



Senate Bill 83
Powers of CC's

February 17, 2015

Senator Regina Birdsell
Chairman
Senate Committee on Public & Municipal Affairs
State House
Room 105-A
107 North Main Street
Concord, NH 03301

Re: Senate Bill 83 Relative to the Powers of Conservation Commissions

Dear Senator Birdsell and Members of the Committee:

The Town of Hanover has taken a position in opposition to SB 83 and respectfully requests that you vote Inexpedient to Legislate on SB 83.

Adoption of SB 83 would be disruptive to the work of Hanover's Conservation Commission and municipal staff. This bill, if passed, would not allow a member of the Conservation Commission to enter a public property, not acquired under RSA 36-A:4, II, to gather data about the property for use in a wetlands designation, prime wetlands designation, natural resource inventory report or map, or natural heritage map without first obtaining permission from the Town. Furthermore, the bill would not allow a member of the Conservation Commission to be an 'agent' of the municipality relative to property not acquired under RSA 36-A:4, II. This could mean that the Commission would need a Town employee to lead site visits for any wetlands and natural resource work on public property not acquired under RSA 36-A:4, II.

The Town already requires permission from private landowners before Town employees and Conservation Commission volunteers make site visits to private properties. SB 83 would also require that an employee of the Town always lead a site visit to private property when wetlands and natural resource values are being investigated. While a Town employee usually leads site visits to private properties, there are occasions when it is not possible. In those cases, the site visit would have to be rescheduled at the property owner's inconvenience. The Conservation Commission often makes site visits to help assess wetland impacts for property developments and improvements. It then discusses the

observations made at the next Conservation Commission meeting, and makes recommendations to the property owner and to the Zoning Board. Any delay in the site visits is at the inconvenience of the property owner.

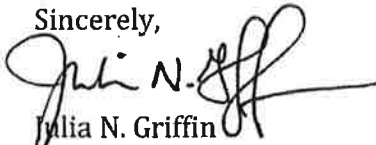
The Hanover Conservation Commission is Hanover's primary agent for gathering wetlands and natural resource data on both public and private property. The Commission performs this function only on public property specifically designated by the Town, and on private property when wetlands and natural resources are proposed to be impacted by development, or when wetlands are being mapped for planning purposes. In all cases of public land, the Town and the Conservation Commission work under an ordinance that states the Commission's function and responsibilities as a Town agent. The Commission does not need to get special permission to enter these public properties every time it needs to perform its delegated functions. To do so would encumber the process and increase the burden on Town staff.

It is wrong that a Conservation Commission could not be an agent of the municipality for any purpose let alone the purposes suggested in the proposed legislation. Conservation Commissions are municipal agents and should be treated consistently this way.

For these reasons, Hanover urges you to vote ITL on SB 83.

Thank you very much for your consideration.

Sincerely,



Julia N. Griffin
Town Manager

Cc: Senator David Pierce
Representative Sharon Nordgren
Representative Patricia Higgins
Representative Chris Brown
Representative Martha Hennessey