

New Hampshire Council on Resources and Development

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FINAL MEETING MINUTES – July 8, 2015

MEMBERS PRESENT

Meredith Hatfield, Chair, Director, NH Office of Energy and Planning
Robert Beaulac, Designee, NH Department of Administrative Services
Timothy Carney, Designee, NH Department of Education
Timothy Drew, Designee, NH Department of Environmental Services
Richard Cook, Designee, NH Fish and Game
Bill Carpenter, Designee, NH Department of Resources and Economic Development
William Ray, Designee, NH Housing Finance Authority

OTHERS PRESENT

Susan Slack, NH Office of Energy and Planning
Kellie Walsh, NH Office of Energy and Planning
Tracey Boisvert, NH Office of Energy and Planning
Johanna Lyons, NH Department of Resources and Economic Development
Matt Leahy, Society for the Protection of NH Forests
Philip Bryce, NH Department of Resources and Economic Development
Chris Aslin, NH Department of Justice
Allen Brooks, NH Department of Justice

I. ROLL CALL

The meeting was called to order by Ms. Hatfield at 9:29 a.m. CORD members, guests and OEP staff were introduced.

II. APPROVAL OF MINUTES

ACTION: On a motion by Mr. Beaulac, seconded by Mr. Drew, the minutes of May 14, 2015 were unanimously approved.

IV. DISPOSAL OF STATE OWNED SURPLUS LAND

A. WARNER – SLR 15-006

Ms. Hatfield proposed SLR 15-006 and SLR 15-007 be discussed together since they are regarding the same property.

Mr. Carpenter provided an overview of the parcels involved in the SLR. Mr. Carpenter stated that DRED foresters discovered a new power line going from the road to the building owned by Mr. Norm Carlson and determined that it was an encroachment on Department of Resources and Economic Development (DRED) property. DRED has been working with Eversource and the property owner to come to a solution regarding the power line encroachment.

DRED had the property appraised last fall at \$90,000. The two proposed SLRs would result in Eversource paying \$35,000 for a utility easement and the remainder of the land being sold to Mr. Carlson for \$55,000, thereby recognizing the \$90,000 value of the land.

Mr. Carpenter stated the Division of Historical Resources has noted some concerns of archaeological resources in the area and that he is working on following up on those concerns.

Mr. Drew stated the Department of Environmental Services (DES) had questions regarding how the public will be compensated the lost value of the 3 acre parcel which was donated to the State of NH.

Mr. Carpenter stated it was appraised at \$90,000 and that amount is being recovered between the two SLRs.

Mr. Drew stated the other issue for DES is that partitioning 3 acres off of an 18.5 acre area of State park seems significant, and raises concerns about setting a precedent for the future about assuring the public benefit is protected.

Mr. Ray asked if DRED is talking about rerouting the power rather than shutting the power down. Mr. Carpenter said yes and the cost to reroute is the \$35,000 mentioned earlier.

Ms. Hatfield asked if there was discussion about conveying the land with an additional easement restricting future development or allowing DRED to continue accessing the property. Mr. Carpenter said no, that DRED would like to make it a clean transfer of property.

Mr. Cook suggested that if the appraisal was done with the power line on it, it could be substantially higher. Mr. Carpenter stated that the land was not appraised with the power line initially.

Ms. Hatfield asked what the zoning is in this area. Mr. Cook stated it is commercial-industrial. Mr. Cook asked if DRED has gone out to bid for this property. Mr. Carpenter said DRED has not gone to bid.

Mr. Beaulac said Department of Administrative Services (DAS) has concerns similar to DES with regard to the donated parcel slowly being split up and the message it sends to the public and people wanting to donate land to the State in the future.

Ms. Hatfield asked if DRED has looked at the original documentation and if there is any language about restrictions on future use or about the donor's intention for the property. Mr. Carpenter noted the deed does not mention any language, except for the donation of the land for \$1.00.

Ms. Hatfield asked CORD members if they would like to approve the SLR subject to comments from DHR, table the item and wait for DHR comment, or approve just one SLR.

ACTION: On a motion made by Mr. Cook, seconded by Mr. Beaulac, SLR 15-006 was approved contingent upon further comment and specifically comments from the Division of Historical Resources.

Ms. Hatfield asked if members had any discussion.

Mr. Carney asked if just approving the utility easement is something DRED wants to do with the parcel. Mr. Carpenter stated he is unsure and would have to receive feedback from DRED staff.

B. WARNER – SLR 15-007

Ms. Hatfield asked CORD members how they would like to move forward with SLR 15-007.

ACTION: On a motion made by Mr. Beaulac, seconded by Mr. Drew, SLR 15-007 was tabled until the next CORD meeting.

Ms. Hatfield requested that Mr. Carpenter review the DES comments that were just received as well as follow up with DHR and then provide a memo to CORD before the next meeting.

III. GROWTH MANAGEMENT REPORT – RSA 9-B

Ms. Hatfield provided an update on CORD's smart growth report required under RSA 9-B every four years. OEP staff is beginning the process of compiling the next RSA 9-B report, which over the years has been known as CORD's *Report on Growth Management*. In the past, surveys have been sent out to state agencies and municipalities as a way to receive feedback on activities of agencies and whether they support the state's smart growth policy.

Ms. Slack shared the surveys used in the last report with CORD members and asked for input on the questions as well as who is the best contact at their agency to provide response to the survey.

Ms. Hatfield asked CORD members to share with other staff in their agencies and provide comments to Ms. Slack. She stated that OEP staff will update CORD on progress at the September meeting.

IV. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

A. Update from the Department of Resources and Economic Development on improvements at Livermore Falls and discussion

Ms. Boisvert introduced the discussion of two LCIP properties, Livermore Falls and Nash Stream, both state held fee properties assigned to DRED for management purposes.

Mr. Bryce, DRED Director of Parks and Recreation, provided an overview of the Livermore Falls property and explained that the majority of the land was acquired in 1918 with a purchase of 130 acres. An additional 40 acres was purchased in 1992 with LCIP funds. Mr. Bryce said that DRED's purpose was to update CORD on its plan to construct an expanded parking area on the site and to ensure that DRED's plan is consistent with the purposes of acquisition of the LCIP property.

The property is very popular but has challenges related to parking and safe access to the river. Many injuries and deaths have occurred on the site over the last several decades, and there is strong desire in the local communities to make the site safer and more accessible for recreation.

Mr. Bryce said that the property was the beneficiary of a settlement between the Groton Wind project and Public Counsel at the Department Justice. The settlement provides \$150,000 to the Division of Parks and Recreation, and they propose to make safety and recreational improvements to the property. DRED determined that the most beneficial area to spend the money would be providing a parking area for Livermore Falls. Mr. Bryce said that DRED has been working with the Friends Group, Plymouth State University, local law enforcement, and many other community members, all of whom agree the parking lot is a priority for this area.

Mr. Bryce noted that a major point of transition at the property was the elimination of an agreement with NH Fish and Game to manage a boat access point to the river; however, DRED will continue to provide boat access to the river. A major change is that DRED will not allow any alcohol on the site.

Mr. Bryce said the parking lot design includes parking islands, and a one-way flow to allow for less congestion and more efficiency. There will also be a daily parking fee to help generate revenue.

Mr. Bryce said currently DRED is waiting for DHR review and comment. Ms. Lyons stated that DRED has been in close consultation with DHR, and the second phase of studies on the archaeological resources will focus on the parking lot area.

Ms. Hatfield asked if the Friends Group had taken a position on the parking lot and the priority of investment. Mr. Bryce stated the parking lot is top priority for them in order to provide proper stewardship of this property. Parking and safety are longstanding issues at the property, and development of the parking lot is needed so that cars don't park illegally on adjoining roads.

Ms. Hatfield asked how many parking spots there will be. Mr. Bryce said about 70 spots.

Ms. Hatfield asked about the parking situation at the existing boat access area. Mr. Bryce stated there are very few spots to park.

Mr. Cook asked if the town will be enforcing overflow parking issues. Mr. Bryce said the town is currently enforcing and he anticipates they will continue to enforce the parking.

Ms. Hatfield asked Mr. Brooks if CORD needs to take some action on this item to convey CORD's sense of this to DRED or if a check in from DRED is sufficient. Mr. Brooks stated that generally if DRED reviews plans with CORD and keeps the body apprised of plans, and no CORD member feels action is needed, then CORD can provide its consent orally that the property is being managed properly.

CORD members were in agreement that DRED's plans were appropriate, and that having DRED provide periodic updates is sufficient. Ms. Hatfield stated that CORD is comfortable not taking any action and requested DRED to provide updates periodically to Tracey Boisvert to share with CORD.

Ms. Hatfield thanked DRED for their efforts at this site and their progress thus far.

Mr. Ray excused himself from the meeting due to a prior obligation.

B. Update from the Department of Resources and Economic Development on revision of the management plan for Nash Stream and discussion.

Mr. Carpenter provided an overview of the Nash Stream property. Nash Stream Forest is the largest state property at roughly 40,000 acres. The property was acquired in 1988 from Diamond International Corporation for \$7,986,933. The first Nash Stream Management Plan took 7 years to write and was completed in 1995. This plan was developed with significant input from a broad user group and prohibited any ATV activity on the property. In 2002 the Plan was amended to update several sections, including the licensing of recreation camps, roads and public access, snowmobiling and to provide for the establishment of a 9-mile section of ATV trail to become known as "West Side Connector" for a trial period of 3 years. The trail was made permanent by the DRED Commissioner in January 2007. In addition, in March 2013 the DRED Trails Bureau requested CORD's approval of the Kelsey Brook Trail, after it had been improved from a snowmobile trail to one that could support ATVs. DRED described that trail as another three year pilot. That trail is now open for ATV use.

In the summer of 2014, recognizing that the Plan was over-due for its 10-year update, and facing the increasing pressure to provide for additional ATV trail riding in Nash Stream, DRED established a "Technical Planning Team" (the Team) to work under oversight from the Nash Stream Citizens Committee (the Committee), established in RSA 12-A: 9-c, to update the Plan. The Technical Team is made up of staff from DRED, F&G, OEP-CLSP, and US Forest Service, with consultation from the Trails Bureau when requested.

To date a first draft of the Plan has been reviewed, one chapter at a time by the Committee, and public hearings are being proposed for September. However, the "Recreation" chapter is still being drafted, primarily due to uncertainties regarding expanded ATV use. Through GIS mapping, DRED is applying course and fine filter criteria to determine where ATV use could be

allowed as the Team evaluates ATV-use requests from the ATV group, a required by RSA 215-A. A new request from Ride the Wilds had just been received by DRED for specific additional ATV trails in Nash Stream Forest.

Before completing a final draft plan for public review and comment, DRED would like CORD's opinion regarding public ATV use in Nash Stream Forest in light of RSA 215-A:42 and RSA 215-A:43, and particularly RSA 162-C:6, which requires CORD to "manage the lands acquired under the former RSA 221-A so as to preserve the natural beauty, landscape, rural character, natural resources, and high quality of life in New Hampshire."

Ms. Hatfield stated that under RSA 215-A:42 in the ATV trails section there is a requirement that a memorandum of understanding be established between state agencies to include the responsibilities that each agency has in monitoring, maintaining, and enforcing relevant laws relative to the trail and the type of OHRV permitted on approved trails. Ms. Hatfield asked if a memorandum is currently in place. Mr. Carpenter said he does not believe so.

Ms. Hatfield adjourned the meeting at 10:43 a.m. to speak with CORD's legal counsel. Ms. Hatfield called the meeting back to order at 10:59 a.m.

Ms. Hatfield noted that in Mr. Carpenter's memo to CORD related to Nash Stream and the management plan, DRED requested a legal opinion regarding ATV use in the Nash Stream Forest. Ms. Hatfield stated that it is CORD's understanding that generally there is no explicit prohibition on ATV use in Nash Stream. However, CORD would like more information in order to provide some guidance to DRED as it develops the management plan for Nash Stream, and would like to discuss these issues further at the next CORD meeting in September.

Ms. Hatfield stated that CORD would like DRED to be clear with the public and with stakeholders that CORD does play a role in the process of determining appropriate uses for this LCIP property. CORD would also like to see the existing memoranda of understanding between the agencies named in RSA 215-A for the existing ATV trails, and would like to work with DRED on any future MOUs related to ATV use. CORD would also like to see the specific request from Ride the Wild, in order to understand where those proposed trails are in relation to the property. Additionally, CORD would like to see the results of course and fine filter analysis and evaluation process for evaluating potential ATV expansion in Nash Stream or any other recreational uses proposed in the management plan recreation chapter.

Ms. Hatfield also stated that CORD would like to receive a full overview of the proposed management plan prior to DRED's public hearing.

Ms. Hatfield asked if there was further discussion or any comments from the public. There were no comments or further discussion.

V. ADJOURNMENT

ACTION: Ms. Hatfield adjourned the meeting at 11:09 a.m.

Respectfully Submitted,

Meredith A. Hatfield, Chair
Director, NH Office of Energy and Planning

MH/kw

CORD 2015 Remaining Meeting Schedule

September 10, 2015

November 12, 2015