

APPENDIX F:

RESEARCH SUBCOMMITTEE MEETING NOTES

MEETING NOTES

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

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

February 6, 2009 * 10:00 AM
NH Office of Energy and Planning, Concord, NH

Present:

Representative Sue Gottling, NH House of Representatives
Cheryl Killam, representing NH Municipal Association
Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Collis Adams, NH Department of Environmental Services
Johanna Lyons, NH Department of Resources and Economic Development

I. INTRODUCTIONS

II. REVIEW AND DISCUSS DRAFT DOCUMENT BY OEP

“New England State Level Planning Programs In Correspondence with HB 1579, Chapter 294:3, III, Laws of 2008”

Available online at:

<http://www.nh.gov/oep/legislation/2008/hb1579/2009/meetings.htm>

The group scanned through the document and began a discussion of how to use the document to assist the Commission in the most meaningful fashion. Johanna suggested the list be expanded to further document what New Hampshire state agencies are currently doing. For example, Collis mentioned that DES has a collaborative (state, local, developer) pilot program to promote progressive environmental development. Additionally, Collis stated that Federal Programs should be included in the document and subcommittee research. Laura suggested we identify programs that promote green development, green energy and low impact development. Johanna inquired where do non-profit organizations such as the Lakes Association, SPNHF, and land trust fit into the research at hand? Johanna brought information on DRED's Land Management Policies/Procedures/Guidelines and Land and Water Conservation Fund Program which should be added to the body of research.

Collis noted that the subcommittee's research could further filter each program by identifying those which could be implemented immediately, in the next legislative session or within five to ten years.

Several subcommittee members all agreed that a matrix should be developed to compare each of the types of programs and their focus areas across New England. The Matrix would show existing programmatic coverages based upon existing state and federal programs as well as show programs in other states both comparable to those (potentially identifying possible improvements) and programs that would resolve current gaps within New Hampshire’s regulatory framework.

Matrix content and framework decided upon was as follows:

Programmatic Focus:	NH	CT	MA	ME	VT	Federal
Smart Growth	<p>Cells should include:</p> <ul style="list-style-type: none"> • Name of program • Contact for more information • Program website? • Symbolic notation of whether it is based upon: <ul style="list-style-type: none"> ○ Incentives, ○ Guidance/technical assistance, ○ Regulation ○ Grants 					
Water Resources:						
<ul style="list-style-type: none"> • Wetlands – direct • Wetlands – indirect • Rivers/streams • Aquifer 						
Infrastructure						
Housing						
Transportation						
Redevelopment/ Historic Preservation						

Representative Gottling suggested that the Commission might develop other subcommittees to research the effectiveness of wetland buffers and to evaluate municipal actions to frustrate environmental and wetlands protection. All of which would supplement the work of this subcommittee.

III. STRATEGY FOR MOVING FORWARD/DIVIDING RESEARCH

The subcommittee members all agreed that further research on specific programs should begin within New Hampshire.

The subcommittee agreed to the following “next steps” to pursue:

1. Jennifer will draft up a the matrix discussed by the subcommittee and circulate it to all subcommittee members
2. Subcommittee members will edit and add to the matrix – with a particular focus of identifying New Hampshire based programs – and identify those programs they wish to research further both in and outside of NH
3. Jennifer will draft up a template research sheet to be used for consistent reporting on all programs and circulate to all subcommittee members
4. Subcommittee will work on research of NH based programs
5. Subcommittee will regroup to discuss research conducted thus far within NH and strategy for researching programs across New England

The subcommittee agreed to the following thresholds or parameters for program research:

- Current program status
- Issues the program addresses
- How does the program function
- How was the program established
- Cost and funding sources
- Staffing needs
- Other implementation needs
- Relevance to the Commission
- Measures of success or performance
- Does the program either intentionally or inadvertently address the indirect impacts of development?
- Contact name, number and/or email

IV. FUTURE MEETING SCHEDULE

Next Meeting: March 16, 2009, 11:30 AM, LOB Room 305

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

March 16, 2009 * 11:30 AM
LOB Room 305, Concord, NH

Present:

Representative Sue Gottling, NH House of Representatives
Cheryl Killam, representing NH Municipal Association
Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association

I. REVIEW MEETING NOTES FROM FEBRUARY

II. REVIEW MATRIX

Jen distributed copies of the draft matrix which was built upon the framework identified at the February meeting. Each member present selected work to contribute to the matrix revisions as follows:

- Check on any additional federal permits required by EPA or the Army Corps of Engineers that need to be added to the matrix. – Cheryl
- Identify any additional grant programs – Cheryl and Rep. Gottling
- Add a row to the matrix of wildlife related programs and identify programs across the row – Laura
- Look into any Best Management Practices that should be added to the Matrix – Laura
- Add a row to the matrix of integrated permitting programs and identify programs across the row – Jennifer

The subcommittee identified the following additional programs to be listed in the matrix:

- Land and Water Conservation Fund
- Wildlife Action Plan
- Driveway Permits
- Brownfields program

Additionally subcommittee members began to identify individual research assignments as follows:

- Community Technical Assistance Program – Cheryl
- Community Development Block Grants – Cheryl
- Maine Site Law – Pete
- Massachusetts Environmental Policy – Pete
- Vermont's Act 250 – Pete
- Rivers/Streams row – Laura
- Aquifers row – Laura
- Wildlife row – Laura

Other edits and recommendations for the matrix identified at the meeting included:

- Merge the Infrastructure and Transportation rows

- Merge the Redevelopment and Historic Preservation Rows
- Add a Wildlife row
- Add a Coordinated permitting row
- Hyperlink to the individual program research pages from the program listing on the matrix

III. REVIEW RESEARCH TEMPLATE

Jen distributed copies of the draft research template where the questions posed were directly based upon the points brainstormed at the February meeting for research content. The draft included notes of intended content for responses to each research question. Some refinements identified included:

- Expand the program description to be the main body of the research and be 2-3 paragraphs rather than sentences.
- The program description should also detail the program's scope, it's programmatic structure, who it applies to, and identify other programs it may be coordinated with.
- Add a new research field entitled "Jurisdiction and Thresholds" to detail who the program applies to and what thresholds or eligibility requirement apply to trigger the program.
- "Measures of Success" should be expanded to "Evaluation, Measures of Success and Performance Standards" in order to capture existing evaluation mechanisms and/or comments on the program's successes or deficiencies.
- The discussion of cost and funding sources should not only identify the program's budget but comment on its adequacy and whether additional funding is necessary to be fully effective.
- The discussion on the program's relevance to the commission should not only state how it relates to the commission's work but also note whether it addresses any of the stated needs or deficiencies identified by the commission.
- The field relative to the program's treatment of wetlands and environmental impacts should not whether they are a direct objective of the program or "side effect" as well as note whether those programs with a wetlands goal look at direct, indirect, secondary, and/or cumulative impacts.

IV. NEXT STEPS

Jen will make all identified changes to both the matrix and template. She will circulate the revised matrix after the commission meeting. Subcommittee members will make any further edits to the matrix (including those identified during the meeting) and select those programs they wish to research. Matrix edits are to be returned to Jen by March 23, 2009. Jen will compile all edits, then circulate the newly revised matrix and template to all subcommittee members to commence research of individual programs.

V. FUTURE MEETING SCHEDULE

Meeting April 20, 2009, 1:00 PM, LOB Room 305

Note: This will be a subcommittee breakout session scheduled as part the full commission's tentative April meeting agenda

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

April 20, 2009 * 2:45 PM
LOB Room 305, Concord, NH

Present:

Representative Sue Gottling, NH House of Representatives
Johanna Lyons, representing NH Department of Resources and Economic Development
Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association

I. REVIEW MATRIX

Those present noted that the matrix has become imbalanced and needs additional identification of programs in other states to draw comparisons to those in NH. Those present assigned individuals to identify programs from *outside* NH to add to each row. Programs need not be represented within every column on the matrix, however, there should be 1-3 alternatives to a NH based program presented in each row. Rows were divided up amongst individuals who will send information to Jen to be incorporated into a more balanced matrix. Row assignments were as follows:

- Federal and State Environmental Protection Acts – P. Walker
- Smart Growth – J. Czysz
- Land Use Planning – J. Lyons
- Integrated Planning – J. Czysz
- Water Resources (general) – C. Adams?
- Wetlands – direct – C. Adams?
- Wetlands – Indirect – L. Demming
- Rivers/Streams – L. Demming
- Lakes/Ponds – L. Demming
- Aquifers – L. Demming
- Infrastructure and Transportation – C. Killam?
- Housing – J. Czysz
- Redevelopment and Historic Preservation – S. Gottling
- Wildlife – L. Demming
- Conservation/Recreation – J. Lyons
- Coordinated Permitting – C. Russell

II. REVIEW RESEARCH TEMPLATE

The research template is complete and has been emailed to each member of the subcommittee. Members of the subcommittee will complete the research template for programs within their assigned matrix row. Research templates do not need to be completed for every program listed in the matrix, but rather those that are most valuable for the Commission's further consideration.

III. NEXT STEPS

1. Jen will distribute the row assignments.
2. Members will identify additional programs to be listed in other states or Federal items to complete each matrix row.
3. Members will begin to complete the research templates for individual programs.

IV. FUTURE MEETING SCHEDULE

The subcommittee members proposed meeting on May 8, 2009. Jen will arrange a meeting time and location.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

May 8, 2009 * 10:00 AM
Office of Energy and Planning, Concord, NH

Present:

Representative Sue Gottling, NH House of Representatives
Peter Walker, NH Association of Natural Resource Scientists
Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association

I. REVIEW MATRIX

The bulk of the meeting conversation revolved around refining the matrix including identifying any missing elements, rows still missing programs, and how to consolidate rows into a more condensed matrix. Of which most time was spent on reorganizing the rows of the matrix, consolidating the program focus areas, and deleting some row topics (moving their programs to more applicable locations). The decided upon programmatic focus area headings, in presentation order, and assigned individual to identify missing programs and prepare the research template for each program in the row, is as follows:

- Federal and State Environmental Protection Acts – P. Walker
- Coordinated Permitting – C. Russell
- Land Use Planning – J. Czysz
- Smart Growth – J. Czysz
- Redevelopment and Historic Preservation – S. Gottling
- Conservation – J. Czysz
- Transportation – P. Walker
- Water, Sewer and Other Infrastructure – S. Gottling
- Water Quality – P. Walker
- Wetlands – L. Demming
- Surface Water – L. Demming
- Ground Water and Aquifers – L. Demming
- Wildlife – L. Demming

Modifications identified to the matrix, to achieve the final list of rows above, included:

- Combine the Integrated Planning programs into the Land Use Planning row, with the exception of the Sensible Transportation Policy Act (ME) which will move to the Transportation row.
- Rename the Water Resources row as Water Quality.
- Shift NPDES – MS4, HB 648 Flood Commission and Dam Maintenance, from the Water Resources to the Infrastructure row.
- Combine the Wetlands – Direct and – Indirect rows and all associated programs into a single Wetlands Row (any programs that address indirect impacts are to be highlighted in the research template).

- Combine the Rivers/Streams and Lakes/Ponds rows, and all programs, into a single Surface Water row.
- Split the Infrastructure and Transportation row into two separate rows addressing (1) Water, Sewer and Other Infrastructure and (2) Transportation.
- Delete the Housing row – of the programs listed in the row delete the one from CT and move the one MA program to the Smart Growth row.
- Reduce the scope of the Conservation and Recreation row to just Conservation.

Other changes to the matrix identified included:

- Add a brief definition of smart growth to note how it is differentiated from land use planning.
- Clarify that any historic preservation programs listed, in order to remain relevant, should have a redevelopment focus.

Programs to be added to the template included (program – state – row):

- Coastal Watershed Alliance – NH – Water Quality
- Natural Resource Protection Act – ME – Wetlands
- Add lakes and ponds related programs – Fed & All NE states – Surface Waters
- Add transportation programs – Fed & All NE states – Transportation
- Add NH Rail Transit Authority – NH – Transportation
- Federal Historic Preservation Tax Credits – Fed – Redevelopment...
- Add Redevelopment and Historic Preservation Programs – All NE States – Redevelopment...
- Add wildlife programs – Fed & All NE States – Wildlife
- Add conservation programs – Fed & All NE States – Conservation
- DES Innovative Permitting Program – NH – Coordinated Permitting

II. RESEARCH TEMPLATE

The research template will be revised one last time to add a question relative each programs approach to wetlands indirect impacts. Jen will email out the revised template after the meeting. All researchers are to use the template for their research to avoid any time being devoted to formatting at the end of the process. The guidance document is available to help all to developed a consistent response to each of the questions.

General points to follow when completing the template stressed during the meeting included:

- Target length of each completed research template is 1-2 pages.
- The research template should cover any programmatic focus area overlaps to avoid having to place programs into multiple matrix rows.
- When listing the program contact a name, phone # and email will suffice (complete agency name and full mailing address are not needed).
- whenever possible and actual contact person or program manager/staff should be identified as the contact name.

III. NEXT STEPS

1. Make all modifications to the matrix identified during the meeting.
2. Submit all remaining programs to be added to the matrix to Jen by 5/14/2009.

3. Prep a matrix that is program titles only for distribution during a presentation of progress to date at the 5/20/2009 Commission meeting.
4. Members will continue working on individual program research. Target deadline for completing all research template sheets is 6/8/2009.
5. Once all research is complete the subcommittee, at this time, intends to:
 - a. assess each state's unique strengths and weaknesses given their suite of programs;
 - b. identify programs in other NE states that may address or resolve some of NH's weaknesses or gaps;
 - c. propose presentations to the full commission on a select number of programs from outside NH; and
 - d. Make recommendations for what should be considered in NH.

IV. FUTURE MEETING SCHEDULE

Next meeting – June 8, 2009, 2:30 PM at the Office of Energy and Planning.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

September 21, 2009 * 11:30 AM
Legislative Office Building, Concord, NH

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Cheryl Killam, representing NH Municipal Association
Carolyn Russell, NH Department of Environmental Services

I. REVIEW MATRIX

Little remains to be identified on the matrix aside from adding the program type icons. Laura emailed to Jen programs to be listed in the wildlife row. Rows with outstanding programs to still be identified and emailed to Jen for inclusion on the matrix include:

- Transportation
- Water, Sewer, and Other Infrastructure

Row assignments shifted slightly as follows:

- Federal and State Environmental Protection Acts – P. Walker
- Coordinated Permitting – C. Russell
- Land Use Planning – J. Czysz
- Smart Growth – J. Czysz
- Redevelopment and Historic Preservation – S. Gottling
- Conservation – C. Killam
- Transportation – P. Walker
- Water, Sewer and Other Infrastructure – S. Gottling
- Water Quality – P. Walker
- Wetlands – L. Demming & C. Killam
- Surface Water – L. Demming & C. Killam
- Ground Water and Aquifers – L. Demming & C. Killam
- Wildlife – L. Demming

To limit the programs added to the matrix it was decided that all programs listed should be exemplary to each state and should at some level serve to either channel development away from natural resources, promote redevelopment or sustainable development, or protect natural resources. Care has to be given to not include every possible program out there, but those that are only of possible interest to the commission's work and charges.

To further aid limiting programs, the following was decided about selected rows:

- Redevelopment and Historic Preservation:

- Do not include the state historic preservation office or other state programs to comply with existing federal programs (these are essentially the same state to state and already exist in NH)
- Focus on state initiatives that are unique to that state
- Identify programs that affect redevelopment
- Avoid programs that simply identify or list historic sites
- Water, Sewer and Other Infrastructure:
 - Limit to programs that establish needed infrastructure to promote compact development – particularly those programs that are tied to objectives that identify appropriate locations for development and avert development of natural resources
 - Avoid listing all bridge and DOT infrastructure programs where there is little chance to impact future development patterns
 - Keep a narrow focus
 - Federal programs that are common to all states and implemented at the state level should be listed in the “Federal” column
- Wetlands:
 - Attempt to identify programs that delineate and map wetlands using a state wide methodology and process
 - Attempt to identify states that designate a responsible and singular state-level entity charged with wetland delineation
- Wildlife:
 - Present Wildlife Actions Plans on one single research item

II. RESEARCH TEMPLATE

The research template was revised again to remove many of the form fields to allow for easier formatting and crucial spell checking.

It was decided that not all programs the identified on the matrix will be include in the research sheets. Each researcher will limit the number of programs for which they prepare a research template sheet based on their judgment. Research template sheets should be prepared for a maximum of one program for each state in a row. Some states may not have a program for each row that rises above presentation on the matrix.

General points to follow when completing the template reiterated during the meeting included:

- Target length of each completed research template is 1-2 pages.
- When listing the program contact, if available list a name, otherwise the general office phone number and/or email is adequate (complete agency name and full mailing address are not needed).
- Only include as much information as is readily available online or through other desktop resources.
- Do not worry about having a response to every field on the template, some such as “staffing needs” may not be readily accessible.
- The “Focus Area” on the research sheet should match the matrix row name.
- The program’s “Type” should match the icon on the matrix.
- Email all completed research sheets to Jen for compilation.

Researchers should select 2 or 3 programs from all those they have researched as the most exemplary for the commission to consider. For these couple programs, additional effort should be invested to ensure that ALL fields on the template are completed and a higher level of detail provided. These research sheets should be emailed to the full subcommittee.

III. NEXT STEPS

1. Email any remaining matrix additions to Jen
2. Select programs to prepare research sheets on from each row
3. Email completed research sheets to Jen for Compilation
4. Each subcommittee member needs to select 2 or 3 programs to present at the next subcommittee meeting
5. Email research sheets from selected programs (step 4) to full subcommittee
6. At next subcommittee meeting discuss programs selected by each subcommittee member and narrow those down to 2 or 3 programs to later present to the full comission

IV. FUTURE MEETING SCHEDULE

Next meeting – October 19, 2009, 11:30 AM at the Legislative Office Building.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

October 19, 2009 * 11:30 AM
Legislative Office Building, Concord, NH

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Carolyn Russell, NH Department of Environmental Services
Peter Walker, NH Association of Natural Resource Scientists

I. REVIEW MATRIX

Little remains to be identified on the matrix. Laura emailed to Jen many revisions to the last page of the matrix deleting superfluous programs and adding all remaining hyperlinks and icons. Only the Water Quality row now lacks hyperlinks and icons. Rows with outstanding programs to still be identified and emailed to Jen for inclusion on the matrix include:

- Transportation
- Water, Sewer, and Other Infrastructure

It was reiterated that to limit the programs added to the matrix, all programs listed should be exemplary to each state and should at some level serve to either channel development away from natural resources, promote redevelopment or sustainable development, or protect natural resources.

Row assignments remain as follows:

- Federal and State Environmental Protection Acts – P. Walker
- Coordinated Permitting – C. Russell
- Land Use Planning – J. Czysz
- Smart Growth – J. Czysz
- Redevelopment and Historic Preservation – S. Gottling
- Conservation – C. Killam
- Transportation – P. Walker
- Water, Sewer and Other Infrastructure – S. Gottling
- Water Quality – P. Walker
- Wetlands – L. Demming & C. Killam
- Surface Water – L. Demming & C. Killam
- Ground Water and Aquifers – L. Demming & C. Killam
- Wildlife – L. Demming

Laura mentioned one critical program to her Wildlife Row is the Maine Natural Resource Protection Act, which would actually be most appropriately listed under the Environmental Protection Acts row. Carolyn mentioned that this program is integral to Maine's coordinated permitting program she has been researching. It was suggested that Laura, Pete, and Carolyn

further discuss how to present this seemingly important program given its synergies between multiple focus areas and to best coordinate their work.

II. RESEARCH

Research templates have been completed, or are nearly completed for the following rows:

- Federal and State Environmental Protection Acts
- Coordinated Permitting
- Land Use Planning
- Smart Growth
- Wildlife

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included.

From the research sheets completed and circulated at the meeting, the following were selected as the most pertinent to be presented to the commission:

- Three forms of Environmental Protection Policy Acts – Maine, Massachusetts, and Vermont (coordinator: Pete Walker, when: November Commission meeting)
- Smart Growth Land Use - Vermont's Downtowns, Village Centers, New Town Centers and Growth Centers Programs (coordinator: Jen Czysz, when: November Commission meeting)
- Report Back on NH DES Coordinated Permitting Efforts (presenter: Carolyn Russell, when: January Commission meeting)
- Comparative Review of New England's Wetlands Programs (coordinator: Laura Demming with assistance from Pete Walker, when: December Commission meeting)

Further discussion is needed on Wildlife programs. One issue at hand is wildlife habitat fragmentation. Additionally, greater consideration is needed relative to wildlife review in environmental permitting: when and how it happens and its efficiency

III. NEXT STEPS

1. Complete research templates and send all to Jen
2. Continue to send the most exemplary programs to the full subcommittee for consideration at the November meeting
3. Continue to identify those programs that should be presented to the full commission
4. Begin series of presentations to the full Commission

IV. FUTURE MEETING SCHEDULE

Next meeting – November 16, 2009, 2:00 PM at NH Audubon.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

November 16, 2009 * 3:15 PM
Legislative Office Building, Concord, NH

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Carolyn Russell, NH Department of Environmental Services
Peter Walker, NH Association of Natural Resource Scientists

I. REVIEW MATRIX

Programs have been identified for all rows and no new programs need to be identified at this time. New programs can be added if something exemplary is discovered during future research. As research is being completed, programs of least relevance, if any, should be identified and deleted from the matrix.

II. RESEARCH

The following rows assignments have been reassigned and/or still require some research (sub-bullets):

- Redevelopment and Historic Preservation – S. Gottling
 - Federal Preservation Tax Incentives
 - Massachusetts Historic Landscape Preservation Initiative (partially complete)
- Conservation – J. Czysz
 - All research sheets remain to be completed
- Transportation – P. Walker
 - Maine Sensible Transportation Policy Act (draft to be revised)
- Water, Sewer and Other Infrastructure – S. Gottling
 - Vermont Municipal Pollution Control Priority System
- Water Quality – P. Walker
 - All research sheets remain to be completed
- Wetlands – L. Demming (assistance from P. Walker if needed)
 - All research sheets remain to be completed
- Surface Water – L. Demming
 - All research sheets remain to be completed
- Ground Water and Aquifers – L. Demming
 - All research sheets remain to be completed
- Wildlife – L. Demming
 - Federal Keeping it Simple (partially complete)
 - Federal Endangered Species Act (partially complete)

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included.

In order to accommodate discussion of HB 222 at the November Commission meeting the Environmental Policy Protection Act presentation, and all subsequent presentations were rescheduled as follows:

- Report on Progress and the Matrix (coordinator: Jen Czysz, when: November Commission meeting)
- Smart Growth Land Use - Vermont's Downtowns, Village Centers, New Town Centers and Growth Centers Programs (coordinator: Jen Czysz, when: November Commission meeting)
- Three forms of Environmental Protection Policy Acts – Maine, Massachusetts, and Vermont (coordinator: Pete Walker, when: December Commission meeting)
- Comparative Review of New England's Wetlands Programs (coordinator: Laura Demming with assistance from Pete Walker, when: January Commission meeting)
- Report Back on NH DES Coordinated Permitting Efforts (presenter: Carolyn Russell, when: February Commission meeting)

Remaining conversation centered on the content for the November presentations.

III. NEXT STEPS

1. Complete research templates and send all to Jen
2. Continue to send the most exemplary programs to the full subcommittee for consideration at the December meeting
3. Continue to identify those programs that should be presented to the full commission
4. Begin series of presentations to the full Commission

IV. FUTURE MEETING SCHEDULE

Next meeting – December 18, 2009, 10:00 AM at the Legislative Office Building.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

December 18, 2009 * 10:00 AM
Legislative Office Building, Concord, NH

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Carolyn Russell, NH Department of Environmental Services
Peter Walker, NH Association of Natural Resource Scientists

I. REVIEW MATRIX

Programs have been identified for all rows and no new programs need to be identified at this time. Laura suggested the following changes to the matrix:

- Move the State Programmatic General Permit to be listed under each state in the Wetlands row rather than just the Federal column. One state should be selected to complete a research sheet. The selected state should represent the best possible example of indirect impact review.
- Add the Safe Drinking Water Act to the Federal column in the Surface Water row.

II. RESEARCH

The following rows assignments have been reassigned and/or still require some research (sub-bullets):

- Redevelopment and Historic Preservation – S. Gottling
 - Federal Preservation Tax Incentives
 - Massachusetts Historic Landscape Preservation Initiative (partially complete)
- Conservation – J. Czysz
 - All research sheets remain to be completed
- Transportation – P. Walker
 - Maine Sensible Transportation Policy Act (draft to be revised)
- Water, Sewer and Other Infrastructure – S. Gottling
 - Vermont Municipal Pollution Control Priority System
- Water Quality – P. Walker
 - All research sheets remain to be completed
- Wetlands – L. Demming (assistance from P. Walker if needed)
 - All research sheets remain to be completed
- Surface Water – L. Demming
 - All research sheets remain to be completed
- Ground Water and Aquifers – L. Demming
 - All research sheets remain to be completed

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included.

Pete walked the subcommittee through his draft presentation for the Commission's December 21, 2009 meeting. Conversation centered on recommended changes to the presentation. A copy of the final presentation is available online with the Commission's proceedings for December 21st.

Carolyn will present DES' progress on its Coordinated Permitting initiative at the January Commission meeting. The next subcommittee meeting will be primarily devoted to this topic and reviewing future presentation topics.

III. NEXT STEPS

1. Complete research templates and send all to Jen
2. Continue to send the most exemplary programs to the full subcommittee for consideration at the January meeting
3. Continue to identify those programs that should be presented to the full commission
4. Continue series of presentations to the full Commission

IV. FUTURE MEETING SCHEDULE

Next meeting – January 8, 2010, 1 PM, LOB, room to be determined.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

January 8, 2010 * 1:00 PM
Room 203, Legislative Office Building, Concord, NH

Members Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Johanna Lyons, NH Department of Resources and Economic Development
Susan Olsen, NH Municipal Association
Carolyn Russell, NH Department of Environmental Services

Guests Present:

David Shulock, Brown, Olson and Gould, PC
Maryanne Tilton, NH Department of Environmental Services
Representative Susan Wiley, NH House of Representatives

I. REVIEW MATRIX

There are some programs, particularly the individual State Programmatic General Permit listings for each state that are missing hyperlinks. As links are identified, please send them to Jen for inclusion in the matrix. Programs in need of hyperlinks are highlighted in yellow. No other changes to the matrix were identified.

II. RESEARCH

Susan Olsen of the NH Municipal Association volunteered to assist the subcommittee with research.

The following rows assignments have been reassigned and/or still require some research (sub-bullets):

- Redevelopment and Historic Preservation – S. Gottling
 - Federal Preservation Tax Incentives
 - Massachusetts Historic Landscape Preservation Initiative (partially complete)
- Conservation – J. Lyons
 - All research sheets remain to be completed
- Transportation – P. Walker
 - Maine Sensible Transportation Policy Act (draft to be revised)
- Water, Sewer and Other Infrastructure – S. Gottling
 - Vermont Municipal Pollution Control Priority System
- Water Quality – P. Walker
 - All research sheets remain to be completed
- Wetlands – L. Demming (assistance from M. Tilton and P. Walker)

- All research sheets remain to be completed
- Surface Water –S. Olsen
 - All research sheets remain to be completed
- Ground Water and Aquifers – J. Czysz
 - All research sheets remain to be completed

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included.

Carolyn walked the subcommittee through her draft presentation for the Commission's January 8, 2010 meeting. Conversation centered on recommended changes or clarifications to the presentation. A copy of the final presentation will be available online with the Commission's proceedings for January 8th.

Laura will present a comparative review of New England's state wetlands programs at the February Commission meeting. She has already been in contact with Maryanne Tilton at DES for assistance and guidance in this research effort. She also requested assistance from Pete Walker if possible. The next subcommittee meeting will be primarily devoted to this topic and reviewing future presentation topics.

Johanna requested that subcommittee's March presentation to the full Commission be from the Conservation row, assuming a program from that row warrants presentation to the full commission. Presentation of an infrastructure related program was suggested for the April Commission meeting.

The remaining list of presentations will be finalized at the next subcommittee meeting. To do so research will need to be completed by that time.

III. NEXT STEPS

1. Complete research templates and send all to Jen
2. Continue to send the most exemplary programs to the full subcommittee for consideration at the February meeting
3. Continue to identify those programs that should be presented to the full commission
4. Continue series of presentations to the full Commission

IV. FUTURE MEETING SCHEDULE

Next meeting – February 1, 2010, 9:30 AM, Room 305 (to be confirmed), LOB.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

February 1, 2010 * 9:30 AM
Department of Resources and Economic Development (DRED)
DTTD Conference Room
172 Pembroke Rd, Concord, NH

Members Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Johanna Lyons, NH Department of Resources and Economic Development
Susan Olsen, NH Municipal Association

I. REVIEW MATRIX

Johanna has some changes to the matrix to update the conservation row. She will email revisions to Jen once she has completed her research. Jen noted that any changes should be emailed by Friday, February 5, 2010, morning to be available for web posting prior to the next commission meeting.

II. RESEARCH

The following rows assignments still require some research (sub-bullets):

- Redevelopment and Historic Preservation – S. Gottling
 - Federal Preservation Tax Incentives
 - Massachusetts Historic Landscape Preservation Initiative (partially complete)
- Conservation – J. Lyons
 - Finalize draft research sheets and complete any additional sheets
- Transportation – P. Walker
 - Maine Sensible Transportation Policy Act (draft to be revised)
- Water, Sewer and Other Infrastructure – S. Gottling
 - Vermont Municipal Pollution Control Priority System
- Water Quality – P. Walker
 - All research sheets remain to be completed
- Wetlands – L. Demming (assistance from P. Walker)
 - All research sheets remain to be completed
- Surface Water – S. Olsen
 - All research sheets remain to be completed
- Ground Water and Aquifers – J. Czysz
 - All research sheets remain to be completed

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included.

Johanna has made significant progress on research for the conservation row and requested to present “Land Conservation Strategies and Financing” at the February 8, 2010 Commission meeting as Laura had requested to postpone the planned wetlands presentation until the March Commission meeting.

Johanna’s findings were that land conservation programs operated based on 5 different strategies: fee ownership, limited development, lease, easements, and mitigation. Financing occurred through either public, private or public/private partnership funding, tax credit incentives, transfers of development credits, donations or revolving loans. Nationally, about 70 percent of the land available as conservation land is agricultural or woodlots.

There are two notable conservation projects ongoing in New Hampshire that would warrant presenting to the Commission. The first case to present is the Connecticut Lakes Headwater that has been an ongoing effort since 2001. The initiative preserved 171,000 acres in northern NH through the cooperative efforts of the Nature Conservancy, the State of New Hampshire, the Society for the Protection of NH’s Forests, and many other partners. Ultimately, 143,000 of these acres were then sold to the Lyme Timber Company for active forestry, subject to a state held conservation easement. The remainder of the land was sold to the State to be managed as natural areas.

The second case study to present is the Northwood Area Land Management Collaborative. This effort was begun by a single farmer who’s land abuts the Northwood Meadows State Park (900 acres). He along with several other abutting land owners joined forces, engaged DRED as an active partner, for a combined ownership representing 1,200 acres of contiguous natural lands, and implemented a collaborative land management system that not only saves each land owner expenses but generates greater environmental protection results.

Johanna’s inquiries led to a conversation with one nationally recognized land conservationist who indicated that New Hampshire’s Current Use land tax system may be out of date. In particular, there is no relief granted for partial conversion of land for those found to be in a “cash poor, property rich” situation. Maine requires all entrants into their current use system to first develop a current use plan.

As a point of coordination, Johanna noted that the Aquatic Resource Mitigation program, while currently listed as a wetlands program is also a conservation program. She and Laura should coordinate efforts and perhaps pick the one most appropriate row for the program.

The best program identified thus far in the conservation row is one in New Jersey where in an assessment of \$0.01/per person is charged each year and dedicated to conservation investments. Being outside of New England, the subcommittee decided that a floating

text box should be inserted into the matrix to make room for the program without having to add a new column to do so.

Conversation then moved to Laura's progress on the wetlands row. She has been taking a 30,000-foot perspective where in federal requirements have changed within the clean water act following a couple notable legal cases. This in turn has left states grappling with a narrowed definition of public waters.

A report of the state wetland managers tracks state's progress and wetland regulations. Only 21 states regulate wetlands and of those Florida has no explicit avoidance and minimization requirements, rendering the statistic 20 that effectively regulate wetlands. Michigan and New Jersey both regulate the Clean Water Act, whereas New Hampshire and the other New England states depend upon the Corps of Engineers. Additionally, New England's programmatic general permit system is different than other states and regions.

Overall New Hampshire's regulations typically are more detailed than other states, particularly regarding what is reviewed. New Hampshire has three permit categories opposed to others that typically have two.

Laura asked the subcommittee how she should narrow her presentation to the Commission given the depth of information possible. The subcommittee decided the most critical information to review and present would be the structural differences between states, particularly in determining thresholds for review and review standards. Additionally, each state's wetlands regulations inter-relationship with local regulations would be useful for the Commission's progress.

Susan offered to review possible surface water programs for presentation in April. Jennifer suggested a possible partnership between their two rows in order to also incorporate the ground water row and maximize rows.

The following rows should be reviewed to determine whether a presentation should be given to the commission: redevelopment and historic preservation, infrastructure, transportation, and water quality.

III. NEXT STEPS

1. Complete research templates and send all to Jen
2. Continue to send the most exemplary programs to the full subcommittee for consideration at the March meeting
3. Continue to identify those programs that should be presented to the full commission
4. Continue series of presentations to the full Commission

IV. FUTURE MEETING SCHEDULE

Next meeting TBD at the February 8, 2010 Commission meeting.

MEETING NOTES

HB 1579 COMMISSION TO STUDY LAND DEVELOPMENT REGULATIONS

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

March 8, 2010 * 1:30 PM
Room 305, Legislative Office Building, Concord, NH

Commission Members Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
John Doran, NH Association of Realtors
Representative Sue Gottling, NH House of Representatives
Johanna Lyons, NH Department of Resources and Economic Development
Glenn Smart, P.G., Business and Industry Association
Peter Walker, NH Association of Natural Resource Scientists

I. REVIEW MATRIX

No new changes were identified to the matrix during the meeting. Johanna does have some changes for the conservation row and will email them to Jen for inclusion after the meeting.

II. RESEARCH

The following rows assignments still require some research (sub-bullets):

- Redevelopment and Historic Preservation – S. Gottling
 - Federal Preservation Tax Incentives
 - Massachusetts Historic Landscape Preservation Initiative (partially complete)
- Conservation – J. Lyons
 - Draft research completed and to be emailed to Jen
- Transportation – P. Walker
 - Draft research completed and to be emailed to Jen
- Water, Sewer and Other Infrastructure – S. Gottling
 - Vermont Municipal Pollution Control Priority System
- Water Quality – P. Walker
 - Draft research completed and to be emailed to Jen
- Surface Water – S. Olsen
 - All research sheets remain to be completed
- Ground Water and Aquifers – J. Czysz
 - All research sheets remain to be completed

For those remaining to be completed, refer back to the meeting notes from September 21 for guidance on the level of detail to be included. All draft research sheets should be completed and emailed to Jen one week prior to the next subcommittee meeting.

No additional topics were identified for presentation to the full Commission in April, or beyond. Focus of the April subcommittee meeting will be to review all remaining research and identify the final list of presentations.

Laura reviewed her draft wetlands presentation and PowerPoint. Comments, questions and discussions on the presentation included:

- How do each of the states address cumulative impacts?
- Consider including other federal requirements.
- Review and present the structural differences between states, particularly the thresholds for review and review standards.
- There were a few bills this year regarding water quality standards for wetlands that have been either ITL'ed or retained given the difficulty in setting quantifiable parameters (House Bills 1305, 1348, 1221).
- "Wetlands Banking" is not a popular means of meeting federal requirements in New England however, NH has stepped ahead with its in-lieu program.
- How is New Hampshire performing overall relative to other states in wetlands protection? This can be addressed in quantifiable terms such as % of wetlands lost, as well as, comparing gaps and strengths within New Hampshire's programs.
- New Hampshire has broader jurisdiction than Maine and Vermont and the best mitigation approach in New England, possibly nationally.
 - Vermont has rather narrow jurisdiction that excludes many impacts from requiring state review or permits
 - Maine has very broad jurisdiction, however many exemptions that limit that which requires permits/review. Maine does however review more streams.
 - New Hampshire has broad jurisdiction with few exemptions which results in the review of more applications and individual direct impacts.

The subcommittee noted that at the April meeting the group should discuss the groundwater and aquifers row to identify a possible presentation. John Doran suggested partnering such a presentation with the case study of the Bethlehem Land Fill and the potential for ground water contamination.

III. NEXT STEPS

1. Complete research templates and send all to Jen by April 5, 2010
2. Compile all research into one document prefaced with the matrix
3. Review all remaining research and identify those programs that should be presented to the full commission (April 12, 2010 subcommittee meeting)
4. Continue series of presentations to the full Commission
5. Finalize edits to the research sheets for May 3, 2010
6. Determine subcommittee findings and recommendations (May 10, 2010 subcommittee meeting)

IV. FUTURE MEETING SCHEDULE

Next subcommittee meetings scheduled for:

- April 12, 2010, 1:30 PM, location TBD
- May 10, 2010, 1:30 PM, location TBD

MEETING NOTES

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

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

July 26, 2010 * 1:00 PM
NH Office of Energy and Planning

Present:

Jennifer Czysz, NH Office of Energy and Planning
Representative Sue Gottling, NH House of Representatives
Johanna Lyons, NH Department of Resources and Economic Development
Carolyn Russell, NH Department of Environmental Services
Glenn Smart, P.G., Business and Industry Association

I. REVIEW MATRIX

Other than edits identified during the later discussion of remaining research, no further edits were identified. There are still a few programs, highlighted in yellow that still need a hyperlink to the program's website added within the matrix. Hyperlinks should be identified by the person responsible for the row and emailed to Jen by August 2, 2010.

II. RESEARCH

Several final research sheets are still outstanding and need to be submitted to Jen by August 2, 2010 so they may be incorporated into the final report to the commission. Outstanding research is identified with aqua highlights on the draft matrix last distributed to subcommittee members. There are two rows where no research has yet to be prepared. The subcommittee discussed the most effective way of completing this work without creating a substantial burden for any one person.

Row 9, Water Quality, the committee decided to forego the preparation of research sheets as there are two other active study groups addressing water quality and storm water. Instead a footnote will be added to direct readers to the Stormwater Commission and Water Quality Standards Advisory Committee's more comprehensive work. Sue, Glenn and Jen will add programs to the Water Quality row to complete this portion of the matrix. Sue will send to Jen the URL for the Water Quality Standards Advisory Committee, Glenn will identify additional federal programs and their websites and the VT stream crossing regulations, and Jen will add the NH Stream Crossing Rules. No research sheets will be prepared on any programs in this row.

Row 11, Surface Water, Carolyn will take the lead on this row to ensure its completion. Jen and Johanna will assist in research sheet preparation after Carolyn identifies those that would be beneficial to invest time into their research. Carolyn suggested that we identify those watershed based surface water programs that are linked to the state's

permit programs in such a way as to ensure effective and timely review of applications. Only the best examples of effective coordination will be selected for further research. Given this row has no work yet done; the submission deadline is extended to August 9, 2010.

Disclaimers need to be added to the final report to clearly state that some of the research text is direct excerpts from the various program websites. In virtually all instances the excerpts are drawn directly from the web URL at the top of the research sheet, if not on that initial program page it can be directly linked to from the web page identified. A note to this effect will be added to the “Process” section at the front of the report and also as a disclaimer within the footer of all research sheets.

III. REPORT BRAINSTORMING

The following represent the ideas discussed during the brainstorming of findings and recommendations. Each of the bullets will need to be further reviewed at a subsequent meeting to determine their feasibility, appropriateness, and effectiveness in meeting the commission’s charge to select those which the subcommittee will ultimately endorse as their findings and recommendations. This list should not be used in any official capacity, cited or referenced as a policy recommendation.

- New Hampshire is the only state in New England without a comprehensive environmental policy.
- Environmental planning is disjointed within the state, covered in part by at least four different agencies: DES, OEP, DRED, and F&G, and their various partners.
- Lack of incentives for on the ground implementation of smart growth compared to other state’s more pro-active encouragement through various programs.
- Lack of funding and resources.
- Need for further time to conduct research of the top programs in the nation.
- Many program and programmatic areas are very similar across New England.
- Strong property rights or “live free or die” attitude in New Hampshire that creates a significant barrier to further environmental oversight.
- Need to find a balance between additional permit requirements (greater cost for all) and greater environmental protection benefits.
- Look at the Maine Site Law program as a possible way for New Hampshire to better coordinate permit review.
- New Hampshire lacks a comprehensive data collection or management system or adequate resources for its development and maintenances. Various components of environmental data required to make an informed land use development decision are located at separate locations – consolidation of all resources would permit one point of access to view all environmental constraints.
- Need for more consistent data accessibility and electronic access to records.
- Need for more coordination between individual permit programs and the commission’s charge to look at broader review perspective.
- The best course for the protection of uplands is through smart growth programs.
- New Hampshire’s various environmental permit programs individually require no changes in order for “good” sustainable development to occur/be permissible.

However, the requirements of each individual programs do not always align, creating conflict within the collective layering of programs, and may unintentionally inhibit innovative sustainable development.

- Support and utilize existing organizations, committees, councils, etc to further the goals and duties of the commission.
- Identify areas where legislation is needed.
- Too many conflicting, overlapping, duplicative rules and statues that all need to be reviewed in order to streamline programs and ensure consistency.
- Continue to coordinate with other study commissions.

Subcommittee members wished to hold a subsequent brainstorming session with the full commission at its August meeting to incorporate any of their ideas. Additionally, subcommittee members should review the list of possible findings and recommendations with the associations or agencies they represent on the commission to determine whether they can endorse the ideas. Representative Gottling suggested the subcommittee only put forth those ideas where there is unanimous support.

Findings and recommendations will ultimately be categorized by which specific duty of the commission it correlates to by developing another matrix. Column headings will read: "Duty," "Findings," and "Recommendations." Row headings will be each of the statutory duties of the commission.

IV. NEXT STEPS

Next steps and associated deadlines identified include:

July 28, 2010 – Email all brainstorming on findings and recommendations to Jen. This is an unedited brainstorming effort where everything identified is included. The subcommittee will meet later to refine the list. Subcommittee members present at the July 26th subcommittee meeting want to make sure those unable to attend have the opportunity to include their thoughts.

August 2, 2010 – ABSOLUTE FINAL DEADLINE to submit final research and matrix edits. All outstanding research and matrix edits must be submitted to Jen by August 2nd. The subcommittee will be presenting the completed matrix and research to the full commission at the August 16th meeting.

August 11, 2010, 1 PM, @ the Office of Energy and Planning – next subcommittee meeting. Primary agenda items will to be to review the draft list of findings and recommendations and prepare the subcommittee's presentation to the full commission.

August 16, 2010 – Full Commission Meeting (1 PM @ LOB). The research subcommittee will be first on the meeting's agenda. Objective is to present the subcommittee's research (final) and findings and recommendations (draft) and then engage the full commission in a facilitated brainstorming session to gather their thoughts

on the findings and recommendations related to the subcommittee's work and in connection to the full commission's charge.

September 1, 2010, 1 PM, @ the Office of Energy and Planning – subcommittee meeting. Prior to the meeting Jen will email subcommittee members a revised version of the recommendations and findings based on feedback received at the full commission meeting. Subcommittee members are asked to speak with those they represent to “clear” any recommendations before the September 1st meeting. The primary agenda item for this meeting will be to review the list of findings and recommendations and “weed-out” those that are not feasible or appropriate and make any necessary revisions. Immediately following the meeting a revised draft will be circulated to all subcommittee members for further review prior to the full commission meeting on September 20th when the subcommittee is expected to present its final report.

V. FUTURE MEETING SCHEDULE

August 11, 2010, 1:00 PM, Office of Energy and Planning

September 1, 2010, 1:00 PM, Office of Energy and Planning

MEETING NOTES

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

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

August 11, 2010 * 1:00 PM
NH Office of Energy and Planning

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Carolyn Russell, NH Department of Environmental Services
Glenn Smart, P.G., Business and Industry Association
Peter Walker, NH Association of Natural Resource Scientists

I. REVIEW MATRIX AND RESEARCH

No additional edits were identified and all remaining research has either been submitted or transmitted to Jen immediately following the meeting.

II. REPORT BRAINSTORMING

The subcommittee reviewed the brainstorming from the previous subcommittee meeting and those emailed in shortly after the meeting. Those emailed in included:

- Promote protection of the Natural Services Network. The New Hampshire Natural Services Network (NSN) provides a useful tool for identifying important natural resources at state, regional and municipal scales. Available on GRANIT, the NSN maps agricultural lands and productive soils, water supply lands, flood storage areas, and high ranking wildlife habitat. State policy should provide incentives to encourage municipalities to protect these important natural resources through regulations and fee or easement acquisition.
- Establish a task force to develop and implement a statewide landscape connectivity plan. Professionals in state and federal agencies, non-profit organizations, and academic institutions have been involved for some years in research on habitat fragmentation impacts, and have developed a variety of tools for addressing landscape-level connectivity in New Hampshire. However, the State lacks a comprehensive plan for ensuring landscape connectivity in the coming decades. A professional task force including ecologists, land trust representatives, and regional planners would provide an appropriate group to create such a plan.

The subcommittee identified several edits to the work previously brainstormed, as well as, identified other possible findings and recommendations including:

- DES and other regulatory agencies have a variety of regulatory programs to review the impacts of development.
- New Hampshire has good and reliable data, databases and readily accessible information readily available about surface water quality and plant species (Natural Heritage Bureau).
- Essential data on ground water and terrestrial and aquatic wildlife habitat is deficient, however, this is partially due to the difficult nature of collecting this data.
- Scattered, or more dispersed, development that results in the inflation of the amount of land used per capita and greater distances between developed land areas fragments aquatic and terrestrial habitat.
- Generally, more dispersed land development patterns have a greater impact on natural resources than more compact patterns or lower impact development.
- Maine, Massachusetts, and Vermont all take different approaches to comprehensive environmental policy and permitting.
- The Maine Site Location of Development Act is the closest of the three state's comprehensive environmental policy programs to New Hampshire's existing regulatory system.
- Vermont's Act 250 and Massachusetts' MEPA are more complex and costly environmental policy programs to administer.
- New Hampshire's regulatory programs do not clearly address or evaluate indirect or cumulative impacts.
- It is unclear whether New Hampshire's various environmental permitting programs have the statutory authority to address and review the indirect and cumulative impacts of development.
- Current permit review procedures in New Hampshire have complex and occasionally conflicting review, notification, and response times specified in statute.
- Using New Hampshire's wetlands permit as an example, often times there are additional notification requirements placed on DES and dependent on the specific features of an application. While specific agencies or organizations are to be notified, it is unclear what statutory authority DES has to act upon the comments they received in response to the notification.
- Need for more coordination between individual permit programs and the commission's charge to look at broader review perspective.
- Consider new legislation to provide for an alternative integrated land development permit that addresses multiple issues (e.g., wetlands, stormwater, wastewater/septic, habitat, and indirect and cumulative impacts) in coordination. Central to this concept are the key words "alternative" and "integrated," intending

one land development permit offered in parallel and as an alternative to the existing several independent permits. Running two parallel permit processes would allow additional time to consider the appropriateness and logistical realities of transitioning to such an integrated permitting process for all applicants.

- Review current environmental permitting programs to identify specific points where there may be conflicting, overlapping, or duplicative statutes and rules at the federal, state and local levels.
- Establish a central repository, website or guide to assist stakeholders in navigating the permitting process. This central point should also serve to apprise stakeholders to changes in the process or of permit requirements based on legislative or administrative actions.
- Establish a central repository, website or guide to assist stakeholders in navigating the permitting process. This central point should also serve to apprise stakeholders to changes in the process or of permit requirements based on legislative or administrative actions.
- The Site Evaluation Committee is New Hampshire's one existing comprehensive review process. The SEC only reviews large-scale energy supply and generation facility siting.
- New Hampshire already has several tools to promote smart growth and future development patterns that minimize the impacts on natural resources. These include the Innovative Land Use handbook, the Water Primer and the Housing and Conservation Planning Program. However, there is a lack of resources in which to provide technical support to implement these tools and programs.
- New Hampshire lacks a comprehensive data collection or management system or adequate resources for its development and maintenances. Various components of environmental data required to make an informed land use development decision are located at separate locations – consolidation of all resources would permit one point of access to view all environmental constraints.
- Wildlife habitat occurs on a larger scale than that of the development review process, which is on a site based scale. This makes it difficult to be effective in addressing wildlife impacts on an individual application basis.
- Look at the Maine Site Location of Development Law as a possible example of a comprehensive environmental policy program that most nearly resembles NH's existing regulatory framework and as a way for the State to better coordinate permit review.
- Need for further integration of planning and review of development at the federal, state, regional, local and site levels.
- Incentive based smart growth programs are the best opportunity to impact future patterns of development at a larger, regional or watershed based scale.
- Fund existing planning programs such as the Housing and Conservation Planning Program, which aids municipalities in planning for balanced development and natural resource protection, and the Regional Environmental Planning Program, which supports the regional planning commissions' work to provide technical

assistance to municipalities seeking to implement the regulatory models within the Innovative Land Use Handbook.

- State policy should provide incentives to encourage municipalities to protect important natural resources through regulations and/or the acquisition of conservation land through fee ownership or easements.
- Recommend a voluntary integrated land use development review approach for municipalities that simultaneously considers the various impacts of development on natural resources such as vernal pools and wildlife habitat.
- Establish an incentive to encourage property owners that are taking land out of Current Use to place a portion of the land under a conservation easement in exchange for a reduced tax levy on the portion that is removed from Current Use and subject to the Land Use Change Tax.

The above represent the ideas discussed during the continued brainstorming of findings and recommendations. Each of the bullets will need to be further reviewed at a subsequent meeting to determine their feasibility, appropriateness, and effectiveness in meeting the commission's charge to select those which the subcommittee will ultimately endorse as their findings and recommendations. This list should not be used in any official capacity, cited or referenced as a policy recommendation.

III. PREPARE PRESENTATION TO FULL COMMISSION

The subcommittee review its strategy for presenting the draft to the full commission and engaging in a brainstorming session. Prior to the meeting a complete draft of the report, findings and recommendations, matrix and research will be distributed to all commission members. At the meeting Jen will review work completed to date, its status, and process employed to prepare the full draft. She will then introduce and briefly explain the findings and recommendations relative to each of the commission's duties. As part of this the subcommittee will open up the presentation for discussion and comments on each of the duties and invite feedback and suggestions for additional or modifications to the draft findings and recommendations. This will also be an opportunity for the subcommittee to ascertain whether there is broader commission support for the brainstormed findings and recommendations.

IV. NEXT STEPS

August 16, 2010 – Full Commission Meeting (1 PM @ LOB). The research subcommittee will be first on the meeting's agenda. Objective is to present the subcommittee's research (final) and findings and recommendations (draft) and then engage the full commission in a facilitated brainstorming session to gather their thoughts on the findings and recommendations related to the subcommittee's work and in connection to the full commission's charge.

September 1, 2010, 1 PM, @ the Office of Energy and Planning – subcommittee meeting. Prior to the meeting Jen will email subcommittee members a revised version of

the recommendations and findings based on feedback received at the full commission meeting. Subcommittee members are asked to speak with those they represent to “clear” any recommendations before the September 1st meeting. The primary agenda item for this meeting will be to review the list of findings and recommendations and “weed-out” those that are not feasible or appropriate and make any necessary revisions. Immediately following the meeting a revised draft will be circulated to all subcommittee members for further review prior to the full commission meeting on September 20th when the subcommittee is expected to present it’s final report.

V. FUTURE MEETING SCHEDULE

September 1, 2010, 1:00 PM, Office of Energy and Planning

MEETING NOTES

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

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

September 1, 2010 * 1:00 PM
NH Office of Energy and Planning

Present:

Jennifer Czysz, NH Office of Energy and Planning
Laura Deming, NH Audubon Association
Representative Sue Gottling, NH House of Representatives
Carolyn Russell, NH Department of Environmental Services

I. REVIEW MATRIX AND RESEARCH

No additional edits were identified.

II. REPORT BRAINSTORMING

The subcommittee reviewed the brainstorming from the previous subcommittee meetings and discussed the appropriateness and feasibility of each. In addition to the many edits made to the existing findings and recommendations, including the combining of those that were relatively similar in nature, the following new items were added to the list:

- There is often a disconnect between local land used decisions, which are primarily based on non-environmental factors such as market economics and existing local zoning, and state environmental permitting, which is charged with addressing short- and long-term impacts to natural resources.
- Citizens and environmental entities often look to DES to limit or block development or address issues of design outside of DES's purview because they are dissatisfied with the outcome of local zoning and regulatory review process.
- Establish a task force to evaluate and make recommendations for greater integration and streamlining of the permitting procedures and interactions between federal, state, and local review of development.
- Recommend use of the Innovative Land Use Planning Techniques Handbook by municipal boards; in particular the habitat protection, feature based density, and conservation subdivision chapters.
- Maintain an appropriate legal balance between the reasonable expectations of property owners and any new environmental or land use restrictions.
- Municipalities are often reluctant to change zoning or adopt new regulations because of the perceived threat of additional lawsuits.
- Education and outreach is key to overcoming any obstacles.

- Craft clearer legislation and regulations to minimize potential for future legal actions.

The following previously considered findings and recommendations were deleted from future consideration due to their lack of feasibility or applicability:

- Need for more coordination between individual permit programs and the commission's charge to look at broader review perspective.
- Need for further time to conduct research of the top programs in the nation, looking beyond New England.
- Identify areas of high wildlife and vehicle traffic with the greatest occurrences of collisions between the two.
- Recommend a voluntary integrated land use development review approach for municipalities that simultaneously considers the various impacts of development on natural resources such as vernal pools and wildlife habitat.
- Establish statewide environmental standards, in statute, to ensure consistency from municipality to municipality and between state and municipalities.
- Perception that the judicial system favors developers and applicants over the regulator.

The above represent the ideas discussed during the continued brainstorming and refinement of findings and recommendations. Each of the bullets will need to be further reviewed at a subsequent meeting to determine their feasibility, appropriateness, and effectiveness in meeting the commission's charge to select those which the subcommittee will ultimately endorse as their findings and recommendations. This list should not be used in any official capacity, cited or referenced as a policy recommendation.

III. PREPARE FINAL REPORT FOR FULL COMMISSION

The subcommittee decided to hold another meeting to work on the final report preparations.

IV. NEXT STEPS

Jen will compile all edits identified at the meeting and forward the Word file to Carolyn who will make further editorial revisions and Laura who will add a background section following the introduction. Once these revisions are complete Jen will forward the file to the full subcommittee. The subcommittee is asked to review the report for any final edits, changes, or corrections; review the final list of findings and recommendations with the organizations they represent; and select their top three priorities among the recommendations. At the next subcommittee meeting, the group will identify the three recommendations that were viewed as the top priority by the most members. Following which, the subcommittee will discuss its planned presentation of the final report to the commission.

V. FUTURE MEETING SCHEDULE

September 15, 2010, 1:00 PM, Office of Energy and Planning

MEETING NOTES

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

RESEARCH ON ALTERNATIVE STATE PROGRAMS SUBCOMMITTEE

September 15, 2010 * 1:00 PM
NH Office of Energy and Planning

Present:

Jennifer Czysz, New Hampshire Office of Energy and Planning

Laura Deming, New Hampshire Audubon Society

Representative Sue Gottling, New Hampshire House of Representatives, Resources, Recreation
and Development Committee

Johanna Lyons, New Hampshire Department of Resources and Economic Development

Susan Olsen, New Hampshire Municipal Association

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I. REVIEW REPORT

Various editorial corrections were reviewed to the report language and the drafted findings and recommendations. No substantial changes were identified.

II. FINDINGS AND RECOMMENDATIONS

The subcommittee reviewed the following suggestions when discussing what the top three priorities were amongst the many recommendations:

- Enhance existing education and outreach programs such as:
 - I.2. – Increase educational opportunities on the impacts of development on the natural environment;
 - I.3. – Increase education opportunities for municipal boards relative to implementing smart growth;
 - II.7. – Enhance education and outreach for existing programs to maximize understanding of, and ease of navigating, the regulatory system; and
 - III.8. – Recommend use of the Innovative Land Use Planning Techniques Handbook by municipal boards.

- II.1. Consider Maine Site Law as a model for comprehensive environmental program (however, how would this be distinguished from II.3. for an integrated permitting program?)

- Develop an integrated environmental permitting system/process based upon an overarching and consistent statewide environmental policy. Potential methods to do so include recommendations II.1. – to look at the Main Site Location of Development

Law as one possible example and II.3. – to consider new legislation to provide for an alternative, integrated land development permit offered in parallel to the existing state permit process.

- II.3. Consider new legislation to provide for an alternative, integrated land development permit that addresses multiple issues (e.g., wetlands, stormwater, wastewater/septic, habitat, and indirect and cumulative impacts) in coordination. Central to this concept are the key words "alternative" and "integrated," intending one land development permit offered in parallel and as an alternative to the existing multiple independent permits. Running two parallel permit processes would allow additional time to consider the appropriateness and logistical realities of transitioning to such an integrated permitting process for all applicants.
- II.2. Provide clear statutory definitions of “cumulative” and “indirect” impacts and establish within existing statute the authority for DES, municipalities, and other regulatory agencies, to address these impacts.
 - Consider establishing the framework for addressing “indirect” and “cumulative” impacts of development within an over-arching statute (e.g., RSA 9-B), and referring back to that single statute in authorizing consideration of such impacts. This would support consistent consideration of such impacts under existing permitting and regulatory authorities, versus requiring an additional permit or modifying each permit program individually (and potentially conflicting over time). (This is similar to Maine’s Site Law approach.)
 - Municipalities could be authorized to evaluate such impacts if no state permit is required (avoiding the duplicative roles we have now for many topics).
- III.2. (2) Establish incentive based programs to promote smart growth patterns of development, such as Massachusetts’s Commonwealth Capital Program or Vermont’s Growth Centers Program. (one noted: III. 4 and III. 6 are very similar – both are focused on incentives for communities and landowners)
- Enhance municipal planning for smart growth through:
 - III.2. Establish incentive based programs to promote smart growth patterns of development, such as Massachusetts’s Commonwealth Capital Program or Vermont’s Growth Centers Program.
 - III.3. – Support programs that aid municipalities in planning for balanced development and natural resource protection.
- III.2. and III.4. Establish incentive programs to promote smart growth patterns of development and permanent conservation of important natural resource areas.
 - In addition or instead of defining very specific incentives, legislation could establish the basic framework for such incentive programs and authorize state departments and programs to identify and implement a variety of different types of incentives (e.g., lower interest rates or match requirements for grants/loans, reduced fees, more points in competitive scoring, lower transfer taxes or change tax when a portion of a property is preserved, subsidized transaction costs). This

would allow for creativity for organizations to develop other options. (Much like how RSA 674:21 gives municipalities broad authority to develop and implement innovative zoning techniques).

- OEP could lead an effort to establish the criteria for identifying areas eligible for incentives, and possibly approve such designations, to encourage “smart growth” development and conservation land use patterns. For example, areas eligible for growth incentives could be defined by communities, following specified criteria, and approved by OEP (e.g., site characteristics, proximity to existing Community Center Areas, minimum zoning requirements). Similarly, OEP could lead an effort to define the criteria for selecting areas eligible for conservation incentives (e.g., areas identified in the Natural Services Network data layer, areas meeting other characteristics, or areas recommended by recognized conservation organization). (Similar to OEP’s role in approving Urban Exempt areas under the CSPA.)
- III.7. Develop a landscape connectivity plan and incorporate it into the Natural Services Network (NSN) data layer.
 - The augmented NSN would then represent the basic “green infrastructure” of NH – that is it would identify the critical resource areas that provide essential natural functions that support human life and welfare (where “natural functions” includes diverse and resilient wildlife and natural communities, which contribute to human welfare).
 - Education and implementation efforts could continue to build awareness of this concept and how to use this data as a basis for planning, land conservation efforts, and assessing potential impacts of land use changes during permit reviews.
 - Although the NSN data layer is not “perfect,” it provides a good starting point for resource-based planning and other activities and should begin to be used as it continues to be refined.
 - Efforts to maintain and improve the NSN data should be supported. (No entity currently “owns” this data layer, nor does funding exist for its maintenance or improvement).
- III.7. (3) Develop and implement a statewide landscape connectivity plan that would provide a path to maintaining or promoting an unobstructed landscape in which wildlife can move. The objective of such a plan is to minimize future habitat fragmentation.

The following was the final consensus among subcommittee members on the top three priorities (in no particular order):

1. Enhance existing education and outreach programs to promote smarter growth and protect natural resources. Possible opportunities and topics include:
 - Increased educational opportunities on the impacts of development on the natural environment;
 - Increased education opportunities for municipal boards relative to implementing the smart growth principles of RSA 9-B; and

- Assist municipal boards to implement the models included use of the *Innovative Land Use Planning Techniques Handbook*.
2. Consider new legislation to provide for an alternative, integrated land development permit that addresses multiple issues (e.g., wetlands, stormwater, wastewater/septic, habitat, and indirect and cumulative impacts) in coordination. Central to this concept are the key words "alternative" and "integrated," intending one land development permit offered in parallel and as an alternative to the existing multiple independent permits. Running two parallel permit programs would allow additional time to consider the appropriateness and logistical realities of transitioning to such an integrated permitting program for all applicants. As part of this effort, it is expected that the legislature will establish clear statutory definitions of "cumulative" and "indirect" impacts and establish, within statute, the authority for DES, municipalities, and other regulatory agencies to address these impacts. Existing frameworks that may be utilized to assist in implementing this recommendation include the Maine Site Location of Development Act and the New Hampshire Department of Environmental Services' Innovative Permitting Initiative.
 3. Establish incentive-based programs to promote smart growth patterns of development. Possibilities include:
 - Enable modification of existing programs' administrative rules to consider smart growth as a program performance or eligibility requirements;
 - Establish new programs such as Massachusetts's Commonwealth Capital program or Vermont's Growth Centers program; and/or
 - Encourage collaboration with other agencies, organizations, and/or political subdivisions to maximize access to resources and effectiveness.

III. PREPARE FINAL REPORT FOR FULL COMMISSION

The presentation to the full commission will focus on presenting the three priority recommendations as there have been few changes of substance to the overall list of recommendations since they were last presented to the commission. The full report should be complete by the meeting and a copy of the report, minus the research sheets and meeting notes, will be distributed in hard copy at the full commission meeting on September 20, 2010.

IV. NEXT STEPS

Jen will make all edits identified during the meeting and distribute for review within 24 hours. Subcommittee members should send any remaining edits to Jen by Friday September 17, 2010 to ensure they are included in time for the presentation to the commission on September 20, 2010.

V. FUTURE MEETING SCHEDULE

No additional subcommittee meetings have been scheduled.