



## Board of Directors Quarterly Meeting

Ben Wilcox, Board Chair

Monday, September 27, 2021

Department of Natural and Cultural Resources, Concord

Hybrid via Zoom

### Minutes approved at November 17, 2021 Board meeting

#### Introductions and Explanation

Chair Ben Wilcox called the meeting to order at 2:05pm. Dijit reminded attendees that masks were recommended but not required for this meeting. Attendees introduced themselves and stated their Board position/interest.

#### Attendance *(Italics indicates attending virtually)*

Voting members: Colin Cabot, Doug Cole, Chick Colony, Rich Cook, *Bob Giuda*, Dick Lewis, Mandy Merrill, Andrew Renzullo, *Tom Sherman*, Susan Slack, Judith Spang, Ben Wilcox

Nonvoting members: *Scott Crowder*, Susan Francher, Jim Oehler, Pierce Rigrod,

LCHIP Staff: *Barb Beers*, Paula Bellemore, Dijit Taylor

Additional attendee: *Amanda Gokee, NH Bulletin*

#### Minutes of June 28, 2021 BOD Meeting

The title on both the public and nonpublic minutes should be changed from “Annual Meeting” to “Quarterly Meeting.” Typos to correct are: p. 3, April 2021 Financial Report: line 2 change primary to primarily, line 7 change back to bank, and correct the spelling of Rep. Renzullo; p. 6, Summary Status of 2021 Legislation, Line 1 change three years to two years.

MOTION	To accept the minutes from the September 28, 2021 Board of Directors Meeting. with changes discussed	Judith Spang
SECOND		Doug Cole
VOTE		Accepted unanimously

MOTION	To accept the minutes from the non-public session of the September 28, 2021 Board of Directors Meeting with the change above	Dick Lewis
SECOND		Rich Cook
VOTE		Accepted unanimously

#### Staffing Changes

Dijit Taylor informed Ben in August that she would retire at the end of the calendar year. Part time Office Manager Barb Beers is also leaving. Kristen Powell has been offered a full-time position and, as of this meeting, has not yet confirmed her acceptance.

#### Nominating Committee Report

Doug Cole’s term on the LCHIP Board of Directors is expiring this fall. He serves as a representative of the business community. The nominating committee has identified 9 possible candidates. Board members are encouraged to provide feedback on these to Dijit via email.

### Search Committee Report

Ben Wilcox has selected Susan Slack and Mandy Merrill to serve with him as the search committee for the filling the Executive Director position. The job description has been posted. Resumes will be accepted through October 22 with interviews to follow. The search committee hopes to present final candidate(s) to the Board in early December. The candidate(s) selected by the Board must be appointed through the governor and executive council process.

### Board Contact Information

Provide Barb with any updates or corrections to contact information listed in the Board Packet.

### Financial Topics

#### June 2021 (FY21) Finance Report

Dijit reviewed the June Finance Report. FY21 ended with income \$62,614 over budget and expenses \$36,222 under budget. The same audit firm will be hired for the 2021 audit, but LCHIP has requested a new person doing the site work to ensure objectivity.

#### July Finance Report

The July Finance Report was reviewed. There has been no income thus far. Moose Plate funds have not yet been transferred.

MOTION	To approve the June 2021 (FY 21) and July 2021 Finance Reports.	Doug Cole
SECOND		Dick Lewis
VOTE		Approved unanimously

### Fund updates

Trust Fund Income YTD	August 2021 \$1,022,952 (August 20210 \$1,004,520)
CCE Market Value	August 2021 \$7,581,982 (August 2021 \$5,891,011)

### Investment meeting with Fidelity

Finance Committee members Dick Lewis and Neal Kurk joined Dijit for a virtual meeting with the fund manager, Fidelity. Dijit's questions about a missing deposit were resolved the following day. Fidelity appears to have a good working relationship with the State of NH. Finance Committee sees no reason to change investment companies.

### Action Items

#### Changes proposed to Criteria, Guidelines and Procedures

Dijit explained that this is another batch of largely administrative changes to the Criteria, similar to those approved at the January and March meeting. This completes the round of administrative changes to the document. But the Board should be aware that there are potential policy changes that will need to be considered at some point in the future. She presented an overview of the proposed changes to the Guidelines, designed to:

1. Combine task requirements and vendor standards for all acquisition projects into one section.
2. Further clarify that the requirements for acquisition, whether of fee title or conservation/preservation easement, of a property are the same, whether the acquisition is of a resource with natural or historical importance.

3. Add the requirements for both restoration/rehabilitation projects and studies, elements that have been largely lacking in the *Guidelines* since the inception of the program.

#### Explanation of Specific Changes:

##### Old Section 18 and 19

The wording of all sections has been tightened up to reduce repetition of the same elements. Most RSAs, rules etc. have been modified to say "(name of rule) as may be amended or revised". A confidentiality statement with a caveat about right to know has been inserted at the beginning of the whole section, then omitted from individual sections.

##### A. Appraisals,

1. New Section 18A includes much of the same content as current Section 18 and 19A, but with fewer words.
2. Delete the requirement that an easement appraisal must include the full value because that element is standard in easement appraisals and by required USPAP standards.

##### B. Survey

1. New Section 18B combines content of current Sections 18B and 19B.
2. The detail of who pays for the survey has been omitted.
3. Wording recognizes that electronic copies of surveys are the current norm, but allows LCHIP to request full-size paper copy.
4. Adds flexibility for ED to allow delayed submittal of final survey if warranted.

##### C. Title Examinations and Title Insurance

1. New Sections 18 C and D replace/augment current sections 18C and 19C.
2. Section D is a new requirement, reflecting a change in current practice. It further protects LCHIP by providing insurance so that if the title is bad, the grant recipient has insurance funds with which to repay LCHIP for the grant amount.

##### E. Baseline Documentation or Property Conditions Report

1. New Section 18 E replaces old section 18E
2. New Section 18 E allows a submittal of Property Conditions Report, the name used by some organizations for this kind of document.
3. Provides flexibility for ED to allow final Baseline/PCR to be submitted at a fixed time later, when snow cover or other issues prevent timely completion.

##### F. Environmental Evaluation

1. New Section 18F replaces old Sections 18D and 19D
2. Language updated to reflect current usage in these reports
3. Specifies more clearly which kinds of property acquisitions require which kinds of environmental evaluation, with higher level of investigation required for any fee acquisition or any interests in a building or property which once had any buildings or commercial or industrial use.

New Section 18 overall adds several elements that are required for project completion but were not specifically included in previous iterations of the *Guidelines*:

G. Property Management Plan (for fee acquisitions) or Stewardship Policies (for easement acquisitions)

This requires the grant recipient to attend to the future use of the property protected with assistance from LCHIP and. In conjunction with the baseline documentation, provides a base expectation to draw from in case of any future disagreements.

H. Documentation of adoption of Land Trust Alliance Standards and Practices

This long standing requirement is problematic for municipal and historical organizations. The Board may want to omit or replace with some other standard at some time in the future.

I. Publicity

This is a relatively recent requirement included to encourage grant recipients to publicize their success with an LCHIP grant.

J. Geospatial Data

Requiring this allows LCHIP to ensure that the projects supported with LCHIP grants are added to the state's electronic mapping system, GRANIT, and show the LCHIP connection..

K. Final Project Budget

To document that LCHIP's funds met the required parameters of no more than 50% of each expense item and the total project cost and allowable levels of administrative cost.

New Section 19 and Section 20

These are two almost totally new sections, providing detail about the requirements for Restoration/Rehabilitation projects and Studies. The content is based on current requirements for these types of projects.

New Section 19 Project Documentation Requirements – Restoration & Rehabilitation Projects  
Elements that are different from the Acquisition requirement or unique to the Restoration/Rehabilitation projects include:

A. Detailed Scope of Work or Plans – Allows LCHIP (and DHR) to be sure what work is going to be done and that that it will follow the Secretary of the Interior's standards.

C. Proof of Match Funds - Ensures that the grantee has sufficient funds to complete the project before any grant payments are made by LCHIP.

Elements that are much the same as those in the acquisition section:

B. Stewardship Plan - Similar to Management Plan of Acquisition projects

D. Proof of Insurance - similar to title examination and title insurance in Acquisition project

E. Baseline Documentation Report

F. Documentation of Adoption of Land Trust Alliance Standards and Practices;

G. Publicity

H. Final Budget

New Section 20 Project Documentation Requirements - Studies

This section is almost entirely new as the existing *Guidelines* do not provide guidance about

what is required to complete a study. Further additions to this section are expected as staff gains understanding of needed requirements for a wider variety of studies that may be allowed under the definition of Study and Study Project in the *Guidelines*:

“**Study**” – means a professional evaluation of an eligible resource that will lead to the further protection of that resource.

“**Study Project**” – means a project proposing to complete a Study of an eligible natural, cultural, or historical resource.

Changes proposed during the Board meeting:

- Section 18 Introduction add reference to Sections 5 and 13
- Section 18. F. 1: Phase I Environmental Site Assessment: Delete redundant “(Phase 1)”.
- Section 18 F2 add at end of final sentence “as shown in Appendix A”.
- Section 18. G. Stewardship Policies: replace “of the stewarding entity’s” with “of the entity providing stewardship;” correct “entities” with “entity’s”.
- Section 18. H. Last line replace “may” with “will.”
- Section 19: Intro changed to read: Project documentation meeting the following minimum standards must be submitted prior to the release of grant funds and per the timing and process requirements included in Section 5 Process Overview and Section 13 Disbursement of Funds.
- Section 19B – refer to Stewardship definition in this document, do not duplicate it.
- Section 20. A. Detailed Scope of Work: Line 2: replace “provided” with “similar to”
- Each Section element that is identical to the content of a previous section with refer to the earlier section to reduce redundancy including:
  - Documentation of Adoption of Land Trust Alliance Standards and Practices
  - Evidence of Publicity
  - Final Project Budget
  - Proof of Match Funds
- Existing Appendix A to be re-entitled LCHIP Checklist for Environmental Site Review

MOTION	To accept the proposed changes with discussed changes to the <i>Criteria, Guidelines and Procedures</i>	Doug Cole
SECOND		Mandy Merrill
VOTE		Approved unanimously

The complete sections thus approved are presented in full are in the Addendum.

Amend Bylaws

The LCHIP Bylaws state that a “telephonic conference call” is an acceptable form of meeting.

**Section 2: Regular Meetings.** The regular meetings of the Authority shall be held at least four times per year, on a quarterly basis, at a time and place designated by the Board of Directors, or at such other times and places as may be designated by the chairperson(s); a telephonic conference call may be counted as a legal meeting of the Authority with the approval of any five (5) voting members.

Given the newfound convenience and prevalence of video conferencing, Dijit and Ben suggest it might be prudent to amend the Bylaws to also allow for video conferencing as an allowable

meeting form of meeting. There was discussion about Section 2 Regular Meetings and Section 3 Special Meetings and Right to Know requirement. The issue until a more inclusive proposal including Right to Know requirements can be drafted.

### **Information Items**

#### **Grant Round update**

There are 45 projects proposals seeking a total of \$5.5 million. There are fewer natural resource projects than usual, perhaps because in-home meetings with landowners were curtailed during COIVD isolation. Staff and review panel members have completed forty site visits.

The Board has held past discussions about organizations and resources and that receive multiple grants. Working with years of grant round data, Mandy discovered that the Forest Society (SPNHF), Southeast Land Trust and The Nature Conservancy have all received multiple grants for multiple projects. Strawberry Banke, Canterbury Shaker Village, Historic Harrisville, Star Island and South Church, Portsmouth have received multiple grants, sometimes for the same resource. Dijit will share the Mandy's summary of the data with the Board.

Rich observed that while it is important not to overlook good projects that come from applicants that do not have professional grant writers, the larger, state-wide organizations generally seek funds for the most significant projects and have known capacity to complete projects to LCHIP standards. Ben noted that unfunded project applicants who take advantage of the opportunity to meet with LCHIP staff to discuss their projects often reapply with improved projects/proposals. it. Dijit reminded everyone that LCHIP provides annual workshops to help potential applicants write a successful grant.

Judith raised the issue of LCHIP's geographical impact. Two different maps are updated each year to show LCHIP's geographic impact: an interactive Google map on the LCHIP website and a map prepared by Antioch University, a copy of which will be distributed to the Board.

Dijit suggested that in addition to the required and optional selection criteria in the RSA and *Guidelines*, the Board might want to consider other factors in grant making decisions: population density, income per capita, benefit to underserved populations, climate change, outdoor recreational opportunities, and if the project "shovel-ready." With \$5.5 million in requests and more than \$6 million available for granting, it will be important evaluate the projects on their strengths and weaknesses. Excess funds could be set aside for a year when requests return to the usual pattern of exceeding the amount available.

#### **Grant Management System update**

Paula provided an update about the new grant management system. Data from the current Access data base is about to be migrated to Foundant. A month of checking and adjusting are expected. Staff will start working with the new system before any recipients or applicants do so. Some experienced applicants have been recruited to serve as beta testers and provide feedback on navigating the system. By February we hope to allow grantees to start using it. For the 2022 grant round, all application and review materials will be accomplished on line. The LCHIP website will need revisions to reflect the new application processes. New training for all applicants will be created and required.

#### **Rt.16 DOT update**

Paula has been participating in the planning meetings concerning the rerouting of a portion of Rte., 16 in Dummer and Cambridge that the Board has discussed in previous meetings. The

evolving plan is that vegetation planted between the new road and the river must be sized to protect the view and provide wildlife connectivity. Additional meetings with DOT about mitigation are expected including allowable impact on the Forest Legacy part of the conserved land.

#### Legislation of Interest to LCHIP

A summary of legislation left over from last year and proposed for the coming session:

HB 621 (from last session) to allow registers of deeds to retain up to 10 percent of the LCHIP surcharge to pay for archival restoration of the official land record – voted down in committee 17-0 on 9/7/21

Proposed for 2022:

SB 53 to allow municipalities to create community preservation and resilience programs funded by a local real estate surcharge.

LRS 2116 to add agricultural resources as one of the primary resources to be protected through LCHIP and to allocate a percentage of the Real Estate Transfer Tax to help pay for it.

LSR 2731 would allow municipalities to support community-based land trusts.

Bob expressed concern that creating more land trusts exacerbates housing shortage. Tom feels a consensus is switching focus from high-end development to workforce. Susan Slack points out that some community land trusts, such as Harriman Hill in Wolfeboro, are committee to workforce housing.

**Other Business** – Dijit has new Board member books for Andy, Tom, Scott Crowder and Scott Mason.

**Public Comments** - There were no public comments.

Adjourn: 4:07 p.m. Motion to adjourn: Susan Slack Second: Dick Lewis

Next Meeting: Wednesday, November 17, 2021, 8:30am – 4:00 p.m. DNCR/Hybrid

Respectfully Submitted,

Barbara A. Beers  
LCHIP Office Manager

Ben Wilcox  
LCHIP Board Chair

## **Addendum: Changes to the *LCHIP Criteria, Guidelines and Procedures***

### **18. Project Documentation Standards – Acquisitions**

All project documentation submitted to LCHIP shall be considered confidential to the extent permissible under NH RSA 91-A. Project documentation meeting the following minimum standards must be submitted prior to release of grant funds unless otherwise noted below:

- A. Appraisal** – An appraisal must be submitted for all Resource Assets to be acquired through the Program. Appraisals submitted to LCHIP must be completed:
1. by an appraiser licensed in the State of New Hampshire with at least two years' experience with property or easement appraisals,
  2. no earlier than twelve months prior to the date the Resource Asset is acquired, and
  3. in accordance with the most recently updated Uniform Standards of Professional Appraisal Practices (USPAP) as adopted by the Appraisal Standards Board of the Appraisal Foundation.

In limited circumstances the executive director may require appraisals to be completed no more than 9 months prior to the date the Resource Asset is acquired, or accept appraisals completed up to 15 months prior to the date the Resource Asset is acquired.

- B. Survey** – An electronic (digital) copy of a recordable survey describing the Resource Asset to be acquired must be submitted. LCHIP reserves the right to request a full-size paper copy of the survey at its discretion. Surveys completed as part of the LCHIP-funded project must
1. be completed by a surveyor licensed in the State of New Hampshire,
  2. be completed in accordance with the New Hampshire Office of Licensure and Certification, Board of Land Surveyors Rules, Land 503.03-09 as may be amended or revised,
  3. include the method and accuracy of the survey,
  4. show monumentation at all turning points as “set” or “found”,
  5. document the existence of blazing (axe cut/paint, or paint only) through forested areas unless otherwise documented in the baseline documentation report or property conditions report. If blazing or monumentation will not take place until after acquisition, the executive director may allow documentation to be submitted with or prior to the initial annual monitoring report.
  6. meet all recording requirements of the applicable county registry of deeds, and,
  7. be recorded at or before the time of acquisition. If the survey is to be recorded coincident with acquisition, an electronic (digital) copy of the final recorded survey must be submitted to LCHIP prior to or with the initial annual monitoring report.

**C. Title Examination** - A preliminary examination of title for all Resource Assets must be completed at least thirty days prior to acquisition, and updated no more than five days prior to acquisition by an attorney licensed to practice law in the State of New Hampshire. The title examination must be completed in accordance with the New Hampshire title examination standards of the New Hampshire Bar Association, as may be amended or revised. Any issues that could constitute a cloud on title, or any unpaid mortgages, liens or other encumbrances that could result in the extinguishment of the restrictions to be conveyed or undermine the resource values to be protected must be resolved to the satisfaction of the LCHIP executive director prior to acquisition.

**D. Title Insurance** –Title insurance must be secured for all acquisition projects. The title commitment must show a policy amount at least equivalent to the LCHIP grant award, and must list the grant recipient as the proposed insured.

**E. Baseline Documentation or Property Conditions Report** – A Baseline Documentation or Property Conditions Report (Report) must be submitted to LCHIP documenting the condition of the Resource and the specific conservation or preservation attributes extant at the time the protective restrictions are conveyed. Guidance documents describing the required Report will be provided to Grantees by LCHIP.

If, due to circumstances beyond the Grantee's control, the baseline documentation or property conditions report cannot be finalized prior to the release of grant funds the executive director may accept an interim report and require that the final report be submitted to LCHIP with or prior to the initial annual monitoring report.

**F. Evaluation of Environmental Conditions** – An environmental conditions evaluation of the Resource Asset to be acquired must be submitted for all Acquisition projects. The purpose of this evaluation is to determine the existence or presence of any solid waste, hazardous or toxic contaminants or other pollutants.

1. Phase I Environmental Site Assessment - A Phase 1 Environmental Site Assessment conforming to American Society for Testing Materials (ASTM) Designation E 1527 "Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment process" as may be amended or revised and prepared by an environmental professional as defined therein must be submitted for the following projects:
  - a. Acquisition of any Resource Asset in fee, or
  - b. Acquisition of an Easement Interest in any building or structure, or in property on which buildings or structures exist or are known to have existed, or
  - c. Acquisition of an Easement Interest in property with known commercial or industrial uses, current or historic.
2. Environmental Site Review - For all other Acquisition projects either a Phase 1 Environmental Site Assessment or an Environmental Review must be submitted. An Environmental Review Guidance Document outlining the required components will be provided to Grantees and is found in Appendix A of this document. Any recognized environmental or other concerning conditions known by the Grantee to exist must be

disclosed to LCHIP and resolved to the satisfaction of the LCHIP executive director, or a credible plan for remediation must be submitted to and approved by the LCHIP executive director, prior to the release of grant funds.

**G. Property Management Plan (fee acquisitions) or Stewardship Policies (easement acquisitions)**

Property Management Plan - for fee acquisitions, a plan addressing how property management and overall stewardship of the property will be undertaken over the long-term must be submitted prior to the release of grant funds. The plan must be sufficient to guide future management activities and decisions. A Guidance Document describing the required components of the Property Management Plan will be provided to Grantees. The LCHIP executive director may accept a draft plan prior to acquisition subject to a requirement that the final plan be submitted with, or prior to, the initial annual monitoring report.

Stewardship Policies - for easement acquisitions, documentation of the entity providing stewardship's easement enforcement program, including a detailed description of the annual monitoring and inspection process and written documentation of trespass, encroachment, and/or violation response procedures demonstrating the entity's capacity of the to enforce the restrictions conveyed must be submitted to LCHIP. Land Trusts accredited by the Land Trust Alliance are exempt from this requirement.

**H. Documentation of Adoption of Land Trust Alliance Standards and Practices -**

Documentation that the recipient organization has adopted the applicable Land Trust Alliance Standards and Practices must be submitted. Acceptable documentation may include a formal resolution or copies of approved minutes. (Information can be found at [landtrustalliance.org/topics/land-trust-standards-and-practices/adopt-land-trust-standards-and-practices](http://landtrustalliance.org/topics/land-trust-standards-and-practices/adopt-land-trust-standards-and-practices).) Accredited land trusts will submit documentation of current accreditation.

**I. Evidence of Publicity** – Evidence of public outreach and/or publicity acknowledging LCHIP's role as a project funder must be submitted. Acceptable documentation will include, but not be limited to, a draft press release or copies of newspaper, newsletter or website articles acknowledging LCHIP's support of the project.

**J. Geospatial Data** - A GIS shapefile package (polygon) and completed GRANIT tract data sheet must be submitted. A guidance document and tract data sheet will be provided to Grantees.

**K. Final Project Budget** – A final project budget must be submitted to LCHIP demonstrating compliance with all LCHIP financial requirements. A final project budget form will be provided to Grantees.

**19. Project Documentation Requirements – Rehabilitation and/or Restoration Projects**

Project Documentation meeting the following minimum standards must be submitted prior to the release of grant funds and per the timing and process requirements included in Section 5 Process Overview and Section 13 Disbursement of Funds.

**Scope of Work and/or Plans** A detailed scope of work must be submitted for all rehabilitation / restoration projects. The Scope of Work must include the following information for each architectural feature or component to be rehabilitated:

1. Feature
2. Date of feature
3. Description of existing feature and its condition
4. Photo or illustration of the feature
5. Description of proposed work and its impact on the feature
6. List of Contractors to be used on the project.
7. Statement of the methods and means by which the contractors will do the work.
8. Full-size, annotated and/or to-scale architectural plans, if requested by LCHIP.

**B. Stewardship Plan** - The Stewardship Plan must address all the applicable aspects of stewardship included in the definition of Stewardship in this document.

**C. Proof of Match Funds** - Evidence that to the match for the LCHIP project has been secured, with no more than 50% of the match in cash. Documentation may include bank statements, treasurer's reports, award letters from other grants, or statements from in-kind donors of the approximate value of their donation

**D. Proof of insurance** -

1. Liability coverage sufficient to protect the owner/steward during the construction process and if/when the Resource is open to the public
2. Property insurance, at a minimum, sufficient to repay the LCHIP grant in case of catastrophic loss and ideally for full replacement value. The executive director may waive, or permit adjustments, to this requirement.

**E. Baseline Documentation Report** - This report describes the work that was accomplished by the LCHIP grant and provides a clear record of the physical condition and historic character of the Resource at the time of project completion. A Guidance Document describing the required components will be provided to all Grantees.

**F. Documentation of Adoption of Land Trust Alliance Standards and Practices** - See Section 18.H.

**G. Evidence of Publicity** See Section 18.I.

**H. Final Project Budget** — See Section 18.K.

## **Section 20 – Project Documentation Requirements - Studies**

**A. Detailed Scope of Work** - A detailed description of what will be included in the Study including based on the guidance provided in National Park Service Preservation Brief 43, "The Preparation and Use of Historic Structure Reports and a list of the individuals or firms that will work on the project, typically including an historic preservation specialist meeting the Secretary of the Interior's Professional Qualification Standards for Historic Preservation.

- B. Proof of Match Funds**      See Section 19.C.
- C. Draft Report** – A draft report must be submitted to LCHIP including the components of the detailed scope of work above and allow for comments from LCHIP before report in finalized.
- D. Final Report** - A clean copy of the final report, in both hard-copy and digital formats, meeting the components of the detailed scope of work, must be provided to LCHIP.
- E. Final Project Budget**      See Section 18.K.