

New Hampshire Council on Resources and Development

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FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT MARCH 5, 2009

MEMBERS PRESENT

Amy Ignatius, Chair, Director, NH Office of Energy and Planning
Bill Carpenter, Designee for NH Department of Resources and Economic Development
Michael Racine, Designee for NH Fish and Game Department
Dave Barrett, Designee for NH Department of Safety
Bill Ray, Designee for NH Housing Finance Authority
Dick Uncles, Designee for NH Department of Agriculture, Markets & Food
Elizabeth Muzzey, Designee for NH Department of Cultural Resources

OTHERS PRESENT

Jacquie Colburn, NH Department of Environmental Services
Louis Barker, Bureau of Rail and Transit, NH Department of Transportation
Deborah Turcott Young, NH Land and Community Heritage Investment Program
Tracey Boisvert, Conservation Land Stewardship Program, 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 9:09 AM. 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 January 8, 2009.

Mr. Sassan announced that Michael Bieniek of the NH Department of Education had submitted a written request to have “Mr. Racine” replaced with “Mr. Bieniek” in two places within the second full paragraph on page 6 of the draft minutes from the January 8, 2009 CORD meeting.

ACTION: MOVED by Mr. Ray, seconded by Mr. Carpenter, THAT the minutes of the Council meeting held on January 8, 2009 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. Nottingham and Barrington SLR 08-007
Request from the Department of Resources and Economic Development to dispose of a
4.3 acre undeveloped tract that lies mostly in Nottingham.**

Chairman Ignatius summarized the discussion surrounding SLR 08-007 at the January meeting. Mr. Ray explained that NH Housing Finance Authority looked at the property and determined that it was not suitable for the development of affordable housing. Mr. Uncles said that the property might contain valuable agricultural soils.

ACTION: MOVED by Mr. Barrett seconded by Mr. Ray to APPROVE SLR 08-007, as submitted. The motion passed unanimously by a vote of 7 – 0.

**B. Nottingham SLR 09-001
Request from the Department of Resources and Economic Development to grant an
easement in Pawtuckaway State Park, Nottingham to NH Electric Cooperative.**

Mr. Carpenter described the easement as one that would be necessary to bring power into the state park. He said that the standard width for such easements is thirty feet, but that, in this case, the disturbance area would be closer to fifteen feet. Ms. Muzzey said that the general location of the easement represents an area of archeological sensitivity and requested that Mr. Carpenter send a copy of the easement to Edna Feighner, Historian/Archeologist, NH Department of Cultural Resources. Mr. Carpenter said he would do so.

ACTION: MOVED by Mr. Barrett, seconded by Mr. Ray to APPROVE SLR 09-001 with the following stipulations:

- NH Electric Cooperative will provide design plans to the NH Department of Historical resources and gain clearance for archeological sensitivity prior to the start of construction.
- Disturbance will be minimized within the thirty-foot width of the easement with a goal of containing the width of disturbance to fifteen feet.

The motion passed unanimously by a vote of 7 – 0.

**C. Belmont SLR 09-002
Request from the Department of Transportation to lease 8,004 square feet of land on
the railroad corridor at Morway Lane to an abutting landowner.**

Chairman Ignatius proposed that discussion of SLR 09-002 and SLR 09-003 be combined. All expressed acquiescence. Mr. Barker said that the leases are needed to formalize and legitimize an existing encroachment of railroad right-of-way. He added that by doing so, the Department of Transportation (DOT) establishes a relationship and a dialogue with the abutter of the railroad corridor. Chairman Ignatius expressed a hope that DOT will be able to register with the landowners that this would not be the first in a series of expanding infringements into the corridor, but rather a one-time settlement of a historic encroachment.

Mr. Barker explained that the leases would not interfere with railroad operations and would create a straight-line boundary along the affected portion of the corridor. He added that, if at any time DOT needs the land for railroad operations, the leases could be voided. Mr.

Carpenter asked how a price would be determined for the leases. Mr. Barker replied that a new appraisal would be conducted.

Chairman Ignatius read a comment received from Christopher Gamache, Supervisor of Off-Highway Recreational Vehicles, Trails Bureau, NH Department of Resources and Economic Development. Mr. Gamache expressed concern that snowplowing might disrupt recreational use of the railroad corridor. Mr. Barker said that no plowing would occur within the easement that would disrupt recreational activities.

Ms. Colburn observed that the lots are in close proximity to a surface water body and that it might be appropriate to consider the septic systems. Chairman Ignatius followed by asking if the leases would in any way allow for additional development or expansion of the lots. Mr. Barker answered that the leases would not enable additional development.

ACTION: MOVED by Ms. Muzzey seconded by Mr. Carpenter to APPROVE SLR 09-002 as submitted, subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously by a vote of 7 – 0.

D. Belmont **SLR 09-003**
Request from the Department of Transportation to lease 4,600 square feet of land on the railroad corridor at Morway Lane to an abutting landowner.

-- See section III-C (above) for discussion of this matter. --

ACTION: MOVED by Ms. Muzzey seconded by Mr. Carpenter to APPROVE SLR 09-003 as submitted, subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously by a vote of 7 – 0.

E. Danbury **SLR 09-004**
Request from the Fish and Game Department to grant waterline easements across a 111-acre parcel and to transfer ownership of 1.3 acres of land containing the Danbury Bog dam in exchange for 100 acres of wetland forest surrounding the Danbury Bog Wildlife Management Area.

Mr. Racine explained that the proposed waterline easement would provide for snowmaking capacity at Ragged Mountain Ski Area. He said that under the Natural Heritage Review process, it was discovered that a Northern Harrier population might be impacted, but wildlife personnel within his office indicated that the proposal would not impact the species. Mr. Racine said that the increased snow that would result from winter snowmaking could increase spring runoff and that stormwater would need to be appropriately treated.

Mr. Carpenter said that he has trust in the Fish and Game Department's (F&G) ability to write a Management Plan that comprehensively protects all resources in the area. He added that water withdrawal concerns should be addressed in the plan so as to protect fish and wildlife species. Mr. Racine said that the Department of Environmental Services (DES) controls water withdrawals and that F&G would not be able to address the matter. Mr. Carpenter said that he disagreed because within the Management Plan, F&G could incorporate language that addresses withdrawals.

Ms. Colburn said that the DES Wetlands Bureau was in the process of reviewing the project and said that the Lakes Management Advisory Council and the Rivers Management Advisory Council will provide comments to CORD regarding the application.

Ms. Muzzey said that the dam dates back to 1948 and proposed that the Management Plan contain language requiring the owners of the ski area to check with Historic Resources before altering the dam in any way.

Chairman Ignatius observed that multiple unresolved questions remained about the project and recommended that SLR 09-004 be taken up at the May meeting. CORD members expressed unanimous consent. Mr. Carpenter proposed adding the Division of Historic Resources and DES as parties to the agreement.

F. Milton SLR 09-005
Request from the Fish and Game Department to exchange fee interest in the 9.8 acre Milton Wildlife Management Area for a conservation easement on a minimum of 310 acres of forestland adjacent to the Milton Wildlife Management Area.

Mr. Racine explained that the 9.8-acre parcel that F&G would like to exchange is landlocked. Several questions were raised about the ultimate outcome of the proposal. Mr. Racine responded that he would return to the May meeting with further information. Chairman Ignatius observed that multiple unresolved questions remained about the project and recommended that SLR 09-005 be taken up at the May meeting. CORD members expressed unanimous consent.

G. Laconia SLR 09-006
Request from the Department of Transportation to sell approximately 3,600 square feet of land on the railroad corridor at New Salem Street in the City of Laconia to the abutting landowners.

Mr. Barker said that the SLR property contains a section of railroad siding¹ that once served the “Laconia Car Works,” a once famous railroad car manufacturer. He explained that the siding is now disconnected from the main railroad line and is not integral to the railroad corridor. Mr. Barker said that his agency would like to put the parcel out to bid to the surrounding landowners and include a clause in the sale that allows the state ninety days to remove the rail. He added that he had made the city aware of the proposal.

Mr. Barrett said the land appears to have no real value to the state and that it would likely be best to surplus the parcel. Mr. Ray concurred. When asked what lot line adjustments might be required, Mr. Barker replied that such matters would be out of DOT’s hands.

ACTION: MOVED by Mr. Uncles seconded by Mr. Barrett to APPROVE SLR 09-006 as submitted, subject to no adverse comments being received during the remainder of the 30-day comment period. The motion passed unanimously by a vote of 7 – 0.

IV. NEW BUSINESS

A. Land Conservation Endowment Gifts

¹ Defined as “a short railroad track connected with the main track.” (Merriam -Webster, 2009)).

Ms. Boisvert presented a memorandum of agreement (MOA) between the Department of Resources and Economic Development (DRED), the Office of Energy and Planning and CORD. She explained that DRED is to receive gift funds for long-term stewardship and enforcement monitoring for certain parcels where it holds conservation easements. The MOA would allow this (and future) money to be deposited into the land conservation endowment and utilized by the Conservation Land Stewardship (CLS) Program in accordance with RSA 162-C:8 for long-term stewardship of these easements.

Mr. Carpenter said that the MOA suits DRED's needs perfectly. He said that, in the event that DRED is able to secure funds for easement monitoring, the MOA provides for the most efficient use of the money. Ms. Boisvert stated that the minimum amount that would be accepted into the fund at one time would be \$10,000.

Chairman Ignatius asked if the MOA was similar to the MOAs that CORD approved between F&G and the Department of Agriculture, Markets and Food last year. Ms. Boisvert said that they were. Chairman Ignatius asked if the Attorney General signed off on the previous MOAs. Ms. Boisvert said that she did. Chairman Ignatius asked if DRED approved of the proposed MOA as it is currently written. Mr. Carpenter said that DRED does approve. Mr. Ray asked who manages the endowment. Ms. Boisvert said that CORD oversees the endowment and the Treasury manages the funds.

ACTION: MOVED by Mr. Uncles seconded by Mr. Ray to APPROVE acceptance of gifts into the endowment, authorize the Conservation Land Stewardship program to utilize funds from the endowment to carry out stewardship monitoring responsibilities for the associated projects, and to authorize the CORD chairperson to sign the associated Memorandum of Agreements with the Department of Resources and Economic Development on CORD's behalf. The motion passed unanimously by a vote of 7-0.

B. Land and Community Heritage Investment Program Endowment Disbursement

Ms. Turcott Young explained that when the Land and Community Heritage Investment Program (LCHIP) was created in 2000, the State's conservation endowment was divided into two subparts – the Community Conservation Endowment (CCE) and the Land Conservation Endowment (LCE). She said that, since that time, LCHIP has had a system for putting money into the CLE but not one for expending the money. Ms. Turcott Young said that she had come to CORD to receive its approval of a plan to expend fifty percent of the estimated annual interest and dividends generated by the fund.

Chairman Ignatius asked Ms. Turcott Young if she would be willing to provide CORD with an annual update. Ms. Turcott Young said that she would, adding that March is an ideal time of year for such a report.

ACTION: MOVED by Mr. Barrett seconded by Mr. Carpenter to APPROVE the request from the Land and Community Heritage Investment Program to authorize the annual disbursement of fifty percent of interest and dividends estimated to have been earned on the Community Conservation Endowment within each year. The motion passed unanimously by a vote of 7-0.

VII. CORD 2009 PROPOSED MEETING SCHEDULE

May 7, 2009
July 2, 2009

September 3, 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 and are open to the public.

V. ADJOURNMENT

The meeting adjourned at 11:15 AM.

Respectfully Submitted,

Amy Ignatius
Chair

AI/das