

## WATER COUNCIL MEETING

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

October 12, 2011  
9:00 a.m.

**Members present:** Chairman Gilbert, Councilors Butler, Densberger, Gosse, Henderson, Hinds, Hoyt, Rastallis, Rawnsley, and Varotsis

**Members absent:** Councilors Barrett and Lyons

Chairman Gilbert called the meeting to order at 9:00 a.m.

### **1. Approval of Minutes of September 14, 2011 Meeting**

- ***Motion made by Councilor Butler to approve the minutes, second by Councilor Varotsis. Motion passed unanimously with Councilor Rastallis abstaining.***

### **2. Status of Appeals**

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

I. New Appeals
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II. Previously pending cases.
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#### **Docket No. 08-54 WC - Loretta Simonds**

RE: 8/8/08 Decision on Request for Reconsideration

Presiding Officer: Christopher Rawnsley

Status: Hearing is scheduled for November 9, 2011 at 10:00 a.m. per the Pre-Hearing Order(PHO).

#### **Docket Nos. 08-57 & 08-59 WC - Eric W. Waleryszak, Brian T. and Adela J. Griset Appeal**

RE: Notice and Decision on the Determination of Lake Level issued by DES on 9/29/08

Presiding Officer: Christopher Rawnsley

Status: Hearing is schedule for December 14, 2011 at 10 a.m. per the PHO. Decision on Pending Motions was issued August 1, 2011.

#### **Docket No. 09-05 WC - North Country Alliance for Balanced Change (Dalton Valley Drag)**

RE: 12/12/08 Alteration of Terrain Permit WPS 8289 for Dalton Valley Drag

Presiding Officer: Christopher Rawnsley

Recused: Nancy Christie

Status: Hearing scheduled for October 12, 2011 at 10:00 a.m. and status request with 30 days response due on 8/26/11. Notice sent July 27, 2011. Received status report from appellant on 8/4/11. Received status report from DES on 8/10/11. Waiting until Sept. meeting to see if applicant submits status report before ruling on request to stay. No status report received from applicant. PO issued Order on Request to Continue Stay on 10/7/11.

**Docket No. 10-25 WC – Robert Van Dyke and Van Dyke Construction, Inc.**

RE: October 25, 2010 Administrative Order No. 10-042 WD

Presiding Officer: Steve Densberger (assigned by AGO).

Recused: Deborah Hinds

Status: A PHC is scheduled for October 26, 2011 at 9 a.m., notice sent on July 26, 2011.

**Docket No. 11-05 WC – Town of Hooksett and Hooksett Sewer Commission**

RE: 3/21/11 Administrative Order, Administrative Order No. 11-010 WD

Presiding Officer: Not Assigned

Recused: Christopher Rawnsley

Status: On May 11, 2011 the Council voted unanimously to accept appeal. No action required until requested by the parties. A status request letter to be sent to the town of Hooksett.

**Docket No. 11-08 WC David Riley, et al.**

Re: Lake Waukewan Final Operating Level

Presiding Officer: Christopher Rawnsley(confirmed by AGO).

Recused: Carol Henderson

Status: Council accepted 75 Petitions to Intervene for 131 people. Received 23 Petitions to Intervene for 33 people Aug 10, 2011. Council will need to rule on additional Petitions to Intervene. Decision on 75 Petitions to Intervene was sent Aug. 11, 2011. PHC is scheduled for Sept 14, 2011, at 11 a.m. noticed issued Aug. 11, 2011. 8/19/11 received Partial Objection to 23 Petitions to Intervene. Hearing scheduled for February 8, 2012 at 9 a.m. per PHO, notice given on September 14, 2011. Received 8 Petitions to Intervene for 13 people on September 14, 2011. September 19, 2011 received Partial Objection to 8 Petitions to Intervene. PO issued decision on 23 Petitions to Intervene. Council to act on 8 Petitions to Intervene and Partial Objection.

- ***Councilor Rawnsley made a motion to grant intervener status conditioned on their combining all actions with the other interveners so that they are acting as one party, second by Councilor Henderson. Discussion was held. Motion passed unanimously.***

III. Decision and Orders that need to be written, finalized and issued.

**Docket No. 09-24 WC – Lake Sunapee Protective Association**

RE: 4/16/09 Alteration of Terrain Permit WPS-8382

Presiding Officer: Stephen Densberger

Recused Members: Carol Henderson; Johanna Lyons; and Nancy Christie

Status: A decision and order needs to be adopted. Changes were noted by Councilor Densberger and were made part of the document.

- ***Councilor Rawnsley made a motion to approve the draft order as revised today by the presiding officer, second by Councilor Varotsis. Motion passed unanimously. Abstaining were Councilors Gosse and Henderson and Chairman Gilbert.***

**Docket No. 09-34 WC – Ashuelot Pond Association**

RE: 8/28/09 Notice of Decision on Determination of Lake Level for Ashuelot Pond Dam Village District

Presiding Officer: Christopher Rawnsley

Status: Decision and Order was accepted on September 14, 2011 and mailed on September 15, 2011.

Miscellaneous :

1) 07-17 WC Ross Realty Trust and Tippee Canoe Campground was found to originally be denied by the council but no decision issued. The chair will issue the denial as voted on. The AO has been released and the work done.

2) Still working on 5 prior appeals as to their status.

**Docket No. 08-61 WC Norman and Patricia Bureau**

Re: Administrative Order No. 08-004 WD

Status: Draft Decision and Order reviewed at this time as no record of it being issued after the hearing. Those attending the hearing were Councilors Henderson, Rastallis, Butler, Rawnsley, and Varotsis.

- ***Councilor Rawnsley made a motion to approve the Order as drafted and as edited in the discussions, second by Councilor Butler. Motion passed unanimously by those in attendance at hearing. Chairman Gilbert along with Councilors Gosse, Hinds, Densberger, and Hoyt abstained.***

**4. Other Business**

Chairman Gilbert

Regarding DHHS not sending a representative to our meetings, the Attorney General has told them they cannot opt out according to statute. The Dept. of Safety has also an obligation and they will be contacted.

Water Sustainability Commission– the 3 working groups are making progress. Two public engagement sessions are being arranged, one on the seacoast and one in the North Country. John and their vice chair will meet with Governor next Monday to gain his involvement and gain traction on implementation. Meeting next Tuesday with past chairs of other water related commissions that have operated in the state for information they have worked on to build upon their work and information. Next will be work on demographics with water and waste water systems in the areas.

Director Stewart has received some fiscal note requests and the House LSRs have remained stable. Senate LSRs will be coming in November. Several legislative committees and commissions are meeting. One is now getting organized relative to stream crossing rules. Also active is the Commission to Study Business Relations in NH regarding labor and environment. The Commissioner and Director Stewart will be attending their meeting today. There are two LSRs regarding oversight of DES. Chairman Gilbert noted Commissioner Burack has requested the chairs of all the councils to meet with him later in October.

Next meeting will be November 9, 2011 at 9 a.m. with the Loretta Simonds hearing at 10 a.m.

5. **Adjournment**

- ***Councilor Varotsis made a motion to adjourn, second by Councilor Butler. Motion passed unanimously.***

Meeting was adjourned at 9:52 a.m.