

WETLANDS COUNCIL MEETING MINUTES

January 14, 2020

The Wetlands Council met on Tuesday, January 14, 2020 in Rooms 112, 113 and 114 at the NH Department of Environmental Services, 29 Hazen Drive, Concord, NH.

Attendees: Chairman Chip Kimball, Councilors Matthew Bosiak, Lee Carbonneau, Jeff Cloutier, Carol Henderson, Michael Klass, Deborah Lievens, Richard Mellor, Russ St. Pierre, Wendy Weisiger

Absentee: Seth Prescott, Gretchen Young

Clerks: Sarah Richos, Council Secretary; Paula Scott, Appeals Clerk

The regular Wetlands Council meeting was called to order at 9:01 am by Chairman Kimball with introductions. Quorum present.

1. **APPROVAL OF MINUTES:**

Discussion held. Councilor Cloutier made a correction indicating he abstained from Motions during the December 10, 2019 meeting. Motion made by Councilor Henderson to approve the December 10, 2019 meeting minutes as amended. Councilor Mellor seconded. Motion passed by Council without dissent.

2. **PUBLIC INPUT:** There was no public input presented before the Council.

3. **STATUS OF APPEALS:** Paula Scott, Appeals Clerk

I. NEW APPEALS

There were no new appeals brought before the Council.

II. DECISIONS TO BE WRITTEN. FINALIZED. ISSUED.

None.

III. HEARINGS OR PHCs PENDING

Docket No. 19-10 WtC – Fay’s Boat Yard, Inc. Appeal

Subject: May 24, 2019 denial of Permit by Notification, File No. 2019-1444

Hearing Officer: 9/23/19 David Conley appointed by AG.

Status: June 24, 2019 received Notice of Appeal. 6/25/19 issued Insufficient Appeal letter. July 16, 2019 received Amended Petition for Appeal. 7/17/19 issued Receipt of Amended Appeal letter. 7/23/19 issued Corrected Receipt of Appeal letter. Council accepted Appeal 9/10/19. 9/10/19 Appeal Accepted letter. 9/23/19 Received Appearance of Joshua Harrison. 9/27/19 Pre-Hearing conference scheduled for 10/21/19 at 10 a.m. 10/21/19 Pre-Hearing Order scheduled hearing for December 10,

2019 at 9 a.m. 11/12/19 received Joint Motion to Extend Dates in Procedural Schedule and for the Hearing. 11/19/19 issued ruling granting Joint Motion to Extend Dates in Procedural Schedule and for the Hearing. Scheduling **hearing for 4/14/20 at 9 a.m.**

Docket No. 19-15 WtC – Town of Ossipee Appeal

Subject: July 8, 2019 Administrative Order No. 19-025 WD

Hearing Officer: 9/10/19 requested assignment of Hearing Officer. 9/23/19 David Conley appointed by AG.

Status: August 7, 2019 received Appearance of Richard Sager and Petition for Appeal. August 9, 2019 issued Receipt of Appeal letter. September 6, 2019 received Appearance of Atty. Heather Neville for the Department. Council accepted Appeal today 9/10/19. 9/10/19 Appeal Accepted letter. 9/27/19 Pre-Hearing conference scheduled for 10/21/19 at 11 a.m. 10/10/19 received State's Motion for Summary Dismissal. 10/21/19 received Reply to Motion to Summarily Dismiss; issued Pre-Hearing Order scheduling **hearing for January 14, 2020 at 9 a.m.** 11/6/19 issued Ruling regarding Motion to Summarily Dismiss giving appellants time to complete discovery until 12/19/19. 12/20/19 Received Settlement Stipulation and Notice of Withdrawal of Appeal.

IV. INACTIVE/STATUS LETTER OR PENDING SETTLEMENT/WITHDRAWAL

Docket No. 19-02 WtC – Timothy & Jean Pineau and Jean Pineau, Trustee Appeal

Subject: 12/19/18 amendment to Administrative Order No. 18-020 WD

Hearing Officer: February 14, 2019 David Conley was appointed by AG.

Status: January 11, 2019 received Appearance from Regina Nadeau and Petition for Appeal. 1/15/19 issued receipt of Appeal letter. Council to accept or dismiss Appeal in today's meeting (2/12/19). Council voted to accept the Appeal on February 12, 2019. 2/19/19 issued Appeal accepted letter. 2/25/19 issued Notice of Pre-Hearing Conference scheduled for March 18, 2019 at 10 a.m. 2/26/19 received Appearance from Atty. Reimers. 3/1/19 received Appearance from Atty. Aslin. 3/11/19 received Petition to Intervene. 3/18/19 issued Pre-Hearing Order granting Motion to Intervene and scheduling a second Pre-Hearing Conference for May 8, 2019 at 8 a.m. April 12, 2019 issued Notice of Rescheduled Pre-Hearing Conference for June 11, 2019 at 8 a.m. June 11, 2019 issued 2nd Pre-Hearing Order Staying Appeal pending resolution of quiet title and ordering Appellant to file status update by December 16, 2019. 12/16/2019 Received status update. 12/17/19 issued letter requesting another Status Update by February 14, 2020.

Docket No. 19-04 WtC (PNA) – Sagamore Landing Association and David and Margarete Witham Appeal

Subject: 02/25/19 Approval of Wetlands Permit #2018-03677 issued to Joan and Jon Dickinson

Hearing Officer: June 14, 2019 David Conley was appointed by AG.

Status: May 10, 2019 received Petition for Appeal, Appearance for Lynn Preston and Appearance for Bryanna Devonshire. 5/13/19 issued receipt of Appeal Letter. 5/16/19 received Appearance of John-Mark Turner for the appellants. 5/17/19 received Appellant's Updated Service List. June 7, 2019 received Appearances from Attys. John Bosen and Bernard Pelech for the permittee. Council voted to accept Appeal June 11, 2019. 6/13/19 issued Appeal Accepted letter. 6/20/19 issued Notice of Pre-Hearing Conference scheduled for July 24th at 9 a.m. 7/3/19 received appellant's Request for Information. 7/24/19 issued Pre-Hearing Order Staying the Appeal. September 24, 2019 received

Joint Status Report. 9/26/19 letter ordering parties to submit updated status report by November 22, 2019. 11/22/19 received Joint Status Report. 11/25/19 issued letter re: Joint Status Report and ordering updated Status Report be filed by 2/20/20.

V. MISCELLANEOUS

No items before the Council.

4. **NEW BUSINESS:**

Sarah Yuhas Kirn, Manager, Land Resources Management: Discussion held highlighting accomplishments of, and work completed by, the Wetlands Bureau in 2019; update SOP to clarify Council secretary and Council Clerk.

Mary Ann Tilton, Wetlands Bureau Assistant Administrator: Discussion held regarding rules and amendments; regulatory reform; update of staff member changes and postings of new positions; update of Wetland Bureau forms; HB 1124, SB 491, HB 1609, SB 428.

Wetlands Council: Discussion held regarding organizational meeting, Councilor Mellor moved to nominate Councilor Chip Kimball as Chairman and Councilor Deb Lievens as Vice Chairman. Seconded by Councilor Henderson, and passed by Council without dissent.

5. **ONGOING BUSINESS:** Discussion held regarding Wetlands Council Rules, Councilor Klass volunteered to compare the Rules revised through December 10, 2019 to the Rules revised through January 14, 2020 for changes and modifications for discussion at February 11, 2020.

6. **NEXT MEETING:** February 11, 2020 at 9 a.m.

8. **ADJOURNMENT:** Motion made by Councilor Lievens to adjourn. Seconded by Councilor Bosiak, and passed by Council without dissent. Meeting adjourned at 10:23 a.m.