

# New Hampshire Council on Resources and Development

NH Office of Energy and Planning  
107 Pleasant Street, Johnson Hall  
Concord, NH 03301  
Phone: 603-271-2155  
Fax: 603-271-2615



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

## FINAL MEETING MINUTES - April 9, 2012

### MEMBERS PRESENT

Joanne Morin, Chair, Director, NH Office of Energy and Planning  
Robert Beaulac, Designee for NH Department of Administrative Services  
Elizabeth Muzzey, Designee for NH Department of Cultural Resources  
Marta Modigliani, Designee for NH Department of Safety  
Edward Murdough, Designee for the NH Department of Education  
Mark Sanborn, Designee for the NH Department of Transportation  
Thomas Sloan, Designee for NH Department of Agriculture, Markets and Food  
Bob Spoerl, Designee for NH Department of Resources and Economic Development

### OTHERS PRESENT

Allen Brooks, Esq., Senior Assistant Attorney General, NH Department of Justice, representing CORD  
Evan Mulholland, Esq., Assistant Attorney General, NH Department of Justice, representing the  
Department of Fish and Game  
Glenn Normandeau, Executive Director, NH Department of Fish and Game  
Jeff King, NH Department of Fish and Game  
Tom Hubert, NH Fish and Game Commission  
Gregory Smith, Esq., McLane, Graf, Raulerson & Middleton, representing Lake Sunapee Protective  
Association  
June Fichter, Lake Sunapee Protective Association  
Tracey Boisvert, NH Office of Energy and Planning  
Susan Slack, NH Office of Energy and Planning

### **I. ROLL CALL**

Chairperson Morin opened the meeting at 1 p.m. She explained that the key question for CORD to consider was whether the boat launch and parking facility proposed for the Wild Goose property on Lake Sunapee by the Department of Fish and Game balanced the competing values of RSA 162-C:6.

The public was excused while CORD sought advice from its legal counsel, Senior Assistant Attorney General Allen Brooks.

When the public meeting reconvened, Mr. Smith, representing the Lake Sunapee Protective Association, announced that Ms. Fichter, of the LSPA, would record the meeting.

Chairperson Morin called for introductions of CORD members and others present. She also announced that any references during the April 2, 2012 CORD meeting to LCHIP, the Land and Community Heritage Investment Program, were mistaken and that only the former Land Conservation Investment Program (LCIP) is at issue in Fish and Game's boat launch proposal.

## **II. DELIBERATIONS – WILD GOOSE PUBLIC BOAT LAUNCH PROPOSAL**

Ms. Morin referred to a "Draft Wild Goose Public Boat Launch Decision" document distributed to CORD members at the start of the meeting (attached to these minutes). She explained that it contains background information on CORD's consideration of the boat launch proposal, a project description, sources of CORD's authority and a section titled "Memorandum on CORD's Authority," which is a recommended response to legal questions raised by the Town of Newbury and the LSPA on the need for a public hearing on a limited access highway layout. Ms. Morin explained that a section titled "Deliberations" is left blank and would be filled in during the meeting after CORD members discussed and decided whether to approve the Fish and Game proposal. Ms. Morin read aloud the section on "Sources of Authority" and asked CORD members to review the draft document, recommend changes and then approve it.

CORD members suggested editorial changes involving the acreage of the Wild Goose property, number of linear feet of shorefront involved, acreage of Lake Sunapee, the order of the various sections, the description of existing infrastructure on the property and the description of the proposed floating dock. Ms. Morin reviewed the editorial changes.

**ACTION:** A motion was made by Mr. Sanborn, seconded by Mr. Sloan, to **approve** the draft decision document with the suggested editorial changes. All were in favor.

Ms. Morin then asked CORD members to begin discussion on the merits of the boat launch proposal. Mr. Murdough said CORD was charged with balancing conservation with recreation and access, and with overseeing boat access. He said the Wild Goose parcel is small, but that access to the water was part of the consideration. He said information presented at the April 2 CORD meeting and the various documents involved argue in favor of supporting the project, but he said he was disappointed with the justification in the size of the project provided by Fish and Game in its April 5, 2012 letter to CORD. He said he was disappointed that there was not more documentation provided on the need for boat access to the lake. He felt the size was justified but felt additional analytical data would have been helpful. He said that given the size of the lake and the magnitude of use involved, he was willing to support the project.

Mr. Sanborn said he thought the scope of the project was reasonable given that two parcels were involved in the original LCIP acquisition. He said the proposal balances protecting the land with providing boat access to the lake and is respectful of environmental issues. He agreed that he

would have liked to have seen more data on the need for boat access and more about what will happen to the old infrastructure on the property, but said the project was consistent with why the property was purchased by the LCIP. He said he was comfortable that approving the proposal meets CORD's authority and the purposes required by statute.

Mr. Spoerl referred to a March 1989 letter from then Division of Parks director Wilbur LePage, cited by the Town and LSPA as evidence of intent for a smaller project than the current proposal, in which Mr. LePage suggested limiting the Wild goose site only to canoe access. Mr. Spoerl said it was important to consider that the letter was written during initial discussions of acquiring the property and was written in the context of the Division of Parks acquiring it, not Fish and Game. Mr. Spoerl noted that DRED never had funds for developed boat access sites. Mr. Spoerl said Mr. LePage knew that Fish and Game's intent was for boat access, not just canoes.

Ms. Muzzey said that she had read LCIP publications from that time and referred to the LCIP Final Report (1993) waterfront section, which indicates that access to the water was a clear priority of the LCIP. She said the report indicates that some of the access sites acquired by LCIP would be put to intense use, while others would be for carry-in. She said LCIP differentiated among the range of development that would occur, particularly with Wild Goose. She said the Wild Goose project description in the LCIP Report noted that the lakefront tract provides a boat landing and would be developed into a primary state boat access.

Ms. Muzzey said the current Fish and Game proposal was consistent with what was written in LCIP publications and in keeping with the deed to the property. She said the low-impact design measures engineered for the boat launch and parking facility will protect the lake and the environment. Therefore, she said, the proposed project was in keeping with CORD's authority to approve.

Mr. Sloan said that developing the boat launch facility at its proposed size would have less impact on the shoreline than developing three or four smaller facilities at other locations around the lake. He also said that part of the natural beauty that CORD is charged with balancing is the natural beauty of being on the lake. He said the Wild Goose site is already disturbed and that the proposal makes improvements to the site, noting that vegetative screening, remaining forested buffers and grading will diminish the impacts of the parking facility. He also said the project is designed to treat stormwater as a resource. He said the potential impact on Lake Sunapee property owners and abutters is outweighed by the number of people who will gain access to the lake, including those who use kayaks as well as those who use power boats or use the small beach.

Mr. Beaulac said the term "natural beauty" is very broad and is used a lot. He said it was clear from the get go that boat access to Lake Sunapee was intended for the Wild Goose parcel. He said in this case natural beauty is development of the site in a way that fits in with something people expect to see. It doesn't mean leaving the site undisturbed, but developing something that blends in and doesn't stick out. He drew an analogy with a metal and plastic gas station in a quaint New Hampshire village, as opposed to one built with cedar shakes that blends into the character of the village. He said the Wild Goose site was proposed to be used to its maximum

potential to provide the most for the most number of people and that the proposal does this with the least impact.

Ms. Morin said the intent to use the Wild Goose site for a boat launch was clear at the beginning of the LCIP project, as evidenced by the affidavit from Mr. Abbott, the former LCIP executive director. She also said consideration should be given to the condition of the property when it was bought. She said the Wild Goose parcel and the larger parcel across Route 103 were purchased to avoid a large development. The large parcel was left undeveloped and the Wild Goose parcel was intended for development as a boat launch. She said the Wild Goose site was an appropriate place to provide public boat access. Ms. Morin said the proposed project makes use of new technology, such as downcast night-sky lighting and stormwater management practices, and does a good job of building in redundant systems to prevent stormwater runoff from affecting the lake environment. Ms. Morin said she supported developing the project with the full number of parking spaces because it was the only public access on the lake that can be developed with adequate parking and that the site also provides for walk-ins or car top users. She added that access available at the beach in the state park would create a safety problem for swimmers if a boat launch were developed there.

Ms. Modigliani said she agreed that the intent of the LCIP purchase of the property was for its recreational value as a boat launch, but asked what CORD could do to contain the project to the size presented and keep it from future expansion.

Ms. Morin said CORD could approve the project with the provision that there not be any material changes and that future material changes would have to come back to CORD for approval.

Ms. Muzzey noted that the public access language in RSA 162-C isn't the same as in RSA 221-A. She said public access is not limited just to access to the Wild Goose parcel, but includes granting access to the lake. She said there is overcrowding at the state park, and the town's launch site charges a fee and restricts access to town residents.

CORD members then discussed language to include in the Deliberations section of the written decision, and Chairperson Morin began drafting the language. Ms. Muzzey said the written decision should stress the extent of documentation presented by the various parties and reviewed by CORD. Mr. Sanborn said a list should be created of all the documents in CORD's Wild Goose file and included as an index to the written decision. Ms. Modigliani noted that she was one of three members who heard the presentations of the parties at the April 2, 2012 meeting, but not at the July 14, 2011 meeting, although she said she reviewed all the July 2011 documents and the previous meeting minutes. Mr. Sloan noted that the July 2011 documents were incorporated by reference by the parties during the April 2, 2012 meeting.

Ms. Morin said CORD staff would be instructed to develop an index of documents, to be approved at CORD's next meeting in May, where the minutes of the April 2 and April 9 meetings also would be approved.

Mr. Murdough suggested that the language of the written decision should first find that the proposed project is within the authorization of CORD to approve pursuant to RSA 162-C and that the proposed purpose of the boat launch facility meets the requirements of RSA 162-C.

Ms. Muzzey said that not only the characteristics of the Wild Goose parcel are considered, but that the characteristics of the lake community are included, such as the size of the lake, the nature of development around the lake and the number of boats that use the lake.

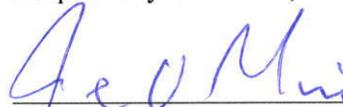
Ms. Morin drafted the Deliberations section of the written decision and read it aloud.

**ACTION:** A motion was made by Mr. Sloan, seconded by Mr. Spoerl, to **approve** the Fish and Game boat launch proposal and the written decision as drafted and read by Ms. Morin. All were in favor.

### **III. ADJOURNMENT**

On a motion by Mr. Beaulac, seconded by Mr. Sloan, the meeting was adjourned at 2:40 p.m.

Respectfully Submitted,



\_\_\_\_\_  
Joanne O. Morin  
Chair

JOM/ss

