
Committee Report

REGULAR CALENDAR

February 16, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Resources, Recreation and Development to which was referred HB 1436,

AN ACT relative to lakes with shared borders with 2 or more towns. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Rick Christie

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Resources, Recreation and Development
Bill Number:	HB 1436
Title:	relative to lakes with shared borders with 2 or more towns.
Date:	February 16, 2018
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill was really two bills in one. The first part would require notification to regional planning commissions and planning boards of other towns on the same lake whenever a large development was being considered. This was seen as cumbersome for large lakes and it was noted that there is already a notification requirement when development with regional impact is in the works. The second part of the bill dealt with shorefront septic systems. In some areas, shorefront septic systems can hardly be called a system and some predate formal septic design regulations. However, imposing mandatory periodic inspections on all systems on shorefront properties was not seen as a reasonable approach.

Vote 11-7.

Rep. Rick Christie
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Resources, Recreation and Development

HB 1436, relative to lakes with shared borders with 2 or more towns. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: REFER FOR INTERIM STUDY.**

Rep. Rick Christie for the **Majority** of Resources, Recreation and Development. This bill was really two bills in one. The first part would require notification to regional planning commissions and planning boards of other towns on the same lake whenever a large development was being considered. This was seen as cumbersome for large lakes and it was noted that there is already a notification requirement when development with regional impact is in the works. The second part of the bill dealt with shorefront septic systems. In some areas, shorefront septic systems can hardly be called a system and some predate formal septic design regulations. However, imposing mandatory periodic inspections on all systems on shorefront properties was not seen as a reasonable approach. **Vote 11-7.**

Original: House Clerk
Cc: Committee Bill File

Ebbs, Heather

From: Christensen, Chris
Sent: Wednesday, February 14, 2018 1:38 PM
To: Ebbs, Heather; Anderson, Joel
Subject: HB 1436 Blurb

See below. Sorry to be so late. If we don't make the calendar and they go over to the next date, that's OK.

HB1436 relative to lakes with shared borders with 2 or more towns.

Inexpedient to Legislate

Rep. Christie for the Committee on Resources, Recreation and Development

This bill was really two bills in one. The first part would require notification to Regional Planning Commissions (RPC) and planning boards in other towns on the same lake whenever a large development was being considered. This was seen as cumbersome for large lakes and it was noted that there is already a notification requirement when development with regional impact is in the works. The second part of the bill dealt with shorefront septic systems. In some areas, shorefront septic systems can hardly be called a system and some predate formal septic design regulations. However, imposing mandatory periodic inspections on all systems on shorefront properties was not seen as a reasonable approach.11-7

Rep. Chris Christensen

www.ChristensenNH.com

Chair:

House Resources, Recreation and Development Comm.

Oil Fund Disbursement Board

Vice-Chair:

Clean Drinking and Ground Water Advisory Commission

Member:

State Park System Advisory Council

Exotic Aquatic Weeds and Species Comm.

Public Water Access Advisory Board

REGULAR CALENDAR

February 16, 2018

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Resources, Recreation and Development to which was referred HB 1436,

AN ACT relative to lakes with shared borders with 2 or more towns. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Judith Spang

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Resources, Recreation and Development
Bill Number:	HB 1436
Title:	relative to lakes with shared borders with 2 or more towns.
Date:	February 16, 2018
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

This bill addresses an issue that is critical for maintaining good water quality in NH's lakes, ponds, and rivers. Inadequate shoreland septic systems can cause pollution to flow into the groundwater and thence into a nearby water body. Current regulations do not address septic pollution via groundwater, just the less problematic but more visible discharge onto the ground's surface. The state, lakes, and river associations and municipal conservation commissions have tried with mixed success to devise ways to convince shoreland owners to have their septic systems inspected, and if necessary, upgraded. Clearly, private property rights must be balanced with the public right to clean water. This bill suggests one approach, mandatory inspections, but interim study is necessary to consider alternatives for respecting this balance while achieving the goal of clean water bodies so important to the state.

Rep. Judith Spang
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Resources, Recreation and Development

HB 1436, relative to lakes with shared borders with 2 or more towns. **REFER FOR INTERIM STUDY.**

Rep. Judith Spang for the **Minority** of Resources, Recreation and Development. This bill addresses an issue that is critical for maintaining good water quality in NH's lakes, ponds, and rivers. Inadequate shoreland septic systems can cause pollution to flow into the groundwater and thence into a nearby water body. Current regulations do not address septic pollution via groundwater, just the less problematic but more visible discharge onto the ground's surface. The state, lakes, and river associations and municipal conservation commissions have tried with mixed success to devise ways to convince shoreland owners to have their septic systems inspected, and if necessary, upgraded. Clearly, private property rights must be balanced with the public right to clean water. This bill suggests one approach, mandatory inspections, but interim study is necessary to consider alternatives for respecting this balance while achieving the goal of clean water bodies so important to the state.

HB 1436 Minority Recommendation: Interim Study Judith Spang

This bill addresses an issue that is critical for maintaining good water quality in NH's lakes, ponds and rivers. Inadequate shoreland septic systems can cause pollution to flow into the groundwater and thence into a nearby water body. Current regulations do not address septic pollution via groundwater, just the less problematic but more visible discharge onto the ground's surface. The state, lakes and river associations and municipal conservation commissions have tried with mixed success to devise ways to convince shoreland owners to have their septic systems inspected, and if necessary, upgraded. Clearly, private property rights must be balanced with the public right to clean water. This bill suggests one approach, mandatory inspections, but Interim Study is necessary to consider alternatives for respecting this balance while achieving the goal of clean water bodies so important to the state.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1436

BILL TITLE: relative to lakes with shared borders with 2 or more towns.

DATE: February 13, 2018

LOB ROOM: 305

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Christie

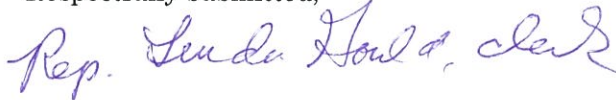
Seconded by Rep. Mullen

Vote: 11-7

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in blue ink that reads "Rep. Linda Gould, Clerk". The signature is written in a cursive style.

Rep Linda Gould, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1436

BILL TITLE: relative to lakes with shared borders with 2 or more towns.

DATE: 2/13/2018

LOB ROOM: 305

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Christie Seconded by Rep. Mullen Vote: 11-7

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: _____ YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rep Linda Gould
Rep Linda Gould, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/29/2018 3:01:43 PM
Roll Call Committee Registers
Report

2018 SESSION

RR&D

Bill #: 1436 Title: relative to lakes with shared borders with 2 or more towns
PH Date: 1, 23, 2018 Exec Session Date: 2, 13, 2018
Motion: ITL Amendment #: _____

MEMBER	YEAS	NAYS
Christensen, Chris Chariman	X	
Mullen, John A. Vice Chairman	X	
Renzullo, Andrew	X	
Gould, Linda Clerk	X	
McConnell, James W.	X	
Christie, Rick	X	
Schleien, Eric I. Rep Webster	X	
Zaricki, Nick Rep Schmidt	X	
Vose, Michael	X	
Johnson, Tiffany	X	
Rimol, Bob Rep Emeruck	X	
Smith, Suzanne J.		X
Spang, Judith T.		X
Parkhurst, Henry A. L.		X
Thomas, Yvonne D.		X
Gottling, Suzanne H.		X
Maes, Kevin G.		X
Grassie, Chuck A		
Farnham, Betsey M. A		
Lisle, David		X
TOTAL VOTE:	<u>11</u>	<u>7</u>

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1436

BILL TITLE: relative to lakes with shared borders with 2 or more towns.

DATE: January 23, 2018

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:08 a.m.

Time Adjourned: 10:35 a.m.

Committee Members: Reps. Christensen, Mullen, Gould, Renzullo, Vose, T. Johnson, Rimol, Suzanne Smith, Spang, Gottling, Maes, Grassie and Lisle

Bill Sponsors:

Rep. Knirk

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* **Rep. Knirk**, prime sponsor. Supports bill. 3 papers. Bill has to do with quality of life. Comments taken from his paper included. Notification becomes mandatory. Appeal period is re-opened. 2nd part is about inadequate septic systems. There is a number/mathematical mistake in bill.

Q&A: Cost of an upgrade would have to be borne by homeowner.

Q&A: Notify downstream people.

Q&A: Removal of grandfathered septic systems is approved. Says okay to remove that part (septic part) if want to.

Q&A: Disclose a failing system.

Q&A: Bill talks about towns with no documentation - if inspected, homeowner might be told it's not adequate. Homeowner would have to pay.

Rep. McConkey, Opposes bill. Should ITL. Changing of notification policy issue. Problem comes from an issue on Ossipee. Town did become involved in it. Threshold of 10 - thinks it is arbitrary. I11 - 75' to 200' could be affected. No reason to add this extra bureaucracy.

Section 2: Problems: grandfathering - it was changed at some point for what an owner could do. A lot of work for DES to comply. NH passed a water assessment program. When a person sells, the lot is evaluated for septic viability. There hasn't been a recent algae bloom. Homeowners have been educated and do all they can.

Q&A: Used to see improper systems but very rarely now sees a failing type system.

Q&A: Cost of an inspection at resale is around \$250. A real inspection: \$600-\$1000. Cost of replacement - \$20,000 - \$30,000.

Respectfully submitted,

Rep. Linda Gould, Clerk

Rep. Linda Gould,
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1436

BILL TITLE: relative to lakes with shared borders with 2 or more towns.

DATE: January 23, 2018

ROOM: 305

Time Public Hearing Called to Order: 10:08

Time Adjourned: 10:35

(please circle if present)

Committee Members: Reps. Christensen, Mullen, Renzullo, McConnell, Christie, Schleien, Zaricki, Horgan, T. Johnson, Rimol, Suzanne Smith, Spang, Parkhurst, Y. Thomas, Gottling, Maes, Grassie, Farnham, Lisle and Gould

Bill Sponsors:

Rep. Knirk

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

* Rep. Knirk - prime sponsor - 3 papers - supports Bill has to do with quality of life - comments taken from his paper included. Notification becomes mandatory. Appeal period is re-opened. 2nd part is about inadequate septic systems. There is a numbers/mathematical mistake in bill.

Q - Ai - Cost of an upgrade would have to be borne by homeowner

Q - Ai - Notify downstream people

Q - removal of grandfathered septic systems is approved. Say ok to remove that part (septic part) if want to

Q - Ai - disclose a failing system

Q - Bill talks about towns with no documentation - if inspected, homeowner might be told it's not adequate

Homeowner would have to pay.

Rep. McConkey - opposes - should fix

- changing of notification policy issue problem comes from an issue on OSS fee
- town did become involved in it

threshold of 10 - thinks it is arbitrary

l. 11 - 75' to 200' could be affected

No reason to add this extra bureaucracy

Section 2 -

problems: ~~grandfathering~~ grandfathering
it was changed at some point for what
an owner could do.
a lot of work for DES to comply

N.H. passed a water assessment program

When a person sells, the lot is evaluated for
septic viability

There hasn't been a recent algae bloom

Homeowners have been educated + do all they
can

Q - Used to see improper systems but very rarely now sees
a failing type system.

Q - Cost of an inspection at resale is around \$250
o ~~real~~ real inspection \$600 - 1000
Cost of replacement - 20 - 30,000

Testimony

HB 1436

Rep Jerry Knirk, Carroll 3, Freedom, Tamworth, Madison, Albany

His Testimony

This bill deals with water quality issues. There are two parts to this bill. The first part deals with large developments of regional impact and the second deals with inadequate septic systems.

Preservation of surface water quality is critical for the quality of life and the economy of many towns in New Hampshire. As such, towns have an interest in any development occurring in any other town with which it shares a surface water resource such as a lake or bay. Harm to the surface water quality by one town can affect all of the other towns which share that surface water.

Currently, according to RSA 36:54-57, the statutes governing developments of regional impact (DRI), a local land use board is to review an application for development and they decide if the development has a potential of regional impact. They are to consider six factors in making that decision: Relative size, proximity to the borders of a neighboring community, transportation networks, anticipated emissions, shared facilities and proximity to aquifers or surface waters which transcend municipal boundaries.

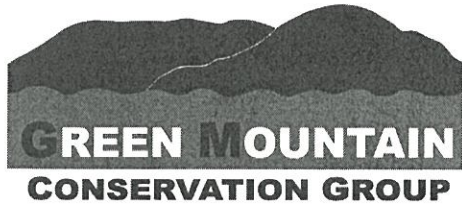
The statute grants abutter status to potentially impacted communities and to the Regional Planning Commission (RPC), and provides an opportunity for each to furnish input in a timely manner. In a 2008 publication, the NH Municipal Association noted frustration among officials and planning staff from municipalities which had not been properly notified about projects in neighboring communities.

Given the importance of shared water resources, HB 1436 seeks to automatically declare any large development which is planned in the protected shoreland to be deemed a DRI, triggering abutter status to all towns which share the water resource.

The bill also re-opens the appeal period for the project's completed DES decision since the 30 day appeal period may have already closed before the towns are noticed about the DRI, giving towns the opportunity to appeal to DES upon notification of the DRI.

The second part of the bill has to do with inadequate septic systems. Old inadequate septic systems in older lakefront homes are a significant source of nutrient contamination leading to cyanobacteria blooms in some of our lakes. Cyanobacteria blooms can have a significant impact on the quality of life and property value of lakefront residents and on the local regional economy.

DES would provide to each town a list of the currently approved septic systems in their town. If a home in the shoreland protection zone does not have documentation that a sewage disposal system meets current standards, the town shall require the land owner to have the system inspected and provide the town with documentation of the inspection within one year. If the septic system fails to meet state standards, the land owner shall upgrade the system to meet state standards within 5 years.



Green Mountain Conservation Group
P.O. Box 95
196 Huntress Bridge Road
Effingham, New Hampshire 03882
603 539-1859
www.gmcg.org

Board Officers

Larry Wogman
Chair

open
Vice Chair

Nancy Wogman
Treasurer

Aysia Morency
Secretary

Representatives

Kristin Carbone-Foster
Eaton

Susan Slack
Effingham

Alice Custard
Freedom

Jay Buckley
Madison

Emilie Talpin
Ossipee

Mark Longley
Sandwich

Kit Morgan
Tamworth

Peter Zack
*Saco Watershed,
ME*

Staff

Blair Folts
Executive Director

Moselle Spiller
Outreach/Admin

Karen Deighan
Education

Honorable Chris Christensen, Chair
House Resources, Recreation and Development Committee
State House
107 North Main Street
Concord, NH 03301

HB 1436

22 January 2018

Dear Honorable Chris Christensen and Committee Members,

I am writing to you on behalf of the Green Mountain Conservation Group (GMCG,) a seven-town watershed organization located over the largest stratified drift aquifer in New Hampshire. GMCG's mission is "Healthy Water, Healthy Communities" and thus HB 1436 is of importance to our work in promoting clean water resources in the Ossipee Watershed. For over twenty years we have partnered with towns in NH and Maine to promote awareness that our shared water resources know no political boundaries. Towns in our area include: Eaton, Effingham, Freedom, Ossipee, Madison, Sandwich and Tamworth. We also work with our downstream neighbors in Maine with the Saco River Corridor Commission.

GMCG writes to support House Bill 1436. We are particularly concerned about strengthening the Developments of Regional Impact procedure. Since lakes, streams and rivers share borders with other towns, it is crucial that large scale projects are reviewed by neighboring towns that could have their water resources impacted by new development despite political boundaries.

To site one example, over the past four years, GMCG has partnered with the three towns on Ossipee Lake with regards to creating a Watershed Management Plan to promote water quality protection for Ossipee Lake. With funding from NH DES, this plan has led to expanded education and outreach about shared water resources. Despite this, recently, several large-scale developments have come before one town's planning board without their recognizing the regional impact and possible water contamination from said developments. As you know, loss of water quality, particularly in a lake system, has negative impacts on the economy both for the homeowner and the visitor recreating on our waters. Towns downstream spoke up because of their concern about loss of water quality if development best practices were not carefully observed. In these recent cases, the town in question was not interested in working with the towns of concern downstream despite the shared water resources. GMCG hopes that this new bill may help strengthen the DRI procedure and guide towns in working together to protect shared water resources.

Thank you for your time and we urge you to support HB 1436.
Respectfully yours,

Blair A. Folts
Executive Director

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Roger Noonan
Agricultural Community

Allan G. Palmer
Business & Industry
Association

James W. Ryan
NH Fish & Game
Commission

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Patrick Hummel
NH Department of
Natural and Cultural
Resources

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Whitney Welch
NH Department of
Safety

Staff:

Tracie Sales
Rivers & Lakes Programs
Manager, NHDES

Kathy Black
Rivers & Lakes Programs
Assistant, NHDES

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

January 23, 2018

The Honorable Chris Christensen
Chair, House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: **HB 1436** *An act relative to lakes with shared borders with two or more towns.*

Dear Chair Christensen and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) appreciates the opportunity to comment on House Bill 1436, which requires that any development of ten or more units, and any development proposing to handle hazardous materials, be deemed a development of regional importance. In addition, HB 1436 requires that all septic systems within the protected shoreland fully comply with the New Hampshire Department of Environmental Services (NHDES) rules for sewage disposal system design within five years. The RMAC takes no position on this bill, but would like to alert the Committee to the impact of the bill should it pass as written.

Section 2 of this bill states that development projects within the "protected shoreland" involving ten or more units or the handling of hazardous materials be considered developments of regional importance, where towns that share the "protected shoreland" would then be considered abutters. "Protected shoreland" is defined in RSA 483B and includes not only the lakes referenced in the title of this bill, but also large rivers and New Hampshire's estuaries. Thus, for example, if this bill were to pass as written, the proposed development of a 12 unit apartment building on the shore of the Merrimack River in Manchester would have as abutters all of the municipalities downstream to Nashua and upstream to Franklin, a total distance of 63 miles. Similarly, Section 4 of this bill would impact septic systems along many rivers and all estuaries as well as lakes.

The RMAC would also like to note that new or expanded hazardous waste facilities are prohibited within the "protected shoreland" according to RSA 483B:9 II(a).

The RMAC is a legislatively created body charged to work with the NHDES to administer RSA 483, the Rivers Management and Protection

The Honorable Chris Christensen
Chair, House Resources, Recreation and Development Committee
HB 1436 January 23, 2018
Page 2

Program. The Governor and Council appointed Committee is composed of representatives from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC would like the Committee to be aware that this legislation will not only impact developments on lakes, but also those along rivers and estuaries.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
Chair

cc: Rep. Jerry Knirk
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Eugene Forbes, Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES
Local River Management Advisory Committee Chairs

Rick Van de Poll, Ph.D. and Wendy Van de Poll, M.S, L.M.T.
30 No. Sandwich Rd.
Center Sandwich, NH 03227

January 23, 2018

House Resource, Recreation & Development Committee
NH State House Office Building
Concord, NH 03301

Dear Committee Members;

I am writing to today in regards to House Bill 1436 relative to lakes with shared borders with two or more towns. As you know, I have been an ardent advocate for any legislation relative to the protection of surface waters in this state. As this bills states in its Statement of Purpose, clean water for drinking and general enjoyment purposes underwrites much of the economy in New Hampshire. Yet there are situations within our current regulatory framework where adequate protections can still be improved. HB 1436 seeks to correct two of these.

The recognition of abutter status where water quality issues are concerned needs to more fully address development with regional impacts (DRI). This bill provides an additional mechanism to do just that. Nearby towns that may be affected by DRI projects should be able to weigh in permits granted by the Department of Environmental Services. Moreover, *any resident of a contiguous water body* should have that right should they believe they will be negatively impacted by such development. Therefore I believe provisions should be added to this bill whereby any resident or natural person retains the right to contest a department decision as long as they can demonstrably prove that the water quality they currently enjoy will be negatively affected. Such a provision can be modeled after the determination of "intervenor status" under Site 202.11 for the Site Evaluation Committee relative to siting energy facilities.

The second major provision to protect water quality under this bill relates to the certification of septic systems that meet state standards. I would encourage the sponsors of this bill to recognize the current state role in maintaining a database of approved and up-to-date systems and have them provide towns with current lists on an annual basis. The towns can then check this against taxable structures to determine compliance, and then seek to require compliance with the five year time period as stated. The only other change I would recommend is to have the noticed landowner who is required to hire a licensed septic system designer or evaluator meet the five year time frame set in the first sentence of subparagraph (4) and not an additional five years after the documentation is returned.

Thank you very much for considering these comments. I wish you luck in the deliberative session that will no doubt ensue!

Sincerely;



Rick Van de Poll, Ph.D.
Sandwich, N.H.

For Use With HB 1436

CHAPTER 36 REGIONAL PLANNING COMMISSIONS

Review of Developments of Regional Impact

36:54 Purpose. The purpose of this subdivision is to:

- I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.
- II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.
- III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

Source. 1991, 300:1, eff. Jan. 1, 1992.

36:55 Definition. In this subdivision "development of regional impact" means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:

- I. Relative size or number of dwelling units as compared with existing stock.
- II. Proximity to the borders of a neighboring community.
- III. Transportation networks.
- IV. Anticipated emissions such as light, noise, smoke, odors, or particles.
- V. Proximity to aquifers or surface waters which transcend municipal boundaries.
- VI. Shared facilities such as schools and solid waste disposal facilities.

Source. 1991, 300:1, eff. Jan. 1, 1992.

36:56 Review Required.

- I. A local land use board, as defined in RSA 672:7, upon receipt of an application for development, shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact. Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.
- II. Each regional planning commission may, with public participation following the public posting of notice of the intent to develop guidelines, including notice published in a newspaper of general circulation in the planning region, develop guidelines to assist the local land use boards in its planning region in their determinations whether or not a development has a potential regional impact. The regional planning commission may update the guidelines as needed and provide them, as voted by the regional planning commissioners, to all municipalities in the planning region.

Source. 1991, 300:1, eff. Jan. 1, 1992. 2009, 194:1, eff. Sept. 11, 2009.

36:57 Procedure.

- I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the regional planning commission and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
- II. Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the regional planning

For Use With HB 1436

commission and the affected municipalities with copies of the minutes of the meeting at which the decision was made. The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.

III. At least 14 days prior to public hearing, the local land use board shall notify, by certified mail, all affected municipalities and the regional planning commission of the date, time, and place of the hearing and their right to testify concerning the development.

IV. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the regional planning commission and the affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.

Source. 1991, 300:1, eff. Jan. 1, 1992. 2003, 220:1, eff. Aug. 30, 2003. 2005, 39:1, eff. July 16, 2005. 2008, 357:5, eff. July 11, 2008. 2009, 49:1, eff. Jan. 1, 2010.

36:58 Applicability. The provisions of this subdivision shall supersede any contrary or inconsistent provisions of local land use regulations enacted under RSA 155-E and RSA 674.

Source. 1991, 300:1, eff. Jan. 1, 1992.

CHAPTER 483-B SHORELAND WATER QUALITY PROTECTION ACT

483-B:9 Minimum Shoreland Protection Standards.

V. The following minimum standards shall apply to areas and activities within the protected shoreland with the exception of forest management that is not associated with shoreland development or land conversion, and is conducted in compliance with RSA 227-J:9; forestry conducted by or under the direction of a water supplier for the purpose of managing a water supply watershed; and agriculture conducted in accordance with best management practices as required by RSA 483-B:3, III:

(c) Septic Systems.

(1) [Repealed.]

(2) The following conditions, based on the characteristics of the receiving soil as they relate to U.S. Department of Agriculture, Natural Resources Conservation Service drainage classes, shall dictate the setback requirements for all new leaching portions of new septic systems, as follows:

(A) Adjacent to ponds, lakes, estuaries, and the open ocean.

(i) Where the receiving soil downgradient of the leaching portions of a septic system is a porous sand and gravel material with a percolation rate equal to or faster than 2 minutes per inch, the setback shall be at least 125 feet from the reference line;

(ii) For soils with restrictive layers within 18 inches of the natural soil surface, the setback shall be at least 100 feet from the reference line; and

(iii) For all other soil conditions, the setback shall be at least 75 feet from the reference line.

(B) Adjacent to rivers the setback shall be no less than 75 feet.

(3) The placement of all septic tanks and leaching portions of septic systems for replacement systems shall comply with the requirements of subparagraph (c)(2), to the maximum extent feasible.

Bill as
Introduced

HB 1436 - AS INTRODUCED

2018 SESSION

18-2091
06/03

HOUSE BILL **1436**

AN ACT relative to lakes with shared borders with 2 or more towns.

SPONSORS: Rep. Knirk, Carr. 3

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires all septic systems within the protected shoreland to meet all rules of the department of environmental services for sewage system design.

Explanation: Matter added to current law appears in **bold italics**.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to lakes with shared borders with 2 or more towns.

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

1 1 Statement of Purpose. The general court recognizes that preservation of surface water
2 quality is critical for the quality of life and the economy of many towns in New Hampshire. Towns
3 have an interest in any development occurring in any other town that shares a surface water
4 resource. Quality of life and the local economy of a town can be harmed by loss of water quality
5 caused by the approval of development by another town without regard for the impact on the shared
6 surface water quality.

7 2 New Paragraph; Regional Planning Commissions; Review Required. Amend RSA 36:56 by
8 inserting after paragraph II the following new paragraph:

9 III. Any development of more than 10 residence units or more than 10 camping units,
10 whether seasonal or year-round, permanent or temporary, which is proposed to be constructed
11 within the protected shoreland, or any development which will store, process, or handle hazardous
12 materials which is proposed to be constructed within the protected shoreland shall be deemed a
13 development of regional impact and all towns which share the shoreland of the water body on which
14 the development is proposed shall be afforded the status of abutters.

15 3 New Paragraph; Regional Planning Commission; Review of Developments of Regional Impact;
16 Procedure. Amend RSA 36:57 by inserting after paragraph IV the following new paragraph:

17 V. Within 5 business days of the determination that a proposed development has a potential
18 regional impact, the local land use board shall notify abutters by certified mail of their right to
19 appeal a decision of the department of environmental services granting a permit for such
20 development. Notwithstanding any other law to the contrary, abutters shall have 30 days from the
21 date notification was received to appeal the decision granting the permit.

22 4 New Subparagraph; Shoreland Water Quality Protection; Septic Systems. Amend RSA 483-
23 B:9, V(c) by inserting after subparagraph (3) the following new subparagraph:

24 (4) Within 5 years of the effective date of this subparagraph, all septic systems
25 within the protected shoreland shall meet all rules of the department of environmental services for
26 sewage disposal system design. If a town does not have documentation that a sewage disposal
27 system meets current standards, the town shall notify the land owner by certified mail requiring
28 the land owner to have the system inspected by a licensed septic system designer or evaluator and
29 to provide the town with documentation of the inspection. Landowners shall have one year to
30 return the documentation. If the septic system fails to meet such state standards, the land owner
31 shall upgrade the system to meet state standards within 5 years.

HB 1436 - AS INTRODUCED

- Page 2 -

1 5 Effective Date. This act shall take effect 60 days after its passage.