

WETLANDS COUNCIL

MINUTES

December 9, 2008

The Wetlands Council met on Tuesday, December 9, 2008 in room 112 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

Attendees: Chairman Lawrence E. Morse, Carol Henderson, Chip Kimball, Dennis Lydon, Seth Prescott, Thomas Sloan, Dari Sassan, Russ St. Pierre and David Thompson

Absentees: Sharon Champagne, and Paul Dionne

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

The meeting was called to order by Chairman Morse at 9:05 with a quorum present.

1. Approval of Minutes of October 14, 2008 and October 28, 2008 Council Meeting

A motion was made by Councilor Henderson to accept the October 14, 2008 minutes as presented, second by Councilor Thompson. Motion was passed unanimously.

A motion was made by Councilor St. Pierre to accept the October 28, 2008 minutes as presented, second by Councilor Henderson. Motion was passed unanimously.

Councilors Sloan and Lydon arrive.

2. Status of Council Rules

Chairman Morse stated that the hearing was before JLCAR on November 20, 2008, subsequent to the public hearing regarding the rules. The rules were approved by JLCAR as proposed.

Councilor Sloan made a motion to adopt the amendments to Env WtC 100 and Env WtC 200 as approved by the Joint Legislative Committee on Administrative Rules(JLCAR) at the JLCAR's November 20, 2008 meeting and to have the rules take effect on December 10, 2008. Second by Councilor Lydon. Motion passed unanimously.

3. Status Report -

Amy Samson, Council Clerk, reviewed the following:

New appeals to accept or deny:

- Docket No. 08-56 WtC Robert Davis: WB#2008-00265
Appeal timely received on October 21, 2008.

Motion to accept the appeal made by Councilor Kimball, second by Councilor Sloan. Motion passed unanimously.

Presiding Officer is Councilor Kimball.

- Docket No. 08-58 WtC Mark & Kristen Begor: WB#2008-00271
Appeal received timely on October 28, 2008.

Motion to accept the appeal made by Councilor Thompson, second by Councilor Sloan. Motion passed unanimously.

Presiding Officer is Councilor Thompson.

- Docket No. 08-60 WtC Peter J. Kirk: WB#2008-00752
Appeal received timely on October 30, 2008.

Motion to accept the appeal made by Councilor Kimball, second by Councilor Thompson. Motion passed unanimously.

Presiding Officer is Councilor Kimball.

Cases awaiting Council action:

- Docket No. 04-21 WtC – Lake Shore Realty & Trust c/o Robert E. Gayner WB #2001-01294
October 29, 2008, Assented-To Motion for Entry of Final Order, submitted by K. Allen Brooks.

Motion to accept the Assented-To Motion made by Councilor Henderson, second by Councilor Thompson. Motion passed unanimously.

- Docket No. 07-02 WtC – Town of Barrington: WB#2004-02817
October 10, 2008 Applicant filed a Motion for Rehearing and on October 13, 2008 DES filed a Motion for Rehearing, both regarding the September 11, 2008 Decision and Order. October 20, 2008 Appellant filed an Objection to Motion and on October 28, 2008 the Council denied the Motion for Rehearing.

Meeting was turned over to Councilor Sloan as Chairman Morse is conflicted on this appeal.

Motion to approve the Final Decision and Order and distribute it made by Councilor Thompson, second by Councilor Lydon. Motion passed unanimously.

Chairman Morse resumes as chair of the Council meeting.

Decisions that need to be written/finalized and issued:

- Docket No. 06-12 WtC – Bodanza et al Appeal WB #2002-02483
The Decision is to Attorney Blenkinsop for review.

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- Docket No. 07-09 WtC – Derry Conservation Commission WB #2006-00773
Attorney Blenkinsop is finalizing for the Council.
- Docket No. 07-10 WtC – Renate Ranniger WB #2004-01185
Attorney Blenkinsop is finalizing for the Council.
- Docket No. 07-24 WtC – Town of Holderness Conservation Commission WB #2006-02635
Decision needs to be sent to Attorney Blenkinsop.
- Docket No. 08-02 WtC – William D. Hughes Appeal: WB #2007-01174
Attorney Blenkinsop is working on finalizing the Decision.
- Docket No. 08-05 WtC – Rick Belanger Appeal: WB #2007-01624
Attorney Blenkinsop is working on finalizing the Decision.
- Docket No. 08-12 WtC – Bill K. Lau Appeal: WB #2007-00398
Council has dismissed the appeal. Decision needs to be finalized.
- Docket No. 08-38 WtC – Pickman & Sons Development Co. Appeal WB #2007-01160
The appeal was denied and Decision needs to be written.

Hearings or Pre-Hearing Conferences scheduled:

- Docket No. 06-11 WtC – Dennis Proulx : WB #2006-00769
Pre-Hearing Conference scheduled for January 6, 2009 at 11 AM. Presiding Officer is Chairman Morse.
- Docket No. 06-16 WtC – Shane Forest: WB #1999-01294
A Pre-Hearing Conference was held on November 4, 2008 at 11 AM with Chairman Morse presiding as Hearing Officer and appellant failed to show. An appeal hearing is scheduled for January 27, 2009. Amy was instructed to send one more request and if there is no response the appeal will be summarily dismissed.
- Docket No. 07-06 WtC – Patricia Woolson: WB #2006-02796
A Hearing will be held today at 10 AM. Presiding Officer is Chairman Morse.
- Docket No. 07-07 WtC – Wendy McCarthy: WB #2006-02581
Pre-Hearing Conference is scheduled for January 6, 2009 at 1 PM. Presiding Officer is Chairman Morse.
- Docket No. 07-23 WtC – Steve Bragg: WB #2006-01494
A Pre-Hearing Conference is scheduled for January 6, 2009 at 9:30 AM. Presiding Officer is Councilor Kimball.
- Docket No. 07-27 WtC – Robert Bourgeois: WB # 2007-00473
Pre-Hearing Conference scheduled for January 6, 2009 at 2:30 PM. Presiding Officer is Chairman Morse.
- Docket No. 07-28 WtC – Concord Country Club: WB #2005-00474
A Pre-Hearing Conference needs to be scheduled. Presiding Officer is Chairman Morse.

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- Docket No. 08-01 WtC – Town of Newington Conservation Commission: WB #2007-0829-01
Pre-Hearing Conference needs to be scheduled. Presiding Officer is Chairman Morse.
- Docket No. 08-03 WtC – David Johnson-Johnngis Realty LLC Appeal: WB #2006-00700
Pre-Hearing Conference was held on December 1, 2008. A hearing is scheduled for February 24, 2009. Presiding Officer is Councilor Lydon.
- Docket No. 08-04 WtC – Porter Trust Appeal: WB #2006-02705
Pre-Hearing Conference needs to be scheduled. Presiding Officer is Councilor Kimball
- Docket No. 08-07 WtC – Joseph and Rose Marino Appeal: WB #2007-00926
Pre-Hearing Conference needs to be rescheduled. Presiding Officer is Chairman Morse.
- Docket No. 08-09 WtC – John Goode, et al Appeal: WB #2007-00933
Pre-Hearing Conference was held on November 18, 2008. A Hearing is scheduled for January 27, 2009. Presiding Officer is Councilor Lydon.
- Docket No. 08-13 WtC – Jeffrey Costura Appeal: WB #2007-01416
Pre-Hearing Conference was held on December 1, 2008. A Hearing is scheduled for March 10, 2009. Presiding Officer is Councilor Lydon.
- Docket No. 08-16 WtC Jumanna Stark Appeal WB #2007-00473
A Hearing is tentatively scheduled for February 24, 2009. Presiding Officer is Councilor Lydon.
- Docket No. 08-24 WtC – 127 Water Street Realty Inc. WB #2007-01794
Pre-Hearing Conference needs to be scheduled. Presiding Officer is Councilor Kimball
- Docket No. 08-31 WtC – Michele Walker Appeal WB #2007-02435
Pre-Hearing Conference was held on November 19, 2008 at 11 AM. A Hearing is scheduled for February 10, 2009. Presiding Officer is Councilor Thompson.
- Docket No. 08-32 WtC – William J. Wilson Appeal WB #2007-02744
Pre-Hearing Conference was held on November 19, 2008 at 1 PM. A Hearing is scheduled for February 10, 2009. Presiding Officer is Councilor Thompson.
- Docket No. 08-34 WtC (Formerly Docket No. 08-15 WC) Ronald E. Gocht Appeal
A PHC will be scheduled for January 6, 2009 at 8 AM. Presiding Officer is Chairman Morse.
- Docket No. 08-35 WtC (Formerly Docket No. 08-19 WC) Frank Faticanti Appeal
A Pre-Hearing Conference has been scheduled for December 19, 2008 at 9 AM. Presiding Officer is Chip Kimball.
- Docket No. 08-37 WtC (Formerly Docket No. 08-25 WC) Kenneth R. Ivester Appeal
A Hearing is scheduled for today at 1 PM. Presiding Officer is Chip Kimball.
- Docket No. 08-53 WtC Vintage Trust c/o Enthusiasts, Inc.: WB#2006-01506
A Pre-Hearing Conference needs to be scheduled. Presiding Officer is Dennis Lydon.

No Action Required; previously pending cases.

- Docket No. 07-01 WtC – Robert & Betty Howland: WB #2006-01654
The parties are discussing a possible resolution. Amy was directed to send another letter requesting the status letter. Presiding Officer is Chairman Morse.
- Docket No. 07-14 WtC – Courtney Galuzzo: WB #2007-00291
The appellant will be withdrawing the appeal. Amy was directed to send another letter requesting the withdrawal letter. Presiding Officer is Chairman Morse.
- Docket No. 07-30 WtC – Thomas & Kellie Greer Appeal: WB #2006-00460
On November 28, 2008 Councilor Lydon granted the parties a 30-day stay. The parties are negotiating settlement. Presiding Officer is Dennis Lydon.
- Docket No. 08-28 WtC – James and Kim Gever Appeal WB #2008-00035
On November 17, 2009 Appellant withdrew the appeal.
- Docket No. 08-33 WtC (Formerly Docket No. 08-06 WC) Marlene & Jerry Schultz Appeal
On October 21, 2008 the appellant withdrew their appeal.
- Docket No. 08-36 WtC (Formerly Docket No. 08-21 WC) Susan A. Youseff Appeal
A postponement of the hearing was granted by Councilor Kimball as the parties are negotiating. A letter requesting status will be sent to the parties. Presiding Officer is Chip Kimball.
- Docket No. 08-52 WtC Michael & Karen Miles: WB#2008-00037
A Pre-Hearing Conference was held on November 19, 2008. A 30-day stay was granted to discuss settlement. Presiding Officer is David Thompson.

4. **Other Business**

Discussion was held concerning the number of Pre-Hearing Conferences and developing a new, more efficient process.

5. **Old Business**

6. **Next Meeting** - January 27, 2009.

7. **Adjournment** -

Councilor Lydon made a motion to adjourn, second by Councilor Kimball. Motion was passed unanimously.