

## WATER COUNCIL MEETING

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

January 11, 2012  
9:00 a.m.

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

**Members absent:** Councilor Henderson

Chairman Gilbert called the meeting to order at 9:02 a.m.

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

- ***Motion made by Councilor Varotsis to approve the minutes, second by Councilor Hinds. Motion passed unanimously.***

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

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

I. New Appeals

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

III. Hearings or PHCs Pending

#### **Docket No. 07-19 WC – Presby Environmental, Inc.**

Re: 7/18/07 Innovative-Alternative Technology Approval, No. 2007-01-0eci/11.

Presiding Officer: David Conley, Esq. assigned by AG on 11/16/11

Status: Decision and Order on Notice of Appeal was issued on Sept. 28, 2011. Oct. 27, 2011 received Motion for Rehearing and/or Reconsideration of Sept. 28, 2011 Dismissal Order. Council to act on Motion. Council granted a rehearing and scheduled it for today, Jan. 11, 2012 at 9:30 a.m., notice sent Nov. 10, 2011.

#### **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 was schedule for December 14, 2011 at 10 a.m. per the PHO. Decision on Pending Motions was issued August 1, 2011. September 15, 2011 received Assented-To Motion to Enlarge Time to file written stipulations. Decision on Motion to Enlarge Time was issued on October 25, 2011 and mailed on October 26, 2011. November 28, 2011 is the deadline for filing written stipulations. Nov. 29, 2011 received DES' Witness and Exhibit List and the Exhibits. Dec. 2, 11 received DES' amended Exhibit and Exhibit List and also received Assented-to Motion for Late Entry and Appellant's Witness and Exhibit List and the Exhibits. Council verbally Granted Motion for Late Entry. Hearing was continued until today.

#### **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: Hearing was 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. PO to issue decision on Petitions to Intervene. Nov. 16, 2011 received Assented-to Motion for a Continuance. Decision for 8 Petitioners to Intervene and decision on Motion for Continuance were issued on Nov. 28, 2011. New Hearing date is April 11, 2012 at 9 a.m., notice given in Decision dated Nov. 28, 2011.

#### IV. Inactive/Status Letter or Pending Settlement/Withdrawal

##### **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

Status: Received status report from appellant on Aug. 4, 2011. Waited until September 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. The Stay is in effect until at least 30 days after NHDES has rendered a final decision on Alteration of Terrain Permit Application AoT 110809-097. Dec. 19, 2011, received email from Bureau that a new AoT permit #0353 was issued to Dalton Concrete, LLC. Will take action at next meeting.

##### **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. Sent Status request October 18, 2011, asking for a response by Nov. 9, 2011. Received today the status report from the Town of Hooksett. The Town and DES continue to be engaged in discussion to resolve this matter. Both the Town and DES request that the Council continue to delay taking action on the Notice of Appeal.

##### **FYI**

##### **Docket No.07-17 WC Ross Realty Trust and Tippee Canoe Campground**

Re; 07-17-07 Administrative Order No. 07-024 WD

Presiding Officer:

Status: Appeal received 8/15/07. At Sept. 12, 2007 meeting Council denies the request for hearing. No record of that denial ever being issued. According to the DES Program, the AO has been released and the work done. There is a question about this appeal as to whether it was withdrawn when they appealed to the Wetlands Council. Appeals Clerk is trying to make contact with appellant's attorney for more information. The attorney for Ross Realty was contacted and the clerk was informed that he is no longer the appellant's attorney but would make contact with them to review and get back to the clerk.

##### **Docket No. 04-05 WC - Appeal of Freudenberg-NOK General Partnership**

Oct. 13, 2010 meeting minutes state the Appeal was withdrawn but there is no documentation. It will be closed after Chairman Gilbert has reviewed with counsel.

**3. Other Business**

Chairman Gilbert

Water Sustainability Commission - Cameron Wade from UNH spoke regarding climate change and the effects associated on the state. It is clear patterns are changing and as a society we are adapting. There are implications for flooding and drought. Mark Green also spoke and has been working and studying a contained watershed, generating science and information. Both scientists pointed out there is not a good connection between what is being studied and what is needed for policy for managing our resources. They are asking for more input from policy making institutions. The next meeting will be on January 17, 2012.

**4. Legislative Update**

Director Stewart

The DES 2012 Session Bills of Interest and the NHDES Legislative Hearing Calendar were distributed by Director Stewart. There are many hearings starting this week in the House. Positions are being established and staff are attending hearings. Director Stewart reviewed the relevant bills.

**5. Next Meeting**

February 8, 2012 at 9 a.m.

**6. Adjournment**

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

Meeting was adjourned at 9:35 a.m.