

MINUTES
WETLANDS COUNCIL MEETING
Tuesday, December 8, 2020

The Wetlands Council met on Tuesday, December 8, 2020 at 9:00 a.m. via WebEx.

Attendees:

- Chairman Chip Kimball, Councilors Matthew Bosiak, Jeff Cloutier, Lee Carbonneau, Carol Henderson, Michael Klass, Deborah Lievens, Richard Mellor, Seth Prescott, Matt Urban, and Gretchen Young; Carolyn Guerdet, Council Secretary; Paula Scott, Appeals Clerk

Absentees:

- Councilor Weisiger

The regular Wetlands Council meeting was called to order at 9:00 a.m. by Chairman Kimball with introductions. Quorum present. Chairman Kimball read the Governor's Emergency Order.

1. **APPROVAL OF MINUTES:** Motion made by Councilor Henderson to approve the November 10, 2020 meeting minutes. Seconded by Councilor Urban. Motion passed roll call vote and without dissent.
2. **PUBLIC INPUT:** No public input presented before the Council.
3. **STATUS OF APPEALS:** Paula Scott, Appeals Clerk

I. NEW APPEALS

II. DECISIONS TO BE WRITTEN, FINALIZED, ISSUED.

III. HEARINGS OR PHCs PENDING

- **DOCKET NO. 19-23 WtC – WILLIAM DENLEY APPEAL**

Subject: November 25, 2019 Denial of Shoreland Permit Application, File No. 2019-03502

Hearing Officer: Dave Connelly appointed by AG on 3/17/20

Status: 12/23/19 received Notice of Appeal. 12/27/19 issued Insufficient Appeal letter. 1/24/20 received Revised Petition for Appeal. 1/29/20 issued receipt of Revised Appeal. 3/10/20 Council to accept or decline appeal. 3/11/20 issued Appeal Accept letter. 6/1/20 issued Notice of Pre-hearing Teleconference scheduled for 6/29/20 at 11:00 a.m. 6/30/20 issued 6/29/20 Pre-hearing Order scheduling hearing for November 10th at 9:00 a.m. 7/14/20 received Appearance of Mary Ann Tilton for the Department. 10/28/20 received Appearance of Allen Brooks for DES. 11/2/20 issued Remote Hearing Notice with time change and hearing access information. 11/5/20 received Motion to Continue. 11/6/20 issued letter granting Motion to Continue and rescheduling remote Hearing to January 12, 2021 at 10 a.m. and updating filing deadlines.

- **DOCKET NO. 20-08 WtC – ROBERT AND CAROLYN NEWCOMB APPEAL**

Subject: April 14, 2020 Administrative Order No. 2020-009 WD

Hearing Officer: David Conley appointed by AG on 9/2/20.

Status: 5/13/20 received PNA and Notice of Appeal. 5/14/20 received Department Response to PNA. 5/15/20 issued Insufficient Appeal letter. 5/27/20 issued Receipt of Revised Appeal. 8/11/20 Council to accept or decline appeal. 8/11/20 Motion made by Councilor Henderson to accept appeal. Seconded by Councilor Mellor. Motion passed without dissent. 8/12/20 issued Appeal Accepted letter. 9/8/20 issued Notice of Pre-hearing Teleconference scheduled for October 7th at 9 a.m. 9/23/20 received Appearance of Joshua Harrison for the Department. 10/9/20 issued 10/7/20 Pre-hearing Order scheduling remote Hearing for December 8th at 9:30 a.m. 11/4/20 received Appearances for John Cronin and Daniel Muller for the respondent and Assented-to Motion to Continue Deadlines. 11/9/20 issued letter granting Assented-to Motion to continue deadlines and reschedule remote Hearing to February 9, 2021 at 10 a.m. and updating filing deadlines.

IV. INACTIVE/STATUS LETTER OR PENDING SETTLEMENT/WITHDRAWAL

- **DOCKET NO. 19-02 WtC – TIMOTHY & JEAN PINEAU AND JEAN PINEAU, TRUSTEE APPEAL**

Subject: December 19, 2018 Amendment to Administrative Order No. 18-020 WD

Hearing Officer: David Conley was appointed by AG on 2/11/19.

Status: 1/11/19 Received Appearance from Regina Nadeau and Petition for Appeal. 1/15/19 issued receipt of Appeal letter. 2/12/19 Council to accept or dismiss Appeal. 2/12/19 Council voted to accept Appeal. 2/19/19 issued Appeal accepted letter. 2/25/19 issued Notice of Pre-Hearing Conference scheduled for 3/18/19 at 10:00 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 5/8/19 at 8:00 a.m. 4/12/19 issued Notice of Rescheduled Pre-Hearing Conference for 6/11/19 at 8:00 a.m. 6/11/19 issued second Pre-Hearing Order Staying Appeal pending resolution of quiet title and ordering appellant to file status update by 12/16/19. 12/16/2019 Received status update. 12/17/19 issued letter requesting another Status Update by 2/14/20. 2/13/20 received Status Update. November 12, 2020 issued Request for Status Report. 11/19/20 received Status Report from Appellants.

- **DOCKET NO. 19-04 WtC (PNA) – SAGAMORE LANDING ASSOCIATION AND DAVID AND MARGARETE WITHAM APPEAL**

Subject: February 25, 2019 Approval of Wetlands Permit #2018-03677 issued to Joan and Jon Dickinson

Hearing Officer: David Conley was appointed by AG on 6/14/19.

Status: 5/10/19 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. 6/7/19 received Appearances from Attys. John Bosen and Bernard Pelech for the permittee. 6/11/19 Council voted to accept Appeal. 6/13/19 issued Appeal Accepted letter. 6/20/19 issued Notice of Pre-Hearing Conference scheduled for 7/24/19 at 9:00 a.m. 7/3/19 received appellant's Request for Information.

7/24/19 issued Pre-Hearing Order Staying the Appeal. 9/24/19 received Joint Status Report. 9/26/19 letter ordering parties to submit updated status report by 11/22/19. 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. 2/21/20 received appellants' Status Report. 2/28/20 issued Letter regarding appellants' Status Report and order an updated Status Report be filed by 8/19/20. 3/10/20 received Appearance of Mary Ann Tilton. 8/18/20 received Joint Status Report.

V. MISCELLANEOUS

No items before the Council.

4. NEW BUSINESS:

- Mary Ann Tilton, Wetlands Bureau Asst. Administrator
Mary Ann reported the new DES webpage was launched this morning. Council members were encouraged to check it out. Shoreland applications are steadily coming in and the Wetlands applications are still low.

5. OLD BUSINESS:

- Council Rules – Status Report
Chairman Kimball and the Council will go into a non-meeting with Counsel when this meeting is adjourned to review and explain comments.

6. NEXT MEETING: January 12, 2021 at 9:00 a.m. with Docket No. 19-23 WtC – William Denley Appeal hearing at 10 a.m.

7. ADJOURNMENT: Motion made by Councilor Prescott to adjourn. Seconded by Councilor Henderson. Motion passed by roll call vote without dissent. Meeting adjourned at 9:28 a.m.