

New Hampshire Council on Resources and Development

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FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT JULY 10, 2008

MEMBERS PRESENT

Amy Ignatius, Chair, Director, NH Office of Energy and Planning
Tim Drew, Designee for NH Department of Environmental Services
Bill Carpenter, Designee for NH Dept. of Resources and Economic Development
Elizabeth Muzzey, Director, NH Department of Cultural Resources, Division of Historical Resources
William Ray, Designee for NH Housing Finance Authority
Dick Uncles, Designee for NH Department of Agriculture
David Barrett, Designee for Department of Safety
Betsey McNaughten, Designee for NH Fish and Game Department

OTHERS PRESENT

Shanna Saunders, City of Laconia
Brian Lombard, NHDOT Bureau of Rail and Transit
Paul F. Blizzard, Lakeport Landing Marina
Jennifer Czysz, NH Office of Energy and Planning
Dari Sassan, NH Office of Energy and Planning

I. VIEW SLR08-005 LAKEPORT LANDING MARINA SITE

Chairman Ignatius called the meeting to order at 9:17 AM at the Lakeport Landing Marina, Laconia, NH.

CORD members viewed the requested lease site and had the opportunity to pose questions of Mr. Blizzard, the potential lessee.

Mr. Lombard began by noting that between the May and July CORD meetings, Mr. Blizzard, Ms. Saunders and Lou Barker (of NH DOT Bureau of Rail and Transit) met to resolve possible differences among the parties. Based on this process, DOT intends to draft a lease that expires at the same time as a lease of city-owned land to the Marina on a southerly adjacent lot. While an exact date of termination was not identified, Ms. Saunders expressed a belief that it would be sometime in the vicinity of the year 2012.

DOT has recommended that the fencing between the leased area and railroad be temporary and easily removable, with a priority on demarcation of the boundary. Mr. Blizzard noted he would agree to this and prefers to install a wood frame fence as he has at other properties he operates. This barrier would run parallel to the railroad tracks, 15 feet from the centerline. Where said barrier approached a paved crossing, Mr. Blizzard proposed angling the crosspiece of the barrier toward the track and toward the ground to prevent parking between the barrier and the track.

When asked about track plowing and winter train operations, Mr. Lombard noted railroad track is utilized as a snowmobile trail in the winter as the trains do not operate on that line in the winter months.

Ms. Saunders noted that any expansion of the Lakeport Landing Marina business will need city permits and site plan review.

Mr. Blizzard stated that the most important function of the leased property would be to serve as a staging area when boats are brought out of storage in spring and again when they are put into storage in the fall. Because of this, he would like to pave the leased area. DOT expressed concerns that paving the site would create stormwater runoff problems along the tracks. As a possible solution, Ms. Czysz recommended utilizing a porous pavement system that would allow for infiltration and visually differentiate between the leased area and the adjacent roadway. All parties found this an agreeable solution.

Meeting participants then proceeded to Laconia City Hall, Room 200A, 45 Beacon Street East, Laconia, NH for the remainder of the agenda.

II. ROLL CALL AND INTRODUCTIONS

Members took a moment to introduce themselves.

III. MINUTES

A. Approval of CORD Meeting Minutes of May 13, 2008.

ACTION: MOVED by Mr. Barrett, seconded by Mr. Carpenter, THAT the minutes of the Council meeting held on May 13, 2008 be approved. The motion passed unanimously by a vote of 8 – 0.

IV. DISPOSAL OF STATE OWNED LAND SURPLUS LAND REVIEW (SLR)

A. LACONIA

SLR 08-005

Request to lease 2,520 SF of land to Lakeport Landing Marina alongside the Concord to Lincoln Railroad corridor in Laconia.

The Department of Transportation (DOT), Bureau of Rail & Transit, proposes to lease a 12' by 210' area of railroad property to Lakeport Landing Marina for parking and short-term boat-trailer storage next to the railroad corridor in Laconia. The lease would rectify a long-standing encroachment of State-owned railroad property by the marina. In the past, boat trailer parking has impinged on the railroad property and interfered with

the movement of trains. The lease will be held contingent upon the marina's installation of a barrier to prevent the unsafe encroachment of boat trailers into the area needed for railroad operations. Access would be from the marina property; no new railroad crossing would be permitted. The lease would include a termination clause should use of the area become necessary for future railroad operations.

STAFF REPORT

30-day review period ended April 15, 2008. No new comments have been received since the May 13, 2008 meeting.

July 10, 2008 Discussion

Discussion surrounding the aesthetics of the barrier resulted in an agreement to construct a guardrail of heavy-stock pressure treated wooden posts spanned by a single rail of the same material.

Regarding treatment of the ground surface, which presently consists of compacted sand and gravel, concern was expressed that future resurfacing not increase runoff rate or amount. All agreed that any resurfacing should receive prior approval from the City of Laconia.

Mr. Drew entered the following comments from DES:

- DES supports Laconia's Smart Growth goals and its support of the lease holds contingency upon its ability to conform to the wishes of the city.
- The provisions of the lease should ensure public safety.
- The lease must not impede the future ability of the railroad to expand its functionality.

Ms. Saunders recounted municipal procedure, requiring any proposed expansion of the Marina to receive all necessary city approvals before going forward.

ACTION: MOVED by Mr. Ray seconded by Mr. Carpenter to APPROVE SLR 08-005, with the following recommended conditions:

- Lakeport Landing Marina shall be required to construct and maintain a post-and-rail barrier of pressure treated wood running the full length of the leased property, parallel to the railroad tracks at a distance of 15 feet from the centerline.
- Maintenance or resurfacing of the leased area shall not increase stormwater runoff and shall receive prior approval from the City of Laconia.
- The lease shall terminate in concert with the termination of the Marina's lease on the southerly-adjacent, city-owned property (MSL 367-189-24).

The motion passed unanimously by a vote of 8 – 0.

B. LACONIA SMART GROWTH PRESENTATION

Having lost her voice, Ms. Saunders requested to give her “Laconia Smart Growth Presentation” at the September 4, 2008 CORD meeting. She distributed handouts that will accompany her presentation.

IV. OLD BUSINESS

A. HB 710 Study Commission.

Ms. Czysz stated that the Commission met on June 17, 2008 and has made progress through its three subcommittees. Ms. Czysz said that she is serving on the leasing policy subcommittee, which will meet on July 15, 2008. Ms. Czysz distributed a draft policy, which the subcommittee will review at its next meeting. Highlights of said draft policy include:

- Existing leases would be permitted to renew for 5-year terms contingent on meeting all statutory and lease conditions and achieving compliance with all required state and federal permits.
- Future leases –
 - **Plan A** – Halt all new leases adjacent to public waters by January 1, 2012 and any new leases adjacent to undeveloped land shall not be eligible for a new lease effective immediately –**OR**–
 - **Plan B** – Again, no new leases adjacent to undeveloped land and future new leases only permitted adjacent to land developed or vested as of January 1, 2010.
 - **For both**, exemptions would be permitted for leases or transfers intended for a public uses or access.
- Communication Policy – The following recommendations are intended to improve current operations and transparency in the surplus land request process:
 - Grant administrative rule making authority to CORD to formalize its SLR and meeting procedures;
 - Enact a 30 notice requirement for SLRs to be heard by long range, and
 - Require SLRs under 4:39 c, not reviewed by CORD, to provide notice to CORD of such actions to allow other agencies to acquire said land if interested and have the necessary funds.

Ms. Czysz indicated that any comments, regarding the draft policy, submitted to her prior to the July 15, 2008 meeting would be passed along at that meeting.

Mr. Barrett announced that he is serving on the “Pricing” subcommittee of the HB710 Commission. He reported that the committee is currently addressing the matter surrounding the fact that all shorefront leases throughout the state are not realistically valued at the same rate. The subcommittee has meet with various professionals including municipal assessors. When asked if “fair market value” has been introduced as a solution, Mr. Barrett indicated that it, along with many other factors, has been discussed.

Mr. Carpenter stated that he is serving on the “Public access and water quality” subcommittee of the HB710 commission. He reported that the subcommittee is looking at a broad range of issues including the very definition of “surplus.” This subcommittee will also be meeting on July 15th.

Ms. Czysz stated that the next full Commission meeting is on August 12, 2008 and its final report is due by November 1, 2008.

B. Legislative Update.

Ms. Czysz reported on HB 1349 was signed by the Governor on June 6, 2008 and now allows current CORD members to appoint a designee with the authority to vote. The bill has also removed the representative from the “Division of Emergency Services, Communications, and Management” from CORD membership, thus eliminating dual representation from the Department of Safety. She reported that OEP staff have distributed a form that can be used to appoint a designee. While several agencies have already submitted a form, others have yet to do so.

C. Smart Growth Report Implementation Plan.

Mr. Sassan passed around a survey form and explained that it will be circulated through state agencies via Commissioners for the purposes of learning how to best address priority 3 of the *Report on Growth Management Recommendations Implementation Plan*, “agency smart growth training.” The Commissioners will be responsible for determining who within their agencies should be given a survey. Mr. Sassan reported that, presently, the plan is to:

- Post the survey to the website;
- Send out a memo and email, containing the URL, to Commissioners requesting they forward the survey link to those they choose and direct them to email completed surveys to OEP.
- Paper copies can be submitted, but digital would be preferred as they can be converted into a database entry.

Mr. Uncles provided the following comments on the survey:

- Question 2 should be expanded to include “Protection of natural resources including agriculture and forestry.”
- Question 4 should include a column titled, “not relevant” or “N/A”

Ms. Muzzey provided the following comment on the survey:

- In Questions 2 and 6, “Preservation of historic village centers” should be expanded to read, “Preservation of historic village centers *and landscapes*.”

When asked who, exactly, will fill out the survey, Mr. Sassan indicated that the present intent was to leave the decision in the hands of the commissioners. Chairman Ignatius suggested that commissioners should be given some direction so that agencies are equally represented.

Ms. Czysz requested any additional comments on the survey be submitted to OEP by July 17, 2008. OEP would then distribute the survey shortly thereafter, allowing 2

weeks to return completed survey, and have OEP tabulate results for the September 2008 CORD meeting.

Mr. Sassan announced that Joanne Cassulo will be at CORD's next meeting to discuss the Citizen's Planner Collaborative which was deemed, at the May 13, 2008 CORD meeting, to be the best way to address Priority 2: "Develop planning tools fro local and regional use."

V. CORD 2008 PROPOSED MEETING SCHEDULE

September 4, 2008

November 6, 2008

All meetings will be held at the Office of Energy and Planning, 4 Chenell Drive, 2nd Floor, Concord, NH, unless otherwise noted. Meetings begin at 9:30 AM.

VI. ADJOURNMENT

The meeting adjourned at 11:34 AM.

Respectfully Submitted,

Amy Ignatius
Chair

AI/das