

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



TDD Access: Relay NH
1-800-735-2964

FINAL MINUTES COUNCIL ON RESOURCES AND DEVELOPMENT MAY 7, 2009

MEMBERS PRESENT

Amy Ignatius, Chair, Director, NH Office of Energy and Planning
Johanna Lyons, Designee for NH Department of Resources and Economic Development
Michael Racine, Designee for NH Fish and Game Department
William Ray, Designee for NH Housing Finance Authority
Elizabeth Muzzey, Designee for NH Department of Cultural Resources
Tim Drew, Designee for NH Department of Environmental Services
Robert Beaulac, Designee for NH Department of Administrative Services

OTHERS PRESENT

Tom Marshall, SEA Consultants, Inc.
Richard Cook, NH Fish and Game Department
Laura Weit, NH Department of Environmental Services
Emily T. Shaw, Keene resident
Herbert B. Shaw, Keene resident
Jonathan Evans, NH Department of Transportation
Nancy Mayville, NH Department of Transportation
Jim Donison, City of Keene
Deborah Turcott Young, NH Land and Community Heritage Investment Program
Tracey Boisvert, NH Office of Energy and Planning
Stephen Walker, 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 9:39 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 March 5, 2009.

ACTION: MOVED by Mr. Drew, seconded by Mr. Racine, THAT the minutes of the Council meeting held on March 5, 2009 be approved. The motion passed unanimously by a vote of 7 – 0.

III. NEW BUSINESS

A. NH DOT – Keene Route 12A Bridge/Shaw Conservation Easement

Mr. Walker described the project and proposed that any approval that might come forth ought to be contingent upon any required state and/or local approvals.

Mr. Marshall said that the original bridge was built in the 1950's. He said that it is too narrow and is structurally deficient, adding that it was red listed by the NH Department of Transportation (DOT) in 2000. Mr. Marshall said that the bridge provides an important transportation corridor, conveying 9600 vehicles per day. He said that in 2003, the City asked for an alternatives analysis, which rendered the following five options:

- a. Rehabilitate the bridge, maintaining the current width;
- b. Rehabilitate the bridge, adding wider shoulders and a sidewalk;
- c. Rehabilitate the bridge, adding a third lane and a sidewalk;
- d. Replace the bridge with a new 2-lane bridge;
- e. Replace the bridge with a new 3-lane bridge with wider shoulders and a sidewalk.

Mr. Marshall said that the final decision was to replace the bridge with a new three-lane bridge with wider shoulders and a sidewalk.

Regarding traffic maintenance during construction, Mr. Marshall said that a one-lane temporary bridge with traffic signals was currently being proposed. He said that construction would begin in summer 2009 and would be concluded by fall of 2010. Ms. Mayville said that the State would pay for 80% of the project and that Keene would pay for 20%. She said that American Recovery and Reinvestment Act funds would be utilized and that the project was therefore time-sensitive.

Mr. Marshall said that his organization is requesting temporary and permanent easements for disturbance to existing conservation easements. He indicated that easement areas appearing in previously circulated documents were incorrect. He corrected them as follows:

REQUESTED ACTION

1. *In accordance with RSA 162-C:6, IV, authorize the City of Keene to acquire 0.115 acres in temporary construction easements and 0.138 acres in permanent slope easements from the Shaw land (Parcel #913-6-17) in Keene, NH, which was acquired by the NH Land Conservation Investment Program and is currently monitored by the Conservation Land Stewardship Program (CLS) for OEP.*
2. *In accordance with RSA 162-C:6, IV, authorize the City of Keene to acquire 0.24 acres in permanent slope easements from the Shaw land (Parcel #913-17-5) in Keene, NH, which was acquired by the NH Land Conservation Investment Program and is currently monitored by the Conservation Land Stewardship Program (CLS) for OEP.*

Mr. Donison said that all impacts would be contained within the easement areas and added that SEA had worked to minimize the impacts by making the side slopes of the bridge approach as steep as possible. Mr. Marshall added that when the new bridge has been completed, all fill that was brought in for the temporary bridge would be removed and vegetation would be restored. He said that in addition to the Alteration of Terrain permit

process and the wetlands permit process, his organization has also researched potential impacts to sensitive species and found that none will be impacted.

Ms. Mayville said that this project has been exhaustive in its compliance with DOT's alternatives analysis requirements. She said that projects are required to strive to avoid impacts to historic, environmental and LCIP interests. If impacts cannot be avoided, Ms. Mayville continued, they must be minimized. She said that this project has met those requirements.

Mr. Drew said that the project application is in review at the Department of Environmental Services (DES). He asked about the possible requirement for a Shoreland permit. Mr. Marshall said that a waiver had been attained. Chairman Ignatius asked when DES might issue a response to the Wetlands permit application. Mr. Drew said that a response would likely be issued by the end of May, 2009.

Chairman Ignatius asked how the timing of construction might impact annual migratory and reproductive cycles of native species. Mr. Racine expressed particular concern regarding Atlantic Salmon. Mr. Drew said that such considerations would be part of the Wetlands permit process.

Chairman Ignatius noted that previous easement-line readjustments have required legislative approval. She asked why this particular readjustment would not. Mr. Walker said that DOT has been authorized to go before CORD – and not the legislature – for minor road improvements, provided a clear public benefit exists. Ms. Boisvert added that this exemption from legislative approval is only applicable to state roads.

Chairman Ignatius asked Mr. Walker if he was in support of the proposal. Mr. Walker said the he was comfortable with the project as it has been designed. Mr. Walker expressed his appreciation for the assemblage of expertise that this meeting had provided. In particular, Mr. Walker thanked the Shaws for their attendance.

ACTION: MOVED by Mr. Ray seconded by Mr. Drew to APPROVE DOT's request to authorize the City of Keene to acquire 0.115 acres in temporary construction easements and 0.138 acres in permanent slope easements from the Shaw land (Parcel #913-6-17) and 0.24 acres in permanent slope easements from the Shaw land (PARCEL #913-17-5) in Keene, NH with the following stipulations:

- DES Wetlands and Alteration of Terrain permits shall be secured;
- Plans shall indicate project demarcation limits and those limits shall also be demarcated on-site.

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

B. LONG RANGE MANAGEMENT PLAN FOR STATE OWNED LAND WITHIN THE DESIGNATED EXETER RIVER WATERSHED

Ms. Weit gave a presentation entitled "Long Range Management Plan for State-Owned Lands within the Designated Exeter River Watershed." A version of the presentation slides is available online at:

http://blogs.nh.gov/nhpress2/rmac/wp-content/uploads/2009/04/rmac_exeter_river_plan.pdf

Ms. Lyons asked what level of monitoring would occur to ensure compliance with the plan. Ms. Weit said that the logistics of monitoring had not been worked out yet. She said that the first step would be to circulate the plan to all state agencies that hold land within the management area and to seek their approval of the plan.

Mr. Racine asked how the recommendations of the plan would affect operations within the impacted agencies. Ms. Weit said that the plan was developed in collaboration with the agencies that would be impacted to ensure that its recommendations would be possible to implement.

IV. DISPOSAL OF STATE OWNED LAND REVIEW (SLR)

A. 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. Cook explained that the Fish and Game Department (F&G) had developed a dam management agreement that gives the Division of Historical Resources an opportunity to review any proposed alteration of the dam. Additionally, continued Mr. Cook, the agreement places terms upon water levels. He said that the water-level conditions were tied into DES requirements based upon 401 Certification. Mr. Cook said that the Public Waters Access Advisory Board has accepted the plan. If possible, he added, the point of public access will be moved away from the dam pending town approval. Mr. Cook said that the golf course is irrigated from a separate water source.

ACTION: MOVED by Ms. Muzzey seconded by Mr. Ray to APPROVE SLR 09-004 as submitted. The motion passed unanimously by a vote of 6 – 0 with 1 abstaining.

B. 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. Cook said that in order to clarify the boundary between easements, it made sense to transfer ownership of a 9.8-acre piece of land to the Seimens. He said that all F&G-managed easements allow for public access for low-impact activities. Ms. Muzzey said that the Division of Historic Resources would like to work with F&G to create language that provides for the protection of historically sensitive areas. Mr. Cook agreed to do so.

ACTION: MOVED by Mr. Ray seconded by Mr. Drew to APPROVE a 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 and including the Milton Wildlife Management Area. The motion passed unanimously by a vote of 6 – 0 with 1 abstaining.

VII. CORD 2009 PROPOSED MEETING SCHEDULE

July 2, 2009

September 3, 2009

November 5, 2009

Chairman Ignatius proposed that the July meeting might be convened in a location other than the Office of Energy and Planning. Ms. Lyons suggested that a property owned by the Department of Resources and Economic Development (DRED) might provide an appropriate location. Mr. Sassan agreed to follow up with DRED.

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.

IV. ADJOURNMENT

The meeting adjourned at 12:15 AM.

Respectfully Submitted,

Amy Ignatius
Chair

AI/das