

## WATER COUNCIL MEETING

Dept. of Environmental Services  
29 Hazen Dr., Concord, N.H.

November 12, 2008  
9:00 a.m.

**Members present:** Vice Chairman Christie, Councilors Bradley, Butler, Cowan, Czysz, Densberger, Harrington, Henderson, Lyons, Phillips, Rastallis, Rawnsley, and Varotsis

**Members absent:** Chairman Bridges, Councilors Barrett, and Dupee,

Vice Chairman Christie called the meeting to order at 9:00 a.m.

### 1. Approval of Minutes of October 8, 2008 Meeting

***A motion was made by Councilor Varotsis to accept the minutes of October 8, 2008, second by Councilor Cowan. The Council unanimously voted to approve this motion.***

### 2, Rules

Readoption with Amendments, Env-Wq 1703.14, Env-Wq 1708.10 and Env-Wq 1708.12  
Initial Proposal for Nutrients and Water Transfer Rules

Paul Currier, Watershed Management Bureau, reviewed what the Water Quality and Standards Advisory Committee has proposed for changes to the rules.

***A motion was made by Councilor Butler to approve the draft of the rules, second by Councilor Lyons. Discussion ensued. The Council unanimously voted to approve this motion.***

The nutrient section does apply to salt water. Nitrogen will be added to 1703.14(d).

Readoption with Amendments, Env-Dw 501 (currently Env-Ws 303.03)  
Permit to Operate Public Water System Rules

Bernie Lucey, Drinking Water Ground Water Bureau, explained the rules as distributed.

***A motion was made by Councilor Cowan to accept the draft of the rules, second by Councilor Bradley. Discussion ensued. The Council unanimously voted to approve this motion.***

### 3. Approval of Public Water System Interconnection Grants

- 1) Bob Mann, Drinking Water Ground Water Bureau, requested approval of state aid grants as set forth in a memo from Bureau Administrator Sarah Pillsbury to Harry T. Stewart, P.E., Director, Water Division dated October 1, 2008.

***Councilor Varotsis moved to approve the grants and recommend favorable action by the Governor and Executive Council by adoption of the following resolution in its entirety. Councilor Rawnsley seconded the motion and it was unanimously approved with Councilor Densberger abstaining from the vote.***

WHEREAS, The following water systems have applied to the Department of Environmental Services, under the provisions of RSA 486-A, for grants in the amounts listed to aid in the defraying of the costs of establishing regional water systems as defined in said Chapter:

<u>Grant Recipient</u>	<u>Grant No.</u>	<u>Objective</u>	<u>Amount</u>
Ashley Common, Milford	09-1562020-01	Connection to the Milford Water Department	\$ 218,660.
PAC Birch Hill, Conway	09-0512010-01	Connection to the North Conway Water Precinct	\$ 370,639
Lower Bartlett Water Precinct	09-0161020-02	Connection of Lower Bartlett Water Precinct to several small public water systems	\$2,004,190
White Rock Estates	09-2353060-01	Connection to the Lochmere Water District	\$ 105,540

WHEREAS, The Department of Environmental Services has examined said applications as to the eligibility of the projects for state contributions; and

WHEREAS, The Water Council finds that said projects are consistent with establishment of a regional water system as defined in RSA 486-A;

NOW THEREFORE, The Water Council finds that all the provisions of RSA 486-A have been met by said applicants, and respectfully recommends that the Governor and Executive Council approve said grants and authorize payments thereof through the Department of Environmental Services as provided for in said Chapter.

#### **4. Status of Appeals**

Amy Samson, Appeals Clerk, presented an update on a number of appeals and requested Council action on several, as noted below.

##### **I. Cases awaiting Council action:**

- **Docket No. 08-30 WC – David Hoyt Appeal**  
The Appeal was tabled on August 13, 2008. The Appeal was received insufficient. The Council requested that Amy send a letter indicating that the parties have until the next Council meeting to submit a sufficient appeal. No action taken by the Council.
- **Docket No. 08-57 WC – Eric W. Waleryszak Appeal**  
October 27, 2008 the Notice of Appeal was received insufficient. The Council requested that Amy send a letter indicating the parties have until the next Council meeting to submit a sufficient appeal. No action taken by the Council.

- **Docket No. 08-59 WC – Brian T. & Adela J. Griset Appeal**  
October 29, 2008 the Notice of Appeal was received insufficient. The Council requested that Amy send a letter indicating the parties have until the next Council meeting to submit a sufficient appeal. No action taken by the Council.

## II. Hearings Held

- **Docket No. 07-29 WC – Andrew and Karen Goldstein**  
Councilor Butler completed the decision and the background section has been finalized and sent to the Council's attorney for final review.

## III. Withdrawn Appeals

None at this time.

## IV. Pre-Hearing Conference (PHC) scheduled.

- **Docket No. 04-18 WC - Thaddeus Dymon Appeal**  
A PHC is scheduled for November 21, 2008 at 11 AM.
- **Docket No. 04-19 WC - Town of Newport Appeal**  
A PHC is scheduled for November 21, 2008 at 11 AM.

Councilor Cowan will be the Presiding Officer for both 4-18 WC and 4-19 WC.

- **Docket No. 06-13 WC - Shane Forest Appeal**  
A PHC is scheduled for November 21, 2008 at 1:30 PM.

Vice Chairman Christie will be the Presiding Officer.

## V. Previously pending cases.

- **Docket No. 04-05 WC - Freudenburg-NOK General Partnership Appeal**  
This appeal will be on the Council's agenda in February 2009.
- **Docket No. 07-11 WC William and Melissa Brouck**  
A Pre-Hearing Conference will be scheduled.

Councilor Varotsis will be the Presiding Officer.

- **Docket No. 08-27 WC – Moody Point Company**  
The Appeal was accepted by the Council on July 22, 2008.  
September 24, 2008 – A Joint Motion to Continue and Stay the Administrative Order was received.  
October 17, 2008 – Moody Point Company Association filed a Petition to Intervene.  
October 22, 2008 – Moody Point Company filed an Objection to petition to Intervene of Moody Pont Community Association.

October 30, 2008 – A Reply to Objection of Moody Point Company to petition to Intervene was received by Moody Point Community Association.

***Councilor Rawnsley moved to accept the motion to continue and stay the appeal, second by Councilor Cowan. Discussion. The Motion passed unanimously with one abstention by Joel Harrington.***

This will be addressed at the February 11, 2009.

***Councilor Varotsis moved to table until the next meeting the Motion to Intervene Petition and that DES Council Attorney Blenkinsop be at the December meeting, second by Councilor Czysz. Discussion. Motion passed unanimously.***

- **Docket No. 08-29 WC – Silver Lake.**

A Pre-Hearing Conference will need to be scheduled.

Councilor Densberger will be the Pre-Hearing Officer.

Copies of Chapter 541A were distributed.

**5. Other Business**

Councilor Bradley announced he will be resigning from the Council.

Vice Chairman Christie reminded the Council of the Watershed Conference that is to be held this coming Saturday, November 15<sup>th</sup>. The Water Conference will be November 18<sup>th</sup>.

**6. Next Meeting**

The next meeting is scheduled for December 10, 2008.

**7. Adjournment**

***A motion was made by Councilor Varotsis to adjourn. The motion was seconded by Councilor Bradley and unanimously approved.***

***Meeting was adjourned at 10:15 AM.***