



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 - Council Website: www.des.state.nh.us/councils/

STATE OF NEW HAMPSHIRE
WETLANDS COUNCIL

Decision & Order

Docket No. 03-08 WtC

Appeal of Marianna and Gene Cayten
In Re: Wetlands File No. 2002-01912

Notice of Appeal

Background

On June 25, 2003, Marianna and Gene Cayten ("Appellant") filed a Notice of Appeal with the NH Wetlands Council ("the Council"). The subject of the appeal was the granting of Wetlands Permit File No. 2002-01912 by the NH Department of Environmental Services, Wetlands Bureau ("DES").

On January 13, 2004, an appeal hearing was convened.

On March 4, 2004, the Council issued a written Decision & Order denying the appeal.

RSA 482-A:10 states that any party aggrieved by a decision and order of the Council may apply to the Council for reconsideration within 20 days of the issuance of the Decision & Order.

On March 24, 2004 the Appellant filed a Motion for Reconsideration with the Council.

Env-WtC 205.11 states that responses to written motion shall be in writing and shall be filed not later than 5 days after receipt of the motion.

Env-WtC 204.04 states that any person may ask the Council to extend any time limit established by Council Rules if meeting the prescribed time limit would unduly burden the person or if an extension is otherwise necessary to conduct a more efficient hearing. A request for an extension of time shall be made as a formal motion before the expiration of the prescribed time period. If there is no objection to the request, and if the Council determines that the delay would not prejudice the interests of any party to the appeal, and if there is no statutory conflict, the Council shall grant the requested extension.

On March 29, 2004, DES filed a Motion for Extension of Time to File a Response to [the appellant's] Motion for Reconsideration. In its motion DES requested that the time limit to file its response be extended to April 5, 2004.

The Appellant did not file an objection to the motion.

Order

Motion for Extension of Time to File Response to Motion for Reconsideration is GRANTED.

So Ordered for the Council by:


Michael Setafiani, Appeals Clerk

April 6, 2004