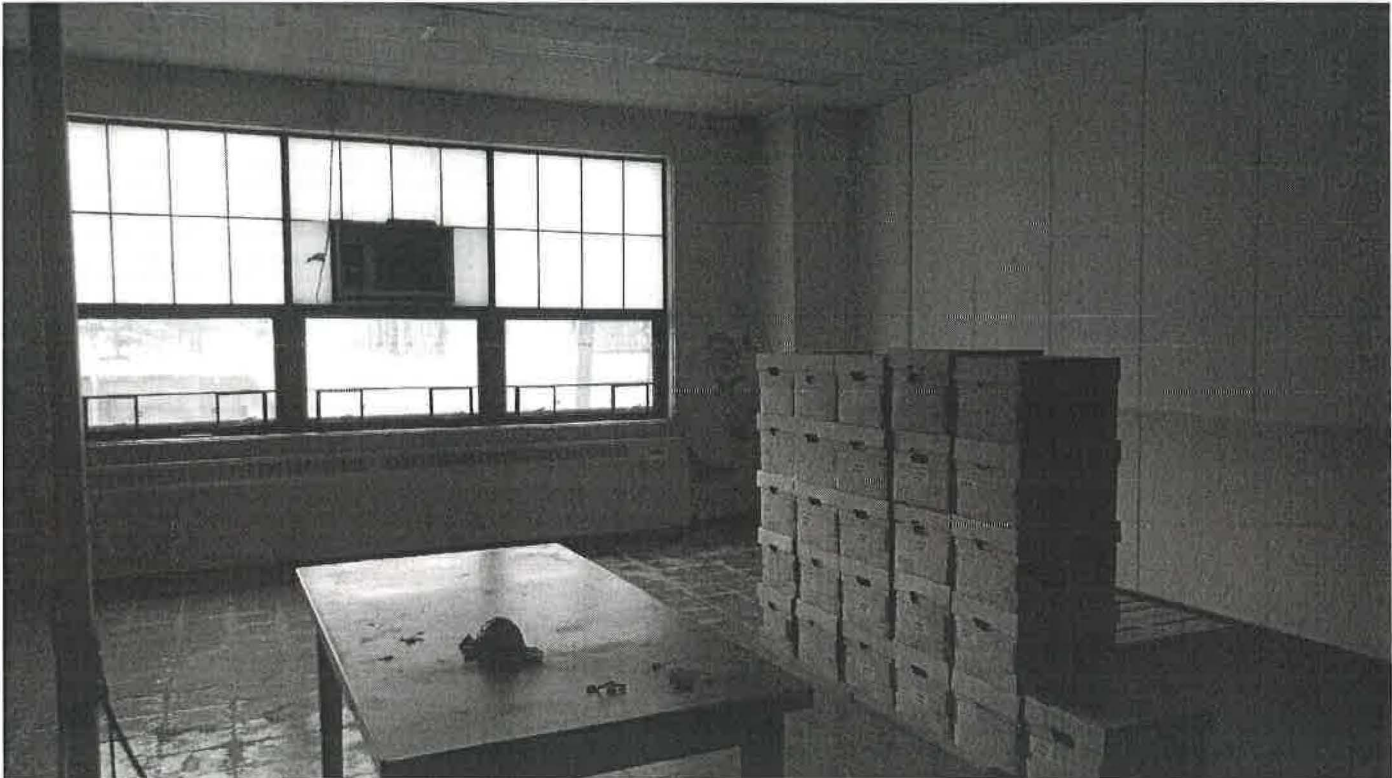
Stickney Avenue Highway Garage Complex Photographs

Interior Main 'H- shaped' Building

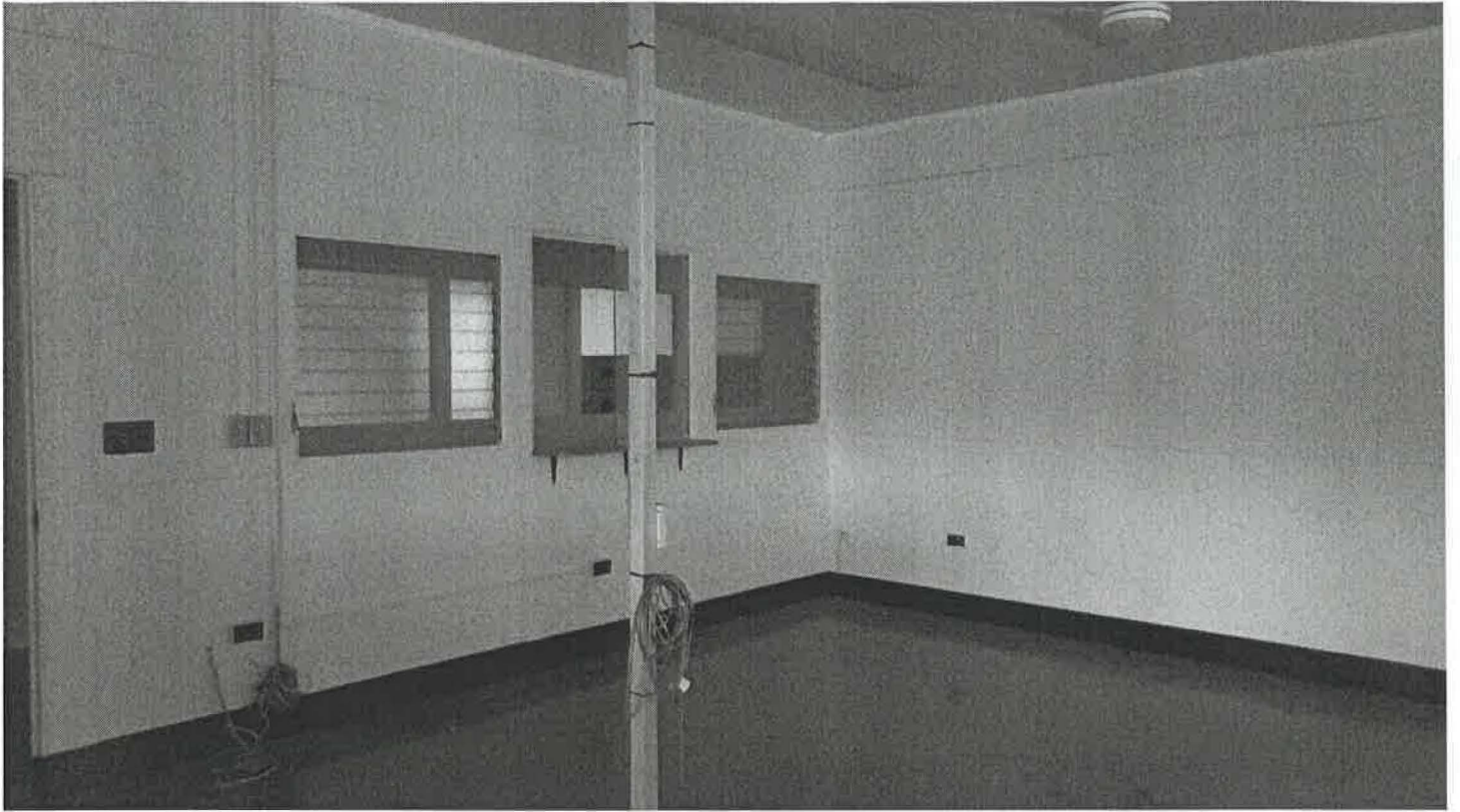
Inside Front Entrance



Second Floor



Second Floor



First Floor Garage Area



First Floor Garage Area



Exterior Main 'H-shaped' Building

Entrance



Front



Back



Exterior Building I



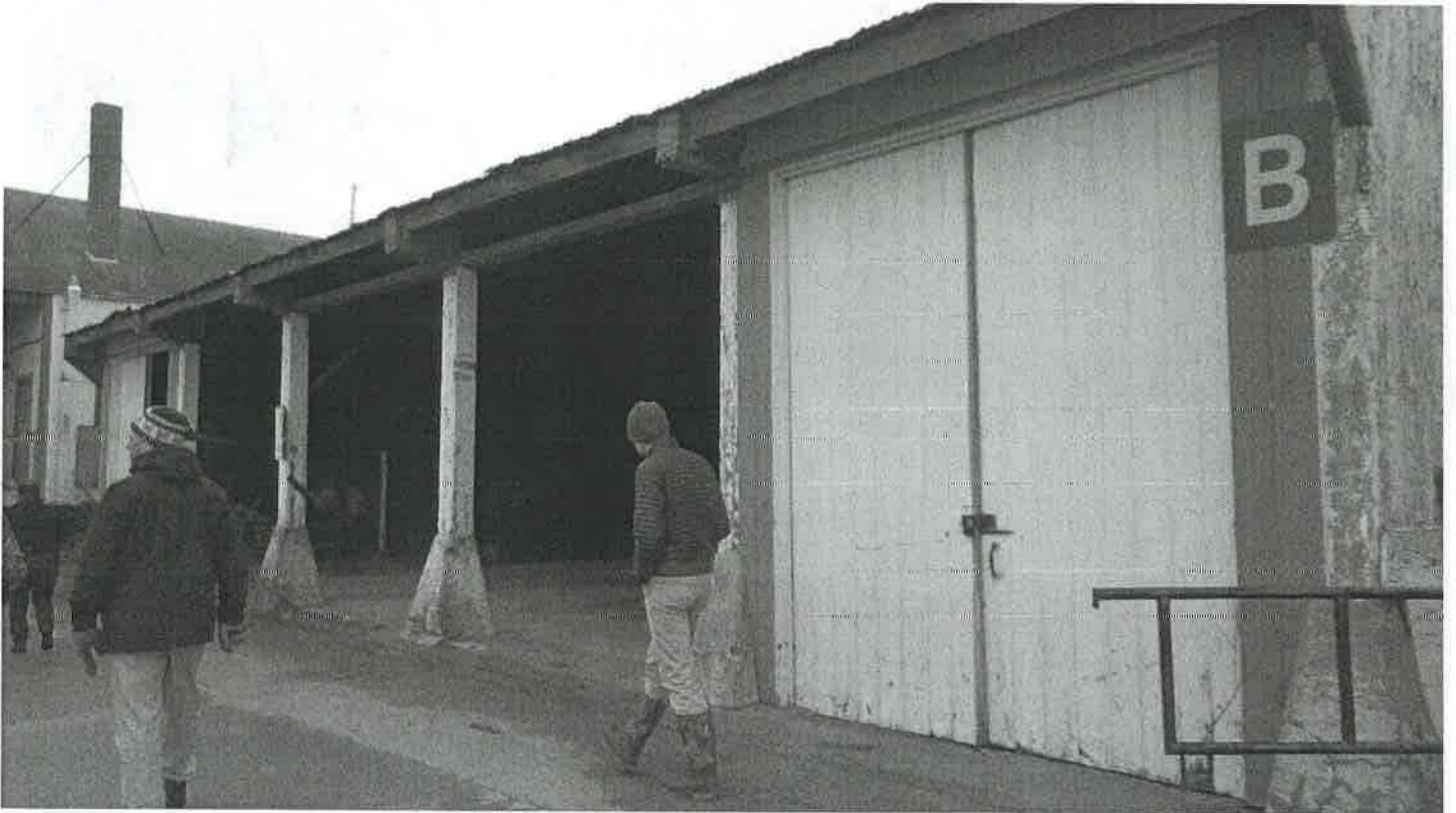
Interior Building I



Exterior Building D



Exterior Building B



Exterior Building A



Interior Building A



Open Storage Area



**MEMORANDUM OF UNDERSTANDING
BETWEEN NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER
AND NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
REGARDING THE NEW HAMPSHIRE HIGHWAY GARAGE COMPLEX PROJECT,
STICKNEY AVENUE, CONCORD, NEW HAMPSHIRE**

WHEREAS, the NH Department of Transportation (NHDOT) plans to dispose of the New Hampshire Highway Garage complex (Garage) using the surplus review process subject to NH RSA 227-C:9; and

WHEREAS, the NHDOT is funding this project through funds appropriated in 2019 House Bill 4; and

WHEREAS, pursuant to RSA 227-C:9 I. the NHDOT is required to cooperate with the NH State Historic Preservation Officer (NHSHPO) on the location, identification, evaluation and management of historic resources; and

WHEREAS, the NHDOT has defined the Area of Potential Effects of the undertaking to include a 5.6 +/- acre parcel of land that encompasses five buildings that make up the Garage, but excludes the adjacent Park-and-Ride; and

WHEREAS, the NHSHPO has determined that, by selling and/or demolishing the Garage, the undertaking will have an adverse effect on the Garage, a property eligible for listing in the National Register of Historic Places:

NOW, THEREFORE, the NHDOT and NHSHPO agree that the undertaking shall be implemented in accordance with the following stipulations to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The NHDOT shall ensure that the following measures are carried out in consultation with, and shall provide proof of compliance with such measures to, NHSHPO:

I. ARCHIVAL DOCUMENTATION

The NHDOT will complete the NH Historic Property Documentation that was started for the Garage under the Concord, 28977 project. It is understood that this is Phase 2 of this archival documentation and will be completed by an architectural historian meeting the *Secretary of the Interior's Professional Qualification Standards*. The following will be completed and included in Phase 2:

1. Large format photography of the interiors of the remaining structures, including a photograph index and locational maps.
2. Architectural descriptions of all remaining structures, including the exterior and interior

- of each building.
3. High quality scans and prints of any existing historic plans that were not completed in Phase 1.
 4. Revise the narrative, if necessary, to address any errors that have been identified since the original submission.
 5. The draft documentation packet will be provided to NHDOT and NHHPO digitally for review and comment (45 days). Upon approval, the completed documentation packet will be sent to NHHPO in an archival folder, which will include one set of large format prints and negatives, for their review, comment and approval. A high quality photo copy of the large format prints will also be included.
 6. Additional deliverables will include digital copies of the report, photographs and plans to be provided to the State Library, and the Concord Public Library. NHDOT will deliver hard copies to the State Library and Concord Public Library, if requested.

II. SALE WITH RESTRICTIONS

1. The NHDOT has marketed the Garage for a period of three months through a realtor familiar with commercial property development and historic resources.
2. A bid has been received and the City of Concord has been notified of their opportunity to match the offer for the property. If the City decides not to match the offer, the original offer is expected to continue to sale.
3. The sale will include historic restrictions on the main (H-shaped) building and the land. There will be no restrictions on the other four remaining buildings.
4. The Character Defining Features report, completed by NHDOT and NHHPO, was included in the sale documents in order to assist the successful bidder with the reuse of the main building.

III. HISTORIC INTERPRETATION

An interpretive 23" by 33" or similar sized poster discussing the significance of the Garage will be developed by a qualified architectural historian working with a professional graphic designer. The themes to include are, but are not limited to, NHDOT history, innovation, Concord/statewide influence, and architecture. One copy of the poster will be located at the John O. Morton Building (JOMB) at 7 Hazen Drive in Concord. Posters will also be offered to the buyer of the Garage and the bus terminal located on Stickney Avenue.

1. NHDOT will send a digital copy to NHDHR to review and provide comment (45 days).
2. The poster will be offered to the new owners and bus terminal 'as is' and the new owners/bus terminal will be responsible for the installation of the poster and deciding on its location. The new owners and bus terminal have no obligation to install the poster if they choose not to.
3. Final submission will include digital copies to NHDOT and three ready to hang posters.
4. A digital copy of the poster (most likely a pdf) will also be posted on the NHDOT internet site for greater access.

IV. DURATION

This MOU shall be null and void if its terms are not carried out within three (3) years from the date of its execution. Prior to such time, NHDOT may consult with the other signatories to reconsider the terms of the MOU and amend it in accordance with Stipulation VIII, below.

V. MONITORING AND REPORTING

Each year following the execution of this MOU, until the work is complete or the agreement expires, NHDOT shall provide all parties to this MOU a summary letter report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received by NHDOT in its efforts to carry out the terms of this MOU.

VI. DISPUTE RESOLUTION

At any time during the implementation of the measures stipulated in this MOU, should an objection to any such measure or its manner of implementation be raised by a signatory, NHDOT will notify all signatories to the agreement, take the objection into account, and work as needed to resolve the objection.

VII. AMENDMENTS

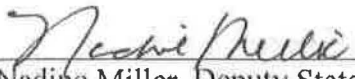
This MOU may be amended when such an amendment is agreed to in writing by all signatories.

VIII. TERMINATION

If any signatory to this MOU determines that its terms shall not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOU upon written notification to the other signatories.

Execution of this MOU by NHSHPO and NHDOT, and implementation of its terms, is evidence that the State has taken into account the effects of this undertaking on historic properties and satisfied its obligations under NH RSA 227-C:9.

SIGNATORIES:



Nadine Miller, Deputy State Historic Preservation Officer
New Hampshire Division of Historical Resources

3/9/2021

Date

Peter E. Stamnas
Director of Project Development
New Hampshire Department of Transportation

Date

