

WATER COUNCIL MEETING

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

July 8, 2009
9:00 a.m.

Members present: Chairman Bridges, Councilors Barrett, Butler, Cowan, Czysz, Densberger, Harrington, Lyons, Phillips, Rastallis, Rawnsley, and Varotsis

Members absent: Vice Chairman Christie, Councilors Barnard, Dupee, and Henderson

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

1. Approval of Minutes of June 10, 2009 Meeting

- *A motion was made by Councilor Varotsis to accept the minutes of June 10, 2009, second by Councilor Butler. The Council unanimously voted to approve this motion.*

2. 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. New Appeal.

Docket No. 09-26 WC – Town of Gilford Conservation Commission

RE: 5/19/09 Approval of Alteration of Terrain Permit WPS-8399
Presiding Officer: Not Assigned
Status: Appeal received on 6/10/09
Action: Accept or deny the appeal.

- *Motion made by Councilor Rawnsley to deny this appeal on the basis of a failure to demonstrate standing, second by Councilor Czyz. Motion passed unanimously.*

Docket No. 09-27 WC – Homes for a Life Time, LLC

RE: 5/28/09 Denial of Alteration of Terrain Permit Appl. No. 081231025
Presiding Officer: Jim Varotsis
Status: Appeal received on 6/25/09
Action: Accept or deny the appeal.

- *Motion made by Councilor Varotsis to accept the appeal, second by Councilor Barrett. Motion passed with a majority vote, one nay and one abstention.*

Docket No. 09-28 WC – Granite Meadows

RE: 5/22/09 Denial of Alteration of Terrain Permit Application No. 081224-11
Status: Appeal was received on 6/22/09. Appeal was received insufficiently. A letter was sent to the appellant on 7/1/09.

Docket No. 09-30 WC – Town of Merrimack

RE: 11/4/08 Administrative Order No. 08-044 WD
 Status: Appeal was sent directly to the Commissioner's office on 6/19/09. Commissioner's office sent the appeal to the clerk on 7/7/09. This is relative to the same Administrative Order for Norman and Patricia Bureau (Docket No. 08-31 WC). A letter will be sent to the Town of regarding the fact this appeal has been filed too late.

II. Cases awaiting Council action.**Docket No. 04-05 WC - Freudenburg-NOK General Partnership**

RE: AO WD 04-001
 Presiding Officer: Ray Cowan
 Status: A Pre-Hearing Conference (PHC) is scheduled for 7/27/09 at 9:00 a.m.

Docket No. 04-18 WC - Thaddeus Dymon

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)
 Presiding Officer: Ray Cowan
 Status: A PHC is scheduled for 7/27/09 at 10:30 a.m.

Docket No. 04-19 WC - Town of Newport

RE: Denial of a Request for Waiver of Env-Ws 386.56(h)(12), (14), (18)
 Presiding Officer: Ray Cowan
 Status: A PHC is scheduled for 7/27/09 at 10:30 a.m.

Docket No. 08-27 WC - Moody Point Company

RE: 5/19/08 Administrative Order No. 08-027 WD
 Presiding Officer: Nancy Christie
 Status: A PHC is scheduled for 8/24/09 at 10 a.m.

Docket No. 08-29 WC - Silver Lake

RE: Notice of Determination of Natural Mean High Water Mark Evaluation dated 5/29/08
 Presiding Officer: Stephen Densberger
 Status: PHC was held on 4/23/09 at 1 p.m. A hearing is scheduled for 9/9/09.
 Note: This will be one of two hearings held on 9/9/09.

Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration
 Presiding Officer: Christopher Rawnsley
 Status: A PHC was held on 6/29/09. A hearing is scheduled for 10/14/09 at 10 a.m.

Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08
 Presiding Officer: Christopher Rawnsley
 Status: A PHC was held on 6/29/09. A hearing is to be scheduled in December.

Docket No. 08-61 WC - Norman and Patricia Bureau

RE: 11/4/08 Administrative Order No. 08-044 WD - Alteration of Terrain at 5 Christopher Road & 6 Steep St., in Merrimack
Presiding Officer: Joel Harrington
Status: A PHC was held on 6/29/09. Hearing is scheduled for 9/9/09.
Note: This will be one of two hearings held on 9/9/09.

Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag
Presiding Officer: Christopher Rawnsley
Status: A PHC is scheduled for 7/28/09 at 9:00 a.m.

Docket No. 09-14 WC - Andrew and Karen Goldstein

RE: 3/17/09 Administrative Order No. 09-006 WD
Presiding Officer: Mike Butler
Status: A PHC is scheduled needs to be changed to August.

Docket No. 09-24 WC – Lake Sunapee Protective Association

RE: 4/16/09 Alteration of Terrain Permit WPS-8382
Presiding Officer: Jim Varotsis
Status: Appeal received on 5/18/09.
Action: A PHC is scheduled for 7/27/09 at 2 p.m.

3. Env- Dw 717 - Ground Water Rule

Bob Mann and Selina Makofsky, Drinking Water Ground Water Bureau
Initial proposed rules and a summary page for Ground Water Rules that will cover public water systems were presented to the council last month. Fiscal impact has not been drafted yet.

- ***Councilor Densberger made a motion to accept these rules, second by Councilor Phillips. Motion passed unanimously.***

4. Env – Dq 403 Large Ground Water Withdrawals

Stephen Roy, Drinking Water Ground Water Bureau
An initial presentation of the rule and was made last month and the changes were distributed to the council later that week via email.

- ***Councilor Varotsis made a motion to accept these rules, second by Councilor Cowan. Discussion was held. Motion passed unanimously.***

5. Legislative Update – Harry Stewart

Director Stewart reported that bill status basically remains the same as reported at last month's meeting. HB 1 and HB 2 are passed and signed into law by the governor. Subsurface fees are now doubled and the Subsurface program is off the general fund and is a fee account. Administrative fees for the State Revolving Loan Funds went from 1% to 2% in the budget. Senate Bill 60 set up a 2 year commission to study sustainable water infrastructure funding.

6. **Other Business** - None

7. **Next Meeting**

There will be no meeting in August, next meeting is September 9, 2009.

NOTE: There will be no meeting in November.

8. **Adjournment**

- ***Councilor Butler made a motion to adjourn, second by Councilor Varotsis. Motion passed unanimously.***

Meeting was adjourned at 9:45 a.m..