

## WETLANDS COUNCIL

### MINUTES

September 12, 2006

---

The Wetlands Council met on Tuesday, September 12, 2006 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

**Attendees:** Brian Fowler, Chair; Lawrence E. Morse, Vice-Chairman; Thomas G. Chrisenton; John S. Cobb; Dennis J. Danna, Camilla Lockwood; Daniel Lynch; Paul Goodwin; Seth S. Prescott; Jack Rudman; and Thomas Sloan

**Absentees:** Sharon Champagne and William M. Dannehy

The meeting was called to order by Chairman Brian K. Fowler at 9:00 a.m.

Chairman Fowler welcomed Dennis Danna to the Council from the DOT, replacing Russ St. Pierre. Guests Jay Henry and Tom Greenmore, from Office of Legislative Budget Assistant (LBA), were introduced. They are doing a performance audit on the Wetlands Bureau.

1. **Approval of Minutes of August 8, 2006 Meeting**

*A motion was made by Councilor Cobb and seconded by Councilor Morse to accept the minutes of August 8, 2006 as presented. It was unanimously voted.*

2. **Election of Chair and Vice Chair**

Councilor Sloan nominated Brian K. Fowler as Chair and Lawrence E. Morse as Vice Chair.

*Councilor Sloan made a motion to elect Brian K. Fowler as Chairman and Lawrence E. Morse as Vice Chairman. Councilor Cobb seconded the motion and it was passed unanimously.*

Both Councilors Fowler and Morse were present and accepted the position to which they were elected.

3. **Status of Appeals**

Michael Sclafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- **Docket No. 04-21 WtC – Lake Shore Realty Trust: WB #2001-01294**  
On September 12, 2006, notification was received that there would be no continuance filed. Appeal will move forward. A new pre-hearing conference will be scheduled. No action was needed or taken by the Council.

Wetlands Council Meeting Minutes

September 12, 2006

Page 2

- Docket No. 05-04 WtC – Philip and Georgette Smith: WB #2000-00914  
Appeal Hearing is scheduled for today, September 12, 2006 at 10 a.m.
- Docket No. 05-24 WtC – Evelyn, Geno, and Francesca Marconi: WB #2004-02046  
Appeal Hearing is scheduled for October 10, 2006 at 10 a.m.
- Docket No. 06-01 WtC – Sumac Corp. and Grey Rocks Land Trust: WB #2005-00558  
On August 8, 2006 the Council voted to deny the Motion to Deem Motion for Reconsideration Timely Filed and to deny the Motion for Reconsideration. August 30, 2006 the Decision & Order on Motion for Reconsideration issued. Appeal is closed. No action was needed or taken by the Council.
- Docket No. 06-02 WtC – Bodanza *et al.*: WB #2002-02483  
On August 8, 2006, based on the fact that the decision appealed was sent to the appellants in error the Council decided to grant the appeal without the need for a hearing. On September 5, 2006, Written Decision & Order to grant the appeal issued. On September 11, 2006 a new appeal was brought to DES. This new appeal to appear next month. No action was needed or taken by the Council.
- Docket No. 06-03 WtC – Donald & Mary Larson: WB #2005-0287  
On July 14, 2006, Council issues a Decision & Order to Grant Motion to Continue Pre-Hearing Conference. The Pre-Hearing Conference will be scheduled after September 24, 2006. No action was needed or taken by the Council.
- Docket No. 06-05 WtC – Joseph Winn/Winn Family Trust: WB #2005-02562  
On August 1, 2006, the Pre-Hearing Conference Notice distributed with a scheduled date of August 22, 2006. On August 15, 2006, the Decision & Order to Grant Motion to Continue PHC. Date for rescheduled PHC to be announced. No action was needed or taken by the Council.
- Docket No. 06-06 WtC – West Alton Marina: WB #2005-00049  
On August 1, 2006, Pre-Hearing Conference Notice distributed with a PHC scheduled for August 22, 2006. On August 11, 2006, Appellant files a Motion to Continue PHC. August 15, 2006, Decision & Order to grant Motion to Continue Pre-Hearing Conference with a date for PHC to be announced. No action was needed or taken by the Council.
- Docket No. 06-09 WtC – Christopher and Christine Collins: WB #2005-02857  
In accordance with Env-WtC 204.03 the Council will vote to accept or dismiss the appeal.

***Councilor Goodwin recused himself from discussion and vote on this appeal.***

***Councilor Danna recused himself from discussion and vote on this appeal.***

***Councilor Chrisenton made a motion to accept this Appeal. Councilor Morse seconded the motion and it was unanimously voted.***

- Docket No. 06-10 WtC – Ralph and Virginia Sanborn: WB #2006-00325  
On August 11, 2006, Applicant, Glenn T. Saba, filed an Appearance and files a Reply and Motion to Summarily Dismiss. All in accordance with Council rules.

***Councilor Chrisenton made a motion to Table until later in the meeting. Councilor Lynch seconded the motion and it was voted unanimously.***

- Docket No. 06-11 WtC – Dennis Proulx: WB #2006-00769  
On August 11, 2006, Notice of Appeal was timely filed. Receipt of the Appeal letter distributed on August 16, 2006.

***Councilor Goodwin recused himself from discussion and vote on this appeal.***

***Councilor Danna recused himself from discussion and vote on this appeal.***

***Councilor Lockwood made a motion to Summarily Dismiss this Appeal. Councilor Cobb seconded the motion.***

***Councilor Morse made a motion to Table until later in the meeting. Councilor Chrisenton seconded the motion and it was voted unanimously.***

At 10 a.m. the meeting was recessed for the scheduled Hearing.

Meeting reconvened at 1:37 p.m.

4. **Wetlands Bureau Update**

Lori Sommer discussed the in lieu fee draft revised rules. Proposing these rules for interim rule making. Changes are in bolded, italicized print to this chapter to reflect the changes in the law to allow for a 4<sup>th</sup> mitigation option to be available for the wetlands bureau. Allows for smaller projects, less than an acre, with monies collected used within the watershed where the impacts are occurring for wetlands restoration, protection and conservation projects. Giving a month for review of the rules by the Council.

Councilor Morse suggested speaking with legal council of DES, Gretchen Hamel to see if the Council needs to make any changes to our rules.

Mary Ann Tilton gave any update on the following:

Collis's operation and things are going well.

Shoreline Commission is going to be voting on its buffer issues at its next meeting, September 19<sup>th</sup>.

Cold River emergency flooding situation, its understood that NRCS received a grant and the bureau will be on call to assist in inspections and permitting to insure work is consistent with the long term study in that area.

Also the Bureau has been part of the audit and reviews and have found it has been helpful.

Rene Pelletier noted that the regulations of vernal pools have been drafted. A work group will be formed as they move forward. Vernal pools and stream rules must be adopted by June of 2007 for SPG permit to be approved. Will work with Fish and Game and someone from this Council is invited to be part of also.

Meeting went into recess for the Hearing at 10:10 a.m.

Meeting reconvened and returned to Appeals that were tabled before the hearing at approximately 1:37 p.m.

- Docket No. 06-10 WtC – Ralph and Virginia Sanborn: WB #2006-00325  
On August 11, 2006, Applicant, Glenn T. Saba, filed an Appearance and filed a Reply and Motion to Summarily Dismiss. Tabled because of the sequence of whether or not to deal with the Motion to Dismiss first or whether or not to just deal with the Appeal first.

***Councilor Lockwood made a motion to Table the Motion to Summarily Dismiss until October 10, 2006. Councilor Chrisenton seconded the motion and it was voted unanimously.***

- Docket No. 06-11 WtC – Dennis Proulx: WB #2006-00769  
On August 11, 2006, Notice of Appeal was timely filed. Receipt of the Appeal letter distributed on August 16, 2006.

***Councilor Goodwin recused himself from discussion and vote on this appeal.***

***Councilor Lockwood withdrew her motion made earlier to Summarily Dismiss.***

***Councilor Chrisenton made the motion to accept the Appeal. Councilor Lynch seconded the motion and it was voted unanimously.***

5. **Old Business**

Further discussion on rule making postponed until October meeting.

6. **New Business**

None

7. **Adjournment**

***A motion was made by Councilor Lynch, seconded by Councilor Sloan and unanimously voted to adjourn.***

The meeting adjourned at approximately 2:15 p.m.