



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

January 13, 2014

The Honorable Marjorie Porter, Chair
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 1573-FN, An Act discontinuing regional planning commissions and requiring the election of municipal planning board members

Dear Chair Porter and Members of the Committee:

Thank you for the opportunity to testify on HB 1573-FN. This bill would eliminate regional planning commissions (RPCs) and require that municipal planning board members be elected. The Department of Environmental Services (DES) firmly opposes aspects of this bill relating to the elimination of RPCs, and takes no position on whether members of municipal planning boards should be elected or appointed.

The RPCs have provided valuable services to DES, other state agencies, and New Hampshire's communities for decades. The discontinuation of RPCs would have direct negative impacts on a number of programs that DES implements. A few examples of the services provided by RPCs that support DES programs, and that would no longer occur if HB 1573-FN were enacted, are summarized below:

- Four RPCs¹ also function as Metropolitan Planning Organizations (MPOs) for their regions. States are required to establish an MPO for any urbanized area that has a population greater than 50,000 under the Federal-Aid Highway Act of 1962. Serving as an MPO is one of the most important roles for these four RPCs. The MPOs support New Hampshire Department of Transportation's (DOT) transportation planning efforts and, in coordination with DES, fulfill a requirement of the federal Clean Air Act to assess the air quality impact of transportation plans. MPOs must successfully administer this process in order for these regions to acquire and spend Federal money on transportation improvements. If RPCs were to be discontinued, federal funding for transportation projects could be withheld until these MPOs were re-created under some other organizational structure. Should the State have to fulfill the role of the MPOs in conducting the required analyses there would be an undetermined, but negative impact on budgets to acquire the technical models required to do this work.
- RPCs work closely with DES, the US Environmental Protection Agency Brownfields Program and their member communities to assist with the clean up and reuse of contaminated sites to their highest potential. Brownfields are abandoned properties for which expansion, redevelopment, or reuse is complicated by the presence or potential presence of hazardous substances, pollutants, or contaminants from historical industrial activity. Brownfields sites may include former manufacturing facilities, abandoned gasoline stations, abandoned industrial dumps and closed small businesses such as dry cleaners or printers. For these sites, the RPCs provide expertise to member towns to help determine redevelopment options to ensure the highest economic development potential is realized. Brownfields sites are often critical redevelopment projects to recreate jobs that have been lost in our municipalities. There are numerous examples of successful partnerships over many years across the state involving DES, the RPCs, municipalities and the Department of Resources and Economic Development. Brownfields

¹ The Nashua (1973), Southern NH (1973), Rockingham (2007) and Strafford (2007) Regional Planning Commissions (RPC) have all been designated as the MPOs.

redevelopment efforts could not occur as expeditiously or effectively without the direct support of the RPCs.

- RPCs support efforts by the New Hampshire Office of Homeland Security and DES by providing hazard mitigation planning services to member communities to help prevent flood damage. Tropical Storm Irene and other recent disasters caused by storm events in New Hampshire have demonstrated the critical need for this expertise on a regional basis to help communities reduce damage from future flood events. Flood mitigation planning must be performed on a regional or watershed basis to be effective, rather than stopping at town boundaries. The RPCs have demonstrated an ability to address these issues at a regional level.
- Some RPCs actively support DES's statewide efforts to provide opportunities for all residents to easily and properly dispose of household hazardous wastes (HHW) by implementing HHW collection programs. RPCs have the ability to rotate HHW collection locations through the towns within their regions. For small towns, these regional programs can be more efficient and economical because regional expertise and equipment can be shared.
- DES and the RPCs have worked in partnership for many years on planning initiatives that recognize the value of regional planning to help support our communities and address New Hampshire's environmental and economic issues. In fact, by coordinating efforts and funding provided historically through the DES Regional Environmental Planning Program, a number of work products developed by one RPC have been, by design, developed and made available for use by all New Hampshire communities. For example, a guide was developed by the Upper Valley Lake Sunapee Planning Commission in 2008 that provides guidance that is available to all New Hampshire communities on innovative land use planning techniques that are authorized by RSA 674:21 so that every community does not have to perform initial independent research "from scratch."

In conclusion, the RPCs play a highly productive and valued role for New Hampshire's citizens that is well demonstrated by decades of outstanding performance. Discontinuation of the RPCs by enactment of HB 1573 would leave a serious gap in New Hampshire's planning capacity and substantially diminish support for our communities, especially those that are the smallest and have the fewest resources. This would have lasting negative effects on New Hampshire's environment, economy and quality of life. Therefore, we strongly oppose enactment of HB 1573.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact either Rebecca Ohler, Transportation and Energy Programs Manager (rebecca.ohler@des.nh.gov, 271-6749) or Rene Pelletier, Environmental Programs Administrator (rene.pelletier@des.nh.gov, 271-2951).

Sincerely,



Thomas S. Burack
Commissioner

CC: Sponsors of HB 1573-FN
Christopher Clement, Commissioner, NH DOT