

The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

In re:)
Kevin Price, Appellant)
d/b/a "Ossipee Lake Marina)
)
Wetland File Nos. 1988-01437/2007)
-0922)

ORDER NO. 08-050 WD
December 9, 2008

INTERIM CONSENT ORDER TEMPORARILY STAYING ENFORCEMENT OF
ADMINISTRATIVE ORDER NO. 08-050 WD

NOW COMES, Kevin Price d/b/a Ossipee Lake Marina and Ossipee Marine Corp. ("Price"), by and through their attorneys, Scott & Scott P.A. and Michael J. Scott and the New Hampshire Department of Environmental Services, Wetlands Bureau (the "Wetlands Bureau"), and stipulate and agree to the following Interim Consent Order Temporarily Staying Enforcement of Administrative Order No. 08-050 WD issued on December 9, 2008 (the "Order"):

1. On January 8, 2009, Price filed with the Wetland's Council a timely appeal of the Order which appeal was accepted in March 2009 (In re: Kevin Price d/b/a Ossipee Lake Marina 09-01 WtC).
2. The Order required Price to comply with Wetlands Permit #1988-01437 (the "Permit") by removing from Lake Ossipee three (3) seasonal docks located at a commercially zoned marina located at 65 Marina Road, Freedom, New Hampshire, originally and more particularly described as Tax Map 31, Lot 41, 41-1, 41-2 and 41-3, Freedom, New Hampshire (the "Marina Property"). The Order also required the removal from Lake Ossipee of two wooden docks located at a rural zoned property described as Tax Map 31, Lot 42 ("Lot 42").
3. Price timely complied with the Order.
4. Price has advised the Wetlands Bureau that if the three seasonal docks are not replaced back in Lake Ossipee by May 15, 2009, that the Ossipee Lake Marina, a longstanding business in Freedom, New Hampshire, will suffer a catastrophic business lapse.

5. There is no current evidence of past harm or an imminent negative environmental impact should the three seasonal docks be returned to Lake Ossipee.

6. On or about May 6, 2009, Price filed a Waiver Request with the Wetlands Bureau relating to the Order which if granted will make enforcement of the Order moot and will resolve the Appeal. The Wetlands Bureau is unable to act on the Waiver Request prior to May 15, 2009.

7. Price has requested that the Wetlands Bureau stay enforcement of the Order pending a final decision by the Wetlands Council on the Appeal or a grant of the Waiver Request, whichever ever occurs first.

8. The parties acknowledge that the imminent harm to Price's business at the Ossipee Lake Marina, if he is unable to return the three (3) docks to Lake Ossipee, far outweighs any consequences of a stay of enforcement of the Order until a decision on the Appeal or grant of the Waiver Request.

9. The parties acknowledge and agree that the parties by entering into this Consent Order, are in now way making any admissions as to the merits of the Appeal and are in no way prejudiced from pursuing their respective positions regarding enforcement of the Order or prosecution of the Appeal.

10. This Consent Order relates only to the Order and no other enforcement action by the Wetlands Bureau which currently is pending or which may hereafter accrue against Price and the Marina Property.

11. The parties agree that this Consent Order will be effective on the signature date set for the below and may be executed in separate parts with facsimile signatures being considered valid and binding

WHEREFORE, the Parties agree as follows:

A. The enforcement of the Order is hereby temporarily stayed as to replacement in Ossipee Lake of the three (3) seasonal docks at the Marina Property until the earlier of a grant of the Waiver Request or a resolution of the Appeal;

B. The three (3) seasonal docks shall be replaced in the same location and configuration as they existed at the time the Order was issued; and

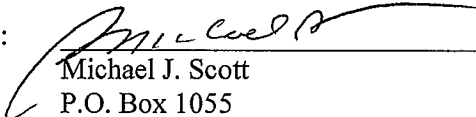
C. This Consent shall not in any way affect or prejudice the rights of the parties to pursue their respective positions regarding enforcement of the Order or prosecution of the Appeal.

Respectfully Submitted.

KEVIN PRICE D/B/A "OSS�PEE
LAKE MARINA" and
OSS�PEE REALTY CORP.
By Their Attorneys,
SCOTT & SCOTT, P.A.

Date: 05/14/09


By:


Michael J. Scott
P.O. Box 1055
Londonderry, NH 03053
(603) 434-3426
NH Bar ID. #4123

NEW HAMPSHIRE DEPARTMENT
OF ENVIRONMENTAL SERVICES,
WETLANDS BUREAU

Date: 5/14/09

By:


Collis Adams
Administrator of the Wetlands
Bureau
NH Dept. of Environmental Services
29 Hazen Drive
Concord, NH 03301