



NH PLANNERS
ASSOCIATION

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PRESIDENT'S MESSAGE

Once again it is time for the NHPA Annual Meeting and Professional Development Workshop. The Annual Meeting will be held on Friday, **November 16, 2012** at Fratello's in Manchester. The day's events will begin at 12:30 with lunch and the annual meeting, followed by the professional development workshop and a cash bar reception (Come hungry! The 12:30 lunch time allows NHPA members to take advantage of free parking adjacent to the restaurant). We are excited to offer a timely professional development session focusing on communications: *Building Support for Planning Through Effective Communication Strategies & Tactics* by Stacey Smith of Jackson, Jackson and Wagner. **RSVP using the registration link on our website by November 8th!**

One of the biggest challenges NHPA is facing this fall is the discontinuance of LGC's Affiliate Group Services Program. This service has provided NHPA with meeting space, managed our membership information, designed our newsletter, assisted with event planning and created all the amazing graphics we use for mailings and notifications - free of charge. As of December 1st they will no longer be able to provide these services. The Executive Committee is working on solutions to manage the loss of these services and has tentatively

contracted with Cornerstone Management Association. Cornerstone specializes in providing professional services for non-profit organizations with a fee-for-service model. They have been in operation since 1975 and have come highly recommended. We are still working out all the details and will have an update on the transition and expected costs of this challenge at the Annual Meeting. As always if you have questions or concerns please feel free to contact me directly.

Check out the rest of the newsletter for more great news on planning around the State and I look forward to seeing you on November 16, 2012.

BUILDING SUPPORT FOR PLANNING THROUGH EFFECTIVE COMMUNICATION STRATEGIES & TACTICS

**NOVEMBER 16TH AT FRATELLO'S
155 DOW ST. MANCHESTER**

Join us for lunch and our annual meeting, followed by a professional development workshop led by Stacey Smith, of Jackson Jackson and Wagner. It is not enough just to do good planning, especially in today's political climate. More than ever, we must be able to lay the groundwork within our communities and with local stakeholders about the need for quality planning. During this workshop, we will examine effective ways of doing this important work. Participants will explore a variety of communication strategies for facilitating public meetings, educating stakeholders and responding to questions, concerns, and disruptions. Role-playing and problem solving will be key components of this workshop. Be prepared to participate in hands-on scenarios to help you prepare for the best but handle the worst.

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NH PLANNERS ASSOCIATION HOSTED A PROFESSIONAL DEVELOPMENT WORKSHOP ON AUGUST 3, 2012

On August 3, 2012, the NH Planners Association hosted a professional development workshop on the Department of Justice's (DOJ) recent ruling under the American with Disabilities Act (ADA) allowing "other power driven mobility devices" to be used on public trails by "individuals with mobility disabilities." Janet Zeller, the National Accessibility Program Manager for the United States Forest Service, led this well-attended workshop. Her presentation addressed how this new Rule applies to State, local, and private owned lands as well as the assessment factors and public notice requirements under the Rule.

On March 15, 2011, the DOJ amended regulations implementing Title II and Title III of the ADA went into effect. The new Rule expands accessibility in a number of areas and provides detailed guidance on how to make recreation facilities accessible. Subject to this rule are public entities, such as State and local governments, and entities under private funding that are open to the public.

Janet Zeller's presentation focused on the requirement of the new Rule that public shall make reasonable modifications in its policies, practices or procedures to permit the use of other power-driven mobility devices (OPDMDs) by individuals with mobility disabilities. Since the issuance of the American Disabilities Act in 1990, the choices of mobility devices available to individuals with disabilities have increased dramatically. OPDMDs include a range of mobility devices powered by batteries, fuel or other engines, that may not be designed primarily for use by individuals with mobility disabilities, but are often used by individuals with mobility disabilities for the purpose of locomotion. These devices include golf cars, Segway® Personal Transporter, all-terrain vehicles (ATV) or any mobility device designed to operate in areas without defined pedestrian routes. OPDMDs differ from wheelchairs, which are manually-operated or power-driven devices designed primarily for use by an individual with a mobility disability for the main purpose of indoor or of both indoor and outdoor locomotion.

Janet Zeller noted that any device that meets the definition of a wheelchair is not considered an OPDMD and must be allowed to be used in all areas open to pedestrian use, with no exceptions. OPDMDs must be allowed unless a public entity can document that an assessment has been completed of the facility, trail, route or area, before the person requesting use of the OPDMD arrived onsite, and

they found that class of OPDMD could not be used in that specific location due to one or more of the following assessment factors:

- The type, size, weight, dimensions, and speed of the device;
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year);
- The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user);
- Whether legitimate safety requirements can be established to permit the safe operation of the other power-driven mobility device in the specific facility; and,
- Whether the use of the other power-driven mobility device creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

These are the only factors a public entity can use in determining whether a particular class of OPDMD may be allowed in a specific location. Janet Zeller noted that it is important for public entities that determine reasonable modifications can be made in their policies, practices or procedures to allow the use of OPDMDs to develop a policy that clearly states the circumstances under which the use of OPDMDs by persons with mobility disabilities will be permitted. This policy should include clear, concise statements of specific rules governing the operation of such vehicles. Advanced notice of this policy and what rules apply to operation of OPDMD should be given to individuals with disabilities who use OPDMD.

Janet Zeller discussed the challenges this Rule presents for managers and owners of State, local or private lands open to public use. While the Rule states that any person using an OPDMD may be asked to provide a "credible assurance" that the mobility device is required because of the person's disability, a person may not be asked if they have a disability or questions about the nature or extent of their disability. Credible assurance can be showing a valid,

(continued on page 4)

AQUIFER VULNERABILITY AND FIRE FLOW IMPACT: A PROACTIVE APPROACH TO PROTECTING ENVIRONMENTAL RESOURCES

(THE YARMOUTH, MASSACHUSETTS VIPER PROJECT)

by Gabrielle C. Belfit & Michael J. Schrader, Tighe & Bond, Inc. Pocasset, Massachusetts

Despite many improvements in procedures and tactics, modern fire fighting still requires large volumes of water to suppress fires. Although the water used to fight fires is most often drinking water, it can become contaminated through contact with fuels and other chemicals present at the scene. Recent testing of the runoff from fire scenes shows the presence of a variety of contaminants including cyanide, arsenic, VOCs, metals and elevated pH. This runoff represents a direct threat to both surface and groundwater drinking supplies.

The International Association of Fire Chiefs Environmental Sustainability Committee (IAFC ESC) is committed to improving the sustainability of firefighting practices by developing improved strategies and protocols to avoid or mitigate this environmental risk. A recent development comes from Cape Cod, Mass., where aquifers are especially vulnerable due to shallow groundwater and porous overburden. A team lead by Yarmouth Fire Chief Michael A. Walker has developed a map-based aquifer specific risk protocol and a tiered best practice approach known as VIPER, Vulnerability Impact Protocol for Environmental Resources.

This innovative tool builds upon the existing DRASTIC model developed by the EPA for defining aquifer risk. This model is highly adaptable and can be applied to aquifers nationwide. The final product is a numerically rated grid system that categorizes the relative risk to the aquifer from a contaminant transport perspective.

The aquifer risk map allows incident commanders to develop geographically specific tiered emergency response protocol in advance. By incorporating site-specific information, such as hazardous material inspection reports and building layout information, VIPER becomes a powerful rapid response tool, linking critical site data and environmental resource information. VIPER provides an innovative science based strategy that communities can adapt using protocol and asset allocation reflective of the specific attributes and vulnerabilities of their water supply. Access to real time information and flexibility in executing fire fighting tactics was identified as key to acceptance by

local departments. As a result, the VIPER system can be tailored to a variety of delivery platforms, from paper maps to sophisticated computer aided dispatch systems, and mobile field units depending on the needs and resources of each community.

The innovative program has generated wide interest from a combination of water providers and fire fighting agencies and it has been peer reviewed at Region 1 EPA in Boston and the Massachusetts Fire Academy. Viper represents a significant accomplishment towards improving the sustainability of fire fighting activities.

VIPER goals:

- Allow incident commanders to incorporate environmental considerations into tactical decisions by providing both aquifer vulnerability data and critical site information in real time.
- Enhance information sharing and communication between emergency responders, environmental risk managers, and water utility operators.
- Improve hazardous material containment response time and more cost efficient use of firefighting assets.
- Support environmentally minded, sustainable, firefighting practices.

MOOSE MOUNTAINS REGIONAL GREENWAYS CONSERVES 130 ACRES IN MILTON, N.H.

*(Reprinted from the Salmon Falls Collaborative
E-Newsletter, Courtesy of NH DES)*

Moose Mountains Regional Greenways (MMRG) has announced that 130 acres in Milton, N.H., are newly protected by a conservation easement, thanks to the efforts of MMRG, its partners, and the landowners.

The land was protected through the federal Wetlands Reserve Program, a program of the Natural Resources Conservation Service (NRCS), which provided funds to purchase the easement and to do future wetlands restoration work on the property. MMRG met with the landowners over a number of years, introduced them to the program, and helped them enroll in the program.

The easement, completed this summer and owned by NRCS, guarantees that the land will never be developed. The landowners continue to own and use their 130-acre property as they wish. Because MMRG honors its close and confidential relationship with landowners, the organization will not be disclosing the exact location of the property.

Says MMRG Director of Land Conservation Keith Fletcher, "Protection of this parcel adds substantially to the conservation lands in Milton. It protects and restores important water resources and functions. It also meets the landowners' goal to keep the land the way it is, in perpetuity. MMRG is grateful to the landowners for following through with their vision of preserving their beautiful land for future generations, and to our partners at NRCS for their hard work to bring the project to fruition."

This project helps protect water quality within the Salmon Falls watershed, a region whose waters are deemed by the U.S. Forest Service to be at very high risk for degradation due to conversion from forest land to other uses. The 130 acres are in natural forest and vegetative cover, which provide natural water filtration and flood control and help cleanse the waters draining into the Salmon Falls River.

WORKSHOP *(continued from page 2)*

State-issued, disability parking placard or card or other State-issued proof of disability. Verbal representation, not contradicted by observable fact, that the OPDMD is being used for a mobility disability is also considered credible assurance.

Janet Zeller stated that once designations, based on one or more of the five assessment factors, have been made as to which classes of OPDMDs are allowed where, requirements for all users of that class of OPDMD, such as the wearing of helmets, can be part of the operating requirements. However such requirements must be met by all, including employees using that class of device. She also noted that the Rule requires information as to which classes of OPDMDs are allowed in specific locations be available before an individual arrives at the site. Therefore requiring an individual to gain approval after they arrive at a site is contrary to the Rule's requirements. Janet Zeller suggested that managers mark on trail maps or websites which motorized devices are allowed where. It was also suggested that websites point users to the exact place within the website where information about the use of classes of devices in specific locations is available.

The full text of the revised rules can be found at: http://www.ada.gov/regs2010/titleII_2010/titleII_2010_withhold.htm. For more information on this Rule, visit www.americantrails.org (American Trails - click "Resources" then select "Accessibility") or contact the DOJ ADA Technical Assistance line at (800) 514-0301.

In addition to managing the Accessibility Program on 193 million acres of National Forests and Grasslands across the United States, Ms. Zeller represents the U.S. Forest Service working on accessibility related issues with States, other federal agencies, and organizations and instructs trainings on accessibility and universal design of facilities and programs nationally.

New Hampshire Planner's Brownbag lunch On Electric Vehicle Charging Stations will be at the Portsmouth Library on Friday, November 30th at 12:30 pm. NH DES staff will discuss the status of electric vehicles in New Hampshire followed by a tour with the city's facility manager of the Portsmouth Parking Garage where a vehicle charging system has been installed. Contact Camille Patterson at camillep@nashuarpc.org for more details