

New Hampshire Council on Resources and Development

Office of Energy and Planning
4 Chenell Drive, Concord, NH 03301
Voice: 603-271-2155 | Fax: 603-271-2615



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1-800-735-2964

FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT OCTOBER 20, 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 Department of Resources and Economic Development
Elizabeth Muzzey, Director, NH Department of Cultural Resources, Division of Historical Resources
Lorraine Merrill, Commissioner, NH Department of Agriculture
Michael Bieniek, Designee for NH Department of Education
Michael Racine, Designee for NH Fish and Game Department

OTHERS PRESENT

Shanna Saunders, City of Laconia
Tracey Boisvert, NH Office of Energy and Planning
Steve Walker, NH Office of Energy and Planning
Al Brooks, NH Attorney General's Office
Lou Barker, NH Department of Transportation
Jennifer Czysz, NH Office of Energy and Planning
Dari Sassan, NH Office of Energy and Planning

I. ROLL CALL AND INTRODUCTIONS

Chairman Ignatius called the meeting to order at 1:05 pm. Council members and other attendees introduced themselves by name and affiliation.

II. MINUTES

A. Approval of CORD Meeting Minutes of July 10, 2008.

Mr. Drew requested that, on page 1 paragraph 3 of the July, 2008 minutes, the word "between" be changed to "among," as more than two parties were being referenced.

ACTION: MOVED by Mr. Drew, seconded by Mr. Carpenter, THAT the minutes of the Council meeting held on July 10, 2008 be approved as amended. The motion passed unanimously by a vote of 7 – 0.

III. LAND CONSERVATION INVESTMENT PROGRAM

A. Discussion of CORD's requested involvement in an easement enforcement action in Canaan, NH

To provide background, Chairman Ignatius drew a distinction between the Land Conservation Investment Program (LCIP) and the Land and Community Heritage Investment Program (LCHIP). Alluding to the fact that the upcoming discussion would surround a matter of litigation, Chairman Ignatius recommended that the Council enter nonpublic session.

ACTION: MOVED by Mr. Drew seconded by Mr. Bieniek to CLOSE the public meeting and ENTER into a nonpublic session to discuss matters protected by attorney-client privilege, at 1:15 PM. The motion passed unanimously by a vote of 7 – 0.

ACTION: MOVED by Mr. Drew seconded by Mr. Carpenter to ADJOURN the nonpublic session and RETURN to the public meeting at 1:45 PM. The motion passed unanimously by a vote of 7 – 0.

ACTION: MOVED by Ms. Merrill seconded by Ms. Muzzey to SEAL the minutes of the nonpublic session and maintain all materials reviewed during the nonpublic session internal and confidential. The motion passed unanimously by a vote of 7 – 0.

B. LCIP Annual Report

Ms. Boisvert distributed a handout summarizing LCIP highlights during fiscal year 2008. She explained that the Conservation Land Stewardship Program (CLS) staff normally present their full annual report to CORD at its November meeting. However, because that meeting was rescheduled to October this year, she would not have that opportunity and instead was presenting a reduced draft.

Ms. Boisvert explained that the CLS program is charged with monitoring all LCIP easements as well as other conservation lands outside of LCIP. She indicated that the former CLS director had left and that for the first half of fiscal year 2008, Mr. Walker was managing the program by himself. Ms. Boisvert indicated that Mr. Walker had performed admirably in this situation.

Ms. Boisvert indicated that LCIP is funded through an endowment, which, at present time, is not performing very well, remaining essentially flat and rendering a decreasing income. She stated that the CLS staff and other Office of Energy and Planning staff will meet quarterly with the state treasurer during fiscal year 2009 to remain in synch with economic conditions and to discuss strategies for improving investment yields.

Ms. Boisvert revisited memoranda of agreement that CORD had approved at its March 6, 2008 meeting, which allow for funds to be deposited into the LCIP endowment by the Department of Agriculture and the Fish and Game Department. These agreements, explained Ms. Boisvert, allow for the up-front contribution of blocks of money, which will generate sufficient interest income to fund the ongoing monitoring of the respective

selected easement properties. She also mentioned MOA contracts that CLS has with the Department of Resources and Economic Development and the Fish and Game Department in which the CLS program performs easement monitoring of non-LCIP easement lands for those agencies. These contract funds are part of the program's operating budget and are not part of the endowment.

Ms. Boisvert stated that, in recent years, the CLS has seen an increase in ownership transfers of LCIP lands. She recognized that, sometimes, new owners do not share the same conservation goals as the original grantors. For that reason, and because of development pressures on adjacent lands the program is seeing more instances of encroachment and other easement violations as well as increased inquiries for easement interpretation. Ms. Boisvert said she anticipates this trend to continue and expressed the importance of developing and maintaining good landowner relationships. To address the issue of ownership changes and establish a positive landowner relationship, CLS has instituted a program of issuing a "New Landowner Packet" to each new landowner, both for state-held and town-held easements.

Mr. Walker indicated that questions relating to the interpretation of restrictive language of some use limitations on town-held conservation easement lands are increasing as well. He cited the increased attention to wind energy and the ever-changing nature of agriculture as examples.

Mr. Drew asked if the closing of a landfill had been the source of complication in upholding an easement on a property in Columbia. Ms. Boisvert replied that the Department of Environmental Services is in the process of enforcing groundwater contamination regulations that caused damage to the easement property, however the matter is currently unresolved.

Ms. Merrill said that sometimes neither the owner, nor the abutter might take issue with an encroachment of an easement, yet under the terms of the easement, the encroachment still constitutes a violation. Ms. Boisvert expressed that sellers of easement properties are required to report the sale to the easement holder, which can often serve as an opportunity to resolve small violations.

Mr. Walker summarized that CLS staff are in the "people management business." Although Ms. Boisvert and he are responsible for monitoring easement land, Mr. Walker continued, it is not the land itself that constitutes the bulk of their work, it is the management of those who use, and perhaps misuse, that land that is the focus of the CLS staff.

Chairman Ignatius stated that, under normal circumstances, the CLS annual report is reviewed and voted upon by CORD in its final form. She asked if CORD members would feel comfortable issuing a conditional approval of the report based on the summary and authorizing Chairman Ignatius to review and approve the final report and use her discretion as to whether or not the report should need to once again come before CORD prior to its issuance on December 1, 2008.

ACTION: MOVED by Mr. Carpenter seconded by Ms. Merrill to CONDITIONALLY APPROVE the CLS annual report contingent upon a favorable review by the CORD chair. The motion passed unanimously by a vote of 7 – 0.

IV. SMART GROWTH

A. Laconia Smart Growth Presentation.

Ms. Saunders thanked Chairman Ignatius and the members of CORD for allowing her to present Laconia's smart growth efforts. She began by saying that Laconia applied for, and received, funding from the US Environmental Protection Agency (EPA) to conduct research in Laconia to recognize the City's smart growth opportunities. Ms. Saunders stated that Laconia has three distinct villages: the Weirs, Downtown, and Lakeport, that are all connected by a commercial corridor.

Ms. Saunders indicated that Laconia was the first municipality in NH, and only the second in New England, to receive this type of EPA funding. She said that the EPA grant was valued at \$50,000, which came in the form of two EPA planners who subcontracted with other consultants with expertise in economics, transportation, architecture and planning.

Originally, stated Ms. Saunders, EPA was focused on researching the three villages and uncovering areas where changes to zoning and other regulations could lead the City towards smart growth and new urbanism. Ms. Saunders reported that the consultants' initial work included taking photographs, conducting traffic counts, observing traffic patterns, and holding community forums with a broad range of stakeholders present. Through this, Ms. Saunders stated, the consultants determined that Laconia was not yet ready to go forward with changes to its municipal ordinances but should instead develop illustrative plans for each of the three villages as a way to guide future zoning and regulatory changes.

Ms. Saunders presented further findings of this research, which are captured in the 2007 report "U.S. EPA Smart Growth Implementation Assistance For Laconia, New Hampshire." This report is online at <http://www.epa.gov/smartgrowth/pdf/laconia.pdf>.

Ms. Saunders stated that the three villages have a history of failing to work together to create the optimal economic setting in Laconia. Chairman Ignatius asked if the EPA report had helped to calm the rivalry between the villages and generate a more cooperative atmosphere? Ms. Saunders replied that for six to eight months following the study, the villages seemed to work in concert but that eventually they resorted to their historical behaviors, which included expressing jealousy whenever money was spent unevenly. She added that these attitudes that had been formed over many years could not be expected to change immediately.

Mr. Drew asked if Laconia had seen any success in terms of affordable housing development. Ms. Saunders replied that, indeed, success had been realized in this area. In one instance a mill building was redeveloped generating affordable housing

opportunities and that three developments, each averaging approximately 100 units and each providing some workforce housing, were in progress.

Ms. Muzzey asked if other NH communities had since applied for such funding, having seen what has taken place in Laconia? Ms. Saunders answered that though she does not know of any NH communities that have gone after this particular program, she does receive calls from all over the country from individuals interested in Laconia's story. She added that she would definitely recommend the EPA program to anyone who might be interested.

In a related matter, Chairman Ignatius asked if any actions had taken place following CORD's approval of SLR 08-005 in July 2008. Mr. Barker replied that while no construction had taken place, neither had any encroachment violations thanks in large part to the involvement of the City of Laconia. Chairman Ignatius followed by asking if everything had been finalized. Mr. Barker responded that the appraisal process is currently underway and that the SLR had yet to advance to the Long Range Capital Planning and Utilization Committee.

B. Smart Growth Report Implementation Plan

Mr. Sassan distributed a handout, which summarized the results of a survey he had distributed to 36 state agencies. He indicated that the purpose of the survey was to gather information that might help to guide efforts toward the development of a smart growth-training program for state agencies. He stated that although he hoped to receive multiple survey responses from each agency, he actually received 12 responses representing 10 state agencies. Mr. Sassan added that while the sample size was not large enough to be utilized for any statistical analyses, the information was constructive and that learning other agencies' views on smart growth will be helpful when developing a smart growth education program.

Some of the findings that Mr. Sassan presented include:

- Agencies that participated in the survey:

Community College System of NH (2)	NH Department of Administrative Services
NH Department of Education (2)	University of New Hampshire
NH Highway Safety	NH Commission for Human Rights
Christa McAuliffe Planetarium	NH Housing Finance Authority
NH Community Development Finance Authority	NH Department of Resources and Economic Development
- Of the 12 respondents, 7 said they had a high familiarity with smart growth.
- Based on participants' responses, "technical assistance and public education" was believed to be the area where agencies had the best opportunity to affect smart growth, followed by "none" and "expenditures." When responding to the individual

- principles, “adherence to traditional settlement patterns when siting municipal and public buildings and services” received the most positive responses, followed by “vibrant commercial activity within cities and towns” and “strong sense of community identity.”
- When asked what types of smart growth training they would prefer, respondents showed a preference to workshops, followed by reading materials and web-based training. Mr. Sassan noted that the citizen’s planner collaborative team had discovered that web-based training might provide the maximum return in terms of effectiveness per unit expenditure. He also noted that none of training suggestions was deemed “highly unfavorable.”
 - When asked what obstacles inhibit agencies’ abilities to implement smart growth, “cost conflicts” were seen as the primary reason followed by “general indifference.”

Mr. Sassan indicated that Joanne Cassulo of OEP would be attending a future CORD meeting to discuss the citizen’s planner collaborative, which CORD has recognized as a means of achieving its goal of providing smart growth education at the municipal and regional level. CORD members encouraged Mr. Sassan to continue his work and to incorporate the information gathered from the survey into ongoing efforts to develop a smart growth-training program for state agencies.

V. OLD BUSINESS

A. HB710 Study Commission Update

Ms. Czysz announced that the HB 710 Study Commission to study issues relative to the practice of leasing state-owned real estate on the shores of public waters would be submitting its final report on November 1, 2008. She distributed a draft of the report to CORD members. Ms. Czysz stated that subcommittees of the commission, including data, policy, pricing and public access/water quality have each submitted recommendations for the report.

Ms. Czysz reviewed the legislative and policy recommendations in the report and instructed CORD members to convey any requests for changes to her before the committee meets again on October 28, 2008.

Referring to one of the legislative recommendations, Chairman Ignatius asked what the commission’s view was on funnel development. Ms. Czysz replied that the commission generally does not approve of such development and through its policy regarding future leases anticipates that leases for such developments would be prevented.

Ms. Czysz distributed a draft revised surplus land review (SLR) application that included potential changes to questions which place a higher focus public access for each surplus land request site. CORD members agreed that the staff revisions to the SLR application form, as presented, did not require formal CORD approval to be implemented.

VI. NEW BUSINESS

A. Interagency Customer Service and Coordinated Permitting Initiative

Chairman Ignatius recommended reserving the discussion of the Interagency Customer Service and Coordinated Permitting Initiative until the next meeting.

VII. CORD 2008 PROPOSED MEETING SCHEDULE

January 8, 2009	July 2, 2009
March 5, 2009	September 3, 2009
May 7, 2009	November 5, 2009

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.

VII. ADJOURNMENT

The meeting adjourned at 3:43 PM.

Respectfully Submitted,

Amy Ignatius
Chair

AI/das