

MINUTES
WETLANDS COUNCIL MEETING
Tuesday, May 11, 2021

The Wetlands Council met on Tuesday, May 11, 2021 at 9:00 a.m., via WebEx.

Attendees:

Chairman Chip Kimball, Councilors Lee Carbonneau, Jeff Cloutier, Deborah Lievens, Richard Mellor, Gretchen Young, Matthew Bosiak, Carol Henderson, Michael Klass, Seth Prescott, Matt Urban; Sarah Richos, Council Secretary; Paula Scott, Appeals Clerk; Phil Trowbridge, Manager, LRM, NHDES; Mary Ann Tilton, Assistant Administrator, NHDES Wetlands Bureau; Darlene Forst, Shoreland Section Supervisor, Shoreland Program, NHDES Wetland Bureau; Jeffrey Blecharczyk, Compliance Supervisor, NHDES Wetlands Bureau; Jeffrey Wallace and Alexis Wallace, and Enya Paulsen, Trustee of Parker Realty Trust, members of the public

Absentees:

Wendy Weisiger

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

1. **APPROVAL OF MINUTES**: Motion made by Councilor Mellor to approve the April 13, 2021 meeting minutes. Seconded by Councilor Lievens. 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

- **DOCKET NO. 21-06 WtC – CLINTON AND CYNTHIA JOHNSON APPEAL**

Subject: February 9, 2021 Approval of Wetlands Permit #2020-01023 issued to Parker Realty Trust

Hearing Officer:

Status:

5/11/21 Motion made by Councilor Henderson to deny the Appeal. Seconded by Councilor Mellor. Motion passed without dissent.

- **DOCKET NO. 21-07 WtC – DAVID BIRCHENOUGH AND DARRELLE LANG APPEAL**

Subject: February 19, 2021 Administrative Order No. 2021-004 WD

Hearing Officer:

Status:

5/11/21 Motion made by Councilor Henderson to accept the Appeal. Seconded by Councilor Klass. Motion passed without dissent.

II. DECISIONS TO BE WRITTEN, FINALIZED, ISSUED.

- **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. 3/3/21 received Appellant's Motion for Reconsider. 3/8/21 received Objection to Motion for Reconsideration. 4/13/21 Hearing Officer Conley to send draft ruling to Council members.

III. HEARINGS OR PHCs PENDING

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, LRM; Mary Ann Tilton, Assistant Administrator, Wetlands Bureau

- Wetland Application Process
- Rulemaking
- ARM Fund Status
- Outreach

Discussion held.

5. OLD BUSINESS:

- Council Rules
- Request for Fiscal Financial Impact Statement

Motion made by Councilor Lievens to move the draft Wetland Council Rules forward. Seconded by Councilor Mellor. Motion passed without dissent.

6. NEXT MEETING: June 8, 2021 at 9:00 a.m. via WebEx

7. ADJOURNMENT: Motion made by Councilor Mellor to adjourn. Seconded by Councilor Henderson. Motion passed by roll call vote, without dissent. Meeting adjourned at 10:30 a.m.