

**FINAL MINUTES**  
**HB 1295 COMMISSION TO STUDY THE ISSUE OF**  
**STORMWATER MANAGEMENT**

September 4, 2008 – 1:00 pm  
NH Legislative Office Building, Room 305, Concord, NH

**Members Present:**

Chair: Dari Sassan	NH Office of Energy and Planning
Vice Chair: Judith Spang	NH House of Representatives
Charlie Hood	NH Department of Transportation
Eber Currier	NH Farm Bureau
Karen Ebel	The Nature Conservancy
Joe Robertie	NH Timber Owners Association
Donald Sienkiewicz	Home Builders and Remodelers Association
Newb LeRoy	Association of General Contractors of NH
Eric Stohl	NH House of Representatives
David Borden	NH House of Representatives
Dave Danielson	NH Association of Regional Planning Commissions
Steve Kahl	NH Lakes Association
Paul Currier	NH Department of Environmental Services

**Others Present:**

Derek Durbin	NH Lakes Association
Timothy Fortier	McLane Law Firm
Dana Bisbee	Pierce Atwood LLP
Ted Diers	NH Department of Environmental Services
Greg Stratis	Northeast Concrete Products Association
Jamey Robichaud	Northeast Concrete Products Association
Jennifer Czysz	NH Office of Energy and Planning

**Commission Staff Present:**

Jillian McCarthy	NH Department of Environmental Services
Joel Anderson	NH House of Representatives Staff

**I. REVIEW OF COMMISSION DUTIES**

**Rep. Judith Spang** reminded everyone to sign in and then read the duties of the Stormwater Commission as they appear in the HB1295:

*71:3 Duties. The commission shall study:*

- (a) The effects of stormwater and stormwater management on water quality, water supply and quantity, terrestrial and aquatic habitat, flooding, and drought hazards.*
- (b) The relationship between land use change and stormwater.*
- (c) The relationships among and adequacy of federal, state, and local regulations and practices that pertain to stormwater management.*
- (d) State and municipal infrastructure construction and maintenance practices.*
- (e) The role of design, construction, and maintenance practices by residential, commercial, and industrial property owners.*
- (f) The effects of climate change on stormwater and stormwater management.*

**Rep. Spang** gave a general overview of the Commission's responsibility to:

- Investigate the issues and concerns related to stormwater;
- Come up with solutions by looking at what is already in place and asking if it is doing what we need; and,
- Look at existing and future resources for further addressing the problem.

## **II. INTRODUCTIONS**

Commissioners, staff, and attendees introduced themselves by name and representation.

## **III. DESIGNATION OF CHAIR AND VICE CHAIR**

**Rep. Spang** informed the Commission that it needed to elect a Chair and a Vice Chair and requested nominations.

Nomination of Mr. Dari Sassan for Commission Chair was brought forward by **Rep. Borden** and seconded by **Rep. Spang**. **All approved and none opposed.**

Nomination of Judith Spang for Commission Vice Chair was brought forward by **Mr. Kahl** and seconded by **Rep. Borden**. **All approved and none opposed.**

## **IV. STORMWATER PRESENTATION**

**Mr. P. Currier** and **Ms. McCarthy** presented a slideshow giving an overview of the impact stormwater has on water quality and hydrology, and describe potential solutions to address stormwater problems as a starting point for discussion. ([http://www.nh.gov/oep/legislation/2008/hb1295/documents/stormwater\\_in\\_new\\_hampshire.pdf](http://www.nh.gov/oep/legislation/2008/hb1295/documents/stormwater_in_new_hampshire.pdf)).

## **V. QUESTIONS AND DISCUSSION**

**Mr. E. Currier** asked about the type of calculations that engineers use to determine the amount of runoff that will be generated from a development activity. He stated that retention ponds are constructed that are supposed to treat

the water, but that there seem to be problems with them. **Mr. P. Currier** responded that engineers use fairly standard methods, such as HydroCAD or other software programs, which use the NRCS (formerly SCS) Curve Numbers. He described the general concept of the NRCS Curve Number Method.

**Mr. Danielson** stated that there seem to be numerous different audiences for this issue. For example the small MS4 communities [communities with “urbanized areas” as defined by the 2000 Census that are regulated by the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit], are facing permit requirements and need to come up with funding to meet them.

**Mr. E. Currier** stated that farmers are concerned with development because when development comes in, their stormwater usually ends up on farm land, often adjacent to parcels under agricultural use. This decreases the value of the adjacent property, especially if drainage problems impact farm crops. He gave the example that apples like dry conditions. If a development increases the runoff to an apple orchard, it could affect the crop.

**Mr. Danielson** stated that the impact of stormwater management on economic development needs to be considered.

**Mr. Kahl** stated that MS4 communities are in a reactive mode. He would like to see public outreach or social marketing for other municipalities not regulated under the MS4 permit to be proactive.

**Mr. Kahl** states that while typical stormwater pollutants such as sediment, nutrients, and bacteria were discussed in the presentation, chlorides were not. He asked if the impacts and management of chlorides be something the Commission should discuss. **Mr. Hood** said that he represents DOT on the Commission and that he would like to discuss chlorides because it is an issue they face regularly. **Mr. Danielson** added that DOT is pressuring towns to cut back on salt use because there is pressure on DOT to reduce salt use. **Ms. Ebel** said that in her town, the town was pressuring DOT to use less salt.

**Ms. Ebel** described the process that her town (New London) went through to develop subdivision regulations to incorporate low impact development (LID) techniques. It took a considerable amount of money and they discovered that many engineers are resistant and more concerned with peak stormwater runoff than with total runoff volumes. She gave two examples of a hospital and Colby Sawyer College (both in New London) wanting to install porous asphalt in parking lots. The asphalt contractor didn’t want to bond their porous asphalt work so they ended up not being able to use it. They used porous concrete instead.

**Mr. LeRoy** questioned if changes in regulations could impact existing facilities and asked the commission members to consider the potential impact to existing

facilities. He stated that new development and existing facilities are different things. **Mr. Danielson** responded by describing how the new utility law (HB 1581, An act relative to the formation of stormwater utility districts) allows municipalities to design their own local regulations.

**Rep. Spang** described another issue she is involved with related to Great Bay. She stated that Great Bay is in a dangerous condition and that the ecosystem is in dire straights: the eelgrass is dying back, shellfish are suffering, and the tributaries to bay are no longer navigable. In large part, said **Rep. Spang**, it is related directly to stormwater, sediment, and nutrients coming off of the land. It is an example of what happens on a watershed basis if we don't address the stormwater problem.

## **VI. FUTURE STRUCTURE/ACTIVITIES OF COMMISSION**

**Chairperson Sassan** started a discussion on the approach of the commission and setting meeting topics and dates. He suggested a case study on local ordinances from New London. **Rep. Spang** agreed that Karen Ebel is in a unique position to talk about what a planning board goes through when working with a developer to implement LID.

**Mr. Danielson** suggested looking at the action items that are listed in the bill text and see if the commission can address those items. He suggested that the commission use the time between meetings to think about prioritizing the action items.

**Mr. P. Currier** suggested an overview presentation of the existing regulatory framework of state, federal and local regulation. The commission would then consider whether it is adequate. Are there weak spots? Are there places for improvements?

**Mr. Kahl** asked if a website could be created for meeting materials. Chairperson Sassan and Ms. McCarthy will look into it.

**Ms. Ebel** asked if Mr. Robert Roseen from the UNH Stormwater Center would be speaking to the commission. She suggested that for non-engineers, a general presentation on peak flows, calculating drainage, and other stormwater topics could be given. She mentioned that Michael Simpson from Antioch is working on adapting to the existing impacts of climate change and that it might be worthwhile for the commission to hear him speak.

**Mr. Pelletier** stated to the commission that the MS4 permit work is a done deal. It is something the commission can't change. Instead, he continued, the commission should think about 1). How to help municipalities? and 2).How to retrofit existing development? He added, the commission should think about where NH goes from here. NH is continuing to grow. How do we want to grow?

Stormwater is going to be an issue. There has been a significant increase in peak and shorter durations of storm events. At the end of the day, we know that there is an increase in the number of storms and an increase in flows. How does NH want to change from this point on? A big issue is redevelopment. Mr. Pelletier gave an example of all of the big box stores being torn down. He went on to state that the State regulations aren't all that far reaching. Even the Alteration of Terrain Program doesn't regulate stormwater on individual lots.

**Chairperson Sassan** suggested that the next meeting be used to get organized and go through the duties of the commission and how to address the duties, meeting by meeting. He also states that he would contact Mr. Rob Roseen to try and schedule a presentation providing an overview of the principles and applications of Low Impact Development (LID).

**Chairperson Sassan** asked that everyone look at their schedules to see if this meeting day of the month and time worked so the commission could schedule regular meetings. He also explained the time frame that the commission is under. An interim report (progress report) is due November 1, 2008 with a final report due November 1, 2009. He stated that he will communicate to the commission through email and requested that the commission members include their email on the sign in sheet if they didn't already. Meeting attendees who want to be notified of future meetings should put a check mark next to their name.

**Ms. Ebel** asked if it is OK to send a representative if a commission member is unable to attend. **Chairperson Sassan** responded that the representative wouldn't count toward a quorum, but that sending a representative is fine.

**VII. FUTURE MEETING DATE**

<u>Date</u>	<u>Time</u>	<u>Location</u>
October 6, 2008	10:00am	LOB* room 305

\*NH Legislative Office Building, 33 North State Street, Concord, NH

**VIII. ADJOURNMENT**

At 2:45pm, **Rep. Spang** brought motion to adjourn forward. **Ms. Ebel** seconded. **All voted in favor.**