



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
OFFICE of the COMMISSIONER

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January 18, 2013

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
New Hampshire House of Representatives  
Legislative Office Building Rm 301  
Concord, NH 03301

**RE: HB 191 relative to conformity of governmental land uses to land use regulations.**

Dear Madam Chair and Members of the Committee,

Thank you for the opportunity to comment on HB191 relative to conformity of governmental land uses to land use regulations. While having some understanding of the intent of this legislation, the Department of Resources and Economic Development must regretfully oppose this bill.

DRED is responsible for the management of 1,176 titles of land that comprise the 220 public reservations totaling over 173,000 acres in nearly all of the State's 259 townships and municipalities. On these reservations, DRED is responsible for management and maintenance of 841 buildings; 19 campgrounds with 1,300 campsites; 7,000 miles of snowmobile trails; 1,000 miles of ATV trails; 20 communication sites; and approximately 25 timber sales covering 1,500 acres annually. Given the extent of DRED ownership and the number of projects we implement annually, we are concerned that HB 191 will result in unnecessary project delays, increased project costs, and even the prevention of projects that are implemented for the benefit of the State and the greater public good as a whole. We would appreciate, given the extent of our responsibility for state-owned property, knowing if our agency's actions prompted the need for this legislation.

DRED's statutory obligations and mission for the public good, including economic development, tourism, and resource management and protection, often go beyond the borders of a town. Thus, achieving the objectives of both State and municipal goals may be difficult or in conflict. And while probably not a major issue, many of DRED properties are located within multiple townships that will have varying zoning ordinances: it will be awkward as the State tries to navigate between the conflicting management objectives and zoning ordinances of multiple towns. And, in unchartered North Country areas where there are no planning boards or code officials; we have found county commissioners reluctant to take on project review roles.

Our experience with communities is that when they are at odds with one agency, they are upset with State government as a whole. Therefore, we are concerned about the potential

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for one agency's project being held by a municipality to leverage certain actions by another agency, or even different projects within the same agency.

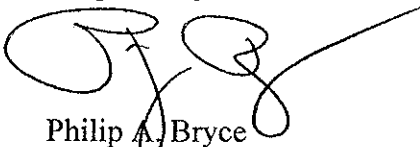
Based upon our discussions with the Attorney General's office, this legislation will seriously impact all State agencies' ability to move forward with State projects. The project timelines may be extended to the point where it could easily cause a year of delay in proceeding with a change in use that the State has determined is necessary. In addition, the legislation creates a binding decision by the municipality, which the State can ignore if it determines that the change needs to occur because of core statutory purpose. However, such action could result in a lawsuit by the municipality against the State: challenging the State's decision and adding further delays in project implementation.

In our experience, DRED believes the process set forth in RSA 674:54 has adequately addressed the needs of both the State and municipalities. DRED endeavors to be respectful of local planning and zoning, and is careful to follow the process set out in RSA 674:54. A recent example is a "Lot Line Adjustment" with a private abutter at Bear Brook State Park to eliminate long-standing building encroachments. Pursuant to RSA 674:54, DRED made a formal presentation to the Allenstown Planning Board. Discussions by the Board resulted in a non-binding unanimous vote in favor of the proposal. The State helped the Town process the matter by agreeing to pay \$424 worth of expenses incurred by the Regional Planning staff engineer that had provided technical review of the plans. In our experience, the Boards have been appreciative of DRED's effort, and understand and respect the non-binding aspect of their action.

Other examples include Gilson Pond Campground at Monadnock State Park, Hampton Beach Redevelopment, and North Hampton Bathhouse. DRED worked out compromises and agreements with the towns involved to mitigate their concerns about such major projects.

Thank you for the opportunity to testify DRED's opposition to HB 191. I am available should you have questions or require more information.

Respectfully,



Philip A. Bryce  
Acting Commissioner

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C: Brad Simpkins, Interim Director, Division of Forests and Lands  
Gail A. Wolek, Deputy Director, Division of Parks and Recreation