

MINUTES
HB 1579 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

June 15, 2009 * 1:00 PM
NH Legislative Office Building, Room 305, Concord, NH

Commissioners Present:

Chairperson Representative Sue Gottling, NH House of Representatives, member of the
Resources, Recreation and Development Committee
Senator Harold Janeway, NH Senate
Representative Chris Christensen, NH House of Representatives
Peter Stanley, representing NH Association of Regional Planning Commissions
Jennifer Czysz, representing NH Office of Energy and Planning
Charles Miner Jr., representing NH Fish and Game Department
Mike Brunetti, representing Business and Industry Association
Cheryl Killam, representing NH Municipal Association
John Doran, representing NH Association of Realtors
James Gove, representing Associated General Contractors of NH
Rene Pelletier, representing NH Department of Environmental Services
Jasen Stock, representing NH Timberland Owners Association
Peter Walker, representing NH Association of Natural Resource Scientists

Other Attendees:

Paul Leveille, The Jordan Institute
Jim Kennedy, NH Association of Natural Resource Scientists
Paul Currier, NH Department of Environmental Services
Susan Olsen, NH Municipal Association
Gloria Leberman, Sheehan Phinney Capitol Group
David Shulock, Brown, Olson & Gould, P.C. Biomass Group

Commission Staff:

Dari Sassan, NH Office of Energy and Planning

I. ROLL CALL AND INTRODUCTIONS

Chairperson Gottling called the meeting to order at 1:03 PM. Commissioners, speakers, and staff introduced themselves by name and representation.

II. APPROVAL OF MINUTES FROM MAY 18, 2009 MEETING

Mr. Doran moved to approve the minutes of the May 18, 2009 meeting. Ms. Killam seconded. The minutes were accepted unanimously with one abstaining.

III. PRESENTATIONS

Mr. Leveille gave a presentation entitled, "Introduction to LEED." The presentation is available online at:

http://www.nh.gov/oep/legislation/2008/hb1579/2009/documents/introduction_to_LEED.pdf

Representative Christensen asked if Leadership in Energy Efficient Design (LEED) certification is based upon what is designed or what is built. Mr. Leveille said that the certification is based on the design, but said that there is some follow up. He added that now some performance data is required.

Representative Christensen asked if the numerous projects in New Hampshire that are being built to LEED standards have been the result of demand from individuals or a decision made by developers. Mr. Leveille said that it is mostly developers and that the reason is based on marketability. On the residential side, however, a motivated homeowner mostly originates the projects.

Mr. Brunetti asked how site considerations figure in to the LEED certification process. Mr. Leveille said that site conditions are considered and that negative land-use and/or environmental ramifications can cost a certification candidate points.

Mr. Walker said that the Commission is looking for obstacles and gaps associated with sound land-use decision-making. He asked if such elements exist in NH regarding LEED. Mr. Leveille said the biggest obstacle is education and that cost is another obstacle. Mr. Walker followed by asking if local or state regulations have posed problems. Mr. Leveille said that when building the Society for the Protection of NH Forests headquarters in Concord, the City had issues with a proposed gray water system and composting toilets. He said that, in the end, the issues were worked out.

Mr. Pelletier asked about the level of apprehension regarding green building and asked if the Jordan Institute spends a great deal of time involved with education. Mr. Leveille said that education is a very large part of his organization's work. He encouraged folks to view a free presentation available on the Jordan Institute website (www.thejordaninstitute.org).

Representative Christensen asked if there is a model that could be legislated that would result in more energy efficient development. Mr. Leveille said that several states have adopted LEED or other evaluative systems. He added that Maine requires all State buildings to be LEED certified and that Boston requires the same of all Municipal buildings.

IV. SUBCOMMITTEE REPORTS

Mr. Gove distributed the minutes of the June 5, 2009 Definitions Subcommittee meeting. The minutes are available online at:

http://www.nh.gov/oep/legislation/2008/hb1579/definitions_subcommittee/documents/06.05.09_definitions_subcommittee_notes.pdf

He announced that the next meeting of the Definitions Subcommittee will take place on August 7, 2009 from 9:00 AM – 11:00 AM at the NH Fish and Game Department.

Mr. Brunetti asked if the Subcommittee had engaged in discussions of flexible setbacks. Mr. Gove said that the problem with flexible setbacks is that they are difficult to legislate. He added that the setbacks being discussed were not areas in which particular activities are restricted, but rather areas, within which, impacts must be addressed. Mr. Gove went on to say that the setbacks would establish the DES review trigger.

Mr. Gove presented the concept of incorporating a multiplier that corresponds to a function-and-value index. Mr. Walker said that, in addition to the importance of the nature of the wetland, the nature of the proposed project should also be weighed.

Chairperson Gottling said that, at some point, the Commission would need to consider which elements must be addressed through legislative action and which should be addressed through rulemaking.

Mr. Kennedy distributed a handout summarizing research of wildlife and vegetation definitions that he had conducted for the NH Association of Natural Resource Scientists. The handout is available online at:

http://www.nh.gov/oep/legislation/2008/hb1579/definitions_subcommittee/documents/06.15.09_wildlife_and_vegetation_terms.pdf

Chairperson Gottling said that Mr. Kennedy's research was very interesting and helpful. She added that it will provide the Commission with an important tool and will help to avoid redefining or recreating existing terms.

V. DISCUSSION OF FUTURE MEETING TOPICS AND DATES

Chairperson Gottling asked Mr. Brunetti if the July 20, 2009 meeting would be held at the Mount Washington resort. Mr. Brunetti said that it would. He said that the meeting would include a look at the Presidential wing's green roof and the erosion control measures that have been implemented at Dartmouth Brook.

VI. ADJOURNMENT

Chairperson Gottling adjourned the meeting at 2:35 PM.