

# New Hampshire Council on Resources and Development

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## **DRAFT MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT JANUARY 8, 2009**

### **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  
Michael Bieniek, Designee for NH Department of Education  
Michael Racine, Designee for NH Fish and Game Department  
Dave Barrett, Designee for NH Department of Safety  
Bill Ray, NH Housing Finance Authority

### **OTHERS PRESENT**

Nadine Peterson, NH Department of Cultural Resources, Division of Historical Resources  
Mike Randall, NH Employment Security  
Jill Revels, NH Employment Security  
Lisa Danley, NH Department of Education  
Ed Taylor, NH Department of Education  
Jennifer Czysz, NH Office of Energy and Planning  
Dari Sassan, NH Office of Energy and Planning

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### **I. ROLL CALL AND INTRODUCTIONS**

Chairman Ignatius called the meeting to order at 2:06 PM. Council members and other attendees introduced themselves by name and affiliation.

### **II. MINUTES**

#### **A. Approval of Council on Resources and Development (CORD) Meeting Minutes of October 20, 2008.**

Chairman Ignatius requested that the third sentence of the third full paragraph on page five be changed to read, "He stated that although he hoped to receive multiple survey responses from each agency, he actually received 12 responses representing 10 state agencies."

**ACTION:** MOVED by Mr. Barrett, seconded by Mr. Carpenter, THAT the minutes of the Council meeting held on October 20, 2008 be approved as amended. The motion passed unanimously by a vote of 7 – 0.

### **III. DISPOSAL OF STATE OWNED LAND SURPLUS LAND REVIEW (SLR)**

#### **A. Statewide**

**SLR08-006**

**Request to allow 6 community action program agencies to share space in the offices of NH Employment Security in the municipalities of Berlin, Conway, Somersworth, Portsmouth, Salem, Nashua, Manchester, Concord, Laconia, Keene, Claremont, Lebanon, and Littleton.**

Mr. Randall distributed a handout describing the Welfare to Work program that the Department of Employment Security is involved with. He described his SLR as a “platypus” because it does not fall clearly inside or outside the realm of the SLR process.

Mr. Randall said that the State’s response to the Welfare to Work program included an initiative to create centers where an unemployed person might get financial assistance, employment training, and a variety of other services all under one roof. Within these centers, explained Mr. Randall, some services are provided by state agencies, while others are provided by non-state entities, thus creating the need to lease state property.

Mr. Randall explained these leases are not traditional leases because, in addition to office space, lessees receive use of material resources (e.g. computers) and intellectual resources (e.g. collaboration with personnel from other agencies).

Chairman Ignatius indicated that there was some confusion about the financial aspects of the proposed lease. She asked Mr. Randall to describe the estimated cost per person per office space. Mr. Randall replied that costs would vary as they are based upon a proportional distribution of total facility costs. As an example, he said that in an office of 30 full-time people, an organization that places one full-time person in the office would carry 1/30<sup>th</sup> of the cost.

Chairman Ignatius asked why two different costs per person (\$21,990 and \$25,402) appeared within Exhibit A of the contract. Ms. Revels replied that the lesser figure represented the cost to participating entities while the larger figure represented additional costs to NH employment Security. Chairman Ignatius asked if the new lease (July 1, 2009 through June 30, 2014) would be different from the current lease. Mr. Randall replied that no substantial difference exists between the two leases.

Mr. Carpenter requested clarification as to how the lease was deemed to be a CORD matter. Mr. Randall replied that the Attorney General’s Office determined that when a lease proposes that state property be utilized by non-state entities, it must go before CORD. Mr. Carpenter suggested that because the office space had no suitable purpose other than the purpose proposed within the lease, it might not represent any type of “concession” and should perhaps be exempt from CORD review.

Chairman Ignatius reviewed comments that had been received to date. She noted that the NH Department of Environmental Services (DES) expressed support of the lease, provided all necessary approvals are met. Mr. Randall said that all environmental impacts from the site are already in effect and will not be impacted by the lease. Mr. Drew asked if any problems related to underground storage tanks were known. Mr. Randall answered that no such problems have been discovered. Chairperson Ignatius acknowledged that a question regarding the contract price posed by the NH Department of Health and Human Services had

been previously addressed when Mr. Randall explained the non-traditional nature of the lease.

**ACTION:** MOVED by Mr. Drew seconded by Mr. Carpenter to CONDITIONALLY APPROVE SLR08-006 pending no receipt of adverse comment during the remaining comment period ending January 13, 2009. The motion passed unanimously by a vote of 7 – 0.

**B. Nottingham and Barrington SLR08-007  
Request from the Department of Resources and Economic Development to dispose of a 4.3 acre undeveloped tract that lies mostly in Nottingham.**

Mr. Carpenter described the tract as a 4.3 acre piece of land that does not match with the legislative charge of the Department of Resources and Economic Development (DRED). He added that the tract offers no utility to DRED and the agency hopes to sell the piece of land and use the proceeds to augment its operational budget. Mr. Carpenter said that the property might sell for an amount between \$100,000 and \$150,000.

Mr. Ray said that NH Housing Finance Authority (NHHFA) might be interested in acquiring the property for housing purposes. He added that through a process established through NH RSA 204-D, NHHFA might petition the DRED Commissioner to deem the property as “surplus.” Mr. Ray said that local zoning ordinance would allow for a small housing project to take place within the tract.

Mr. Carpenter asked for clarification of how such a transfer might transpire. Mr. Ray said that the land would be transferred to NHHFA and subsequently transferred to a developer, adding that the averted land acquisition costs would facilitate a more affordable project, resulting in more affordable housing units.

Mr. Carpenter conveyed DRED’s desire to assist other agencies in whatever way possible. He also conveyed DRED’s desire to augment its budget in the upcoming fiscal year.

Chairman Ignatius read the following excerpt from NH RSA 204-D

*The provisions of RSA 4:40 notwithstanding, the governor and council may transfer surplus state owned property to the authority for use as sites for low and moderate income housing. Transfer of property for this purpose shall occur under the following procedure:*

- I. The authority shall petition the head of any department having jurisdiction over property the authority determines to be suitable for use as housing sites to declare such property surplus.*
- II. The department head shall notify the authority and the committee in writing whether or not the department considers the property surplus.*
- III. If the department considers the property surplus, the committee shall review the property to determine if it is suitable for uses permitted by this chapter.*

*IV. If the committee determines that the property is suitable for such uses, the authority shall request that the governor and council transfer the property, without consideration, to the authority.*

Chairperson Ignatius asked Mr. Carpenter if he would be able to comment as to whether DRED would still be interested in disposing of the land if the agency would not be receiving fair market value in return. Mr. Carpenter said that such a decision would be one for the DRED Commissioner to make. He reiterated DRED's desire to assist other agencies and added that his agency would also like to at least recover its costs.

Chairperson Ignatius asked if NHHFA might have a decision as to whether it is interested in the land before the comment period expiration date of February 4, 2009. Mr. Ray said that he expected his agency to be able to reach a decision before the expiration date. Mr. Carpenter said to Mr. Ray that he would work with him to reach a resolution.

Chairperson Ignatius referred to a map of the property, which depicted a stone wall. Mr. Carpenter said that he had contacted the Division of Historical Resources (DHR) for approval of the surplus. He presented a document that indicated approval from DHR.

Mr. Racine asked if section 10 of the Surplus Land Request application involved a natural heritage review. Mr. Carpenter replied that it did. Mr. Racine said that the Department of Fish and Game had no interest in the parcel.

Chairman Ignatius proposed a continuance of CORD action on SLR08-007 to the March 5, 2009 CORD meeting. Councilors expressed approval.

#### **IV. OLD BUSINESS**

##### **A. State Agency Smart Growth Training Initiative**

Mr. Sassan distributed a handout containing a proposed outline for a Smart Growth presentation to be given to state-agency personnel. He said that the format of the presentation closely follows the 2006 "Report on Growth Management to Governor John Lynch." He suggested that the outline would form the basis of a one-hour presentation, which could be performed at various state offices.

Ms. Peterson-offered her department's assistance in the creation of a presentation. Mr. Ray suggested videotaping the presentation to facilitate its distribution. Mr. Bieniek speculated that federal economic stimulus grants to states might require such training modules.

Mr. Sassan said that he would move forward with the development of a presentation using the outline as a map. He added that Joanne Cassulo would attend a future meeting to discuss the Statewide Citizens Planner Collaborative that CORD has decided to utilize in its efforts to broadcast Smart Growth training to the State's regions and municipalities.

##### **B. HB 710 Study Commission Update**

Ms. Czysz announced that the final report of the HB 710 Commission has been submitted. She said that the report and all of the Commission's other work is available online (<http://www.nh.gov/oep/programs/CORD/leasingcommission.htm>). Ms. Czysz stated that the Commission's charge was to examine State policy regarding leasing state land along public waters. She said that the report included the following major legislative recommendations:

1. Allow for existing leases to be extended in five-year increments provided lessees have met all state and local requirements.
2. Establish a policy that requires new lessees to own adjacent land, which has entered development on or before January 11, 2010 and is deemed “residential.”
3. Make DOT approvals for railroad crossings for dock access contingent upon the applicant’s ability to secure a dock permit.
4. Create an exemption for projects that offer a public benefit. Such an exemption would be subject to approval by the Long Range Capital Planning and Utilization Committee as well as the Governor and his/her Executive Council.
5. Price existing Department of Transportation leases along the railroad corridor at \$30.00 per linear foot effective upon the renewal of any existing lease or upon the implementation of any new lease after the effective date of this legislation. Every five years all leases shall be subject to a Consumer Price Index (CPI) adjustment at the time of lease renewal.

Ms. Czysz noted that the report also contains policy recommendations, including but not limited to:

1. A public relations effort, which would include clarification that public waters are for public use and that no lessee has the right to interfere with another individual’s use of public waters.
2. The Long-Range Capital Planning and Utilization Committee should make their agendas and minutes more readily available to the public and distributed directly to interested parties including municipalities in which surplus land requests are being deliberated.
3. Work to develop and implement ways in which state agencies can work more effectively to serve the public throughout the surplus land review process.

Chairman Ignatius requested that Commission members who also serve on CORD keep CORD updated on legislative hearings involving HB 710 Commission recommendations.

**V. NEW BUSINESS**

**A. Interagency Customer Service and Coordinated Permitting Initiative**

Mr. Drew distributed handouts describing an initiative to streamline the process of reviewing projects that involve multiple state agencies. He said that as part of the process, a group of private sector individuals - folks who are on the receiving end of state permits – were brought in and encouraged to voice all of their thoughts regarding the state-permitting process. Mr. Drew said that the meeting was one of the most informative of his career.

Mr. Drew said that the Customer Service and Coordinated Permitting Initiative seeks to create a situation in which applicants can turn to one location to find out everything they must do to secure all necessary state permits. Another goal of the program, continued Mr. Drew, would be that once one state agency becomes aware of a project, all other agencies are signaled.

Mr. Drew indicated that some of the feedback he has received from the private sector is that the permitting process has become so complicated, smaller entities cannot afford to get

through it. Mr. Drew said that there might be a way to expedite basic permit applications and to hold the more complex projects to a higher degree of examination.

Chairman Ignatius asked Mr. Drew to keep CORD informed of ways that the Council might be able to assist in the further development of this program.

**B. Capital Budget Requests**

Chairman Ignatius reviewed a letter to Governor Lynch that would accompany CORD comments regarding the compliance or non-compliance of state agency capital improvement proposals with Smart Growth principles. Mr. Racine requested that an entry regarding an information technology project reflect a response of “no comment” from CORD. This change, said Mr. Racine, would maintain consistency with CORD comments to other information technology related items. Mr. Sassan said that he would place a comment on the header of the budget spreadsheet that would refer readers back to the letter to the Governor for an explanation of the numerical symbols on the spreadsheet.

Chairman Ignatius asked CORD members if they would find it acceptable to submit the spreadsheet and letter with the amendments discussed. CORD members expressed unanimous consent.

**VII. CORD 2009 PROPOSED MEETING SCHEDULE**

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

*All meetings will be held at the Office of Energy and Planning, 4 Chenell Drive, 2<sup>nd</sup> Floor, Concord, NH, unless otherwise noted. Meetings begin at 9:30 AM and are open to the public.*

**VI. ADJOURNMENT**

The meeting adjourned at 3:40 PM.

Respectfully Submitted,

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Amy Ignatius  
Chair

AI/das