

WATER COUNCIL MEETING

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

May 11, 2011
9:00 a.m.

Members present: Chairman Gilbert, Vice Chairman Christie, Councilors Butler, Czysz, Densberger, Gosse, Henderson, Hoyt, Rastallis, Rawnsley, and Varotsis

Members absent: Councilors Barrett, Dupee, Harrington, Hinds, and Lyons

Chairman Gilbert called the meeting to order at 9:03 a.m.

1. Approval of Minutes of April 13, 2011 Meeting

- ***Motion made by Councilor Varotsis to approve the minutes, second by Councilor Henderson. Motion passed unanimously with Councilor Butler abstaining.***

2. Status of Appeals

Amy Samson, Appeals Clerk, presented an update on a number of appeals. Norman and Patricia Bureau have withdrawn their appeal so no Decision and Order.

I. New Appeals

Docket No. 11-04 WC – Town of Hooksett and Hooksett Sewer Commission

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: Appeal received on 4/20/11. Council to vote whether or not to accept the appeal.

- ***Councilor Butler made a motion to accept the appeal, second by Councilor Densberger. Motion passed unanimously.***

II. Previously pending cases.

Docket No. 08-54 WC - Loretta Simonds

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

Presiding Officer: Christopher Rawnsley

Status: A Pre Hearing Conference (PHC) has been scheduled for 6/1/11 at 9 a.m. A hearing is scheduled for August 10, 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 PHC is scheduled for June 1, 2011 at 10:00 a.m. A hearing is scheduled for September 14, 2011.

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 request for status was sent to the parties to respond by the June 8, 2011 Council meeting.

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

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

Presiding Officer: Christopher Rawnsley

Status: The parties have reached a settlement agreement. A withdrawal will be filed soon.

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 was held on March 29, 2011 at 10:00 a.m. A hearing is scheduled for June 8, 2011.

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 May 17, 2011 at 9:00 a.m. A hearing is scheduled for July 13, 2011.

Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Steve Densberger (unofficial)

Status: The Council accepted the appeal on March 9, 2011. A PHC needs to be scheduled once a presiding officer is officially assigned.

III. Decision and Orders that need to be written, finalized and issued.

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: A Decision and Order is currently being drafted.

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 decision and order is currently being drafted.

Docket No. 11-01 – Jean Gagnon Sr.

RE: Site Specific Application #060705-01 for Terra Firma Real Estate, Brown Hill Rd Phase III

Presiding Officer: Not Assigned

Status: A decision and order is attached. Council approved as presented.

3. Env-WQ 1708 Amendments to the Water Quality Regulations

Paul Currier, Watershed Bureau Administrator

Paul noted the agency hearing has occurred. The rules beef up the procedure for anti-degradation review and they change the provisions regarding transfer of water. The rules are

being revised and will be submitted to JLCAR. The updated draft will be sent to the Council at the same time it is sent to JLCAR.

- ***Motion made by Councilor Varotsis to table the vote until the next Council meeting, second by Councilor Gosse. Motion passed unanimously.***

Director Stewart noted Paul will be retiring at the end of May. Chairman Gilbert shared the Council's appreciation and thanks for his service.

4. Legislative Update

Director Stewart.

Director Stewart reviewed 2011 bills of interest to the Water Council. SB 154 relative to the renaming of the Comprehensive Shoreland Protection Act to Water Quality Protection Act also had changes to the permitting process. As far as the budget, there are some changes possible with the Senate.

5. Other Business

Chairman Gilbert noted that there are those that are not in agreement with the 08-29 Silver Lake Appeal decision that was made and a letter has been written to Councilor Ray Burton and Commissioner Burack.

6. Next Meeting

Next meeting will be June 8, 2011 at 9 a.m. with the Ashuelot Pond Association hearing at 10 a.m.

Amy Samson noted there were exhibits filed that the Council could pick up in her office after the meeting.

7. Adjournment

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