

New Hampshire Association of Regional Planning Commissions

Summary Minutes

Meeting of February 11, 2016

I. Call to Order

Chairman Glenn Coppelman called the meeting to order at 1:05 p.m. Members introduced themselves as follows.

Tim Murphy, Larry Robinson (Southwest RPC); Nate Miller (Upper Valley Lake Sunapee RPC); Cynthia Copeland, Kenn Ortmann (Strafford RPC); Cliff Sinnott, Glenn Coppelman, Tim Moore (Rockingham RPC); Bob Snelling (Lakes RPC); Mike Fimbel (Nashua RPC); Barbara Robinson, Glenn English (North Country Council); Mike Tardiff (Central RPC); Jack Munn (Southern NH RPC); Becky Baldwin (staff).

Guests: Nancy Johnson, Legislative Consultant, arrived part way through the meeting.

Chairman Coppelman noted that Glenn English is retiring and this will be his last NHARPC meeting. Members thanked him for his years of service and wished him well.

Chairman Coppelman announced that we received word at the conclusion of the last meeting that our legislative consultant, Nancy Johnson was involved in a motor vehicle accident. Staff followed-up with her and learned that she did not sustain any serious injury and anticipates attending today's meeting.

II. Minutes of February 4, 2016 Meeting

The minutes of February 4, 2016 were approved as submitted by unanimous vote.

III. 2016 Legislative Session

A. Review of Legislative Sub-Committee Report

Chairman Coppelman explained that members will be asked to comment and take action on the bills that were previously identified by the legislative sub-committee. He reminded them that we will be using the NHARPC Legislation Review Process and Legislation Review Guidelines that were adopted at the February 4, 2016 meeting. Nate Miller noted that using this process will help identify a smaller sub-set of bills that we will focus on and may eliminate many of those on the original list. It was agreed to address each bill in the order they were listed on the legislative sub-committee report as follows:

HB 143 - Relative to electric renewable energy classes: This bill has been determined Inexpedient to Legislate (ITL) and it was unanimously agreed to remove it from our list.

HB 285 - Relative to discussion with legal counsel under the right-to-know law: Nate Miller explained that according to our guidelines we may not want to follow this bill. He added that NHPA supports the bill.

Motion: To remove HB 285 from our list.

Motion by Nate Miller, seconded by Tim Murphy. Approved by unanimous vote.

HB 288 - Relative to the code for energy conservation in new building construction: This bill was determined ITL and it was unanimously agreed to remove it from our list.

HB 294 - Establishing a commission to develop a strategic plan for New Hampshire: This bill was determined ITL and it was unanimously agreed to remove it from our list.

HB 377 - Establishing a commission to study the establishment of a state geographic information system office and the position of state geographic information officer:

Tim Murphy noted that this is a separate item on the agenda and those in attendance agreed to discuss it now. Tim Murphy noted that our legislative consultant was asked to speak to the bill sponsor regarding our request to add an RPC representative to the commission and after speaking with him had noted he was agreeable to our request. Nate Miller noted that the bill has been amended but there is still no mention of RPC representation. Tim Murphy suggested following up with our legislative consultant to see if writing a letter would be the proper course of action.

Motion: To follow-up with our legislative consultant to see what the appropriate method would be to formalize our request to have an RPC representative added to the commission.

Motion by Tim Murphy, seconded by Glenn English. Approved by unanimous vote.

HB 427 - Relative to the definition of the New Hampshire fire code:

Motion: To remove HB 427 from our list.

Motion by Nate Miller, seconded by Cliff Sinnott. Approved by unanimous vote.

HB 606 - Relative to costs for public records filed electronically:

Nate Miller noted that this bill is not central to our core functions.

Motion: To remove HB 606 from our list.

Motion by Glenn English, seconded by Nate Miller. Approved by unanimous vote.

HB 613 - Relative to governmental records exempted under the right-to-know law:

Nate Miller noted that this bill is not central to our core functions.

Motion: To remove HB 613 from our list.

Motion by Tim Murphy, seconded by Cliff Sinnott. Approved by unanimous vote.

HB 626 - Authorizing energy infrastructure development and designating energy infrastructure corridors:

Tim Murphy noted that the corridors referred to in this bill are for specific highway corridors located in specific parts of the state, and in the past we have only focused on bills that have statewide implications. Barbara Robinson noted that the corridors mentioned in this bill are of specific interest to North Country Council.

Motion: To watch this bill at this time.

Motion by Nate Miller, seconded by Larry Robinson. Approved by unanimous vote.

HB 1104 - Relative to electric renewable energy classes:

It was questioned if this bill pertains to us. Chairman Coppelman noted that climate change and energy efficiency are part of the guidelines described in Granite State Future. Glenn English questioned if we should be the group trying to educate people on renewable energy. Kenn Ortmann questioned if any of us are capable of addressing the technology aspects of this bill. Jack Munn noted that he would be willing to give it a try if we choose to support this bill. Chairman Coppelman noted that if we chose to remove this bill at present we could always agree to put it back on our screen if it were warranted at a future meeting.

Motion: To remove HB 1104 from our list.

Motion by Nate Miller, seconded by Mike Tardiff. Approved by unanimous vote.

HB 1112 - Relative to subdivision of land:

Tim Murphy noted that we might want to consider writing an educational comment letter regarding this bill. Kenn Ortmann noted that it is more applicable to NHPA than it is to us. Chairman Coppelman and Cliff Sinnott noted that we do provide information regarding local planning. Tim Moore noted that impacts on air and water quality do have a regional component. Kenn Ortmann noted that he supports the bill but doesn't feel it is a regional planning issue.

Motion: To remove HB 1112 from our list.

Motion by Kenn Ortmann, seconded by Larry Robinson. Chairman Coppelman called for a show of hands vote and the results were: 6 - Yes, 8 - No. Motion lost.

Tim Murphy asked if we know if this bill has been heard yet and Nancy Johnson responded that it went into executive session today. He suggested watching what happens to the bill and bring it back for further consideration at a future date if needed.

Motion: To watch this bill at this time.

Motion by Glenn English, seconded by Larry Robinson. Approved by unanimous vote.

HB 1116 - Relative to net metering:

Nate Miller noted that at our January 14th meeting Kate Epsen of the NH Sustainable Energy Association informed us that this bill and SB 333 are the same. Tim Murphy asked if anyone knew the outcome of SB 333 and Jack Munn noted that he believes it has already been heard. Nancy Johnson noted that HB 1116 is being heard tomorrow.

Motion: To watch this bill at this time.

Motion by Tim Moore, seconded by Bob Snelling. Chairman Coppelman called for a show of hands vote and the results were 12 - Yes, 2 - No, and 1 Abstention. The motion passed by majority vote.

HB 1119 - Relative to the maximum optional fee for transportation improvements charged by municipalities when collecting motor vehicle registration fees: This bill was determined ITL and it was unanimously agreed to remove it from our list.

HB 1141 - Defining “agritourism”:

Chairman Coppelman volunteered to write a letter regarding this bill if that is the wish of the membership noting that he had written one on this subject previously. Glenn English questioned if we should get involved with agritourism since we decided not to get involved in energy. Cliff Sinnott noted this is different since we were specifically asked to be involved in the process of writing an agritourism bill. Mike Fimbel asked if the bill allows for planning board involvement and Chairman Coppelman explained that the bill defines agritourism as an agricultural activity that can be regulated by the local body.

Motion: To support HB 1141 and have Chairman Coppelman follow-up with a letter of comment or action deemed appropriate.

Motion by Glenn English, seconded by Cliff Sinnott.

Nate Miller pointed out that Chairman Coppelman was involved in the construction of the Senate Bill on agritourism and not the House Bill. Chairman Coppelman responded that they are separate bills on the same topic and he would be willing to watch both of them on behalf of the Association. Tim Murphy admitted that we are all just getting used to this new process but if we decide to comment on a piece of legislation we should be specific about why we are commenting. He pointed out that the legislative sub-committee had recommended that we watch this bill.

Both the motion and second were withdrawn.

Glenn English asked if the Senate Bill has passed and was told that nothing has happened with it yet.

Motion: To watch this bill at this time.

Motion by Nate Miller, seconded by Cliff Sinnott. Approved by unanimous vote.

Barbara Robinson questioned that if we choose to watch a bill it doesn't necessarily mean that we don't support it. Cliff Sinnott explained that under our new guidelines rather than saying that we support or oppose a piece of legislation we are opting to comment and educate and that the terms support or oppose will only be used in rare occasions. He added that to watch a bill means that we are simply keeping track of it and could choose to take action on it at a future date.

HB 1156 - Relative to interference with traffic devices:

Nate Miller noted that this bill is not central to our core functions.

Motion: To remove HB 1156 from our list.

Motion by Nate Miller, seconded by Glenn English. Approved by majority vote with one voting in opposition.

HB 1180 - Relative to the authority of towns to issue bonds for expansion of Internet service:

Kenn Ortmann suggested that we comment on this bill rather than support it. Mike Fimbel asked if our letter would serve to educate legislators. Tim Murphy noted that it would and also would speak to why having the option to bond for broadband infrastructure could be good for our communities. He added that this approach would conform to the intent of our new guidelines. Glenn English pointed out that this is primarily a municipal issue and agreed that a letter of comment would be a good approach. Mike Tardiff noted that this bill is in line with the work RPCs did on broadband.

Motion: To write a letter of comment on HB 1180 expressing the virtues of the bill.

Motion by Tim Murphy, seconded by Larry Robinson. Approved by unanimous vote.

Tim Murphy volunteered to write the letter of comment on behalf of NHARPC.

Motion: To reconsider HB 1156.

Motion by Nate Miller, seconded by Kenn Ortmann. Approved by unanimous vote.

Nate Miller suggested that we write a letter of comment for HB 1156 that would point out the virtues of this bill and what it means to our communities.

Motion: To write a letter on HB 1156 pointing out its virtues and what it means to our communities.

Motion by Nate Miller, seconded by Larry Robinson. Approved by unanimous vote.

Nate Miller volunteered to write the letter of comment on behalf of NHARPC.

Chairman Coppelman made note of the time and suggested that from this point forward we only review those bills that were marked either support or oppose by the legislative sub-committee and have those marked as watch remain that way until we choose to take further action on them. Those in attendance agreed with the suggestion. Larry Robinson asked what the terminology “report filed” means and Nancy Johnson explained that it means the committee hearing a particular bill has reached a decision.

HB 1202 - Relative to applications submitted to a planning board:

Nate Miller noted that NHPA supports this bill.

Motion: To continue to watch this bill.

Motion by Tim Murphy, seconded by Glenn English. Approved by unanimous vote.

HB 1203 - Relative to voting on variances:

Nate Miller noted that NHPA supports this bill.

Motion: To continue to watch this bill.

Motion by Tim Murphy, seconded by Jack Munn. Approved by unanimous vote.

HB 1216 - Requiring public bodies and agencies to provide information which is not regularly kept or reported upon payment by the requestor:

Nate Miller noted that this bill is a proposed amendment to RSA 91:A.

Motion: To remove HB 1216 from our list.

Motion by Bob Snelling, seconded by Cliff Sinnott. Approved by majority vote with one voting in opposition.

HB 1259 - Relative to liability for third party review of site plans:

Nancy Johnson noted that she feels this bill will be killed.

Motion: To watch this bill at this time and consider writing a comment letter at a future date should it move forward.

Motion by Tim Murphy, seconded by Larry Robinson. Approved by unanimous vote.

Cynthia Copeland called for a point of order suggesting that since she wasn't at our last meeting that someone should explain to our legislative consultant that our new approach to legislation is to comment and educate where we can rather than support or oppose pieces of legislation. Chairman Coppelman noted that the process would be explained.

HB 1262 - Relative to the application of zoning ordinances to home-based businesses:

Nate Miller noted that NHPA opposes this bill. Tim Murphy asked if we expect this bill to move forward, suggesting that we wait to see if it moves forward since we are trying to refrain from opposing bills if at all possible. Cliff Sinnott noted that a comment letter might be appropriate for this bill. Tim Moore noted that he plans to write a letter on behalf of his town's planning board and volunteered to write one for NHARPC as well. He questioned if there would be value in submitting a letter to the House prior to them going into executive session on this bill. Nancy Johnson suggested that we wait to see if the bill will go to the Senate before making any comments.

Motion: To watch this bill at this time.

Motion by Tim Murphy, seconded by Cliff Sinnott. Approved by unanimous vote.

HB 1263 - Authorizing municipalities to use form-based codes as an alternative zoning regulation:

The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1275 - Relative to net metering capacity: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1282 - Relative to the state building code: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1291 - Eliminating the land use board, establishing an advisory board, and requiring approval of federal land acquisitions by the governor, executive council, and general court: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1292 - Relative to the use of abandoned agricultural property: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1315 - Adding mixed-use development to the definition of business and industrial facility:

Glenn English asked what the NHPA position was on this bill and he was told they support it with provisions.

Motion: To watch this bill.

Motion by Nate Miller, seconded by Barbara Robinson. Approved by unanimous vote.

HB 1347 - Establishing a committee to study sharing the road with bicycles and motorcycles:

Motion: To watch this bill.

Motion by Mike Fimbel, seconded by Cliff Sinnott. Approved by majority vote with one voting in opposition.

HB 1367 - Relative to the public utility commission's authority to implement measures to increase the reliability, cost effectiveness, efficiency, or resiliency of the electrical grid:

Motion: To watch this bill.

Motion by Jack Munn, seconded by Larry Robinson. Approved by unanimous vote.

HB 1374 - Relative to rebates to ratepayers from the renewable energy fund:

Cliff Sinnott suggested that we might want to send a comment letter on this bill. Nancy Johnson pointed out that the bill is being heard in executive session tomorrow and we would always be able to comment if it makes it to the Senate.

Motion: To watch this bill and if it goes to the Senate, write a letter of comment.

Motion by Cynthia Copeland, seconded by Larry Robinson. Approved by unanimous vote.

Jack Munn volunteered to write a comment letter on this bill if it goes to the Senate.

Making note of the time, Nate Miller suggested that we skip ahead and address any of the bills remaining on the list that someone might be specifically concerned about. Chairman Coppelman noted that we have use of the room until 4:00 p.m. if members wanted to stay longer. It was agreed to continue to address bills in the order they are listed and continue the meeting until 3:15 p.m. with the hopes of completing our review of the House bills.

HB 1392 - Relative to notice of land use violations and court costs in cases brought by a municipality:

Motion: To remove HB 1392 from our list.

Motion by Nate Miller, seconded by Mike Fimbel. Approved by unanimous vote.

HB 1398 - Establishing a commission to study septic sludge spreading:

Motion: To remove HB 1398 from our list.

Motion by Barbara Robinson, seconded by Larry Robinson. Approved by unanimous vote.

HB 1412 - Relative to duties of the public utilities commission: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1428 - Making appropriations to the department of environmental services for the purpose of funding eligible and completed drinking water and wastewater projects under the state aid grant program:

Cynthia Copeland asked if this was the same as a bill in the Senate and was told that it was not.

Motion: To remove HB 1428 from our list.

Motion by Kenn Ortmann, seconded by Glenn English. Approved by unanimous vote.

HB 1439 - Requiring regional planning commissions to file an annual report:

Cliff Sinnott noted that he attended the hearing on this bill and the sponsor agreed with an amendment we proposed. Nancy Johnson noted that the bill will be heard in executive session on February 18, 2016.

Those present unanimously agreed to put this bill on our watch list for the time being.

HB 1461 - Relative to the definition of and criteria for protection of instream flow:

Motion: To watch this bill.

Motion by Glenn English, seconded by Tim Murphy. Approved by unanimous vote.

HB 1470 - Permitting additional site evaluation committee membership from towns or cities affected by an application: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1472 - Relative to the siting of certain new pipelines and storage vessels: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1479 - Establishing a broadband study committee: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1483 - Relative to community renewable energy: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1514 - Relative to the application of nitrogen and phosphorus content fertilizers:

Motion: To remove HB 1514 from our list.

Motion by Larry Robinson, seconded by Glenn English. Approved by unanimous vote.

HB 1568 - Relative to prepaid road tolls for certain alternative energy vehicles: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1572 - Establishing a broadband deployment tax credit incentive program against the business profits tax and the business enterprise tax:

Tim Murphy noted that if we are considering keeping this bill on our list someone should check in with DRED to see what their position is.

Motion: To remove HB 1572 from our list.

Motion by Tim Moore, seconded by Glenn English. Approved by unanimous vote.

HB 1595 - Relative to the rivers management and protection program:

Motion: To remove HB 1595 from our list.

Motion by Glenn English, seconded by Larry Robinson

Following a brief discussion regarding the merits of this bill both the motion and second were withdrawn.

Motion: To watch this bill.

Motion by Jack Munn, seconded by Barbara Robinson. Approved by unanimous vote.

HB 1602 - Establishing a road usage fee and making an appropriation therefor:

Nate Miller noted that this is a controversial bill. Cliff Sinnott noted that he thought he heard the bill has been killed. Nancy Johnson said that it has been referred to interim study.

Motion: To remove HB 1602 from our list.

Motion by Tim Murphy, seconded by Kenn Ortmann. Approved by unanimous vote.

HB 1617 - Relative to funding for housing projects by the New Hampshire housing finance authority: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1660 – Relative to eminent domain for gas pipelines and relative to assessment of land use change tax for eminent domain takings for energy infrastructure: The legislative sub-committee suggested watching this bill - continue to do so at this time.

HB 1686 - Repealing the community heritage investment program:

Motion: To oppose HB 1686.

Motion by Kenn Ortmann, seconded by Cliff Sinnott. Approved by unanimous vote.

Cynthia Copeland volunteered to write the letter in opposition of this bill.

HB 1691 - Making certain changes to the renewable portfolio standard: The legislative sub-committee suggested watching this bill - continue to do so at this time.

Nate Miller requested that HB 2016 be added to our list and it was unanimously agreed.

HB 2016 - Relative to the state 10-year transportation improvement program:

Motion: To watch HB 2016.

Motion by Nate Miller, seconded by Glenn English. Approved by unanimous vote.

Chairman Coppelman noted that this covers all of the House Bills on the legislative sub-committee list and we will continue reviewing the Senate Bills at our next meeting. It was suggested that we consider SB 345 at this time since it relates to HB 1141 and those in attendance agreed with the suggestion.

SB 345 - Relative to the definition of agritourism:

Motion: To support this bill and have Chairman Coppelman follow it and take whatever action is appropriate to endorse NHARPC support.

Motion by Glenn English, seconded by Nate Miller. Approved by unanimous vote.

B. HB 377 - Status Update

This item was taken up under the previous agenda item.

IV. NHARPC 2016 Annual Commissioner's Meeting

Tim Murphy reported that staff has contacted Lake Opechee Inn and Spa and they have agreed to host the NHARPC 2016 Annual Commissioner's Meeting at the same rate they provided for last year's event. Members unanimously agreed to have staff proceed with finalizing arrangements to hold the 2016 Annual Commissioner's Meeting scheduled for May 12, 2016 at this venue.

V. Next Meeting

It was agreed that the next NHARPC meeting would take place on March 10, 2016 at 1:00 p.m., following the Executive Director's Meeting.

VI. Other Matters

No other matters were brought before the Association at this time.

VII. Public Comment

No public comments were made at this time.

IX. Adjourn

Meeting adjourned at 3:20 p.m.

Respectfully submitted,

Rebecca I. Baldwin
On behalf of NHARPC