

## WETLANDS COUNCIL

### MINUTES

November 9, 2010

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The Wetlands Council met on Tuesday, November 9, 2010 in rooms 112, 113, & 114 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

**Attendees:** Chairman Chip Kimball, Sharon Champagne, Ryan Crosbie, Lawrence Morse, Russ St. Pierre, Seth Prescott, and David Thompson

**Absentees:** Larry Ballin, Paul Dionne, Carol Henderson, Dari Sassan, and Thomas Sloan

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

The regular Wetlands Council meeting was called to order by Chairman Kimball at 1 p.m. with introductions and a quorum present.

#### 1. Approval of Minutes

- ***Motion made by Councilor Thompson to approve the October 12, 2010 minutes, second by Councilor St. Pierre. Motion passed unanimously.***

This meeting is being held during a pause of a hearing so a more detailed meeting will be held in December.

Chairman Kimball noted the Reconsideration on 08-01 Newington will be reviewed at the next meeting. For the 10-11 Ettinger/Pomeroy/Silver Lake appeal, the 20 days allowed for reconsideration have not been met so it will also be reviewed at the December meeting. The Piscataquog Watershed ARM Fund recommendations will be presented at the next meeting also.

#### 2. Status of Appeals(as distributed and not reviewed)

Amy Sampson, Appeals Clerk

#### **I. New Appeals**

##### **Docket No. 10-17 WtC – Sunset Ranch Camp, Inc.**

Subject: Decision on Shoreland Permit Application, Wetlands File No. 2010-00690

Presiding Officer: Not Assigned.

Status: Council tabled the appeal at its October 12, 2010 Council meeting. A copy of the decision was not attached and a copy of proof date this appeal was sent. The appellant has until the December 14, 2010 Council meeting to correct the appeal.

##### **Docket No. 10-20 WtC – Robert Pinato**

Subject: August 19, 2010 Administrative Order, Administrative Order No. 10-025 WD

Presiding Officer: Not Assigned.

Status: Council needs to vote to accept or dismiss the appeal.

**II. Decisions that need to be written/finalized and issued.**

**Docket No.: 06-11 WtC - Dennis Proulx**

Subject: 07/13/06 Decision on Reconsideration Denial, Wetlands File No. 2006-00769  
Presiding Officer: Larry Morse  
Status: Council granted the Assented-To Motion to Dismiss. A decision and order needs to be finalized.

**III. Hearings or PHCs scheduled.**

**Docket No.: 07-09 WtC - Derry Conservation Commission**

Subject: 4/24/07 Decision on Reconsideration Denial, Wetlands File No. 2006-00773  
Presiding Officer: Seth Prescott  
Status: A PHC is scheduled for December 8, 2010 at 2:00 p.m. and a hearing is scheduled for February 11, 2011 at 10:00 a.m.

**Docket No.: 08-04 WtC - Porter Trust**

Subject: 12/12/07 Decision on Reconsideration, Wetlands File No. 2006-02705  
Presiding Officer: Chip Kimball  
Status: A hearing is scheduled for January 11, 2011 at 10:00 a.m.

**Docket No.: 09-01 WtC - Kevin Price d/b/a Ossipee Lake Marina**

Subject: 12/9/08 Administrative Order  
Presiding Officer: Larry Morse  
Status: A hearing was scheduled for November 9, 2010 at 10:00 a.m. An Assented-To Motion to Continue the Hearing was filed and granted by Councilor Morse. The hearing may be rescheduled on January 11, 2011, time TBA.

**Docket No.: 09-07 WtC and 09-08 WtC - Lake Sunapee Protective Association (LSPA) and Town of Newbury**

Subject: 1/7/09 Shoreland Impact Permit issued by DES to the NH Fish and Game for the Wild Goose Site in Newbury.  
Presiding Officer: Larry Morse  
Recused: Larry Ballin, Carol Henderson  
Status: A hearing was held on October 12, 2010; day two of the hearing was held on October 26, 2010; and day three of the hearing will be held today starting at 8:00 a.m.

**Docket No.: 9-25 WtC - Town of Hooksett**

Subject: 5/11/09 Wetlands and Non-Site Specific Permit, Permit No. 2008-02016  
Presiding Officer: Chip Kimball  
Recused: Larry Morse  
Status: A hearing is scheduled for November 23, 2010 at 10:00 a.m.

**Docket No. 09-33 WtC – Norman and Patricia Bureau**

Subject: 11/4/08 Administrative Order No. 08-044 WD - Alteration of Terrain at 5 Christopher Road & 6 Steep St., in Merrimack  
Presiding Officer: Larry Morse  
Status: A hearing is scheduled for December 14, 2010 at 10:00 a.m.

**Docket No.: 09-35 WtC – Town of Newbury**

Subject: 9/18/09 Decision on Reconsideration, Wetlands File No. 2008-02781  
Presiding Officer: Larry Morse

Recused: Larry Ballin, Carol Henderson

Status: A hearing was held on October 12, 2010; day two of the hearing was held on October 26, 2010; and day three of the hearing will be held today starting at 8:00 a.m.

**Docket No. 09-44 WtC – Thomas and Joan DiPace**

Subject: 10/13/09 Administrative Order No. 09-082 WD

Presiding Officer: Chip Kimball

Status: A PHC was held on October 27, 2010 at 12:00 p.m.

**Docket No. 10-03 WtC – Richard and Donna Mills Appeal**

Subject: 1/5/10 Decision on Reconsideration, Wetlands File No. 2009-01534

Presiding Officer: Chip Kimball

Status: PHC is scheduled for December 29, 2010 at 10:30 a.m.

**Docket No. 10-04 WtC – Thomas J. Murray Appeal**

Subject: 12/28/09 Denial of Application, Wetlands File No. 2007-00187

Presiding Officer: Chip Kimball

Status: A 2<sup>nd</sup> PHC was held on October 27, 2010 at 9:00 a.m.

**Docket No. 10-08 WtC – Robert Reich**

Subject: 4/19/10 Decision on Reconsideration, Wetlands File No. 2009-02050

Presiding Officer: Chip Kimball

Status: PHC is scheduled for December 29, 2010 at 10:30 a.m.

**Docket No. 10-10 WtC – Donald Lee**

Subject: 5/23/10 Decision on Reconsideration, Wetlands File No. 2008-01253

Presiding Officer: Chip Kimball

Status: A PHC is scheduled for December 29, 2010 at 2:00 p.m.

**Docket No. 10-12 WtC – Provencal One Family Trust**

Subject: 6/4/10 Administrative Order No. 10-013 WD

Presiding Officer: Not Assigned

Status: A PHC is scheduled for December 29, 2010 at 9:00 a.m.

**Docket No. 10-14 WtC – Akwa Marina Yacht Club**

Subject: 6/11/10 Decision on Reconsideration, Wetlands File No. 2009-01047

Presiding Officer: Chip Kimball

Status: Council accepted the appeal on September 14, 2010. A PHC is scheduled for December 29, 2010 at 9:00 a.m.

**Docket No. 10-15 WtC – Steven and Mary Pruchansky**

Subject: 6/10/10 Decision on Reconsideration, Wetlands File No. 2009-023600

Presiding Officer: Chip Kimball

Status: Council accepted the appeal on September 14, 2010. A PHC is scheduled for December 29, 2010 at 9:00 a.m.

**Docket No. 10-18 WtC – MRAC LLC and Merchants Plaza, LLC**

Subject: Application of NH Dept. of Transportation, Wetlands File No. 2010-00224

Presiding Officer: George Kimball

Status: Council accepted the appeal on October 12, 2010. A pre-hearing conference is scheduled for December 29, 2010 at 1:00 p.m.

**Docket No. 10-19 WtC – Grouse Point Club**

Subject: Decision on Reconsideration Denial, Wetlands File No. 2010-00808

Presiding Officer: David Thompson

Status: Council accepted the appeal on October 12, 2010. A PHC needs to be scheduled.

**IV. Previously pending cases.**

**Docket No.: 08-01 WtC – Newington Conservation Commission**

Subject: December 3, 2007 Declining to terminate the processing of Alteration of Terrain permit application for property within the boundaries of the Pease Development Authority. Wetlands File No. 2007-0829-01

Presiding Officer: Chip Kimball

Status: October 4, 2010, a Motion for Rehearing was filed. An objection to the Motion for Rehearing has not been filed. Motion for Reconsideration will be reviewed at the next Council meeting.

**Docket No.: 08-13 WtC - Jeffrey Costura**

Subject: 1/25/08 Decision on Reconsideration, Wetlands File No. 2007-01416

Presiding Officer: Dennis Lydon

Status: This has been settled; expecting withdrawal from appellant.

**Docket No.: 08-53 WtC - Vintage Trust c/o Enthusiasts, Inc.**

Subject: 8/7/08 Decision on Reconsideration Denial, Wetlands File No. 2006-01506

Presiding Officer: Ryan Crosbie

Status: The parties are still negotiating a settlement. Schedule another PHC?

**Docket No.: 08-55 WtC - Tracy Middleton Revocable Trust of 1992**

Subject: 9/12/08 Reconsideration Denial, Wetlands File No. 2002-2087

Presiding Officer: David Thompson

Status: The parties are still negotiating a settlement. Schedule another PHC?

**Docket No.: 09-09 WtC - Christopher and Sally Norton**

Subject: 01/09/09 Reconsideration Denial, Wetlands File No. 2008-01265

Presiding Officer: Larry Morse

Status: This has been settled; expecting withdrawal from appellant.

**Docket No.: 09-20 WtC - Dana Belletete**

Subject: 3/26/09 Request for Reconsideration Denial, Wetlands File No. 2009-00366

Presiding Officer: ~~Dennis Lydon~~ Chip Kimball

Status: The parties are still negotiating a settlement. Schedule another PHC?

**Docket No.: 09-21 WtC - John Penaskovic**

Subject: 4/17/09 Administrative Order, Administrative Order No. 09-041 WD

Presiding Officer: Chip Kimball

Recused: Larry Morse

Status: Appeal has been stayed until the agreement of 7/1/10 is complete.

**Docket No.: 09-22 WtC - John Penaskovic**

Subject: 4/17/09 Administrative Order, Administrative Order No. 09-040 WD

Presiding Officer: Chip Kimball

Recused: Larry Morse

Status: Appeal has been stayed until the agreement of 7/1/10 is complete.

**Docket No. 09-36 WtC – Brendan and Dana Keegan**

Subject: Administrative Order No. 09-22 WD dated April 6, 2009

Presiding Officer: David Thompson

Status: The parties are still negotiating a settlement. Schedule another PHC?

**V. Misc.**

**3/31/09 Request for Declaratory Ruling filed by Mr. Goodwin**

Mr. Goodwin sent an e-mail to the clerk on 12/8/09 requesting status.

5. **Old Business** -

6. **New Business** -

7. **Next Meeting** – Next meeting will include the Town of Hooksett hearing on November 23, 2010. A regular meeting will be held December 14, 2010 at 8 a.m. due to size of the ARM Fund requests and a hearing is scheduled for 10 a.m. on that day.

8. **Adjournment**

- ***Councilor Thompson made a motion to adjourn, second by Councilor Champagne. Motion passed unanimously.***

Meeting adjourned at 1:15 p.m.