

WETLANDS COUNCIL

MINUTES

January 8, 2008

The Wetlands Council met on Tuesday, January 8, 2008 in room 112 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

Attendees: Chairman Lawrence E. Morse, John S. Cobb, Thomas Chrisenton, Dennis Danna, Paul Dionne, Chip Kimball, Camilla Lockwood, Dennis Lydon, Steve Perry, and David Thompson

Absentees: Sharon Champagne, Seth Prescott, Jack Ruderman, Thomas Sloan,

Also present were: Amy Samson, Council Appeals Clerk and Carolyn Guerdet, Council Clerk

The meeting was called to order by Chairman Larry Morse at 9:00 a.m. with a quorum present. Also introduced were two new members to the Wetlands Council – George (Chip) Kimball representing the Forest/Farmland Owners and Paul Dionne representing the Municipal Conservation Commissions.

1. Approval of Minutes of November 13, 2007 Council Meeting

A motion was made by Councilor Thompson and seconded by Councilor Cobb to accept the minutes of November 13, 2007. It was unanimously voted.

2. Status of Appeals

- Docket No. 07-25 WtC – Ross Realty Trust and Tippicanoe Campground: WB #2007-00321
Still awaiting a copy of the postal receipt from the appellant's attorney to be sure it was timely filed.

A motion was made by Councilor Chrisenton and seconded by Councilor Cobb that if the postal receipt verifies it was timely filed that the Appeal be accepted and if it is not timely filed that the Appeal is denied. Motion was voted unanimously.

- Docket No. 07-30 WtC – Thomas and Kellie Greer: WB # 2006-00460

A motion was made by Councilor Chrisenton and seconded by Councilor Danna to accept this appeal. Motion was voted unanimously.

- Docket No. 07-28 WtC – Concord Country Club: WB #2005-00474

A motion was made by Councilor Chrisenton and seconded by Councilor Kimball to accept this appeal. Motion was voted unanimously.

- Docket No. 07-10 WtC – Renate Ranniger: WB#2004-01185
Pre-hearing Conference scheduled for today at 10 A.M.

Wetlands Council Meeting Minutes

January 8, 2008

Page 2

- Docket No. 07-18 WtC – Tom McKay-Hi Spot Condominium: WB#2007-00321
Pre-hearing Conference has been scheduled for January 30, 2008 at 11 A.M.
Presiding Officer is Thomas Chrisenton

Councilor Lockwood joins the meeting at 9:15.

- Docket No. 07-22 WtC – Claire Salois: WB#2006-03223
Pre-hearing Conference has been scheduled for January 30, 2008 at 9 A.M.
Presiding Officer is Thomas Chrisenton
- Docket No. 07-06 WtC – Patricia Woolson: WB#2006-02796
Pre-hearing Conference needs to be scheduled.
Presiding Officer is Chairman Morse.
- Docket No. 07-23 WtC – Steve Bragg: WB#2006-01494
Pre-hearing Conference was held on December 10, 2007 and an appeal hearing is scheduled for February 12, 2008 at 10 A.M.
Presiding Officer is Chairman Morse.

At the Pre-Hearing Conference there was a Motion to Supplement the Record filed by the Appellant's representative. An objection to that motion has been filed by the DES representative. The council agreed to deliberate on a contested motion with representation from both parties at the hearing to present their arguments on the issue.

A motion was made by Councilor Chrisenton and seconded by Councilor Thompson to amend the Pre-Hearing Notice to identify that the first order of business will be to deliberate the motion to supplement the record. If that motion carries, then a new hearing date will be scheduled at that time. Motion was voted unanimously.

- Docket No. 07-16 WtC – Springfield Point Nirvana: WB #2006-02637
The appellant is in the process of changing representatives and a Pre-Hearing Conference will need to be rescheduled.
Presiding Officer is Chairman Morse.
- Docket No. 07-27 WtC – Robert Bourgeois: WB #2007-00473
The appeal is not complete. A letter has been sent to the appellant.
- Docket No. 07-01 WtC – Robert & Betty Howland: WB#2006-01654
Proceedings are stayed, negotiations continue.
- Docket No. 07-07 WtC – Wendy McCarthy: WB#2006-02581
Proceedings are stayed.
- Docket No. 07-12 WtC – David Potter: WB# 2005-02913
Appellant withdrew their appeal.
- Docket No. 07-14 WtC – Courtney Galuzzo: WB# 2007-00291
Proceedings are stayed.

- Docket No. 06-11 WtC – Dennis Proulx : WB#2006-00769
Proceedings are stayed.
- Docket No. 06-16 WtC – Shane Forest: WB#1999-01294
Settlement discussions continue.

An Appeal has been received from the Holderness Conservation Commission and is incomplete. A letter has been sent and they are working to have it complete.

Councilor Thompson moved to table this until the February 12, 2008 meeting, second by Councilor Cobb. Motion was voted unanimously.

3. Wetlands Bureau Update

Collis Adams, Administrator, reviewed issues related to statutes, administrative rules and general bureau issues.

New bills have been introduced to the House and Senate and Letters of Testimony that the Department has generated were distributed. HB 1471 is in regards to time frames for the Wetlands Bureau. The Department supports the bill. HB 1535 requires the Department to establish a database/inventory of all wetland resources in the state of New Hampshire. The Department opposes the bill as it would be costly and difficult to inventory and maintain. This process would be different from the Federal process and cause additional complications.

SB 435 was just introduced and would define direct impacts, indirect impacts, define a project proposal and would require the Department to consider these in determining whether to grant, conditionally grant, or deny and application for dredge and fill permits. No position taken yet.

Chairman Morse distributed SB 352 which moves the jurisdiction of the Shoreland Protection Act and from the Water Council to the Wetland Council. It changes the appeal process from the non-evidentiary hearing to evidentiary hearings, inline with RSA 541:A, as the other state councils are. A hearing has been set for January 15, 2008 in front of the Senate Energy, Environment and Economy Development Committee. Dennis Lydon will represent the Wetlands Council at the hearing.

Collis reviewed the rulemaking that is continuing. Vernal Pools rules will go to public hearing on February 21, 2008. Fetch rules had a public hearing on December 17, 2007 and the comments received are being addressed. Comprehensive Shoreland Protection Act has a large set of rules and the initial public hearing is January 16, 2008 at DES from 9 – 11 AM. Work has begun on re-writing the entire rule set. Attorney Gretchen Hamel has been contracted to provide services for a comprehensive formatting, re-write of the rule set. Work groups are working on stream rules with a meeting to be held on January 10, 2008.

A Memorandum of Agreement is being worked on with the DOT for establishing a new position to deal with the I93 project, a 10+ year project.

Within the bureau there will be a part-time secretarial position at the Pease office. Tracy Boisvert has resigned, her position is posted. The first 2 of the 6 positions created by the Comprehensive Shoreland Protection Act have been filled. One is a permitting position and the other is an education and outreach position.

KOGNOS, a data management tool, has been completed and it will help with the database and allow the wetlands bureau to track applications more accurately.

MOU between the Department and Fish & Game is still being worked on.

4. **Old Business** - None
5. **Other Business** - None
6. **Next Meeting** - February 12, 2008, with a hearing.
7. **Wetlands Initiative Update - Ted Diers**

Ted Diers had to attend an out-of-town conference and will try and be at the February meeting.

8. **Adjournment** -

A motion was made by Councilor Cobb and seconded by Councilor Thompson to adjourn and was unanimously voted.

The meeting was adjourned at 9:56 A.M.