



STATEWIDE PROGRAM OF ACTION TO CONSERVE OUR ENVIRONMENT

SPACE NEWSLETTER

SPRING 2009 VOLUME 1, ISSUE

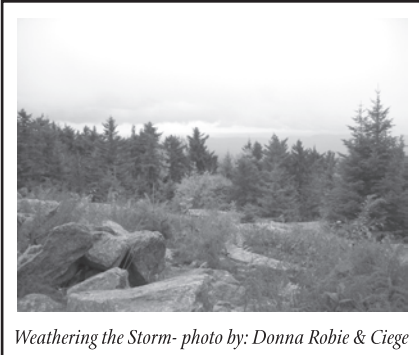
Letter from the Chairman:

I always take the opportunity that a new year offers to look back briefly and then focus on what's ahead. Last year was a rollercoaster ride. Near record snows thrilled some but were a drag on road budgets; spring started out dry then by mid-June, the rains began and I don't think they stopped until sometime in August. The price of gas and diesel hit record highs only to crash again in December. And, then, there is the economy. Governor Lynch in his inaugural address indicated that New Hampshire was experiencing unprecedented economic problems, and that they would get worse before they got better.

So how does one look forward with any hope at all? It is not easy, but here goes. **SPACE**, like any non-profit organization, and, for that matter, all of us as private citizens, is concerned about the economic recession. The **SPACE** board of directors has worked hard to develop a budget that reflects what we can only see as a difficult period. Thanks to some good planning in previous years, diligent oversight by a well-informed and involved board, and a dedicated executive director, we will continue to meet our mission of being "The Guardian of New Hampshire's Current Use program." We will be at every meeting of the Current Use board, offering assistance, support and the guidance that only 36 years of experience can offer. We have hired Milford farmer and former legislator Timothy O'Connell as our new lobbyist, (see article on page two). Tim has already proven his abilities with his work on several Current Use bills, and we look forward to a long association with him. We have committed to continuing the Cost of Community Services studies, updating our data base, and keeping the web site up to date. We have made some adjustments to our budget, hopefully in ways that the people we serve will not notice. We are preparing ourselves to defend Current Use as the coming budget battle looms in the State House, Town Halls and City Council Chambers. We will work tirelessly to make sure that the Land Use Change Tax is not increased to fund government, and that Current Use is not cast as the whipping boy for budget woes.

Studies have shown that towns with a high proportion of open space have the most stable tax base and that open space pays. Many towns "get it" that Current Use works, keeping land open, in private hands, and on the tax rolls. Our job should be easy, but it is not, and it can happen only with your continued support. I would be negligent if I did not remind you that **SPACE** operates solely on the contributions of Current Use landowners like you and me.

Chuck Souther, Chair



Weathering the Storm- photo by: Donna Robie & Ciego

Meet Tim O'Connell Space's Newest Lobbyist



1. HOW DO YOU FEEL YOU WILL BEST UTILIZE YOUR PREVIOUS LEGISLATIVE SERVICE TO ASSIST CURRENT USE LANDOWNERS?
Beginning in my first legislative term in 1999, I strived to develop and maintain a positive level of communication and trust with my fellow legislators, including the four House Speakers that I served under. Initially, I served on the Resources, Recreation and Development Committee, and subsequently on the Environment and Agriculture Committee. I worked on many bills impacting our working landscape, including current use.
2. DO YOU OWN LAND IN CURRENT USE AND, IF SO, FOR HOW LONG?
Our Milford farm was enrolled under current use in January of 1988.
3. WHAT DO YOU FEEL ARE THREE OF THE GREATEST BENEFITS OF THE CURRENT USE PROGRAM? First and foremost, it allows many thousands of landowners to hold on to and work their land despite intense development pressure based on residential real estate values. Secondly, without the current use law, over 2.75 million acres of open space would be in jeopardy. The consequences would be huge, affecting every county. Our agricultural and forestry economies would likely immediately

decline, with a drastic impact on wildlife habitat and outdoor recreation. The irreversible erosion of our scenic rural landscape would not only impact overall tourism, but also change the character of most every town in New Hampshire. Lastly, and importantly, in the vast majority of our communities, current use land saves the town money. Tax revenue from our working farms, forests and undeveloped land most always exceeds the cost of town services. On top of that, the Land Use Change Tax collected typically mirrors the real estate market with the corresponding demands for the expansion of municipal services.

4. DO YOU FEEL CURRENT USE HINDERS THE GENERAL PUBLIC BY PROVIDING A TAX INCENTIVE TO MAINTAIN OPEN SPACE? Most at all, indeed maintaining open space, especially working land, should always be considered a positive asset for any community. Besides the likely economic benefits, the recreational opportunities, the ecological benefits, together with the increasing public interest in supporting local farm and forest products, keeping land in current use collectively enhances a better quality of life for citizens of any town or city.
5. WHAT DO YOU THINK SPACE NEEDS TO DO TO ENSURE THIS PROGRAM STAYS IN AFFECT IN THE NEXT DECADE? Although great strides have been made, **SPACE** must, with member support, continue to and increase its outreach efforts to municipal leaders, lawmakers and the general public to the value of our model Current Use law. It will be especially important to focus on heirs as the generational transition of ownership increases on current use acreage. As it has for over thirty-five years, **SPACE** must continue to be the watchdog and speak loudly and convincingly against any and all efforts to weaken or alter this keystone law, which economically protects nearly 3 million acres of open space.

Defining. . . Space

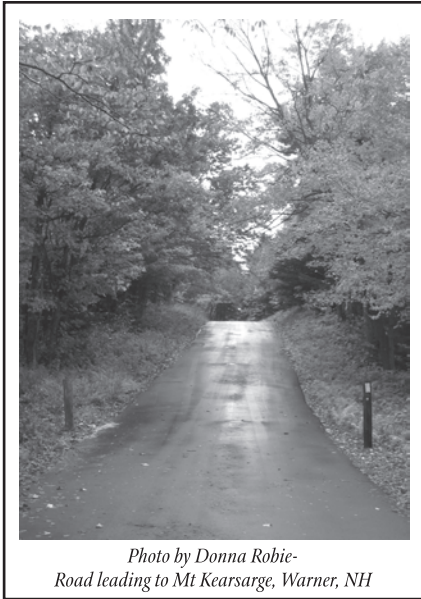
It has come to my attention that there is often some confusion when making the connection between **SPACE** and current use. For instance, people ask is **SPACE** an environmental group. Well, it is in a way — because **SPACE** monitors the Current Use Law, which allows over 2.9 million acres of N.H. land to provide the environmental benefits of undeveloped land through enrollment in the current use program. **SPACE** is the primary advocate for all current use landowners, so their lands can be assessed at “current use” values as opposed to current “market” values. **SPACE** has been around for over thirty-five years, and its mission remains; ensure that the Current Use law is protected and preserved, so that unreasonable property taxes shall not force the conversion

of open spaces — farm, forest, wetland — to more intensive use.

I am often asked what **SPACE** stands for. **S.P.A.C.E** —Statewide Program of Action to Conserve our Environment. So, perhaps within the unwieldy spelled-out version of our acronym lies some of the confusion. If I were to first look at the name, not familiar with their work of the past thirty-five years, I, too, would have a hard time making an association with Current Use. **SPACE** has tried to clarify our mission by adding “New Hampshire’s Current Use Coalition” as a motto. We do not want to lose the meaningful history of the name, and all

DEFINING... SPACE continued from page 2

the successes of the organization since 1973, but somehow need current use landowners to make the connection with our non-profit group and the benefits of the Current Use Law.



*Photo by Donna Robie-
Road leading to Mt Kearsarge, Warner, NH*

When **SPACE** sends its annual appeal letter asking if you'd like to assist us in protecting current use, some people decline because they do not know who we are or why we are asking for donations, never realizing that these contributions are what allows **SPACE** to ensure that the Current Use Law remains intact and protected against

constant pressure from those adverse to the program and its low, fair tax assessments. Many critics feel the Current Use Program drains towns' coffers of needed tax revenues. You, and the thousands of other current use landowners that benefit directly from keeping their land undeveloped, recognize that without the Current Use Law, such space—perhaps your own—could not remain open with the burden of unreasonable property taxes, and that developed lands usually place more burdens on the town to fund and provide additional services. It surprises me how few landowners donate annually to **SPACE**, though their ability to continue to afford to keep their land in this program may well depend on our efforts to keep current use. Then, as with any organization, there are the faithful 10% who really understand who **SPACE** is, what the **SPACE** mission is, and the critical importance of ensuring an effective advocate for the Current Use Law. These are the donors that keep **SPACE** afloat.

Some current use owners question why **SPACE** has contracted a lobbyist to track bills and threats to the program, and advocate for positions **SPACE** deems important to protect the law and its benefits. Our new lobbyist, Tim O'Connell, is a current use landowner himself, and can provide important information, the latest research—often funded by **SPACE**—to legislators with current use in mind and alert the **SPACE** Board of Directors of any and all current use issues that arise. We believe that this is a critically necessary and effective function of the "Current Use Coalition."

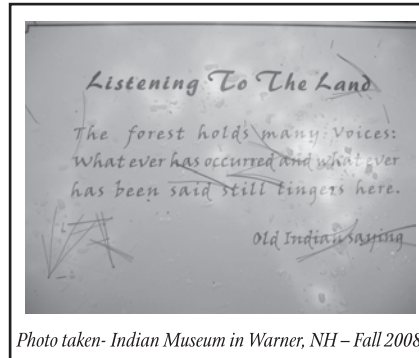


Photo taken- Indian Muscum in Warner, NH - Fall 2008

Let's face it, everyone is trying to find money somewhere, and we all know it doesn't grow on trees. But, wouldn't that be nice if it did—seeing as 87% of New Hampshire is still forestland! It seems at times we hear a lot of

the negatives about the Current Use Program in news articles; often these opinions are based on poor information and/or a lack of knowledge about the broad benefits of current use, whether on the landowner, community, state, environmental or economic level. So we need your voices—the current use landowners — to accentuate the positives of this program. Many think that you are all wealthy millionaires and can well afford to pay full ad valorem taxes on your undeveloped land! That simply is not true, as our research has shown, but unless you speak, or donate, the real message does not win the day.

If we were to lose this asset — the Current Use Law—towns would see a flurry of development and ensuing increases for tax funds for education costs, the additional services municipalities would be required to provide, and our state's magnificent landscape becoming less distinguishable from overdeveloped areas in other states. We are still a beautiful, uncongested "open space" friendly state. Well, who do you think helps keep it that way? **SPACE**, with the support and donations of all good folks who enjoy the benefits of our Current Use Program.

*Co-written: Donna Marie Robie,
Executive Director and Northam Parr,
SPACE Board of Directors*

Note: We look forward to hearing more from Northam Parr and John Harrigan, current **SPACE** Board of Directors who from time to time will be publishing articles about the benefits of the Current Use Program.

Many of the photos featured in this newsletter are from our travels to the beautiful town of Warner, New Hampshire. If you would like **SPACE** to feature photos from your town, please send to donna@nhspace.org in a pdf. format, along with the location and photographer's name.



Legislative Update:

Three New Current Use Bills in the House

This session we have three new House bills being proposed which could affect the Current Use law as we know it.

HB235: Session Year 2009

Bill Docket • Bill Status • Bill Text

Title: relative to the seller's liability for land use change tax assessments.

G-Status: House

House Status: In Committee

Senate Status:

Next/Last Comm: House Environment and Agriculture

What this could mean is that when property is transferred from one owner to another and is currently held in current use, this bill would establish that the **seller** of the property is the responsible party for incurring any LUCT (Land Use Change Tax), and not the buyer or person who would eventually make any physical changes which would disqualify the land from remaining in current use. **SPACE is opposed to this bill. SPACE feels that the way it is currently interpreted and written is the best for all parties concerned, and not allow the sale of your land to be further dictated by an amendment to the existing law. RSA-79-A.**

HB385: Session Year 2009

Bill Docket • Bill Status • Bill Text

Title: relative to placement of personal wireless service facilities on land in current use.

G-Status: House

House Status: In Committee

Senate Status:

Next/Last Comm: House Environment and Agriculture

Next/Last Hearing: 02/05/2009 at 02:30 PM LOB 308

This bill exempts the placement of a personal wireless service facility from the application of the land use change tax. They wish to add a new paragraph under RSA 79-A, VI (f) to read: The sole construction on the land is a personal wireless service facility and equipment shelter, as defined and regulated by RSA 12-K. **SPACE is opposed to this bill because buildings of any type are not categorized as "open space" and therefore, should not receive current use benefits.** Rents are generally collected for use on such properties. Building such a facility constitutes a physical change in use of the land beneath, as well as, the land needed for supporting this structure and/or any necessary secondary buildings, security fencing and roads to access facility, and therefore, should follow suit with the guidelines set forth in the current use law.

HB424 -FN-A: Session Year 2009

Bill Docket • Bill Status • Bill Text

Title: relative to the land use change tax.

G-Status: House

House Status: In Committee

Senate Status:

Next/Last Comm: House Environment and Agriculture

Next/Last Hearing: 02/05/2009 at 01:00 PM LOB 308

This bill is in response to the 2007 Supreme Court's ruling on the Formula Development vs. Town of Chester. SPACE is working with several other organizations, as well as the House Environmental & Agriculture Committee to come up with a solution.

There is one Senate Bill SPACE is monitoring as well:

SB151: Session Year 2009

Bill Docket • Bill Status • Bill Text

Title: relative to quorum requirements for public bodies for which a quorum is not expressly declared.

G-Status: Senate

House Status:

Senate Status: In Committee

Next/Last Comm: Senate Judiciary

Next/Last Hearing: Time not specified SH 103

SPACE is monitoring this bill. SPACE's position is that there would be no reduction in the number of CUB members necessary to hold a public meeting, conduct votes, or constitute a quorum or a majority of that quorum. SPACE would also encourage that there is always an ample opportunity for the public to have access to the CU Board, and that all CUB members have ample time to review such public comments.

The final House bill which most recently has also caught our attention is the rewording and possible amendments to HB -107, formerly HB 1442, which was passed last year.

Title: making technical corrections to the law on taxation of farm structures and land under farm structures.

G-Status: House

House Status: In Committee

Senate Status:

Next/Last Comm: House Local and Regulated Revenues

Next/Last Hearing: Time not specified



Current Use Board Update

The Current Use Board (CUB) recently held a public hearing on the changes that they plan to bring forth in 2009. Here are the topics of those changes introduced:

Readopt with amendment Cub 102.02 eff 2-24- Cub 102.02 Forms and Criteria - Availability. A copy of the annual current use booklet may be obtained:

- (1) From the state library, reference and information services, 20 Park Street, Concord, NH, at their usual cost; or
- (2) On the department's home page at www.revenue.nh.gov, when possible.

Readopt with amendment Cub 207.03, effective 2-18-06 (Doc # 8570-B), to read as follows: Cub 207.03 Conduct of a Forum.

- (b) The presiding person shall:
 - (2) Cause a record to be taken;

Readopt with amendment Cub 304.07 and Cub 304.08 effective 2-18-06 (Document 8571) to read as follows: Cub 304.07 Assessment Ranges for Forest Land Categories. The assessment ranges for forest land categories without documented stewardship shall be as follows:

- (a) The category of white pine shall be \$128 to \$192 per acre;
- (b) The category of hardwood shall be \$57 to \$86 per acre; and
- (c) The category of all other shall be \$86 to \$129 per acre.

Cub 304.08 Assessment Ranges for Forest Land Categories with Documented Stewardship. The assessment ranges for forest land categories with documented stewardship shall be as follows:

- (a) The category of white pine shall be \$86 to \$130 per acre;
- (b) The category of hardwood shall be \$20 to \$34 per acre; and
- (c) The category of all other shall be \$49 to \$74 per acre.

The CU Board after much consideration and feedback from municipalities and the public has decided to amend the rates issued at the Public Hearing in January 2009. The rates above, now reflect the rates being proposed for fiscal year 2009.

Readopt with amendment Cub 307.02 and Cub 307.03, effective 2/18/06 (Document 8571) to read as follows:

Cub 307.02 Development Other Than Condominiums.

(a) In the case of a development, other than condominiums, which includes land identified in the development plan to satisfy the density requirement of RSA 79-A:7, V(b), **the entire development parcel shall be considered changed at the time any construction of the road or development begins**. The CU Board decided not to bring this forward for a rule changing until a Sub-Committee could be established to study the language and its impact on the existing current use law.

(b) **When individual land use change tax bills are issued, they shall be assessed at the time any construction of the road or development begins**.

Cub 307.03 Condominium Developments.

(a) In the case of a condominium development, **the entire development parcel shall be considered changed at the time any construction of the road or development begins**.

(b) **When individual land use change tax bills are issued, they shall be assessed at the time any construction of the road or development begins**.

(c) The percentage of ownership interest in the condominium declaration language shall be used to calculate the amount of land value attributed to each unit when individual land use change tax bills are issued.

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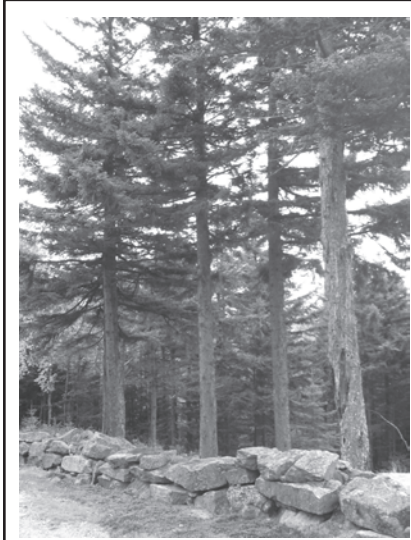
LEGISLATIVE UPDATE continued from page 4

SPACE does its best to follow and monitor any legislation that uses the words "current use" in its text, or could have an impact on the current use law.

SPACE will be adding a section on our website this winter to monitor these bills and any new bills that might arise so you can stay well-informed.

NHTOA Announces "Timber Talks" Series

The New Hampshire Timberland Owners Association (NHTOA) has announced it will conduct a series of "Timber Talks" around the state, beginning in March 2009 and continuing through May, 2009.



*Photo by Donna Robie-
Road traveling up Mt. Kearsarge in Warner, NH*

"Timber Talks" are educational sessions in which NHTOA members and guests will receive in-depth information about upcoming or recently passed bills, new or updated DES regulations, or other state requirements that could impact timberland and businesses.

Each session will also feature an informal member networking opportunity to explore news or concerns about their land, a brief presentation by Jasen Stock, NHTOA Executive Director, and then an open time for Q&A and extended discussion.

They are open to all NHTOA members and guests at no cost but advance registration is requested. Please contact the NHTOA office at offmgr@NHTOA.org, or call (603)224-9699 to express your interest and find out details on our next "Timber Talk", or log onto our website at NHTOA.org.




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Once again, SPACE would like to thank the management team of the Concord, NH EMS store and all its employees who assisted SPACE in fundraising for the awareness of current use to the general public this past November. Hundreds of dollars were raised!

Online Donations of Financial Support

Our financial support comes from voluntary contributions from thousands of individuals each year, and from the in-kind contributions of our organizational members. If you would like to support the goals of SPACE with a financial contribution we encourage you to do so through our secure e-commerce partner eProcessingNetwork.com log onto www.nhspace.org.

To make an online contribution to SPACE using your credit or debit card, enter the AMOUNT of your donation in the field below. Clicking on the "Continue" button will take you to our secure e-commerce partner, eProcessingNetwork.com, where you may review the amount of your donation and securely provide payment information:

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Enter amount of your donation here -->	\$ <input type="text"/>
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SOME OF WHAT SPACE DOES WITH YOUR CONTRIBUTIONS:

Activities

- Legislative advocacy
- Attending and reporting on Current Use Board meetings
- Monitoring proposed changes to Current Use
- Funding of supporting research
- Landowner, municipal and legislative educational programs
- Publication of a bi-annual newsletter
- Media contact
- Maintenance of a database of 35,000 Current Use landowners
- Website to answer questions regarding Current Use
- Distribution of research and publications about Current Use and related issues
- Assist towns with Cost of Community Services (COCS) studies
- Assist CU Board with special projects as needed
- Legislative surveys
- Workshops
- Posting information regarding CUB Forums

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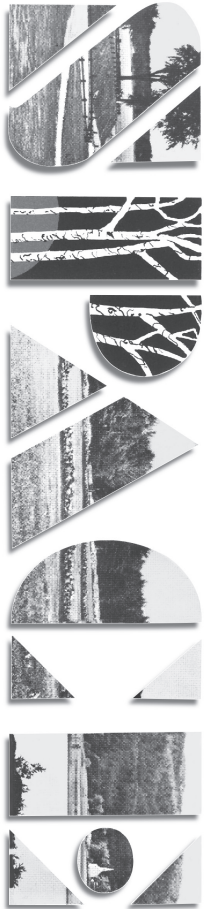
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Please make checks payable to SPACE. SPACE is a 501 (c) 4 non-profit corporation. Because of our emphasis on legislative advocacy, gifts to SPACE may not be tax deductible. Please check with your tax professional for IRS deductibility in your situation.



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