

# Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker Governor

Karyn E. Polito Lieutenant Governor Matthew A. Beaton Secretary

Martin Suuberg Commissioner

In the Matter of Ali and Elaine Bigdeliazari May 15, 2018

Docket No. WET-2016-027 File No. SE 83-2048 West Yarmouth

### FINAL DECISION

I adopt the Recommended Final Decision of the Presiding Officer. The parties to this proceeding are notified of their right to file a motion for reconsideration of this decision, pursuant to 310 CMR 1.01(14)(d). The motion must be filed with the Case Administrator and served on all parties within seven business days of the postmark date of this decision. A person who has the right to seek judicial review may appeal this decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this decision.

Martin Suuberg Commissioner

## **SERVICE LIST**

**Applicants:** Ali and Elaine Bigdeliazari

18 Juniper Way Medway, MA 02053

e-mail: None listed in the Petitioners' Appeal Notice:

Legal representative:

Sarah A. Turano-Flores, Esq.

Jean L. R. Kampas, Esq.

Nutter, McClennen & Fish, LLP

1471 Iyannough Road

P.O. Box 1630 Hyannis, MA 02601

e-mail: sturano-flores@nutter.com

jkampas@nutter.com;

**Petitioners:** Michael Durkin and Janet Durkin

15 Lewis Bay Boulevard West Yarmouth, MA 02683;

Legal representative:

Douglas A. Robertson, Esq.

Martin, Magnuson, McCarthy.

& Kenney

101 Merrimac Street, 7<sup>th</sup> Floor

Boston, MA 02114

e-mail: drobertson@mmmk.com;

#### **The Local Conservation Commission:**

Town of Yarmouth Conservation Commission c/o Kelly Grant, Conservation Administrator

1146 Route 28

Yarmouth, MA 02664

e-mail: kgrant@yarmouth.ma.us;

Legal representative:

Michael Kennefick, Esq.

Blatman, Bobrowski, Mead. &

Talerman, LLC

730 Main Street, Suite 2B

Millis, MA 02054

e-mail: michael@bbmatlaw.com;

### [continued next page]

## [continued from preceding page]

The Department:

Jim Mahala, Section Chief, Wetlands Program

MassDEP/Southeast Regional Office

Bureau of Water Resources

20 Riverside Drive Lakeville, MA 02347

e-mail: Jim.Mahala@state.ma.us;

Greg DeCesare, Wetlands Analyst MassDEP/Southeast Regional Office

Bureau of Water Resources

20 Riverside Drive Lakeville, MA 02347;

e-mail: Gregory.DeCesare@state.ma.us;

Legal Representative:

David Bragg, Senior Counsel

MassDEP/Office of General Counsel

One Winter Street Boston, MA 02108;

e-mail: David.Bragg@state.ma.us;

cc: Shawn Walsh, Chief Regional Counsel
MassDEP/Southeast Regional Office
Office of General Counsel
20 Riverside Drive

20 Riverside Drive Lakeville, MA 02347

e-mail: Shawn. Walsh@state.ma.us;

Leslie DeFilippis, Paralegal MassDEP/Office of General Counsel One Winter Street Boston, MA 02108.