



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

Martin Suuberg
Commissioner

In the Matter of
Amy M. Ambrecht

OADR Docket No. WET-2019-036
Nantucket, MA

FINAL DECISION

Martin Suuberg, the Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) has designated me as the Final Decision Maker in this appeal.

The Petitioner, SD White Properties, LLC (“the Petitioner”), filed this appeal challenging a superseding determination of applicability (“SDA”) issued by the Massachusetts Department of Environmental Protection (“MassDEP”) to the Applicant, Amy Ambrecht. The SDA was issued pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (“MWPA”), and the Wetlands Regulations, 310 CMR 10.00 et seq. (“the Wetlands Regulations”). The SDA determined that the Applicant’s proposed project to construct a retaining wall and grading associated with a single-family house in the 100-foot Buffer Zone to Bordering Vegetated Wetlands (“BVW”) did not require the filing of a Notice of Intent (“NOI”) because it would not alter a resource area subject to protection under the MWPA. The Petitioner, whose property

abuts the project site, alleged that a NOI should have been required because the proposed project would negatively impact the BVW and a grove of trees on the Petitioner's property.

On March 3, 2020, the Petitioner filed a withdrawal of its appeal. The Petitioner stated that an agreement had been reached with the Applicant and that the agreement does not affect the SDA issued by MassDEP. The Petitioner's voluntary withdrawal of its appeal constitutes a waiver by the Petitioner to any further administrative review before the Department as well as appeal to court of the SDA that was at issue in this appeal. Accordingly, the Department issues this Final Decision which allows the Petitioner's withdrawal and dismisses this appeal.

Date: March 4, 2020

A handwritten signature in black ink, reading "Salvatore M. Giorlandino". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

**IN THE MATTER OF:
DOCKET NO. WET-2019-036**

AMY M. AMBRECHT

REPRESENTATIVE

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CONSERVATION COMMISSION