

# New Hampshire Council on Resources and Development

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## **FINAL MEETING MINUTES – January 14, 2016**

### **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  
Richard Cook, Designee, NH Fish and Game Department  
Nancy Spaulding, Designee, NH Department of Transportation  
Amy Clark, Designee, NH Department of Education  
Elizabeth Muzzey, Designee, NH Department of Cultural Affairs  
Marta Modigliani, Designee, NH Department of Safety

### **OTHERS PRESENT**

Tracey Boisvert, NH Office of Energy and Planning  
Susan Slack, NH Office of Energy and Planning  
Dijit Taylor, Land and Community Investment Program (LCHIP)  
Jared Nylund, NH Department of Administrative Services  
Dan St. Hilaire, NH Liquor Commission

#### **I. ROLL CALL AND INTRODUCTIONS**

The meeting was opened at 9:32 a.m. by Ms. Hatfield. CORD members introduced themselves, including Amy Clark, the new designee representing the NH Department of Education.

#### **II. APPROVAL OF MINUTES**

##### **A. September 10, 2015 Minutes**

Mr. Drew suggested adding a reference on page 3 under SLR 15-009, in paragraph six, to indicate that approval is required by the Long Range

Capital and Utilization Committee as well as Governor and Executive Council.

**ACTION:** On a motion made by Mr. Carpenter, seconded by Ms. Muzzey, the minutes of September 10, 2015 were unanimously approved, including the addition suggested by Mr. Drew.

**B. November 12, 2015 Minutes**

**ACTION:** On a motion made by Mr. Cook, seconded by Mr. Carpenter, the minutes of September 10, 2015 were unanimously approved. Mr. Beaulac and Ms. Muzzey abstained.

**III. LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM  
(LCHIP) – Dijit Taylor, Executive Director**

**A. Distribution of Community Conservation Endowment Funds**

Ms. Taylor requested that CORD endorse the expenditure of up to \$61,000 from the Community Conservation Endowment for distribution to entities that have received LCHIP project grants for 194 properties, and have submitted timely and acceptable monitoring reports during 2015. She said the LCHIP Board of Directors had approved the distribution at \$200 per unit at its January 11, 2016 meeting. These 194 properties represent 282 units, the number of units being determined following guidance in the LCHIP's Criteria, Guidelines and Procedures. This is an annual request. Payments are made from the endowment income and are provided as incentive for entities to submit proper monitoring reports showing they are meeting the legal requirements of their project grant awards. Ms. Taylor submitted a memorandum to CORD indicating disbursements made for monitoring reports since 2009.

**ACTION:** On a motion by Mr. Beaulac, seconded by Mr. Carpenter, CORD voted unanimously to endorse the expenditure of \$200 per unit, or approximately \$61,000, from the LCHIP Community Conservation Endowment fund in payment for acceptable, timely monitoring of LCHIP-supported resources in calendar year 2015.

**IV. DISPOSAL OF STATE-OWNED SURPLUS LAND**

**A. CONCORD – SLR 16-001**

Mr. Nylund spoke on behalf of the NH Liquor Commission, which is requesting approval to grant a utility easement to Unitil Energy Systems, Inc. and Northern New England Telephone Operations, LLC (FairPoint Communications) on state-owned property at 50 Storrs Street in Concord, which houses the headquarters of the NH Liquor Commission. Mr. Nylund explained that the utility pole that provides service to the Liquor Commission building currently is located on the neighboring Market Basket property, but it is often struck by delivery trucks, knocking out telephone and Internet service to the Liquor

Commission building. The easement would allow Unitil and FairPoint to install transmission and distributions lines on a utility pole on Liquor Commission property. The easement would be approximately 20 feet by 25 feet.

Ms. Hatfield noted that CORD had received comment from the Division of Historical Resources, raising awareness that the property is eligible for the National Historic Registry. Comment was also received from the Rivers Management Advisory Committee (RMAC) and the Lakes Management Advisory Committee (LMAC) noting that the property is located outside the jurisdiction of both committees because it is not within 250 feet of a river or lake. Ms. Hatfield also said a question was received from the Upper Merrimack River Local Advisory Committee, asking whether Unitil can take further action within the easement without CORD review. Mr. Nylund said that the easement terms will permit Unitil and FairPoint to install, maintain and replace equipment needed to provide telecommunication services to the Liquor Commission building, but that it could not relocate the utility pole or conduct other activities within the easement without further action by CORD.

Ms. Hatfield noted that the public comment period for this SLR request would not expire until January 18, 2016.

**ACTION:** On a motion by Ms. Modigliani, seconded by Mr. Drew, CORD unanimously approved the request of the Department of Administrative Services, on behalf of the NH Liquor Commission, to grant a utility easement to Unitil Energy Systems, Inc. and Northern New England Telephone Operations, LLC (FairPoint Communications), as tenants in common, on state-owned property at 50 Storrs Street in Concord for construction, installation, operation, maintenance and replacement of transmission and distribution lines and associated service poles and supporting facilities and apparatus as needed to provide electrical and telecommunication service to the NH Liquor Commission Headquarters building.

**B. WARNER - SLR 15-007 (Tabled from July 8, 2015)**

Mr. Carpenter distributed a map and memorandum to CORD members. The map depicted the Davisville State Forest, which includes a parcel of 18.5 acres on one side of Warner Road, as well as a 3-acre parcel on the other side of the road over which a utility easement has been granted to Eversource. The Department of Resources and Economic Development requests approval to dispose of the 3-acre parcel.

The request was discussed at CORD's July 2015 meeting and was tabled pending further information from DRED regarding value and whether or not there are any restrictions on the state's ability to dispose of the property. Mr. Carpenter shared with CORD the results of appraisals of the 3-acre parcel, both with and without the utility easement, which indicate the value of the utility easement at \$35,000 and value of the 3-acre parcel encumbered by the easement at \$55,000. Mr. Carpenter said that if CORD recommends DRED's request to dispose of the parcel, DRED will offer it for sale by competitive bid

with a minimum asking price of \$55,000. He said Eversource will pay the state the \$35,000 value of the utility easement.

Mr. Carpenter also said that DRED had consulted with the Charitable Trust Division of the Department of Justice regarding the disposal of gifts of land to the State. He said the Charitable Trust Division advised that if there were no specific reservations and/or conditions stated in the original conveyance of land to the State, the State is not restricted in selling or otherwise disposing of the land. Mr. Carpenter said there are no gift restrictions involved with the land acquired for the Davisville State Forest. Mr. Drew said that concerns raised at the July meeting about this issue by the Department of Environmental Services have been addressed.

**ACTION:** On a motion by Ms. Modigliani, seconded by Mr. Beaulac, CORD unanimously recommended approval of SLR 15-007 requested by the Department of Resources and Economic Development to dispose of the 3-acre parcel of the Davisville State Forest in Warner. Mr. Carpenter abstained.

## **V. RSA 9-B SMART GROWTH**

### **A. Update from Office of Energy and Planning**

Ms. Slack said that OEP continues to work on the draft of the Smart Growth report required by RSA 9-B and hoped to have a finished draft available for CORD review at the March CORD meeting.

## **VI. LAND CONSERVATION INVESTMENT PROGRAM (LCIP) – Tracey Boisvert, Director, Conservation Land Stewardship Program**

Ms. Boisvert updated CORD members on several projects involving LCIP properties. She said that DRED is continuing to work on the draft update of its management plan for the Nash Stream State Forest, including the recreation section which may potentially include consideration of proposals for the addition of ATV trails. The intent is to share the proposed management plan updates with CORD before it is made available for public hearing and comment to insure that CORD is comfortable with it. She said the primary focus will be on the recreation chapter of the management plan. Mr. Carpenter said it is a challenge for DRED to manage all the competing interests and uses of the property.

Mr. Drew asked if the information eventually presented to CORD will be a master plan for ATV trails throughout the state, or be confined to uses in the Nash Stream State Forest. Ms. Boisvert said CORD's role will be focused on management of the Nash Stream State Forest. Ms. Hatfield said OEP will help prepare information for CORD on the history of Nash Stream and CORD's statutory role. Ms. Muzzey requested that information be provided well before CORD meets to discuss the management plan.

Ms. Hatfield updated CORD on the Kinder Morgan natural gas pipeline, which may affect several LCIP properties. Prior to the discussion Ms. Muzzey left the meeting due to her role on the Site Evaluation Committee.

Ms. Hatfield said that OEP has submitted an intervention request to the Federal Energy Regulatory Commission (FERC), based on OEP's role in energy issues, as well as its chairmanship of CORD and oversight of LCIP. She said the Department of Justice has developed a list of properties that will potentially be impacted by the pipeline route and that OEP had created a map of state lands and other protected properties that may be impacted. She noted that the proposed route could change and that OEP will keep CORD apprised of the FERC process, comment periods and the SEC process. She noted that, unlike the Northern Pass proposal, if Kinder Morgan receives FERC approval it could use federal eminent domain authority. She said that OEP and other state agencies will be working on how to protect state interests throughout the process.

Ms. Hatfield noted that the next CORD meeting will be March 10, 2016. She adjourned the meeting at 10:15 a.m.

Respectfully Submitted,

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

MAH/ss