

Brownfields Property Application
North Carolina Brownfields Program
www.ncbrownfields.org

I. PROSPECTIVE DEVELOPER (PD) INFORMATION {USE TAB KEY TO GET TO NEXT DATA ENTRY LINE – DO NOT USE THE RETURN KEY}

A. PD information:

Entity name	Burlington East Development, LLC
Principal Officer	Edward M. Tam
Representative	Edward M. Tam
Mailing Address	415 Pisgah Church Road, #363 Greensboro, NC 27455
E-mail address	etam@bwdre.com
Phone No.	336-430-0969
Fax No.	
Web site	NA

B. PD contact person information (i.e., individual who will serve as the NCBP's point of contact if different than above):

Name	Edward M. Tam
Company	Belleau Wood Development, LLC
Mailing Address	415 Pisgah Church Road, #363 Greensboro, NC 27455
E-Mail Address	etam@bwdre.com
Phone No.	336-430-0969
Fax No.	NA

C. Information regarding all parent companies, subsidiaries or other affiliates of PD (attach separate sheet(s) if necessary):

(Use for LLCs)

Member-managed or manager-managed? **Answer:** [Member-managed](#)

If manager-managed, provide name of manager and percent of ownership:

Name [Edward M. Tam](#)
Ownership (%) [19%](#)
Mailing Address [415 Pisgah Church Road, #363](#)
[Greensboro, NC 27455](#)
E-Mail Address etam@bwdre.com
Phone No. [336-430-0969](tel:336-430-0969)
Fax No.

For all LLCs, list all members of the LLC and provide their percent of ownership:

Name [John J. Gilliam Jr.](#)
Ownership (%) [31%](#)
Mailing Address [2026 Chapel Hill Road](#)
[Burlington, NC 27215](#)
E-Mail Address
Phone No.
Fax No.

Name [Cindy G. Gilliam](#)
Ownership (%) [31%](#)
Mailing Address [2026 Chapel Hill Road](#)
[Burlington, NC 27215](#)
E-Mail Address
Phone No.
Fax No.

Name [Jess Gilliam](#)
Ownership (%) [19%](#)
Mailing Address [2026 Chapel Hill Road](#)
[Burlington, NC 27215](#)
E-Mail Address
Phone No.
Fax No.

Managers of manager-managed LLCs are required to execute all brownfield documents for the LLC; as to member-managed LLCs, state name of member who will sign these documents.

Edward M. Tam

List all parent companies, subsidiaries and other affiliates:

Burlington East Development, LLC has no parent, subsidiary, or affiliates. Each member of Burlington East Development, LLC has his own significant investments in other entities and properties. Burlington East Development, LLC does not consider any of these other independent entities or separate properties to be its "affiliates." Even if they were affiliates of Burlington East Development, LLC, each of the other entities owned or controlled by the members of Burlington East Development, LLC:

(a) is not, and never has been, a party to a Brownfields or similar agreement, and

(b) is and has been in substantial compliance with all federal and state laws, regulations, and rules for the protection of the environment.

(Use for Partnerships)

Check one: General Partnership Limited Partnership

List all partners and percent of ownership:

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

Name

Ownership (%)

Mailing Address

E-Mail Address

Phone No.

Fax No.

Is this person a general or limited partner?

List all parent companies, subsidiaries and other affiliates:

(Use for corporations other than LLCs)

(If information is the same as shown in 1.A., please indicate "same as 1.A." below.)

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

List all parent companies, subsidiaries and other affiliates:

(Use for individuals)

(If individual is the same as shown in 1.A., -please indicate "same as 1.A." above.)

Name

Mailing Address

E-Mail Address

Phone No.

Fax No.

- D. Does PD have or can it obtain the financial means to fully implement a brownfields agreement and assure the safe reuse of the property? *(Attach supporting documentation such as letters of credit, financial statements, etc.)*

Answer **Yes**

Explanation **The PD's members are successful local businessmen. Each of them have extensive investments and holdings. Each of them have extensive experience in real estate**

development. Each of them have longstanding relationships, and are in good standing with local lenders. See also the response to the following question concerning the business experience of the PD's members.

- E. Does PD have or can it obtain the managerial means to fully implement a brownfields agreement and assure the safe use of the property?

Answer Yes

Explanation Reynolda Road Project (2007) - SB Reynolda LLC, a 7,200 SF retail center
Winston-Salem, North Carolina

The Reynolda Road project involved the redevelopment of a former gasoline station. The PD members (through a separate LLC, Belleau Wood Development, LLC) completed Phase I ESA on the property prior to purchase. The USTs were removed prior to purchase of the property and closed with a "No Further Action" (NFA) letter by NCDENR. During site redevelopment activities residual petroleum impacted soil was encountered and handled in accordance with applicable regulations. A former used oil catch basin and length of associated terra cotta pipe was also encountered. Petroleum-impacted soil was identified in the catch basin and along the length of associated terra cotta pipe. The petroleum-impacted soil was excavated and properly disposed. Soil samples were collected to confirm that the impacted soil had been removed and a report was prepared summarizing the remediation activities. This incident was also issued a NFA by NCDENR. The site has been redeveloped with restaurants and other retail businesses.

(2) Burlington Project (2008) – BWD Church LLC, a Walgreen store
Burlington, North Carolina

The Burlington project involved the redevelopment of a current and former gasoline station. The PD members (through a separate LLC, BWD Church, LLC) completed Phase I ESA and Phase II ESA studies on the property prior to purchase. The USTs were removed subsequent to the purchase of the property. During site redevelopment activities the USTs and approximately 1,500 tons of petroleum-impacted soil were removed and disposed in accordance with applicable regulations. BWD was not the responsible party for the release, but it voluntarily assumed responsibility for the remediation of the UST release and entered the incident into the North Carolina Leaking Underground Storage Tank Trust Fund as the

land owner and was deemed eligible for reimbursement. A portion of the cost for the remediation of the UST release was reimbursed through the Trust Fund. The redevelopment of the site involved the assemblage of several parcels and the demolition of several structures. Asbestos surveys were also completed prior to the demolition activities. The incident has been closed with a “No Further Action” letter by NCDENR. The site has been redeveloped as a Walgreens.

(3) Fairfield Road Redevelopment Project (2010) - BWD Fairfield LLC, a Walgreen store High Point, North Carolina

The Fairfield Road project involved environmental and logistical challenges. In order for a drug store chain/retail outlet to be constructed, a bank’s branch location had to be relocated. The PD members (through a separate LLC, Belleau Wood Development, LLC) completed Phase I ESA and Phase II ESA studies on the property prior to purchase. On the relocation site were two former service stations with two separate UST systems, resulting in residual petroleum contamination. The petroleum contamination was remediated to below the applicable North Carolina standards and NC DENR, UST Section provided regulatory oversight. The incidents were closed with notices of “No Further Action.” In order to complete grading activities for construction, additional impacted soil that NCDENR allowed to remain in-situ (concentrations below residential MSCCs) for one release was removed prior to grading activities to ensure human health and to be in general accordance with applicable NCDENR regulations during construction activities. Additional soil testing was completed in the vicinity of the other UST system and petroleum-impacted soil was not detected in the vicinity of that system. A Phase I ESA was completed on the current bank location, which did not identify recognized environmental conditions associated with the site. An asbestos survey has been completed for the current bank location for demolition purposes. The survey did not identify asbestos containing materials. The site has been redeveloped as a Walgreens.

Thus, the PD has the business and managerial expertise to expand and complete redevelopment of the property and comply with a brownfields agreement.

F. Does PD have or can it obtain the technical means to fully implement a brownfields agreement and assure the safe use of the property?

Answer **Yes**

Explanation The PD's member has experience in assessing and managing environmentally impacted properties, including but not limited to the aforementioned projects. In addition, the PD will employ the services of a qualified environmental consultant and attorney with experience and expertise in the Brownfields process. Thus, the PD has or has access to the technical means to implement a Brownfields agreement and assure safe use of the property.

Attorney: George House, Brooks Pierce, (336) 271-3114

Environmental Consultant: Jeff Ballsieper, L.G. and Jason Ricks, Progress Environmental (336) 722-9999

G. Does PD commit that it will comply (and has complied, if PD has had a prior project in the NCBP) with all applicable procedural requirements of the NCBP, including prompt payment of all statutorily required fees?

Answer **Yes**

(List all NCBP project name(s) and NCBP project ID numbers where PD or any parent company, subsidiary and other affiliate of PD has been a party to.)

N/A

H. Does PD currently own the property?

Answer **Yes**

If yes, when did PD purchase the property and from whom? *(Provide name, address, telephone number and email address of the contact person for the current property owner.)*

6/26/2015
Hopedale Investment LLC

If no, provide the name, address, telephone number and e-mail address of the contact person for the current property owner

I. If PD does not currently own the property, does PD have the property under contract to purchase?

Answer

If yes, provide date of contract.

If no, when does the PD intend to purchase the property (e.g., after the project is determined to be eligible for participation in the NCBP, after PD receives a draft BFA, after the conclusion of the brownfields process)? Note: the Act requires the PD to demonstrate that it intends to either buy or sell the property.

- J. Describe all activities that have taken place on the property since PD or PD's parents, subsidiaries and/or other affiliates, and/or lessees or sublessees of PD, took ownership of or operated at the property (e.g., industrial, manufacturing or commercial activities, etc.). *(Include a list of all regulated substances as defined at NCGS § 130A-310.31(b)(11) that have been used, stored on, or otherwise present at the property while those activities were conducted, and explain how they were used.)*

None, the site was previously utilized as a parking lot for former businesses located off-site. The site has been vacant since around the early 1990s, based on historical aerial photographs.

(a) The PD's research indicates that no structure ever was located on the proposed brownfields site, and the PD is not aware of any industrial or commercial operations that have ever occurred on the site.

(b) A few cars are occasionally parked on the proposed brownfields site by persons who work on nearby properties. The site is not a commercial parking lot; the number of cars that currently park on the site are usually ten or fewer.

II. SITE INFORMATION

- A. Information regarding the proposed brownfields property:

Proposed project name North Graham Hopedale Road

acreage 10.24 street address(es) Northeast quadrant of the intersection of N. Graham Hopedale Road and N. Church Street

city Burlington County Alamance zip 27217

tax ID(s) or PIN(s) 147805

past use(s) A parking lot containing a railroad spur formerly associated with off-site facilities such as Western Electric and the Tarheel Army Missile Plant both of which are no longer in operation.

current use(s) Vacant

cause(s)/source(s) of contamination:

known Metals, PAHs, and buried materials such as apparent burnt wood were identified on site during the assessment activities. The identified petroleum impacted groundwater on the southwestern portion of the site is likely attributable to nearby off-site current or former filling stations and/or current or former automobile service facilities. A documented release of petroleum products has occurred at an off-site facility contiguous to and southwest of the site.

suspected

- B. Regulatory Agency Involvement: List the site names and all identifying numbers (ID No.) previously or currently assigned by any federal, state or local environmental regulatory agencies for the property. The ID No's may include [CERCLIS numbers](#), RCRA generator numbers for past and present operations, [UST database](#), [Division of Water Quality's incident management database](#), and/or [Inactive Hazardous Sites Branch inventory numbers](#). *(In many instances, the PD will need to actively seek out this information by reading environmental site assessment reports, reviewing government files, contacting government officials, and through the use of government databases, many of which may be available over the internet.)*

Agency Name/ID No: None that PD is aware of regarding the subject site

Agency Name/ID No: EPA ID-NCD001924745 for 204 Graham Hopedale Road, associated off-site property

Agency Name/ID No: SHWS - NC7210020544 for 204 Graham Hopedale Road, associated off-site property

Agency Name/ID No:

Agency Name/ID No:

- C. In what way(s) is the property is abandoned, idled, or underused?

The site is currently vacant and contains an abandoned railroad spur. The site was previously utilized as a parking lot for off-site facilities. Since the off-site facilities were closed, the parking lot has not been used since the early 1990s based on historical aerial photographs.

- D. In what way(s) is the actual or possible contamination at the property a hindrance to development or redevelopment of the property (attach any supporting documentation such as letters from lending institutions)?

The identified soil and groundwater contamination at the proposed brownfields site poses a hindrance to the redevelopment of the site for several reasons:

(a) In the PD's experience, lending institutions often will not lend on properties with contamination such as that identified without incident closure, a Brownfields Agreement, or a

responsible party being identified. The PD will obtain a loan from a financial institution for redevelopment of the site.

(b) Similarly, in the PD's experience, it is often difficult for the PD to obtain and retain tenants on a contaminated site, particularly tenants with a regional or national presence. In this case, the ultimate operators of the proposed brownfields site are likely to be a national grocery store chain and a national gas station/convenience store chain. Both likely will seek liability protection for the known contamination on the site. In addition, a Brownfields agreement will allow the identified contamination to be assessed and addressed in a manner that will protect human health and future occupants.

E. In what way(s) is the redevelopment of the property difficult or impossible without a brownfields agreement (attach any supporting documentation such as letters form lending institutions)?

Contamination also is a hindrance to obtaining and retaining tenants, particularly in a difficult economy. Many tenants have a natural reluctance to become involved with contaminated property without liability protection. This is especially true of the kinds of regional and national tenants that the PD will seek to attract; they are sophisticated about environmental contamination issues and require that such issues be resolved and they be protected from environmental liability before they agree to rent space at a contaminated or potentially contaminated site. A Brownfields agreement would enhance the possibility of success both by clearly limiting tenant risk and by improving the prospect of lender interest and funding. Protection against possible third party claims is needed as well.

F. What are the planned use(s) of the redeveloped brownfields property to which the PD will commit? Be as specific as possible.

The planned uses include a grocery store, gas station/convenience store, and Burlington Police Department station and possibly a small retail building. The portion of the site that is proposed to be developed with a grocery store will be sold. The remaining portion of the site will be leased.

G. Current tax value of brownfields property: \$1,078,968

H. Estimated capital investment in redevelopment project: \$7,000,000 - \$9,000,000 (estimated)

I. List and describe the public benefits that will result from the property's redevelopment. Be as specific as possible. (Examples of public benefits for brownfields projects include job creation, tax base increases, revitalization of blighted areas, preserved green space, preserved historic places, improving disadvantaged neighborhood quality-of-life related retail shopping opportunities, affordable housing, environmental cleanup activities or set asides that have community or environmental benefits. In gauging public benefit, NCBP places great value upon letters of support from community groups and local government that describe anticipated improvements in quality of life for neighboring communities that the project will bring about. The inclusion of such support letters with this application is recommended and encouraged.)

The redevelopment of the property will not only provide jobs during the construction and development phase, but will also provide jobs upon final redevelopment. The project will also increase the tax base for the City of Burlington based on the redevelopment consisting of predominantly commercial businesses. The property is currently underutilized and the redevelopment will improve the quality of life in the area.

Special Note: Please describe all environment-friendly technologies and designs PD plans to utilize in its redevelopment strategy. For example, environment friendly redevelopment plans could include: Leadership in Energy and Environmental Design (LEED) Certification, green building materials; green landscaping techniques such as using drought resistant plants; energy efficient designs, materials, appliances, machinery, etc.; renewable sources of energy, and/or recycling/reuse of old building materials such as brick or wood.

J. Who will own the brownfields property when the Notice of Brownfields Property is filed with the register of deeds at the conclusion of the brownfields process? (If information is the same as 1.A. above, please indicate.)

Name Same as 1.A

Mailing Address

E-Mail Address

Phone No.

Fax No.

III. OTHER REQUIRED INFORMATION

A. Brownfields Affidavit: PD must provide its certification, in the form of a signed and notarized original of the unmodified model brownfields affidavit provided by NCBP, that it did not cause or contribute to contamination at the property and that it meets all other statutory eligibility requirements. *(Note: The form to use for this affidavit is attached to this application. It must be filled out signed notarized, and submitted with this application.)*

Is the required affidavit, as described above, included with this application?

Answer Yes

B. Proposed Brownfields Agreement Form: PD must provide the completed form Proposed Brownfields Agreement. *(Note: The form to use for this document is attached to this application. It must be filled out, initialed, and attached on your submittal.)*

Is the required Proposed Brownfields Agreement, as described above, included with this application?

Answer Yes

C. Location Map: PD must provide a copy of the relevant portion of the 1:24,000 scale [U.S.G.S. topographic quadrangle map](#) that shows the property clearly plotted, and that measures at least an 8 ½ by 11 inches. *(Note: these maps can be purchased through the above link, or often through retail outdoor recreation stores that can print out the relevant map. Often environmental reports have location maps that use this type of map as the base for its location map.)*

Is the required location map included with this application?

Answer [Yes, included in the environmental reports](#)

D. Survey Plat: PD must provide a preliminary survey plat of the brownfields property with the property boundaries clearly identified, and a metes and bounds legal description that matches the property description on the plat. At this stage of the brownfields process; one or more existing survey plats from a previous property conveyance will suffice. *(Before the brownfields project enters the public comment phase of the brownfields process, the PD will be required to submit a final brownfields survey plat which includes the information listed in the brownfields [survey plat guidance](#).)*

Is the required preliminary survey plat included with this application?

Answer [Yes](#)

E. Site Photographs: PD must provide at least one pre-redevelopment photograph of the property, in either hard copy or electronic format that shows existing facilities and structures. **Please note that the NCBP prefers to have electronic photos instead of or in addition to hard copies. Electronic copies of photographs should be emailed to: Shirley.Liggins@ncdenr.gov with a clear indication as to which Brownfields Application they apply to.**

Are photographs of the property included with this application?

Answer [Yes, included in the environmental reports](#)

Have electronic copies of the photographs been emailed to NCBP?

Answer [Yes](#)

F. Environmental Reports/Data: If it makes an affirmative eligibility determination, the NCBP will request that PD provide any and all existing environmental reports and data for the property on **CD only**. The brownfields process may be expedited if PD submits such reports/data with this application.

Are any environmental reports/data being submitted with this application?

Answer [Yes, several Phase I ESAs, a Geophysical Survey, and several environmental assessment reports are included on the provided CD.](#)

If environmental reports/data are being submitted with this application, please provide the **title, date** and **author** of each item being submitted:

Phase I ESA, Progress Environmental, Inc., December 13, 2013 - Done by PD

Geophysical Survey Report, report dated October 7, 2013 - Done by PD

Report of Limited Soil and Groundwater Assessment, Progress Environmental, Inc., report dated November 12, 2013 - Done by PD.

Phase I Environmental Site Assessment, S&ME, report dated September 24, 2015 - Done by prospective tenant Lidl Grocery.

Limited Phase II Services, S&ME, report dated October 1, 2015 - Done by prospective tenant Lidl Grocery.

Phase I Environmental Site Assessment, Groundwater and Environmental Services, Inc. (GES), report dated October 13, 2015 - Done by prospective tenant Sheetz Gas.

Limited Phase 2 Environmental Site Assessment, GES, report dated October 13, 2015 - Done by prospective tenant Sheetz Gas.

Supplemental Phase 2 Environmental Site Assessment Report, GES, report dated December 8, 2015 - Done by prospective tenant Sheetz Gas.

IV. ADDITIONAL REQUIRED FORMS

The following forms are to be filled out and submitted with the application including the Responsibility and Compliance Affidavit and the Proposed Brownfields Agreement. Submittal of the Affidavit requires signature and notarization, and the Proposed Brownfields Application requires an initial.

Preliminary Proposed Brownfields Agreement

I. Property Facts

- a. Property Address(es): NE Quadrant of the intersection of N. Graham Hopedale Road and N. Church Street, Burlington, NC 27217
- b. Property Seller: Burlington East Development, LLC (seller and lessor)
- c. Property Buyer: A portion of the site will be purchased by Lidl Grocery, and the remaining portion of the site will be leased by Sheetz Gas and the City of Burlington.
- d. Brief Property Usage History: Parking lot and abandoned railroad spur associated with various off-site facilities
- e. The planned reuse will potentially involve the following use classification(s) (check all that apply):
- School/childcare/senior care
 - Residential
 - Commercial, retail (specify) Proposed grocery store and gasoline station/convenience store
 - Other commercial (specify)
 - Office
 - Light industrial
 - Heavy industrial
 - Recreational
 - Open space
 - Other (specify) Police Station & Small Retail Building

II. Contaminant Information

- a. The contaminant situation at the property is best described by the following (check all that apply):
- Contaminants are from an on-property source(s)
 - Contaminants are from an off-property source(s)
 - Contaminants are from an unknown source(s)
 - Contaminants have not yet been documented on the property

b. Contaminated Media Table. (If known, check appropriate boxes below)

Contaminant Types		Soil		Groundwater and/or Surface Water		Private Wells		Vapor Intrusion	
		known	Suspected	known	Suspected	known	suspected	known	suspected
o r g a n i c s	Chlorinated Solvents (list):								
	Petroleum: ASTs <input type="checkbox"/> USTs <input type="checkbox"/> Other <input checked="" type="checkbox"/>	gas and diesel TPH		Petroleum (See Reports)					
	Other (list):	PAHs (See Reports)							
i n o r g a n i c s	Metals (list):			Various (See Reports)					
	Other (list):								

III. Protective Measures

I am prepared to take steps necessary to make the property suitable for its planned uses while fully protecting public health and the environment. I propose that NCBP consider a brownfields agreement that will make the property suitable for the planned use(s) through the following mechanism(s) (check all that apply):

- Contaminant remediation to risk-based levels.
- Engineered Controls (e.g., low permeability caps, vapor mitigation systems, etc)
- Land use restrictions that run with the land that will restrict or prohibit uses that are unacceptable from a risk assessment/management perspective. (*Important Note: In any*

final brownfields agreement generated by the NCBP, land use restrictions will ultimately come with the continuing obligation to submit an annual certification that the Land Use Restrictions are being complied with and are recorded at the applicable register of deeds office.)

IV. Fees

In connection with a brownfields agreement, the Act requires that the developer pay fees to offset the cost to the Department of Environment and Natural Resources and the Department of Justice. In satisfaction of the Act, the following fees apply to any brownfields agreement that is developed for this project, subject to negotiation of the brownfields agreement:

- a. A \$2,000 initial fee will be due from the applicant PD when **both** of the following occur:
 - 1) NCBP receives this application and proposed brownfields agreement, AND
 - 2) NCBP notifies the applicant in writing that the applicant PD and the project are eligible for participation in the NCBP and continued negotiation of a brownfields agreement.
- b. A second fee of \$6,000 will be due from the PD prior to execution of the brownfields agreement. Should the prospective developer choose to negotiate changes to the agreement that necessitate evaluation by the Department of Justice, additional fees shall apply.
- c. Any addendum/modifications to the BFA or NBP after they are in effect will result in an additional fee of at least \$1,000.
- d. In the unexpected event that the environmental conditions at the property are unusually complex, such that NCBP's costs will clearly exceed the above amounts, NCBP and PD will negotiate additional fees.

 Please check this box and initial in space provided to indicate your acknowledgement of the above fee structure.

Date of Submittal: 1/5/16