

WATER COUNCIL MEETING

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

February 10, 2016
8:00 a.m.

Members present: Councilors: Boisvert, Butler, Clark, Hardy, Henderson, Hinds, and Rawnsley

Members absent: Chairman Gilbert and Councilors Beaurivage, Gegas, Joubert, and O'Brien

Also present were Paula Scott, Appeals Clerk and Carolyn Guerdet, Council Clerk

Councilor Rawnsley called the meeting to order at 8:10 a.m.

3. New Business

b. Wq-1000 Subdivisions; Individual Sewage Disposal Systems
Rob Tardif and Gretchen Hamel

Initial proposals have some major changes. Now receiving comments and will make the changes as necessary. There will be a draft final proposal before it goes to JLCAR. . Public hearing is March 8th, 3 public info sessions, Keene, Portsmouth, Gorham. Deadline for written comments is March 25th. Councilor Hinds asked to be sent the portion of the rules regarding septic tanks and replacing leach field portion and their inspection to GSDI when it is drafted.

a. Env-Dw 600 Capacity Assurance for Public Water Systems
Cynthia Klevens and Holly Green

602 is for new proposed non-transient systems. Clarifying existing rules, new community water system must have a deed covenant how water is to be used, and there are now water conservation system requirements based on their water meters. Community is 25 people or 15 units. Comments are needed Feb. 24th. March 21st the rules expire. Public comment period is in April with a hearing April 19th. Public comment period ends April 27th.

1. Approval of Minutes of the December 9, 2015 Meeting

- ***Councilor Henderson made a motion to accept the minutes of the December 9, 2015, second by Councilor Boisvert. Motion passed unanimously.***

2. Status of Appeals

Appeals Clerk, Paula Scott, presented an update on the following appeals:

I. New Appeals

II. Decision and Orders that need to be written finalized and issued.

Docket No. 15-04 WC – Woodmere Association, Inc. Appeal

Re: 3/3/15 Administrative Order No. 15-005 WD

Hearing Officer: Not assigned

Status: April 2, 2015 received Preliminary Notice of Appeal (PNA). May 18, 2015 received Notice of Appeal. 5/18/15 issued receipt of Appeal letter. Appeal was received 76 days after decision was issued. Council denied the appeal on June 10, 2015. August 11, 2015 issued Decision and Order on Notice of Appeal. September 10, 2015 received Request for Reconsideration. Discussion was held. It was decided the appeal was filed with the improper Council and was not received in a timely manner. October 14, 2015 Council moved to decline the Request for Reconsideration. December 10, 2015 issued Decision no Request for Reconsideration. Docket now closed.

Docket No. 15-07 WC – Board of Governors of the Black Cat Island Civic Assoc. Appeal

Re: 4/7/15 approval for subdivision #SA2015010642 issued to Goldsmith Children's Trust
Hearing Officer: David Conley, Esq. assigned on 6/16/15

Recused: Councilor O'Brien

Status: May 4, 2015 received Preliminary Notice of Appeal (PNA). 5/19/15 received Notice of Appeal. 5/20/15 issued receipt of appeal letter. Appeal accepted on June 10, 2015. 6/10/15 issued appeal accepted letter. 6/17/15 issued Notice of Pre-hearing Conference scheduled for 7/13/15 at 10:30 a.m. 6/19/15 received Appearance of Atty. Gretchen Hamel for DES. July 10, 2015 received Appearance of Attys. Jason Reimers and Amy Manzelli for the permittee and Owner's Petition to Intervene. 7/13/15 issued Pre-Hearing Order scheduling hearing for December 9, 2015. August 13, 2015 received Joint Motion to Dismiss. 8/17/15 received Assented-to Motion to Extend Objection Deadline. 8/27/15 Received Objection to Joint Motion to Dismiss. September 23, 2015 issued order on Joint Motion to Dismiss. October 9, 2015 received Appearance of Atty. Lauren Noether for the Department. 10/12/15 received Withdrawal of Appearance from Atty. Gretchen Hamel. November 9, 2015 received Appellant's, Intervenor's and State's Witness and Exhibit Lists. December 9, 2015 hearing was held and continued to January 13, 2016. 1/13/16 hearing finished and deliberations held. Decision of the Council was to deny the Appeal.

- ***Councilor Butler made a motion to adopt the Decision and Order, second by Councilor Hinds. Motion passed unanimously.***

III. Hearings or PHCs Pending

Dockets No. 12-01 WC – David Sundman, et al.

Re: 12/19/11 Alteration of Terrain Permit No. AoT-0353 for Dalton Valley Drag

Hearing Officer: David Conley assigned on 2/9/12

Status: Received appeal that appears to be timely on January 18, 2012. Issued receipt of appeal letter on January 20, 2012. Council accepted the appeal Feb. 8, 2012, notice was issued Feb.9, 2012. (See Sept. 2015 minutes for full list of filings.) December 24, 2014 received Assented-to Motion to Stay Pre-hearing Conference and hearing. 12/30/14 issued letter granting Motion and scheduling PHC for 4/16/15 at 8:30 a.m. February 13, 2015 received Appellants' Motion for Summary Judgment and Memorandum in Support of Motion for Summary Judgment. 2/27/15 received DES' Partial Objection to Appellants' Motion for Summary Judgment. March 11, 2015 issued Order Granting Summary Judgment in part. April 10, 2015 received Appearance from Robert Best and Motion for Rehearing. 4/15/15 received Objection to Applicant's Motion for Rehearing. 4/16/15 issued Decision and Order on Motion for Rehearing and issued Notice of Prehearing Conference scheduled for 5/13/15 at 10 a.m. Prehearing Order issued 5/13/15 with hearing scheduled for October 14, 2015 at 10 a.m. 5/15/15 received Request for Waiver of Rules. 5/18/15 issued letter regarding Request for Waiver of Rules. June 3, 2015 received permittee's status update. 6/10/15 issued Notice of Hearing time change per request from the Council. Hearing is now scheduled for October

14, 2015 at 9 a.m. July 2, 2015 received Amended Appearance – Atty. Robert Best and Assented-to motion to Stay All Deadlines. 7/14/15 issued letter granting Assented-to Motion and directing the parties to submit a status report by July 30, 2015. 7/30/15 received Motion for Extension of Stay. 7/31/15 received permittee's status update. August 5, 2015 issued letter with new filing deadlines. September 9, 2015 received Motion to Compel. 9/16/15 received Objection to Motion to Compel. 9/16/15 received Appellants' and State's Witness and Exhibit Lists. 9/17/15 issued order on Motion to Compel. 9/17/15 received Appellant's Assented-To Motion to Compel Responses to Discovery Requests. 9/21/15 received Intervenor's Witness and Exhibit List. 9/24/15 received Request that Assented-To Motion to Compel Responses be taken up at PHC. October 14, 2015 issued Pre-Hearing Order with hearing scheduled for Feb. 10, 2016 at 9 a.m. 10/22/15 received Site Visit Report and Second Amended Notice of Appeal. December 23, 2015 received Appellants' Amended Witness and Exhibit Lists. January 4, 2016 received State's Amended Witness and Exhibit List. Hearing held today.

Docket No. 14-02 WC – Monadnock Paper Mills, Inc.

Re: 1/13/14 State Water Quality Certificate, WQC #2013-FERC-001, Conditions

Hearing Officer: David Conley, Esq. assigned on 5/19/14

Recused Members: Carol Henderson and Mike Butler

Status: February 28, 2014 received Notice of Appeal. March 11, 2014 issued receipt of appeal letter. May 5, 2014 received Appearance from Atty. Mary Maloney for DES. Council to accept or dismiss appeal. Appeal was accepted at the May 14, 2014 Council meeting. 5/14/14 issued Appeal accepted letter. 5/20/14 issued Notice of Prehearing Conference (PHC). 5/23/14 received Assented to Motion to Continue PHC. 5/29/14 issued letter granting Motion to Continue and rescheduled PHC for Sept. 10th at 8 a.m. August 13, 2014 received Assented to Motion to continue Prehearing conference. 8/14/14 issued letter granting Motion to Continue and rescheduled PHC for Oct. 27, 2014 at 8:30 a.m. 10/20/14 received Assented-to Motion to Continue PHC. 10/21/14 issued letter granting Motion to Continue and rescheduled PHC for January 12, 2015 at 8:30 a.m. 12/31/14 sent notice of rescheduled Prehearing Conference due to scheduling conflict. PHC is scheduled for 1/16/15 at 11 a.m. 1/4/15 received Assented-to Motion to Continue PHC. 1/6/15 issued letter granting Motion and rescheduling PHC for March 16, 2015 at 11 a.m. February 20, 2015 received Assented-To Motion to Continue Prehearing Conference. March 2, 2015 issued letter rescheduling PHC to June 17, 2015 at 9 a.m. June 11, 2015 received Motion to Continue Pre-hearing Conference. 6/17/15 issued letter granting Motion and rescheduled PHC for September 17, 2015 at 8:30. September 10, 2015 received Assented-To Motion to Continue Pre-hearing Conference. 9/16/15 issued letter granting Motion to Continue and rescheduled PHC for Dec. 10, 2015 at 8:30 a.m. December 1, 2015 rec'd Assented-To Motion to Continue Pre-hearing Conference. 12/7/15 issued letter granting Assented to Motion to Continue and rescheduled PHC for March 28, 2016 at 8:30 a.m.

Docket No. 15-11 WC – The Three Socios, LLC Appeal

Re: 8/17/15 Well Location Approval DR 140043 issued to George Calef

Hearing Officer: David Conley, Esq. assigned on 10/19/15

Status: September 8, 2015 received Notice of Appeal. 9/10/15 issued receipt of Appeal letter. 9/17/15 received Appearance of Atty. Gregory Wirth and a Motion to Intervene for the Permittee. 9/22/15 received Appearance of Atty. Allen Brooks for DES. October 1, 2015 received Response to Notice of Appeal. Council to accept or dismiss appeal at their October 14, 2015 meeting. 10/14/15 Appeal was accepted and issued Appeal accepted letter. On Oct. 5, 2015 received Motion to Dismiss. 10/09/15 received Objection to Motion to Dismiss. This motion and objection were held until the Council accepted the appeal and a Hearing Officer

had been assigned. 10/22/15 issued letter granting Motion to Intervene. November 5, 2015 issued Order on Permittees' Motion to Dismiss. 11/5/15 issued notice of Pre-Hearing Conference scheduled for 12/14/15 @ 9:30 a.m. December 14, 2015 issued Pre-Hearing Order scheduling a 2nd Pre-Hearing conference for February 8, 2016 at 9 a.m. and a hearing on the merits for April 13, 2016 at 9 a.m. February 5, 2016 received Withdrawal of Appeal. Docket now closed.

IV. Inactive/Status Letter or Pending Settlement/Withdrawal

None

4. **Old Business**

5. **Next Meeting**

March 9, 2016 at 9 a.m.

6. **Adjournment**

➤ ***Councilor Butler made a motion for adjournment, second by Councilor Hinds. Motion passed unanimously.***

Meeting adjourned at 8:35 a.m.

Note: The Council was directed to check the Concord School District closing if weather is an issue. If it is closed then any meeting or hearing is canceled.

WATER COUNCIL

HEARING MINUTES

February 10, 2016

The Water Council met for
Docket No. 12-01 WC – David Sundman, et al Hearing
Wednesday, February 10, 2016 in Room 208C
at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

Attendees: Councilors: John Boisvert, Malcolm Butler, Eugene Clark, Chip Hardy, Carol Henderson, Deborah Hinds, Dave Joubert, Tom O'Brien, and Chris Rawnsley

Absentees: Councilors: Rob Beurivage, Bill Gegas, and John Gilbert

Also present was: Paula Scott, Appeals Clerk

The Hearing was called to order by Hearings Officer David Conley at 9:05 a.m.

The Hearing was continued to February 11, 2016 at 9 a.m.

The Hearing was adjourned at 4:10 p.m.

WATER COUNCIL
HEARING MINUTES
February 11, 2016

The Water Council met for
Docket No. 12-01 WC – David Sundman, et al Hearing
Thursday, February 11, 2016 in Rooms 112 and 113
at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

Attendees: Councilors: John Boisvert, Malcolm Butler, Carol Henderson, Deborah Hinds,
Dave Joubert, Tom O'Brien, and Chris Rawnsley

Absentees: Councilors: Rob Beaurivage, Eugene Clark, Bill Gegas, John Gilbert, and Chip
Hardy

The Hearing was called to order by Hearings Officer David Conley at 9:15 a.m.

The Hearing was adjourned at 1:35 p.m.

Deliberations started at 1:40 p.m. and concluded at 2:35 p.m.