

New Hampshire Council on Resources and Development

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FINAL MEETING MINUTES – March 26, 2015

MEMBERS PRESENT

Meredith Hatfield, Chair, Director, NH Office of Energy and Planning
Robert Beaulac, Designee, NH Department of Administrative Services
Timothy Carney, Designee, NH Department of Education
Bill Carpenter, Designee, NH Department of Resources & Economic Development
Timothy Drew, Designee, NH Department of Environmental Services
Elizabeth Muzzey, Designee, NH Department of Cultural Resources
Richard Cook, Designee, NH Fish and Game
Gail McWilliams Jellie, Designee, NH Department of Agriculture, Markets and Food
Nancy Spaulding, Designee, NH Department of Transportation

OTHERS PRESENT

Susan Slack, NH Office of Energy and Planning
Steve Walker, NH Office of Energy and Planning
Rick Minard, NH Office of Energy and Planning
Jared Nylund, NH Department of Administrative Services
Paul Gendron, City of Concord
Ed Roberge, City of Concord
Lou Barker, NH Department of Transportation

I. ROLL CALL

The meeting was called to order by Ms. Hatfield at 9:35 a.m. CORD members, guests and OEP staff were introduced.

II. APPROVAL OF MINUTES

ACTION: On a motion by Mr. Cook, seconded by Mr. Beaulac, the minutes of January 15, 2015 were approved.

The Land and Community Heritage Investment Program request was postponed until Ms. Taylor's arrival.

IV. DISPOSAL OF STATE OWNED SURPLUS LAND

A. CONCORD – SLR 15-002

Mr. Roberge, Concord's city engineer, presented maps and drawings and an explanation of the planned reconstruction of the Sewalls Falls Bridge. The SLR request from the Department of Fish and Game is to convey two temporary construction easements, a permanent drainage easement and a heritage park/trail easement to the city on state-owned property managed by Fish and Game, known as the Sewalls Falls Multi-use Recreation Area. A total of 0.79 acres would be impacted by the easements. Mr. Roberge said the city is working with the state Division of Historical Resources on interpretive displays of the history of the Sewalls Falls area and will include re-use of granite blocks and the bridge's trestle structure in the heritage park. The park will include benches and will connect with an existing trail system. Mr. Roberge said the existing parking lot and boat launch will not be affected by the bridge project.

Mr. Cook explained the history of state ownership of the property and that US Fish and Wildlife Service funds had allowed Fish and Game to purchase the development rights on the property and to develop river access after a proposed hydroelectric project was abandoned. He said the Fish and Wildlife Service has no objections to the city's bridge project and its impact on the state property.

Ms. Hatfield noted that written comments were received from the Division of Historical Resources, which had no objection to the SLR request, and that the Lakes Management Advisory Committee responded that the request was not within its jurisdiction.

Ms. Hatfield also noted that the Rivers Management Advisory Committee had no objection and deemed the impact of the project *de minimis*, not requiring review by the full RMAC.

Ms. Slack explained comments received from the Upper Merrimack River Local Advisory Committee, which had been asked by RMAC to provide comments. Ms. Slack said the LAC was not opposed, but raised concern for the precedent set by disposing of Land Conservation Investment Program (LCIP) property through legislative action. Ms. Slack said a clarification was sent to the LAC explaining that the LCIP property was a different parcel than the one subject to this SLR and that it was not the first LCIP property to be affected by legislative action.

Ms. Hatfield asked Mr. Roberge to explain the impact of the bridge project on the LCIP property, which is also managed by the Department of Fish and Game and is the subject of a request later on the agenda. He said the property was located

across the road from the SLR request property and that the legislation approved in 2014 (HB 1145) permits a slope and permanent access easement of .22 acres and a temporary access easement, also of .22 acres.

Mr. Roberge noted that the bridge is currently closed to traffic, and that the city hopes to begin work on the LCIP property this summer and open the bridge in October 2016.

Mr. Carpenter complimented Mr. Roberge on his presentation of a complicated project.

ACTION: On a motion by Mr. Beaulac, seconded by Mr. Carpenter, SLR 15-002 was unanimously approved, subject to no adverse comments received by the close of the public comment period. Mr. Cook abstained.

III. LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM (LCHIP)

Dijit Taylor, Executive Director

Ms. Taylor explained that disbursements from the Community Conservation Endowment Fund are used to provide annual payments to LCHIP grant recipients who properly monitor and report on the condition of their protected property. She explained that RSA 162-C:7 gives CORD the responsibility to oversee and expend the funds in the endowment and that both CORD and the LCHIP Board of Directors have, since 2009, agreed to the payments to grant recipients as an incentive for proper stewardship. She said LCHIP is requesting permission to spend up to half of the fund's income on the monitoring payments. Base payments are \$200 per property, but properties that present more complex monitoring challenges may receive up to \$800.

In response to questions from CORD members, Ms. Taylor said the fund currently has a balance of over \$3 million. She said interest earned is not used toward funding new projects.

ACTION: On a motion by Mr. Beaulac, seconded by Ms. Muzzey, CORD unanimously endorsed the expenditure of up to \$88,275 of income from the LCHIP Community Conservation Endowment to be used for payments to grant recipients who submitted acceptable annual monitoring reports for 2014.

IV. DISPOSAL OF STATE OWNED SURPLUS LAND (continued)

B. MEREDITH – SLR 15-003-A, 15-003-B, 15-003-C and 15-003-D

Mr. Barker explained that the Bureau of Rail and Transit proposes to renew leases of state-owned water frontage on four parcels of railroad land in Meredith to abutters for use and maintenance of pedestrian crossings, docks and waterfront access, including to mooring fields. Three of the waterfront properties are on Lake Winnepesaukee and one is on Lake Waukegan. RSA 228:57-a permits such leases

for up to five years and allows renewals. Mr. Barker said the four leases and renewals have been recommended by CORD in 1994, 2000 and 2006. Mr. Beaulac asked if all four leases are in existence and if the lessees are making required lease payments. Mr. Barker said they were.

Ms. Hatfield said the Division of Historical Resources provided comment that it had no objection to recommending approval. Mr. Drew said the Department of Environmental Services had reviewed the areas involved and had no concerns.

ACTION: On a motion by Mr. Drew, seconded by Ms. Muzzey, SLR 15-003 A through D were unanimously approved, subject to no adverse comments received by the close of the public comment period on April 20, 2015.

C. SALEM – SLR 15-004

Mr. Nylund explained that the state liquor store in Salem would be moving soon from its current location to a larger retail space. Therefore, the Liquor Commission is seeking to sell the single-story concrete block building that houses store #34 and its 4.89-acre parcel on South Broadway. Mr. Nylund said the Salem store has the fourth largest sales volume of all the Liquor Commission stores. He added that the SLR application indicated the building had been constructed in 1965 as a state police barracks, but that he later discovered that was not accurate and that he wasn't sure if the building had ever been a state police barracks. He said the property would be offered for sale at no less than fair market value. In response to a question from Mr. Drew, Mr. Nylund said there would be no site work on the property prior to sale. He said the property contains a small brook and some wetlands.

Ms. Hatfield said that the Division of Historical Resources had commented that no historic properties would be affected by the request. She noted the public comment period does not close until April 20.

ACTION: On a motion by Mr. Beaulac, seconded by Mr. Drew, SLR 15-004 was unanimously approved, subject to no adverse comments received by the close of the public comment period on April 20, 2015.

V. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Ms. Hatfield said CORD had been asked to authorize the Fish and Game director to sign deeds conveying the slope and access easements on LCIP property discussed earlier in the meeting for the Sewalls Falls Bridge project to the City of Concord. The conveyance was approved by the legislature in 2014. Mr. Cook explained that in-house counsel for Fish and Game advised that CORD should vote authorize the executive director to sign for the state.

ACTION: On a motion by Mr. Carpenter, seconded by Ms. Muzzey, CORD voted unanimously to authorize the executive director of the Department of Fish and Game to sign the deed for the state conveying easements to the City of Concord, pursuant to

Chapter 233 of the Laws of 2014 (HB 1145), for the Sewalls Falls bridge replacement project, subject to review by the Department of Justice.

- B.** Ms. Hatfield explained that the Office of Energy and Planning works with the Treasury on management of the Land Conservation Endowment Monitoring Fund and was seeking CORD's approval for OEP to sign the custodial account agreement with Treasury, a copy of which each CORD member has received. Mr. Beaulac asked if any changes in management of the fund had occurred since the last agreement. Ms. Hatfield said there were none.

ACTION: On a motion by Mr. Beaulac, seconded by Mr. Drew, CORD voted unanimously to authorize OEP to sign the custodial agreement. Ms. Hatfield was recused.

- C.** Mr. Walker, stewardship specialist in the Conservation Land Stewardship Program, updated CORD members on an issue involving a breach of the Bunten conservation easement on farm property in Orford involving encroachment of septic systems for a restaurant. He shared an aerial photograph and sketch of the property showing the area of encroachment. He explained that negotiations have been ongoing with new owners of the property to correct the easement breach, which would result in one of the septic systems being removed and the other being rendered inoperable. Mr. Walker explained that an extensive chef's garden sits atop one of the septic systems, and rather than require destruction of the garden to remove the septic system, rendering it inoperable would be satisfactory.

Ms. Jellie said the Department of Agriculture has also been involved in the discussions and said she felt the proposed agreement is a good solution that protects the easement and allows agricultural uses to continue. Ms. Hatfield said OEP was seeking approval from CORD to allow OEP to develop an agreement along the lines outlined, in consultation with Agriculture and DOJ. She said OEP would report back to CORD and, depending on how discussions progress, may need to come back to CORD for further authorization.

ACTION: On a motion by Mr. Carpenter, seconded by Mr. Carney, CORD voted unanimously to authorize OEP, in consultation with the Department of Agriculture and the Department of Justice, to develop an agreement with the owner of the property that would result in removal of one of the encroaching septic systems and abandonment of the second septic system.

VI. OTHER BUSINESS

- A.** Ms. Hatfield informed CORD members that the current state budget bills working through the legislature, HB 1 and HB 2, call for the Conservation Land Stewardship Program to be moved out of the Office of Energy and Planning and to the Department of Fish and Game, although there have also been suggestions that the program should move to the Department of Resources and Economic

Development. The proposal is the result of the efficiency recommendations that all state agencies were asked to make because it was felt it made sense for the program to be housed in an agency that was more involved in land management. Ms. Hatfield also said that oversight for the Conservation Land Stewardship Program would remain within CORD's jurisdiction.

- B.** Mr. Barker referred to SLR 14-024, which was tabled by CORD in November 2014 until DOT could sort out several legal issues. The request was to lease up to 300 linear feet of Lake Winnepesaukee state-owned waterfront railroad property to the Needle Eye Road Association. Mr. Barker said DOT would bring the request back to CORD for consideration with a proposed lease of 50 linear feet of waterfront instead of 300. Mr. Beaulac said he would prefer that DOT withdraw SLR 14-024 and submit a new request. CORD members agreed that they would prefer DOT to submit a new SLR request.

VII. ADJOURNMENT

ACTION: On a motion by Mr. Beaulac, seconded by Mr. Carpenter, the meeting was adjourned at 10:36 a.m.

Respectfully Submitted,

Meredith A. Hatfield, Chair
Director, NH Office of Energy and Planning

MH/kw

CORD 2015 Meeting Schedule

January 15, 2015	March 12, 2015 (postponed to March 26, 2015)
May 14, 2015	July 9, 2015
September 10, 2015	November 12, 2015