

WETLANDS COUNCIL

MINUTES

March 11, 2008

The Wetlands Council met on Tuesday, March 11, 2008 in room 112 at the Department of Environmental Services, 29 Hazen Drive, Concord, NH

Attendees: Chairman Lawrence E. Morse, John S. Cobb, Paul Dionne, Chip Kimball, Dennis Lydon, Steve Perry, Seth Prescott, Jack Ruderman, Thomas Sloan, Russ St. Pierre and David Thompson

Absentees: Sharon Champagne, Thomas Chrisenton

Also present were: Amy Samson, Council Appeals Clerk and Melanie Wheelock, Substitute Council Clerk

The meeting was called to order by Chairman Larry Morse at 9:10 with a quorum present.

1. Approval of Minutes of February 12, 2008 Council Meeting

A motion was made by Councilor Thompson, second by Councilor Dionne to approve the February 12, 2008 minutes. Motion was voted unanimously.

2. Status of Appeals

- Docket No. 07-02 WtC – Town of Barrington: WB#2004-02817

Motion made by Councilor Kimball to table the Barrington Appeal, second by Councilor Sloan . Motion was voted unanimously.

- Docket No. 07-23 WtC – Steve Bragg: WB #2006-01494
Chairman Morse recused himself. Councilor Kimball was Pre-Hearing Conference Officer and declared that the Request for Reconsideration and Motion to Expand the Record were inappropriate at this time and held for the final Order. A hearing will be scheduled for April 8, 2008.
- Docket No. 08-09 WtC – John Goode, et al Appeal: WB #2007-00933
30 days have not passed since time of receipt, Appeal will be acted upon April 8, 2008.
- Docket No. 08-12 WtC – Bill K. Lau Appeal: WB #2007-00398
30 days have not passed since time of receipt, Appeal will be acted upon April 8, 2008.
- Docket No. 08-13 WtC – Jeffrey Costura Appeal: WB #2007-01416
30 days have not passed since time of receipt, Appeal will be acted upon April 8, 2008.
- Docket No. 08-16 WtC – Jumanna Stark Appeal: WB #2007-00473
30 days have not passed since time of receipt, Appeal will be acted upon April 8, 2008.

- Docket No. 08-07 WtC – Joseph and Rose Marino Appeal: WB #2007-00926
Appeal was timely filed.

Motion made by Councilor Kimball to accept this Appeal, second by Councilor Sloan. Motion was voted unanimously.

Councilor Lydon will preside as Hearing Officer.

- Docket No. 07-27 WtC – Robert Bourgeois: WB # 2007-00473
Pre-Hearing Conference scheduled for March 17, 2008 at 11 AM. Presiding Officer is Chairman Morse.
- Docket No. 08-01 WtC – Town of Newington Conservation Commission: WB #2007-0829-01
Pre-Hearing Conference scheduled for March 17, 2008 at 1 PM. Presiding Officer is Chairman Morse. Prime wetland issue and jurisdiction under RSA 482-A is associated with this.
- Docket No. 08-02 WtC – William D. Hughes Appeal: WB #2007-01174
Pre-Hearing Conference scheduled for April 7, 2008 at 9 AM. Presiding Officer is Councilor Kimball.
- Docket No. 08-04 WtC – Porter Trust Appeal: WB #2006-02705
Pre-Hearing Conference scheduled for April 7, 2008 at 11 AM. Presiding Officer is Councilor Kimball.
- Docket No. 08-05 WtC – Rick Belanger Appeal: WB #2007-01624
Pre-Hearing Conference scheduled for April 7, 2008 at 1 PM. Presiding Officer is Councilor Kimball.
- Docket No. 07-25 WtC – Ross Realty Trust & Tippicanoe Campground Appeal:
WB #2007-00321
Pre-Hearing Conference was rescheduled for March 24, 2008 at 1 PM. Presiding Officer is Chairman Morse.
- Docket No. 07-30 WtC – Thomas & Kellie Greer Appeal: WB #2006-00460
Pre-Hearing Conference was rescheduled for April 21, 2008 at 9 AM. Presiding Officer is Councilor Lydon.
- Docket No. 07-28 WtC – Concord Country Club: WB #2005-00474
At the Pre-Hearing Conference on March 3, 2008, the parties requested the proceedings to be stayed for 30 days pending settlement discussions. If a withdrawal is not submitted by the appellant, an appeal hearing will be scheduled.
- Docket No. 07-22 WtC – Claire Salois: WB #2006-03223
At the Pre-Hearing Conference on January 30, 2008, the parties agreed to a settlement. Ms. Salois will withdraw the appeal. To date, a withdrawal has not been filed. Collis Adams stated he did expect this appeal to be withdrawn.
- Docket No. 07-18 WtC – Tom McKay-Hi Spot Condominium: WB #2007-00321
At the Pre-Hearing Conference on January 30, 2008, the parties requested the proceedings to be stayed for 30 days pending settlement discussions. If discussions are not fruitful the

parties will request a new Pre-Hearing Conference to be scheduled. Collis Adams stated he did expect this appeal to be withdrawn.

- Docket No. 07-06 WtC – Patricia Woolson: WB #2006-02796
Pre-Hearing Conference scheduled for May 12, 2008 at 9 AM. Presiding Officer is Chairman Morse.
- Docket No. 08-03 WtC – David Johnson-Johnqis Realty LLC Appeal: WB #2006-00700
The appeal was received insufficient. The parties still have time to resubmit a sufficient appeal.
- Docket No. 07-14 WtC – Courtney Galuzzo: WB #2007-00291
Proceedings are stayed. Collis Adams stated he did expect this appeal to be withdrawn.
- Docket No. 07-07 WtC – Wendy McCarthy: WB #2006-02581
Proceedings are stayed.
- Docket No. 07-01 WtC – Robert & Betty Howland: WB #2006-01654
Proceedings are stayed, negotiations continue.
- Docket No. 06-16 WtC – Shane Forest: WB #1999-01294
Settlement discussions continue.
- Docket No. 06-11 WtC – Dennis Proulx : WB #2006-00769
Proceedings are stayed.

It was decided by the Council to contact the 2006 appeals. Amy S. is to send notices asking for status and their response is to be received prior to the April meeting. If response is not received it will be taken off the table and proceed with a hearing.

3. Wetlands Bureau Update

Collis Adams, Administrator, shared that the Governor has issued Executive Order No. 1 which froze all vacant, general funded positions and froze staff travel and equipment purchases. All state agencies are asked to look for a cumulative total of \$50 million dollars in savings. DES has been asked to look for \$1 million dollars. The Wetlands Bureau is primarily fee funded so this should not have impact on the bureau. There is one permit reviewer position open that is from the general fund and a waiver is being prepared.

Collis introduced Linda Magoon, the new Compliance Section Supervisor.

Collis then reviewed the rulemaking that is continuing.

- A) Fetch rules have been approved and are now in place
- B) Vernal Pools rules went to public hearing and the comments are being addressed and modifications being made.
- C) Stream rules work group is now working on the draft rules. The next meeting is to be held in April with the goal that by May the draft rules will be ready to come before the Wetlands Council for comment then move forward. Concurrently, the Corp of Engineers has convened a stream crossing working session on April 2nd. This is to

ensure knowledge of the Corp's expectations relative to stream crossings and that the rules are consistent with the SPGP.

- D) Work is now beginning on rules relative to docks and boardwalks. Work is in-house only at this time. Private landowners are starting to build long boardwalks across wetlands areas. Chairman Morse suggested taking docks out of RSA 482: A and place in 483: B.

The overall re-write of the entire rule set is still being worked on by Gretchen Hamel.

4. **Old Business** -

- **Docket No. 07-02 WtC – Town of Barrington: WB#2004-02817**
Attorney Blenkinsop was contacted and because there were 7 members who originally voted on this appeal with one no longer on the Council and one absent, it is necessary to commit two additional people to listen to the tapes on the Town of Barrington and review the documents. The appeal was tabled earlier in the meeting and will be revisited next month. Councilor Ruderman and Councilor St. Pierre volunteered to listen to the tapes and review the appeal. Councilor Lydon will also listen to the tapes. Amy S. will send the link to the Barrington Appeal to the Council and the parties involved.

It was suggested that for cost and storage purposes that the purchase of digital recording equipment would be much more efficient. Costs could be shared by the Councils in the Water Division. State law dictates minimum retention time for records.

5. **Other Business** -

6. **Next Meeting** - April 8, 2008.

7. **Adjournment** -

A motion was made by Councilor Cobb, second by Councilor Dionne to adjourn and was unanimously voted.

The meeting was adjourned at 10:05 A.M.