

**MINUTES OF THE
CURRENT USE BOARD
REGULAR BOARD MEETING**

Approved as Written

DATE: December 13, 2016

TIME: 1:30 p.m.

PLACE: NH Dept of Revenue, 109 Pleasant Street, Concord, NH

BOARD MEMBERS:

Senator Regina Birdsell ~ *Absent*

Stephan Hamilton, NHDRA, Chairman

David McMullen, City Official ~ *Absent*

Norm Bernaiche, Towns <5,000

Barbara Richter, NHACC

Lindsay Webb, NH Fish & Game ~ *Absent*

Susan Bryant-Kimball, Public Member, Forest Land

Representative James Belanger

Lorraine Merrill, Dept. of Agriculture

Andrea Lewy, Towns >5,000 ~ *Absent*

Jon Wraith, UNH Life Science & Agriculture ~ *Absent*

Susan Francher, NH Forests and Lands

Chuck Souther, Farm Land

Thomas Thomson, Public Member

MEMBERS OF THE PUBLIC:

Mary Pinkham-Langer, NHDRA

Renée Fisher, NHDRA

Jasen Stock, NHTOA

Introductions and the Pledge of Allegiance

Minutes

Mr. Norm Bernaiche made a motion to approve and Mr. Chuck Souther seconded. Mr. Thomson requested that “acres” be added to his quote on the second page near the bottom of the first paragraph regarding “rough figure for farmland and forestland”. Mr. Thomson then asked Mr. Bernaiche about his agritourism comment on page two under the 10/17/16 minutes. A discussion followed with Ms. Bryant-Kimball suggesting that a verb be added to Mr. Bernaiche’s quote. Mr. Thomson further expressed his concerns on agritourism, unintended consequences etc. Chairman Hamilton then gave his thoughts. The word “intended” was decided upon so Mr. Bernaiche’s quote would read “It was Mr. Bernaiche’s understanding that the change in the definition of agritourism was *intended* to reflect the planning and zoning impact and not the current use program which was confirmed by Senator Birdsell.” Representative Belanger offered to attempt to obtain their minutes for the Board. **All approved the minutes as amended with Representative Belanger abstaining.**

Report from the Rulemaking Subcommittee

Chairman Hamilton spoke on Chapter Cub 200, Chapter Cub 300, Cub 304.07 and Cub 304.08 (handouts) their changes, correcting references to parcels, concept of a tract of land, identifiable boundaries, and the recommendation of the subcommittee that Cub 302.03 be eliminated. He also talked of additional input received from the public forums, namely Ms. Jennifer Wright on RSA 79-A:5 and gave his thoughts on this. He felt that the recommendation to strike Cub 302.03 is a good one. He commented on changes to Cub 304.02 under Farmland, Cub 304.04 under SPI, under Cub 304.05 (5) the mistaken reference to Cub 304.03 (e) – which does not appear to exist - and should be Cub 304.06, the wording regarding RSA 79-A:7, IV (a), changes to

Cub 304.12 under unproductive land, Cub 305.03 under Posting of Land, Cub 307.01 (c) (1), and Cub 309.01 (1) b. He further advised that there were no recommended changes to Cub 200 etc. Ms. Susan Bryant-Kimball commented on page 2 of the Cub 200 handout regarding A-10, parcel/tract, equalizing assessment, 304.06 (a) etc. She also commented on map/drawing – a form of survey etc. Representative Belanger advised he’s against the survey. Ms. Bryant-Kimball and Representative Belanger and Mr. Tom Thomson discussed making a clarification on this. Mr. Bernaiche commented if it’s not required in the rule, then how can they require it; and explained his thoughts. Mr. Chuck Souther asked about “survey” being defined in the rules. Chairman Hamilton replied it is not but advised he would be hesitant to define “survey” but they could define “map” or “drawing” etc. A discussion followed on “good faith rendition”. It was decided to leave the language at this time and wait for public hearing for feedback etc. Mr. Thomson remarked on posting of land (and signage) on page 11 of the Chapter Cub 300 handout. A discussion followed about safety zone, referencing under (d) signage, local assessing officials or NH Fish & Game etc. This will be followed up on.

Rulemaking Process

Chairman Hamilton asked for a motion to proceed into filing an initial proposal of rulemaking to JLCAR on the proposed changes to Chapter Cub 300 as identified in the handout and modified as discussed. Mr. Thomson so moved and Ms. Susan Francher seconded. All were in favor – motion passed.

Regarding readopting with amendments Cub 304.07, 304.08, 304.13 and 304.14, Chairman Hamilton asked for a motion to proceed into filing an initial proposal. Ms. Francher so moved and Mr. Thomson seconded. All were in favor – motion passed.

Regarding Cub 204, 207.01, 207.02 and 207.04, Chairman Hamilton asked for a motion to file an initial proposal to readopt the interim rules as final rules. Mr. Bernaiche so moved, Representative Belanger seconded. All were in favor – motion passed.

Chairman Hamilton explained this process would take a few months, under which they will file the initial proposal with JLCAR, request the fiscal impact statement be completed and he will answer (if it pleases the board) the questions for JLCAR’s attorneys.

Representative Belanger asked about the eminent domain bill; a discussion followed between Chairman Hamilton and Representative Belanger on this including penalty, entire parcel or only a portion taken etc. Representative Belanger asked about abutters and silviculture. A brief discussion followed.

Other Business

Mr. Souther asked about time to discuss agritourism. Mr. Bernaiche suggested having the entire law in front of them before discussing. Commissioner Merrill commented. Chairman Hamilton commented on recreational discount, buildings on land changing use etc. A discussion followed. Representative Belanger advised he would obtain a copy of agritourism bill SB 345, a copy of “RSA 21:34-a” and a copy of testimony of the hearings.

Representative Belanger moved to adjourn, Mr. Bernaiche seconded. All were in favor.

Respectfully Submitted, Elizabeth McGill
NH Department of Revenue Administration – Municipal and Property Division

Documentation relative to the Current Use Board may be submitted, requested or reviewed by:

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Facsimile: (603) 230-5943
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In person at 109 Pleasant Street, Concord
In writing to: NH Dept of Revenue Admin.
Current Use Board
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