

MEMORANDUM

DATE: November 1, 2008

TO: Honorable John H. Lynch, Governor
Honorable Terie Norelli, Speaker of the House
Honorable Sylvia B. Larsen, President of the Senate
Honorable Karen O. Wadsworth, House Clerk
Tammy L. Wright, Senate Clerk
Michael York, State Librarian

FROM: Representative Suzanne Gottling, Chair

SUBJECT: Interim Report on HB 1579, Chapter 294:1, Laws of 2008

Pursuant to HB 1579, Chapter 294:1, Laws of 2008, enclosed please find the Interim Report of the Commission to Study Issues Relating to Land Development and Land Development Regulation in New Hampshire.

If you have any questions or comments regarding this report, please do not hesitate to contact me.

cc: Commission Members
Joel Anderson, Commission Researcher

SG:jc
Enclosures

INTERIM REPORT

COMMISSION TO STUDY ISSUES RELATING TO LAND DEVELOPMENT AND LAND DEVELOPMENT REGULATIONS IN NEW HAMPSHIRE

HB 1579, Chapter 294:1, Laws of 2008

November 1, 2008

Commission Members:	Appointed by:
Suzanne Gottling, Chair	New Hampshire House of Representatives
Erin Darrow, Vice Chair	American Council of Engineering Companies of New Hampshire
Chris Christensen	New Hampshire House of Representatives
Patrick Corso	Business and Industry Association
Jennifer Czysz	New Hampshire Office of Energy & Planning
Laura Deming	New Hampshire Audubon Society
Paul Dionne	New Hampshire Association of Conservation Commissions
John Doran	New Hampshire Association of Realtors
Jim Gove	Associated General Contractors of New Hampshire
Harold Janeway	New Hampshire Senate
Cheryl Killam	New Hampshire Municipal Association
Gerald Little	New Hampshire Bankers Association
Johanna Lyons	New Hampshire Dept. of Resources and Economic Development
Charles Miner, Jr.	New Hampshire Fish and Game Department
Paul Morin	Home Builders and Remodelers Association of New Hampshire
Rene Pelletier	New Hampshire Department of Environmental Services
Peter Stanley	New Hampshire Association of Regional Planning Commissions
Jasen Stock	New Hampshire Timberland Owners Association
Peter Walker	New Hampshire Association of Natural Resource Scientists
Vacant	United States Natural Resources Conservation Service

The commission began by identifying the issues before it based upon its statutory duties.

Brainstormed points included:

- Statewide uniformity regarding wetlands regulations
- Impacts of upland development on wetlands
- Need for greater information and education
- Need for improved regulatory enforcement
- Impacts of impervious surfaces
- Maintaining habitat
- Simplify or streamline the permitting process
- Need for Low Impact Development
- Resource protection for the health and biodiversity of the watershed
- Access to a single point of contact for state permitting assistance
- Current greater emphasis on sustainable development practices
- Provide for an equitable balance economic development with resource protection
- Establish a clear understanding of what land owners can and cannot do with their land

Based upon the commission's duties (Chapter 294:3, I through V), the following is a summary of information gathering efforts to date:

- I. The effects of land development on surface and ground water quality and quantity, and terrestrial and aquatic habitat.
 - Presentation by the NH Department of Fish and Game (September 16, 2008) – Wildlife and Wildlife Habitats.

- II. The adequacy and consistency of local, state, and federal programs as they relate to the regulation and management of land development, including regulations of wetland buffers and setbacks, stormwater management, and cumulative effects of development.
 - Presentation by the NH Office of Energy and Planning and the NH Association of Regional Planning Commissions (September 16, 2008) – The Municipal Planning Process and Patchwork of Regulations
 - Presentation by the Department of Environmental Services (September 16, 2008) – Land Use Program Permitting at NHDES – State and Federal Environmental Permits
 - Presentation of three land development case studies – Large Scale Development by Mike Brunetti of the Mount Washington Resort, Mid-Size Development by Paul Morin of the Homebuilders Association, and Small Scale Residential Development by Erin Darrow for the American Council of Engineering Companies of NH (October 21, 2008)
 - Presentation by the Conservation Law Foundation and the Society for the Protection of New Hampshire's Forests – Wetlands, Impacts and Regulation: Why Indirect Impacts of Wetland Dredges and Fills Are Critical to Manage and Regulate (Scheduled for November 18, 2008)
 - Presentation by the Department of Transportation – NHDOT Environmental Planning and Permitting Processes (Scheduled for January 2009)
 - Presentation by the Office of Energy and Planning on Recent Growth Trends (Proposed for January 2009)

Copies of each of the presentations to the Commission is available online at:
<http://www.nh.gov/oep/legislation/2008/hb1579/index.htm>

Respectfully submitted on behalf of the Commission,

Rep. Suzanne Gottling, Chair

CHAPTER 294
HB 1579-FN – FINAL VERSION

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08-2202
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STATE OF NEW HAMPSHIRE
In the Year of Our Lord Two Thousand Eight

AN ACT establishing a commission to study issues relating to land development and land development regulation in New Hampshire and establishing a surcharge on certain documents related to real property.

Be it Enacted by the Senate and House of Representatives in General Court convened:

294:1 Commission Established. There is established a commission to study land development regulations and the effects of land development within upland areas that may affect wetlands and surface waters of the state.

294:2 Membership and Compensation.

I. The members of the commission shall be as follows:

(a) Two members of the house of representatives, including at least one member of the resources, recreation, and development committee, appointed by the speaker of the house of representatives.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of the department of environmental services, or designee.

(d) The executive director of the fish and game department, or designee.

(e) The director of the office of energy and planning, or designee.

(f) The commissioner of the department of resources and economic development, or designee;

(g) A representative of the New Hampshire Association of Regional Planning Commissions, appointed by that organization.

(h) A representative of the New Hampshire Municipal Association, appointed by that organization.

(i) A representative of the Home Builders and Remodelers Association of New Hampshire, appointed by that organization.

(j) A representative of the Associated General Contractors of New Hampshire, appointed by that organization.

(k) A representative of the New Hampshire Association of Conservation Commissions, appointed by that organization.

(l) A representative of the New Hampshire Association of Natural Resource Scientists appointed by that organization.

(m) A representative of the New Hampshire Audubon Society, appointed by that organization.

(n) A representative of the United States Natural Resources Conservation Service, appointed by that organization.

(o) A landowner appointed by the New Hampshire Timberland Owners Association.

(p) A representative of the Business and Industry Association, appointed by that organization.

(q) A representative of the American Council of Engineering Companies of New Hampshire (ACEC-NH), appointed by that organization.

(r) A representative of the New Hampshire Association of Realtors appointed by that organization.

(s) A representative of the New Hampshire Bankers Association appointed by that organization.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

294:3 Duties. The commission shall study:

I. The effects of land development on surface and ground water quality and quantity, and terrestrial and aquatic habitat.

II. The adequacy and consistency of local, state, and federal programs as they relate to the regulation and management of land development, including regulations of wetland buffers and setbacks, stormwater management, and cumulative effects of development.

III. The opportunities for integration of land use controls, open space protection techniques, and environmental and public health protection laws to promote land development patterns that maintain ecosystem health and integrity while providing desirable communities in which to live and work. This shall include study of any programs of this kind underway in other states or nations.

IV. The potential legal, fiscal, regulatory, and technical obstacles for creating an integrated approach to land development.

V. Legislation that may be necessary to implement the recommendations of the commission.

294:4 Chairperson. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section.

294:5 Report. The commission shall make an interim report on or before November 1, 2008, with a final report on its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2009.