

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

June 2, 2015

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In the Matter of  
John Walsh and  
Walsh Brothers Building Co., Inc.

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OADR Docket No. WET-2012-025  
DEP File No. SE 32-2099  
Harwich, MA

**DECISION ADOPTING  
RECOMMENDED REMAND DECISION**

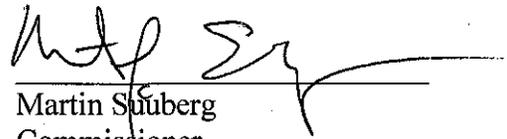
I adopt the Recommended Remand Decision of the Chief Presiding Officer.

Accordingly:

- (1) the Petitioners' Motion for Summary Decision that the Coastal Dune delineation of the 2009 Order of Conditions governs the proposed Project is granted;
- (2) the Harwich Conservation Commission's ("HCC") and the Department of Environmental Protection's Motions for Summary Decision that the Coastal Dune delineation of the HCC's 2012 Order of Conditions denying the proposed Project governs the proposed Project are denied;
- (3) the October 16, 2012 SOC that the Department's Southeast Regional Office ("SERO") issued to the Petitioners pursuant to the MWPA and the Wetlands Regulations affirming the HCC's denial of the proposed Project is vacated; and
- (4) the matter is remanded to SERO for further review of the proposed Project in accordance with the requirements of the MWPA and the Wetlands Regulations, and issuance of a new SOC based on the Coastal Dune delineation of the 2009 Order and the protected wetlands resources impacted by the proposed Project.

This Decision is not appealable pursuant to G.L. c. 30A. See Town of East Longmeadow v. State Advisory Commission, 17 Mass. App. Ct. 939, 940 (1983) ("[a]n administrative order

requiring a subordinate administrative body to reconsider its order is neither final nor appealable” pursuant to G.L. c. 30A).



Martin Stenberg  
Commissioner

## SERVICE LIST

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CONCOM  
Town of Harwich Conservation  
Commission