

New Hampshire Council on Resources and Development

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FINAL MEETING MINUTES – September 10, 2015

MEMBERS PRESENT

Meredith Hatfield, Chair, Director, NH Office of Energy and Planning
Robert Beaulac, Designee, NH Department of Administrative Services
William Carpenter, Designee, NH Department of Resources and Economic Development
Timothy Drew, Designee, NH Department of Environmental Services
Garret Graaskamp, Designee, NH Fish and Game
Marta Modigliani, Designee, NH Department of Safety
Nadine Peterson, Designee, NH Division of Historical Resources
William Ray, Designee, NH Housing Finance Authority

OTHERS PRESENT

Tracey Boisvert, NH Office of Energy and Planning
Matt Leahy, NH Society for the Protection of NH Forests
Susan Slack, NH Office of Energy and Planning
Kellie Walsh, NH Office of Energy and Planning
Sean Winn, NH Department of Administrative Services

I. ROLL CALL AND INTRODUCTIONS

The meeting was called to order by Ms. Hatfield at 9:31 a.m. CORD members, guests, and OEP staff were introduced.

II. APPROVAL OF MINUTES

ACTION: On a motion made by Mr. Beaulac, seconded by Mr. Graaskamp, the minutes of July 8, 2015 were unanimously approved.

III. DISPOSAL OF STATE-OWNED SURPLUS LAND

A. CONCORD – SLR 15-008

Ms. Hatfield proposed CORD review SLR 15-008 before SLR 15-007. CORD members agreed.

Mr. Winn, Department of Administrative Services, provided an overview of the request to renew the 5-year lease with Independent Wireless One Leased Realty Corporation (Sprint Spectrum L.P.) for space at the Steam Plant Smoke Stack on Pleasant Street for a wireless communication site for antennas required for the transmission, reception, encryption and translation of voice and data signals by means of radio frequency energy.

Mr. Winn stated currently Concord Steam maintains the stack for their operations at the facility. Ms. Hatfield asked if Concord Steam were to relocate or cease operation, under the lease, would they continue to maintain the stack for purposes of the wireless facility. Mr. Winn said that would be the responsibility of the Bureau of Facilities and Assets Management to maintain.

Ms. Hatfield reviewed the public comments for the proposal noting the Division of Historical Resources had no concerns, but requested awareness that the New Hampshire State Hospital is a significant historic resource in New Hampshire. The public comment period will remain open until September 30, 2015.

Mr. Carpenter and Ms. Modigliani asked Mr. Winn questions about the process of valuing state leases for wireless facilities. Ms. Hatfield asked Mr. Winn if he would be willing to discuss the issues with them to facilitate a common approach across agencies, and he agreed.

ACTION – On a motion made by Mr. Beaulac, seconded by Mr. Carpenter, SLR 15-008 was approved subject to no adverse comments through the end of the September 30, 2015 comment period.

B. WARNER – SLR 15-007

Ms. Hatfield noted that SLR 15-007 is the request from DRED to convey approximately 3 acres, encumbered by a utility easement, of the Davisville State Forest off Route 103 in Warner to abutter Warner Road Holdings, LLC. This item was tabled at the previous CORD meeting in July.

Mr. Carpenter provided an update to CORD and stated that DRED had an appraisal done on the parcel and is waiting to receive an appraisal amount. Mr. Carpenter said once DRED receives the appraisal amount they will seek competitive bids for the 3 acre parcel. More information will be provided to CORD by the next meeting in November. Mr. Carpenter requested this item remain tabled.

Ms. Hatfield stated it would be ideal if the information regarding this parcel could be provided to CORD members prior to the November meeting. Ms. Hatfield also stated DRED should review the meeting minutes from July 8, 2015 for other additional information requested by CORD.

CORD members agreed this item should remain tabled.

C. GREENFIELD – SLR 15-009

Mr. Carpenter provided an overview of the request from DRED to swap with New England Forest Products (NEFP) a 1.5-acre portion of the Greenfield State Park for a parcel of equal value on the shore of Otter Lake to be purchased by NEFP and conveyed to the State to be used to improve the Park's public boat access.

Mr. Carpenter stated the parcel to be conveyed to NEFP cannot be accessed from the Greenfield State Park because it consists mostly of wetland. NEFP would like the 1.5-acre parcel to expand a log landing for their business.

Mr. Carpenter stated that because Land and Water Conservation Fund money was used to acquire a portion of the state park, federal rules require that land swaps be for equal or greater dollar value as well as land area. DRED located a 1.5-acre parcel on the shoreline of Otter Lake which abuts Greenfield State Park and is currently owned by a camp. The parcel is adjacent to a boat access area that is managed by NH Fish and Game.

DRED had both the 1.5-acre parcel in Greenfield State Park and the 1.5-acre shoreline parcel on Otter Lake appraised. The Greenfield State Park parcel appraised at \$1,500 an acre and the Otter Lake parcel appraised at \$2,469 an acre. DRED is seeking CORD's approval to dispose of the 1.5-acres in Greenfield State Park in exchange for the 1.5-acre parcel on Otter Lake abutting the State Park, which NEFP would purchase and convey to the State.

Ms. Hatfield asked if there are any other requirements within DRED to notify abutters or hold a public hearing when state park land is being surplus. Mr. Carpenter said the parcel has already been through the local planning and zoning process, including hearings, and has been approved.

Ms. Hatfield asked if there are any statutes pertaining to the surplus of the state park that have requirements to go through other processes other than CORD's approval process. Mr. Carpenter stated he believes the local planning and zoning process and CORD are all that is required, in addition to approval by the Long Range Capital Planning and Utilization Committee and Governor and Executive Council. Ms. Slack asked if the local approval was a town subdivision process. Mr. Carpenter said it was a lot line adjustment approval, but the town refers to it in its regulations as a subdivision approval. Ms.

Hatfield asked whether through the subdivision approval process abutters were notified, and Mr. Carpenter confirmed that they were.

Ms. Modigliani asked what the benefit is to the camp selling the land. Mr. Carpenter said he believes it is just out of “good will.” Mr. Drew stated that DES thinks this is a good proposal for both the state and the abutter and is a good land exchange. Ms. Hatfield noted that in the public comment DES recommended holding a pre-application meeting if either DRED or NH Fish and Game were to move forward with expanding the boat launch so that all proper DES permits are obtained. Ms. Hatfield also stated the comment period is open until October 3, 2015.

Mr. Graaskamp asked if any of the property being exchanged to the NEFP is wetland. Mr. Carpenter said almost half of the parcel is wetland. Ms. Slack asked if the Land and Water Conservation funds were used to purchase land for the park. Mr. Carpenter said the parcel was taken by “friendly condemnation” in 1963.

ACTION: On a motion made by Mr. Beaulac, seconded by Mr. Drew, SLR 15-009 was approved subject to no adverse comments received through the end of the October 3, 2015 comment period.

IV. RSA 9-B SMART GROWTH

A. Update from Office of Energy and Planning

Ms. Slack provided an update on the Smart Growth Report, which is a statutory requirement and was discussed at the previous meeting. Ms. Slack gave CORD members a description of tasks involved with the report, a project timeline, and the survey questions that will be distributed to state agencies, municipalities, and Regional Planning Commissions. Ms. Slack stated results of the survey will be presented at the November CORD meeting.

Ms. Hatfield noted that previous reports as well as the statute are available on OEP’s website at <http://www.nh.gov/oep/planning/programs/cord/index.htm>. Mr. Ray asked if the statute only deals with state actions and state authorities. Mr. Ray noted that on the municipal and Regional Planning Commission surveys, there are no questions regarding local land use.

Ms. Slack said the report focuses on how the state is coordinating efforts to achieve smart growth principles through efforts of state agencies. Mr. Ray said it may be good to get information from municipalities about their own smart growth efforts, and OEP agreed to look at including that in the survey. Ms. Slack stated that she would provide further updates at the November CORD meeting.

V. LAND CONSERVATION INVESTMENT PROGRAM (LCIP)

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

Ms. Boisvert and Mr. Carpenter provided information on DRED's update of the management plan for Nash Stream State Forest. Ms. Boisvert said the management plan is in process and most chapters of the plan are in final draft format with the exception of the recreational chapter which discusses ATV use. Ms. Boisvert stated there are concerns about whether or not to allow additional ATV expansion in Nash Stream. At the last CORD meeting in July, DRED was directed to look further into this issue based on the criteria listed in RSA 215-A: 42-43, which list evaluation criteria for determining whether or not to allow ATV use on state lands. Ms. Boisvert noted Nash Stream is state land, some of which was acquired through the LCIP program.

Ms. Boisvert said the technical team met earlier in the week and is in the process of doing the analysis that CORD has requested. The technical team consists of members from the Fish and Game Department, the Department of Cultural Resources, Division of Historical Resources, US Forest Service, a DRED Regional Forester from the Nash Stream area, and other staff from DRED. Mr. Carpenter stated that the GIS evaluation is almost completed but not available to the technical team yet.

Ms. Hatfield said that her understanding is that there are two phases to the review process before a new ATV trail could be approved. She stated that her understanding is that the management plan update process would not approve a specific trail, but serves more as overarching guidance for the management and use of the property. Ms. Boisvert explained that the technical team wants to be specific about a potential trail corridor area, if one were to eventually be allowed. Some members are planning to look at this in the field hopefully in October once the GIS information is pulled together. Their evaluation information will be provided to CORD at a future meeting once it's completed. Mr. Carpenter said that it's possible that the management plan will not recommend any new trails.

Ms. Hatfield noted that the Society for the Protection of New Hampshire Forests submitted a letter to CORD that suggested the state review the overall ATV planning in the state, not just Nash Stream, and noted that each member had a copy and that it would be posted to the CORD page on OEP's website. Mr. Leahy said the Forest Society does have concerns with the possible expansion of ATVs in Nash Stream. Mr. Leahy said the overall intent of the letter is to encourage a greater overall planning process for ATV use, beyond Nash Stream, that involves all stakeholders.

Mr. Drew asked if the planning process could be part of the Statewide Comprehensive Outdoor Recreation Plan (SCORP), which is a plan that the Division of Parks does every five years. Ms. Slack said that the SCORP is a requirement of the National Park Service in order for the state to receive Land and Water Conservation Fund grants. The next update will be in 2018-2019. Ms. Hatfield stated that this is an interesting idea that OEP

would raise with DRED's Division of Parks and Recreation, which has the responsibility for developing the SCORP with OEP's assistance.

Ms. Boisvert said that a master plan for ATV trail development in the state was developed for 2003 to 2008 but there has been no additional master planning that she is aware of. Ms. Hatfield asked Ms. Boisvert to provide another update to CORD at the next meeting.

Ms. Boisvert said that Trout Unlimited has applied for a grant which would allow completion of stream restoration of about 9 miles of the main stem stream and 11 miles of tributary habitat in the Nash Stream State Forest. Ms. Hatfield asked if the restoration is required because of historical logging activity. Ms. Boisvert said there was a large dam blow out in the 1960s which caused a lot of damage in addition to likely historical logging activity and undersized culverts. Ms. Hatfield thanked Ms. Boisvert and Mr. Carpenter for the update on Nash Stream.

B. Update from the Department of Resources and Economic Development on visual improvements at Livermore Falls

Ms. Boisvert provided an update regarding utility poles placed at Livermore Falls. Ms. Boisvert said that the NH Electric Coop, in the process of constructing electric lines needed to serve the Groton Wind farm, installed new poles to replace older poles that crossed Livermore Falls. In addition, due to other issues related to the wind farm, a settlement agreement was reached between the company and the Department of Justice's Public Counsel that required mitigation in the form of a payment to DRED which will be used to make improvements to Livermore Falls, as was discussed at CORD's July meeting. Some abutters and other interested parties raised questions about whether the new poles were allowed, and if there is an existing easement for poles across the property. Ms. Boisvert recently attended a meeting with NH Electric Coop, DRED and DOJ to discuss the utility poles constructed near the Pumpkin Seed Bridge and how to mitigate the visual impacts of the poles.

Ms. Boisvert said that there was discussion about possible vegetative buffers to reduce visual impacts. There was also discussion about whether the utility poles are allowed to be in this location. Ms. Boisvert said they were told that a previous utility easement exists in the area where the poles are constructed now, and that the NH Electric Coop believes that the new poles are also properly within the right-of-way.

Mr. Carpenter said the right-of-way deeds only reference the poles and that there was no specific width for the easement mentioned in the deeds. DRED sent surveyors to the property and they were able to locate where the old pole stubs were and determined that the tower on the west side of the bridge is where the old pole would have been, and is therefore allowed. The tower on the east side is not on state land.

Ms. Hatfield said that OEP thinks that it would be helpful for CORD to provide guidance for agencies that are managers of LCIP property so that it is clear when an agency should simply update CORD on these types of activities and when CORD approval is required.

Ms. Boisvert said additional updates will be provided at future CORD meetings, if necessary.

VI. OTHER BUSINESS

Ms. Boisvert provided an update regarding the Kinder-Morgan Pipeline Project. Ms. Boisvert said the current proposed route crosses six LCIP properties in southern New Hampshire. The Federal Energy Regulatory Commission (FERC) has opened the public comment period for the draft environmental impact statement (EIS), and OEP sent a letter to FERC, which was distributed to CORD members, expressing concerns regarding the potential impacts to the LCIP properties.

Ms. Boisvert provided an update regarding the new Northern Pass proposed route, noting that five LCIP properties are potentially impacted. The five properties include: Nash Stream State Forest, Percy State Forest, and Cape Horn State Forest, where towers appear to be proposed above ground within existing utility rights-of-way, and Thornton Wildlife Management Area and Livermore Falls, where infrastructure appears to be proposed underground within highway rights-of-way.

Ms. Hatfield said that OEP may provide a letter to the state Site Evaluation Committee (SEC), similar to the letter written to FERC, about the properties, alerting the SEC that these properties may be impacted and are under CORD's jurisdiction. Ms. Modigliani said she is in support of sending a letter to the SEC.

Ms. Hatfield asked if there was any further discussion about either of the items. CORD members had no further discussion.

VII. ADJOURNMENT

ACTION: Ms. Hatfield adjourned the meeting at 10:43 a.m.

Respectfully Submitted,

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

MH/kw

CORD 2015 Remaining Meeting Schedule

November 12, 2015