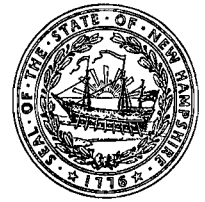




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Wetlands Council**

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964  
DES Website: [www.des.nh.gov](http://www.des.nh.gov) - Council Website: [www.des.state.nh.us/councils/](http://www.des.state.nh.us/councils/)

April 22, 2009

**Via E-mail and Regular Mail**

Michael J. Scott, Esq.  
Law Office of Scott & Scott, P.A.  
P.O. Box 1055  
Londonderry, NH 03053

**Via E-mail and Hand-delivery**

Collis Adams  
NH Department of Environmental Services  
Wetlands Bureau  
P.O. Box 95  
Concord, NH 03301-0095

Re: Docket No. 09-01 WtC – Kevin Price d/b/a Ossipee Lake Marina and  
Ossipee Marine Corp. Appeal

Dear Attorney Scott and Mr. Adams:

On March 24, 2009, the NH Wetlands Council (“the Council”) accepted the above-captioned Notice of Appeal. Chairman Lawrence Morse has been designated Presiding Officer in this appeal.

A pre-hearing conference in this matter has been scheduled for Wednesday, May 20, 2009. The conference has been queued with conferences for other appeals to be heard between 1:00 p.m. – 3:00 p.m. in Room 110 of the offices of the Department of Environmental Services, 29 Hazen Drive, Concord, NH. The purpose of the pre-hearing conference is to facilitate an agreement between the parties as to the *procedural* aspects of the case. The parties should be prepared to discuss simplification of the issues in the appeal, stipulations or admissions as to facts, the number and identity of witnesses the parties anticipate calling at the hearing, and exhibits necessary for the appeal. The Presiding Officer also may consider any other matter that may aid in the conduct of the hearing or disposition of the appeal. At the conclusion of the pre-hearing conference, the Presiding Officer will issue an order regarding the procedures that will apply to the appeal hearing. *If settlement discussions have not already occurred*, the parties are encouraged to discuss settlement *prior to* the prehearing conference. Settlement discussion shall not interfere with the pre-hearing conference. If the parties wish to postpone the pre-hearing conference in order to facilitate settlement, they should request a continuance from the Presiding Officer at least a week in advance of the conference date. Said request should indicate a reasonable length of time to allow the settlement process to occur. Open ended continuances will be discouraged by the Presiding Officer.

Please note that any document filed in conjunction with this appeal shall be filed by mailing or delivering the **original and 15 copies** of the document to the Council Appeals Clerk. Additionally, a copy of the document must be sent to all parties to the appeal and to any person who has a motion to intervene pending before the Council. Every document filed with the Council, and required to be

Docket No. 09-02 WtC  
Pre-hearing Notice  
April 22, 2009  
Page 2 of 2

served upon the parties to the appeal, shall be accompanied by a certificate of service, signed by the person making service, attesting to the method and date of service, and the persons served.

The Council's jurisdiction and process has changed from record-based to evidentiary appeals hearings (Laws of 2008, 171:1-5), and the Council has amended its rules to reflect this change. A copy of the rules can be accessed online at <http://des.nh.gov/organization/commissioner/legal/rules/index.htm#envwtc100200>. If you have any questions, please contact me at (603) 271-6072 or by e-mail at [amy.samson@des.nh.gov](mailto:amy.samson@des.nh.gov).

Sincerely,

  
Amy Samson, Appeals Clerk  
NH Wetlands Council

cc: Lawrence Morse, Presiding Officer  
Mary Ann Tilton, DES Wetlands Bureau  
Linda Magoon, DES Wetlands Bureau  
Freedom Select Board and Conservation Commission  
Freedom Planning Board and Building Department  
K. Allen Brooks, Chief, AGO – Environmental Protection Bureau