

# WETLANDS COUNCIL MEETING MINUTES

February 11, 2020

The Wetlands Council met on Tuesday, February 11, 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, Carol Henderson, Michael Klass, Deborah Lievens, Richard Mellor, Russ St. Pierre, Seth Prescott, Wendy Weisiger, Gretchen Young

Absentee: Councilor Cloutier

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

The regular Wetlands Council meeting was called to order at 9:02 am by Chairman Kimball with introductions. Quorum present.

1. **APPROVAL OF MINUTES**: Discussion held. Motion made by Councilor Lievens to approve the January 14, 2020 meeting minutes. Councilor Henderson seconded. Councilor Prescott abstained. Motion passed by Council.
2. **PUBLIC INPUT**: There was no public input presented before the Council.
3. **STATUS OF APPEALS**: Paula Scott, Appeals Clerk

## I. NEW APPEALS

### **Docket No. 19-18 WtC (PNA) – Kreisler Family II, LLC Appeal**

**Subject:** 09/6/19 Approval of Wetlands permit #2017-03657 issued to David Brewster

**Hearing Office:** Not assigned

**Status:** 11/13/19 received Notice of Appeal. 12/2/19 issued Insufficient Appeal letter. 12/23/19 received Revised Notice of Appeal. 12/24/19 issued Receipt of Revised Appeal letter. 1/17/20 received Appearance of Stephan Nix for the permittee. Council to accept or decline appeal today, 2/11/20.

### **Docket No. 19-19 WtC (PNA) – Kreisler Family II, LLC Appeal**

**Subject:** 09/6/19 Approval of Wetlands permit #2017-03659 issued to David Brewster

**Hearing Office:** Not assigned

**Status:** 11/13/19 received Notice of Appeal. 12/2/19 issued Insufficient Appeal letter. 12/23/19 received Revised Notice of Appeal. 12/24/19 issued Receipt of Revised Appeal letter. 1/17/20 received Appearance of Stephan Nix for the permittee. Council to accept or decline appeal today, 2/11/20.

### **Docket No. 20-01 WtC – Rye Conservation Commission Appeal**

**Subject:** 12/10/19 Approval of Wetlands Permit #2019-03146 issued to Marc Grondahl, Trustee

**Hearing Office:** Not assigned

**Status:** 1/8/20 received Notice of Appeal. 1/10/20 issued Receipt of Appeal letter. 1/28/20 received Appearance of Timothy Phoenix for the permittee and a Motion for Summary Dismissal. Council to accept or decline appeal today, 2/11/20.

## 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.

## 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 2<sup>nd</sup> 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 24<sup>th</sup> 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:**

**Mary Ann Tilton, Wetlands Bureau Assistant Administrator:** Meeting statutory permitting timelines. Changes in staffing positions. Positions posted. Two additional positions posted. Update on wetlands training, rules, website, and certificated application preparer process. Legislative update. Discussion held.

**Rene Pelletier, Assistant Director, Water Division:** Announced Sarah Yuhas Kirn, Manager of LRM, departure from LRM. Sarah accepted the position of Assistant Director, Waste Management Division, NHDES. The vacated position of Manager of LRM has been posted. Discussion held.

**5. ONGOING BUSINESS:** Discussion held regarding Annual Report. Motion made by Councilor Henderson to approve Annual Report. Seconded by Councilor Lievens, and passed by Council without dissent.

**Break taken 9:56 a.m. to 10:03 a.m.**

Discussion held regarding Wetlands Council Rules. Working group developed to review and revise Rules to present revised Rules to entire Council. Members of the working group include Chairman Kimball, Councilors Klass, St. Pierre and Mellor, and Appeals Clerk Paula Scott. Meeting scheduled for February 25 at 9:30 a.m. to be held at the NHDES. Discussion held.

**6. NEXT MEETING:** March 10, 2020 at 9 a.m.

**8. ADJOURNMENT:** Motion made by Councilor Weisiger to adjourn. Seconded by Councilor Carbonneau, and passed by Council without dissent. Meeting adjourned at 10:53 a.m.