

## WATER COUNCIL MEETING

NH Dept. of Environmental Services  
11 Hazen Dr., Concord, N.H.

October 13, 2010  
9:00 a.m.

**Members present:** Vice Chairman Christie, Councilors Butler, Cowan, Czysz, Densberger, Dupee, Harrington, Hinds, Rastallis, Rawnsley, and Varotsis

**Members absent:** Councilors Barrett, Henderson, and Lyons

Vice Chairman Christie called the meeting to order at 9:03 a.m. and thanked those in attendance. She also thanked Councilor Harrington for chairing last month's meeting. Plans are being made to thank John Bridges for his services. Vice Chairman Christie will be acting chair until that position is filled. Action items will now be added to the agenda.

### 1. Approval of Minutes of September 8, 2010 Meeting

- *A motion was made by Councilor Cowan to accept the minutes of September 8, 2010, second by Councilor Hinds. The Council unanimously voted to approve this motion with Councilor Rawnsley abstaining.*

### 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.

## II. Previously pending cases.

### Docket No. 04-05 WC - Freudenburg-NOK General Partnership

RE: AO WD 04-001

Presiding Officer: Joel Harrington

Status: Appeal has been withdrawn.

### 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: Joel Harrington

Status: Council dismissed at the September 8, 2010 Council meeting.

### 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: Joel Harrington

Status: Atty. Fulton may withdraw pending a DES decision.

### Docket No. 08-54 WC - Loretta Simonds

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: A hearing is scheduled for January 12, 2011 at 10:00 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 Pre-Hearing Conference(PHC) is scheduled for December 7, 2010 at 10 a.m.

**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: Presiding Officer Rawnsley granted the Appellant's Motion to Continue the Hearing and Stay Proceedings, which was filed on 12/22/09, without objection from the Applicant. The parties were notified that the Water Council is not re-scheduling a hearing at this time, continuance and stay are indefinite until NHDES renders a decision on either Appellant's 12/21/09 request to rescind the current AOT and require new application, or in the alternative, Applicant's 6/10/09 request to amend AOT application, as pleaded in Appellant's Motion.

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

RE: 3/17/09 Administrative Order No. 09-006 WD

Presiding Officer: Christopher Rawnsley

Status: A hearing is scheduled for November 10, 2010 at 10:00 a.m.

- ***Councilor Varotsis made a motion to deny the request for re-hearing of Administrative Order as there is no adequate basis for their objection, second by Councilor Harrington. Motion passed unanimously.***

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

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: A hearing is scheduled for today and pending Motions to be taken up at start of hearing.

**Docket No. 09-34 WC – Ashuelot Pond Association**

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District

Presiding Officer: Christopher Rawnsley

Status: A PHC is scheduled for December 7, 2010 at 11 a.m.

**Docket No. 10-09 WC – Lake Waukewan**

RE: Notice of Decision, Interim Operating Level issued by DES on 4/12/10

Presiding Officer: Christopher Rawnsley

Status: A PHC is scheduled for December 7, 2010 at 9 a.m.

**II. Decisions that need to be written, finalized and issued.**

**Docket No. 08-27 WC - Moody Point Company**

RE: 5/19/08 Administrative Order No. 08-027 WD

Presiding Officer: Christopher Rawnsley

Status: A Decision and Order will be ready for Council approval on December 8, 2010.

**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: A Decision and Order will be ready for Council approval on November 10, 2010.

**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 Decision and Order will be ready for Council approval on November 10, 2010.

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

RE: 5/28/09 Denial of Alteration of Terrain Permit Application No. 081231025  
Presiding Officer: Christopher Rawnsley  
Status: A Decision and Order will be ready for Council approval on December 8, 2010.

**3. Env-Wq 1500 Alteration of Terrain Rules**

Amy Clark, Alteration of Terrain Bureau

Changes have been made since they were presented in February. Most are minor but she reviewed the significant changes.

- ***Councilor Densberger made a motion to concur with the DES changes to the AoT rules, second by Councilor Varotsis. Motion passed unanimously.***

**4. SB 480 Update**

Mike Walls, Assistant Commissioner

SB 480 was signed on July 20, 2010 and became effective September 18, 2010. New appeals filed on or after September 19, 2010 will be heard and decisions will be written by the new hearing officer who will be assigned by the Attorney General's office. DES and the Attorney General's office are now negotiating a Memorandum of Understanding(MOU) to cover the cost of this new position. With hearings that are now taking place the Attorney General's office is designating the hearings officer.

**5. Legislative Update**

Director Stewart

The Division is currently working on developing a maintenance budget and will then work on the Governor's budget which will go to the Legislature in January.

There are no bills yet, LSRs will appear in November and a list of bills will be ready in January.

**6. Other Business -**

1. William Gosse has been appointed to represent the Septage Haulers,
2. The work has begun on finding a replacement for John Bridges position.

**7. Next Meeting**

Next meeting will be November 10, 2010 at 9 a.m. with the Goldstein hearing at 10 a.m.

**8. Adjournment**

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

Meeting was adjourned at 9:50 a.m.