

**MINUTES**  
**WETLANDS COUNCIL MEETING**  
**Tuesday, February 9, 2021**

The Wetlands Council met on Tuesday, February 9, 2021 at 1:30 p.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 1:30 p.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 January 12, 2021 meeting minutes. Seconded by Councilor Mellor. Motion passed by 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 11/10/20 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 1/12/21 at 10 a.m. and updating filing deadlines. 12/8/20 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. 1/6/21 issued Order Granting DES' Motion to Dismiss. 1/6/21 received email request from Appellant for a Continuance. 1/8/21 issued order Denying Appellant's Request for Continuance. Docket Closed.

- **DOCKET NO. 20-08 WtC (PNA) – 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 10/7/20 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 12/8/20 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 2/9/21 at 10 a.m., and updating filing deadlines. 12/31/20 received State's Motion to Dismiss. 1/19/21 received Objection to State's Motion to Dismiss. 1/22/21 received Reply to Appellants' Objection to State's Motion to Dismiss. 1/26/21 received Appellants' and States' Witness and Exhibit Lists. 1/28/21 received State's Motion to Strike Exhibits. 2/1/21 issued Order Granting DES' 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. 11/12/20 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:**

Wetlands Bureau Update

Phil Trowbridge, Manager, Land Resources Management, Water Division

- Number of permit applications – decline in standard wetlands applications 553- 319. 42% decline. 24% decline in minimum impact permits. Other applications have stayed about the same.
- Shoreland permit applications – no decline, a slight increase.
- Wetlands audit – a top priority. One third of observation of the 60 are completed or close to complete. Working on rules.
- Staffing – have received approval for three positions to be posted.
- Legislation - tracking HB 159 and SB129.

Mary Ann Tilton, Assistant Administrator, Wetlands Bureau

- Reported on the work regarding rules. Rules changes; new dock registration rules in place; Wetlands and Shoreland rules in response to audit.
- Questions from the councilors were addressed.
- A coastal training is planned for 2/18 & 19 "Science and Guidance on Sea Level Rise." She will share sign-up for that training.

2020 Annual Report:

- Comments were received from Council Members. Chairman Kimball will make the suggested changes. This will be submitted along with Organization Chart and Activity Report.

#### **5. OLD BUSINESS:**

Council Rules – Status Report. An executive session meeting with attorney will be held at the close of this meeting.

**6. NEXT MEETING:** April 13, 2021 at 9:00 a.m.

**7. ADJOURNMENT:** Motion made by Councilor Weisiger to adjourn. Seconded by Councilor Lievens. Motion passed by roll call vote, without dissent. Meeting adjourned at 2:09 p.m.