

WETLANDS COUNCIL

MINUTES

March 24, 2009

The Wetlands Council met on Tuesday, March 24, 2009 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, Russ St. Pierre, Thomas Sloan, and David Thompson

Absentees: Sharon Champagne, Paul Dionne, and Dari Sassan

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

The meeting was called to order by Chairman Morse at 9:00 with a quorum present.

1. **Approval of Minutes of February 24, 2009 Council Meeting**

A motion was made by Councilor Thompson to accept the February 24, 2009 minutes, second by Councilor Lydon. Motion was passed unanimously.

3. **Wetlands Update**

Collis Adams, Wetlands Bureau Administrator, gave an update on current legislation being followed:

HB 222 – retained in committee.

HB 681 - retained in committee.

HB 384 - ought to pass and will now go to the Senate.

HB 498 – inexpedient to legislate.

SB 65 – ought to pass and will now go to R,R,& D Committee.

Bureau Notes: the bureau has experienced a loss of 1 full time and 1 part-time secretary and will be submitting a waiver to fill the full time position; budgets are stable; have received a 2 year, \$275,000 state innovation grant from the EPA; employees are receiving LEAN in Government training to improve the permit process and eliminate waste; and Collis just attended the Association of State Managers Conference in West Virginia. Collis noted that only 20 states in the country actually have state wetland programs with New Hampshire being regarded as one of the best wetland programs in the country.

2. **Status Report** -

Amy Samson, Council Clerk, reviewed the following:

Upcoming Hearings: April 14, 2009 – Please see Docket Nos. 06-11 WtC Dennis Proulx

I. New Appeals

Docket No.: 08-55 WtC

Appellant: Tracy Middleton Revocable Trust of 1992

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

Presiding Officer: Chip Kimball.

Status: Appeal received 10/13/08 insufficiently. On 1/5/09 a notice was sent for the appellant to file a sufficient appeal within 30 days. On 2/2/09, appellant filed a timely and sufficient appeal.

Chairman Morse is conflicted and recused himself. Vice Chair, Dennis Lydon, led the meeting.

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

A Pre-Hearing Council(PHC) was scheduled for April 22, 2009.

Chairman Morse again presided over the meeting.

Docket N.: 09-01 WtC

Appellant: Kevin Price, d/b/a Ossipee Lake Marina

Subject: 12/9/08 Administrative Order 08-50 WD

Presiding Officer: Larry Morse

Status: Insufficient appeal received on 1/8/09. A letter was sent and the additional maps were distributed at the beginning of the meeting. It is now sufficient.

- ***Motion to accept the appeal made by Councilor Kimball, second by Councilor Lydon. Motion passed unanimously.***

Docket No.: 09-06 WtC

Appellant: Ronald T. Sliwinski

Subject: 01/02/09 Administrative Order No. 09-001 WD

Presiding Officer: Not Assigned

Status: Insufficient appeal received on 2/2/09. You do not have a copy because only one copy was filed. A letter was sent to Mr. Sliwinski on 2/6/09. Mr. Sliwinski has 30 days to file a sufficient appeal.

Action: None at this time. This is an FYI for the Council.

Docket No.: 09-07 WtC

Appellant: Lake Sunapee Protective Association (LSPA)

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

Status: Appeal received 2/6/09

Action: Councilor Henderson recused herself from this appeal. Attorney Gregory Smith, representing the LSPA, explained the filing. It was determined the LSPA does have standing.

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

PHC to be scheduled for May 20th, 2009.

Docket No.: 09-08 WtC
Appellant: 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
Status: Appeal received 2/6/09
Action: Councilor Henderson recused herself from this appeal.

- ***Motion to accept the appeal made by Councilor Kimball, second by Councilor Lydon. Motion passed by a vote of 5 ayes and 1 nay.***

Docket No.: 09-09 WtC
Appellant: Christopher and Sally Norton
Subject: 01/09/09 Reconsideration Denial, Wetlands File No. 2008-01265
Presiding Officer: Not Assigned
Status: Appeal received 2/10/09.
Action: Amy will contact the appellant for a copy of the receipt for the postmark date.

- ***Motion to table the appeal made by Councilor Lydon with the direction for Amy to request the certified mail receipt, second by Councilor Prescott. Motion passed unanimously.***

II. Cases awaiting Council action.

Docket No.: 08-32 WtC
Appellant: [William J. Wilson](#)
Subject: 06/20/08 Wetlands & Non-Site Specific Permit No. 2007-02744 – Approval Condition #1
Presiding Officer: David Thompson
Status: A hearing was scheduled for today – parties agreed to postpone the hearing and Presiding Officer Thompson granted postponing.
3/5/09 Mr. Goodwin filed a Witness List and Exhibit List
3/11/09 Darlene Forst filed an appearance.
A waiver did not accompany the appearance and it was untimely filed.

- ***Motion made by Councilor Kimball to declare that the appearance was not timely filed, second by Councilor Thompson. Motion passed unanimously. The appearance was not accepted.***

3/12/09 DES filed a Witness List and Exhibit List
3/13/09 DES filed a Request for Continuance
3/16/09 Objection to Appellant's Witness and Exhibit List dated March 5, 2009
3/17/09 Motion to Summarily Dismiss the Petition for Appeal filed by DES
3/19/09 Letter to Presiding Officer Thompson from Mr. Goodwin.
3/20/09 Letter to Presiding Officer Thompson from Mr. Goodwin regarding Continuance
3/20/09 Objection to DES Motion to Summarily Dismiss

With a public hearing to start at 10 A.M. it was decided to address this after the hearing.

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- ***Motion to adjourn made by Councilor Lydon, second by Councilor Kimball. Motion passed unanimously.***

Meeting adjourned at 10:02 A.M.

Chairman Morse called the regular meeting of the Wetlands Council back to order at 2:55 P.M.

The meeting returned to Docket No. 08-32, the William J. Wilson Appeal. Continuance for the hearing scheduled for today had been previously granted. The hearing will be rescheduled for Tuesday, May 26, 2009. Amy was instructed to issue a new Pre-Hearing Order with the new hearing date.

- ***Councilor Sloan made a motion to adjourn the meeting, second by Councilor Lydon. Motion passed unanimously.***

Meeting adjourned at 3:05 P.M.