

MINUTES
WETLANDS COUNCIL MEETING
Tuesday, January 12, 2021

The Wetlands Council met on Tuesday, January 12, 2021 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 Wendy Weisiger, Gretchen Young; Carolyn Guerdet, Council Secretary; Paula Scott, Appeals Clerk

Absentees:

- None

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 December 8, 2020 meeting minutes. Seconded by Councilor Lievens. Motion passed with roll call vote, 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. December 8, 2020 received State's witness and exhibit List. 12/9/20 received State's Motion to Dismiss. 12/21/20 received Appearances of

Richard Edwards, Geoffrey Denley and William Denley for the Appellant. January 6, 2021 issued Order Granting DES' Motion to Dismiss. 1/6/21 received email request from Appellant for a Continuance. January 8, 2021 issued order Denying Appellant's Request for Continuance.

- **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. December 31, 2020 received State's Motion to Dismiss.

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:

- Introduction of Phil Trowbridge, Manager, Land Resources Management
Director O'Donovan introduced Phil to the Council and thanked Mary Ann Tilton and Rene Pelletier for their work after the leaving of Sarah Yuhas-Kirn. Phil had previously served 14 years in the NHDES Watershed Bureau working with water quality issues and estuary partnership. He then took a position in San Francisco Bay working on the health of the Bay, including tidal marsh restoration projects and the huge connection of chemistry and biology. He then served in the Connecticut DEP with many of the same programs of watershed management, large group wetland restoration, and water quality improvements. Phil then shared this is week 2 and he's thrilled to be here and looks forward to working with the Council. His top priority is responding and working on the wetlands audit. Please reach out at any time.

Chairman Kimball noted the legislative season has started. Watching for wetlands bills. Not much is there at this time. Discussion on the 50 ft. prime wetlands strips. Atty. Monroe noted she is also happy to speak with any council member.

- Election of Officers
 - ***Councilor Klass made a motion for Chairman Kimball to serve as Chairman and Councilor Lievens as Vice Chair, second by Councilor Henderson. Motion passed with a roll call vote without dissent.***

5. OLD BUSINESS:

- Council Rules – Status Report

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Chairman Kimball and subcommittee to review rules before the next meeting. Review of outline of Atty. Haley. Chairman Kimball brought up guidance for Pro se appellants. Hearing Officer will now have some additional responsibilities. Rules were reorganized also. It is now down to 19 pages. Discussion was held. New rules will be sent to constituents. Then a hearing. It has to be set up for JLCAR. Atty. Monroe will contact Atty. Haley to see if her office can assist. It had also been suggested 'EC' will be used to break the connection between the Councils and DES which use ENV. It has been approved.

6. NEXT MEETING: February 9, 2021 at 9:00 a.m. with Docket no. 20-08 WtC – Robert and Carolyn Newcomb Appeal at 10 a.m.

7. ADJOURNMENT: Motion made by Councilor Mellor to adjourn. Seconded by Councilor Klass. Motion passed by roll call vote without dissent. Meeting adjourned at 9:54 a.m.