COMMONWEALTH OF MASSACHUSETTS
DIVISION OF ADMINISTRATIVE LAW APPEALS
133 Portland Street Boston, Massachusetts 02114 617-727-7060

July 6, 2006

In the Matter of

John Allen and Barbara Cordi-Allen

Docket Nos. 2000-083, -087
File No. 75-371 (house)
Docket Nos. 2000-084, -088
File No. 75-459 (pier)
Truro

RECOMMENDED FINAL DECISION
(Docket Nos. 2000-083 and 2000-087)

SUMMARY

A wetlands permit for a residential construction project is denied. The project is proposed on a coastal dune and not in the buffer zone of a coastal bank. The landform exhibits the characteristics of a coastal dune that make it significant to the wetland interests of storm damage prevention and flood control. It can move landward in response to wind and water energy acting on it.

Sarah A. Turano-Flores, Esq. (Zisson & Veara) Dennis, for petitioner Truro Conservation Commission.
George Poulos, pro se, for petitioner Pamet Harbor Yacht Club, Inc.
Paul Revere III, Esq., Centerville, for applicants John Allen and Barbara Cordi-Allen.
Michael A. Leon, Esq. (Nutter, McClennon, and Fish LLP) Boston, for intervenor Brooke Newman.
Deirdre C. Desmond, Esq., Boston, for Department of Environmental Protection.

INTRODUCTION

John Allen and Barbara Cordi-Allen propose a residential construction project on their property in Pamet Harbor in Truro, Massachusetts for which they need a wetlands permit. The Department of Environmental Protection approved the project, believing at the time it issued the superseding order of conditions that the project would be located on a coastal bank. The Truro

Conservation Commission and an abutter, the Pamet Harbor Yacht Club, appealed the DEP's decision.[2]

Prior to the hearing, the DEP changed its opinion. It now agreed with the Conservation Commission and intervener Brooke Newman that the landform is a coastal dune and consequently, in its view, the project could not be approved.

I conclude that the project is proposed on a coastal dune. The landform exhibits a key characteristic that distinguishes coastal dunes from coastal banks. It can move landward and reform in response to wind and water action on it. This movement is not as apparent as it would be if the Allen's property were located on the open coast rather than in the more sheltered area of the Mill Creek embayment. Nonetheless, there is a sediment supply available to the dune and evidence of accretion. The project does not comply with the performance standards for work in coastal dunes and, thus, it is denied.

DISCUSSION

A. Background

The Allens' 24,437 square foot lot lies within an embayment of the Pamet River and its tributary, Mill Creek. The Pamet River crosses Cape Cod in a generally east to west direction and opens to Cape Cod Bay at its westerly end. The embayment is separated from Cape Cod Bay by a barrier beach system approximately 1300 feet wide on its south side. Jetties have been constructed on both sides of the inlet. A narrow coastal beach fronting on a boat basin near the intersection of the Pamet River and Mill Creek forms the western waterfront property boundary. An abandoned railroad bed crosses the embayment to the east, landward of the Allens' property. The Allen's southern boundary abuts the Pamet River Yacht Club. To the north and northeast of the Allens' property lies the property of the intervenor.

[2] The appeals of the pier project are stayed, pending resolution of proceedings in other courts.

Property elevations shown on the plan of record range from elevation 8 to elevation 10. The highest part of the property is at the southeast corner near an existing driveway. The plan, however, does not show any elevations of the beach or of the central portion of the property where the majority of the work is proposed.

The property is moderately to heavily vegetated. Beach grass predominates adjacent to the beach at the northern portion of the property. A salt marsh lies seaward near an existing pier. Throughout the middle and northern portion of the property, *rosa rugosa* predominates.

A gravel driveway and turnaround is currently located at the southeastern corner of the Allens' property. Seaward of the driveway and at the edge of the "top of bank" as shown on the plan, is the cottage and a small shed at the southeastern corner of the lot, adjacent to the coastal beach. A pier extends from a deck into the embayment.

The Allens propose to relocate the cottage and expand its size to 20 feet by 32 feet. They further propose to construct a 42 foot x 36 foot dwelling with a 50x 35 foot garage placed kitty corner off the back of it. These structures would have solid concrete foundations. In addition, the Allens propose a 30 foot x 15 foot in-ground swimming pool. Additional structures include a porch and deck around the dwelling and pool, an extension of the existing driveway, a septic system with a concrete retaining wall around the soil absorption system, a three foot high landscaped berm around the northeast corner, and additional landscaping along a portion of the southern boundary.

According to the plan, construction is proposed within 20 feet of the mean high water line and within three feet of what is labeled "top of bank." All proposed development is within land subject to coastal storm flowage, a protected resource area under the Act. The entire site lies below elevation 10. The coastal floodplain is higher than that at just below elevation 12.[3]

[3] The DEP historically has used the 100 year coastal flood elevation as mapped by FEMA as the maximum flood elevation unless recorded storm data shows a higher elevation.

The Allens' project was pending before the Truro Conservation Commission for several years. The Conservation Commission did not act on the proposal because it lacked engineered plans. The DEP requested completed plans and the Allens provided them. DEP initially accepted the Allens' characterization of the property as a coastal bank and approved the Allens' proposal. After then Administrative Law Judge Francis X. Nee (now Administrative Magistrate) held a prehearing conference and the matter was assigned to me for a hearing, the parties' technical representatives met at the site in 2001. As a result of that visit, James Mahala, a coastal geologist with the DEP, formed the opinion that the landform on the Allens' property was a coastal dune and not a coastal bank. The parties then embarked on a protracted attempt to settle the dispute by revising the project so that it could be approved. That effort ultimately failed and the Allens decided to seek approval for the project as originally approved by the DEP.

Before the hearing, I met the parties at the property for a view. The live hearing took place over three days.

B. Regulatory Framework

The Allens' property is within land subject to coastal storm flowage, defined as "land subject to any inundation caused by coastal storms up to and including that caused by the 100 year storm, surge of record or storm of record, whichever is greater." 310 CMR 10.04. The wetlands regulations do not establish a presumption of significance for land subject to coastal storm flowage, although it has been found on a case-by-case basis to be significant to storm damage prevention and flood control. *E.g., Matter of Anderson*, Docket No. 95-085, Final Decision, 4 DEPR 56 (April 8, 1997). No performance standards have been promulgated for this resource area.

The project, as proposed, is to be built entirely on either a coastal dune or a coastal bank adjacent to a coastal beach. A coastal dune is defined as "any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune

also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control." 310 CMR 10.28 (2).

When a coastal dune is determined to be significant to the wetlands interests of storm damage prevention and flood control, the performance standards at 310 CMR 10.28 (3) apply. Projects in coastal dunes must not have an adverse effect of the dune by:

(a) affecting the ability of waves to remove sand from the dune;
(b) disturbing the vegetative cover so as to destabilize the dune;
(c) causing any modification of the dune form that would increase the potential for storm or flood damage;
(d) interfering with the landward or lateral movement of the dune;
(e) causing removal of sand from the dune artificially; or
(f) interfering with mapped or otherwise identified bird nesting habitat.

310 CMR 10.28(3).

A coastal bank is defined in the Wetlands Regulations as "the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland." 310 CMR 10.30 (2). Coastal banks that supply sediment to coastal beaches, coastal dunes and barrier beaches are per se significant to the wetlands interests of storm damage prevention and flood control. 310 CMR 10.30 (1). Coastal banks that provide a buffer to upland areas from storm waters are significant to storm damage prevention and flood control. *Id.*

In *Matter of Kline*, Docket Nos. 99-021, 99-022, 99-023, 99-024, 99-025, 99-026, Final Decision, 7 DEPR 134, 135 (October 16, 2000), the DEP's Commissioner adopted a decision by then Administrative Law Judge James R. Rooney (now Administrative Magistrate) in which he concluded that the key factor in distinguishing whether a landform is a coastal bank or a coastal dune is whether the landform "has the ability to move landward and reform itself as a dune, but not a bank, can." The landform in *Kline*, which also is located in Truro, was created by the deposition of glacial material over a dune when a railroad was constructed along the western shore of the Cape. A thin, discontinuous veneer of sand overlay the artificial fill. ALJ Rooney determined that there

was little evidence that the landform was moving landward. *Id.* at 137. While there was evidence of erosion, the material lost was not replaced by a comparable volume of windblown sand. *Id.* at 138. He concluded, thus, that the Kline property contained a coastal bank and not a coastal dune. ALJ Rooney's analysis was based on his interpretation of the regulatory definitions of coastal bank and coastal dune [310 CMR 10.32 (1) and 310 CMR 10.28 (1), respectively] and of the preamble to the coastal dune regulation at 310 CMR 10.28 (), which describes the characteristics of a coastal dune that makes it critical to the protection of storm damage prevention and flood control, two of the wetlands interests protected under the Act. I apply the analysis set out in *Kline* to the facts presented here.

C. Evidence and Argument

1. Witnesses

The Allens argue that their project is proposed in the 100 foot buffer zone to a coastal bank and that it meets the performance standards for that resource area. They rely on the testimony of Peter Rosen, Ph.D., a professor at Northeastern University and a coastal geologist. According to Dr. Rosen, the landform at the Allen's property is a coastal bank comprised of deposits dredged from the Mill River in 1919 and placed over a salt marsh. In his view, no new sediment source exists to supply sand to this coastal feature, and he found no evidence of the landward transport of sand.

The Conservation Commission, the DEP, and the intervenor disagree. Stanley M. Humphries testified for the Conservation Commission. He is a coastal geologist with Ocean and Coastal Consultants, Inc. and has 27 years of experience in coastal matters. James Mahala is a coastal geologist with the DEP and has worked for the wetlands program since 1986. Mr. Humphries and Mr. Mahala opined that the landform is a coastal dune with the ability to reform and move landward.

I conclude that all three witnesses are qualified by virtue of their schooling and experience to testify about the geology of the landform on the Allens' property.

Robert Bednarek also testified for the Conservation Commission. He is its secretary and Keeper of the Records. He filed copies of the Commission's records relevant to this proceeding. The parties agreed that he need not be made available for cross examination and thus I take his testimony into the record.

2. Formation of Landform

The parties disagree about how the landform on the Allens' property came to be. Dr. Rosen relied on maps of the area from the late 1800's and early 1900's that he asserted showed the property, deeds purportedly concerning the property, his "sounding" of the fringe salt marsh and the property to determine what material lay under the sand, and a 1992 USGS soils map. From these sources he concluded that the Allens' property was formerly "high salt marsh" or salt meadow bordering on Mill Creek. In 1919, he testified, Mill Creek "immediately to the west of the Property" was dredged. The dredged spoils, he continued, which were comprised largely of sand that blew into the Creek from the barrier beach to the south of it, were placed on what is now the Allen's property, presumably to protect the railroad. This accounted for a layer of sand over salt marsh peat. The sand layer is thinnest near the beach and ranges between four to five feet thick toward the northern property boundary, according to Dr. Rosen.

Mr. Humphries and Mr. Mahala were of the opinion that the landform is a coastal dune formed through natural processes. Although the property is relatively flat, it nonetheless exhibits a mound-type dune topography, according to Mr. Mahala. The sediments on site were characteristic of those moved by wind or wave action. Mr. Humphries testified that the property rises about 15-20 feet from the coastal beach and slopes down toward the northwest, in the vicinity of the Newman property. He also explained that in a barrier beach environment such as this, dunes move landward over marshes that typically are present landward of a barrier beach.

Some of the evidence offered by Dr. Rosen and by Mr. Humphries and Mr. Mahala concerning the characteristics of the sediments on the property was inconsistent. I do not delve into these inconsistencies, however, because in the end all agree that sand predominates, although they disagree about its source.

I conclude that I need not sort out the conflicting views about the origin of the landform on the Allens' property.[4] Mr. Humphries and Mr. Mahala share the opinion that, even if Dr. Rosen's theory about the origin of the landform is correct, the landform currently functions as a coastal dune and thus meets the definition in 310 CMR 10.28 (2). No matter how the landform was created, I must decide whether it serves the wetland interests of storm damage prevention and flood control in the manner a dune does.

If the landform is comprised of artificial fill, I must decide whether it serves the purposes of storm damage prevention and flood control in order to determine if it meets the definition of a coastal dune at 310 CMR 10.28 (2). If the landform formed naturally, the wetlands regulations presume that it is significant to storm damage prevention and flood control. 310 CMR 10.28 (1). The Allens maintain that the landform does not function as a coastal dune. If they are correct, then the regulations allow for a notice of nonsignificance to issue and the coastal dune performance standards would not apply to the Allens' project. 310 CMR 10.24 (3). Accordingly, I turn to the evidence concerning how the landform functions.

3. Whether Landform Functions as a Coastal Dune

According to Dr. Rosen, the landform at the Allens' property does not exhibit those dune characteristics that would cause it to serve the interests of storm damage prevention and flood control. He testified that, although he had initially determined that the site "could contain" a dune based upon the sediments and the vegetation, he later decided that it did not. Dr. Rosen testified that the topography was distinctly flat with no clear hill, ridge, or mound adjacent to the

beach, no foredune existed, and no indication of sand accumulation or of landward transport of sand was present. He also testified that there were times when a coastal bank was not apparent because of fluctuations in the coastal beach. On these occasions, he would consider land subject to coastal storm flowage to be the only resource area on the Allen's property.

In addition, Dr. Rosen testified that there was no ongoing offshore source of sand (westerly from Mill Creek) or an appreciable longshore source of sand (parallel to the shore in a north to south direction) to resupply the beach. He sampled the sediments from the bottom of Mill Creek in front of the property and found primarily blackened organic material. Dr. Rosen interpreted this to mean that sand from the barrier beach south of the property did not cross Mill Creek to be deposited on site by wind or wave action. In his view, the dredged spoils that he opines were deposited in 1919 are recirculated among the four properties bordering on Mill Creek and no new sand enters the system.

In his direct testimony, Dr. Rosen stated that Mill Creek "immediately to the west of the Property" was dredged in 1919. He characterized the sediment as comprised of moderately well sorted quartzose sand, that is, is dune-like material. Under cross examination however he testified that he was actually referring to the mouth of Mill Creek northwest of the property where the southernmost tip of a sandy area formed at the confluence of Mill Creek and the Pamet River. Thus, his direct testimony states that "the sand that is infilling the Mill Creek channel today is derived from the barrier beach as would the sand that infilled the channel in 1919," but he intended to refer to the portion of the barrier beach by the confluence. He testified that tidal currents would not carry sand into Mill Creek by the Allens' property.

Mr. Humphries and Mr. Mahala share the opinion that, even if Dr. Rosen's theory about the origin of the landform is correct, the landform currently functions as a dune and thus meets the definition in 310 CMR 10.28 (1). They maintain that even if dredged material was placed on

the property in the past, sand accretes onto the property now and contributes to the landform's ability to reform.

Mr. Humphries stated that changes in the property's topography convinced him that it is a coastal dune. He noted that sand has accreted by the Allen's existing deck and pier over the last several years, although there were signs of erosion at other locations. Longshore transport occurs when sand enters Mill Creek via currents, is deposited along the beach in front of the Newman and Landis properties, and erodes and is deposited on the Allen's property.[5] Mr. Humphries posited that the salt marsh near the pier offered some protection that contributed to the build up of sand in that location. He observed a dune scarp of varying heights along the Landis, Newman, and Allen properties, although it was sometimes obscured by debris. He noted that the scarp was less apparent near the Allens' pier at the same location where Dr. Rosen said the coastal bank disappeared.

Mr. Humphries testified that sand is transported to the coastal beach as well as landward across the dune during storm events. Wave action is not necessary to transport sand according to Mr. Humphries; instead, during lower energy storm events sand becomes "entrained" in the water column and carried landward. As the water recedes, sand is deposited on the dune. He submitted photographs of winter storms during 2004-2005 showing evidence of overtopping and overwash on the dune. Mr. Humphries also referred to a photograph of a significant storm in 1987 that showed the entire Allen property under water. He acknowledged that accretion was not as obvious landward of the dune face, but maintained that sand accumulated across the dune's surface.

He also testified that sand from the beach is transported onto the property by northwest and southwest winds during the winter and summer seasons, respectively. As the dune erodes,

Commission's closing brief at 4-8.

[5] The Landis, Newman, and Allen properties abut the coastal beach along Mill Creek north of the Yacht Club

he testified, sand is resupplied to the beach. Wind also acted, according to Mr. Humphries, to rework the form and location of the dune. When wind acts on a coastal bank, he testified, it only erodes the bank.

Mr. Humphries maintained that the landform retained the ability to reform and move landward but noted its relatively sheltered location and the absence of major storms over the time he had observed the site. Nonetheless, in his view, segments of the beach and dune had eroded over time. He stated that the velocity zone boundary was located near the town boat ramp and thus near the Allens' property. He observed indications of water movement and wave energy across the site above the dune scarp, including a line of dead vegetation and large pieces of debris deposited on the dune. He testified that the pattern of vegetation and dense wrack was indicative of overwash rather than rising floodwaters despite the absence of an overwash lobe or channel. He also opined that dead cedar trees and dune vegetation in the depression toward the northwest corner of the property was likely the result of salt water ponding there.

Dr. Rosen disputed Mr. Humphries' testimony regarding storm impacts. He testified that he had observed only organic wrack and debris that floated landward after "minor flooding." He stated that he had not observed evidence of sediment transport or of any outwash deposits. Dr. Rosen found it "highly unlikely" that wave action or moving water would carry sediment onto the property. Dr. Rosen interpreted the 1987 photograph to show flooding resulting from the rising tide level, and not significant wave action. He considered his interpretation to be consistent with what he would expect to see in this environment where the fetch, or the uninterrupted distance a wave can travel, is limited.

Mr. Mahala concurred with Mr. Humphries' observations of a dune scarp and evidence of accretion near the pier. Both witnesses agreed that a scarp is a temporary erosional feature indicative of a dune and that a scarp may not be apparent at times when wind moves over it and

smoothes it out. Mr. Mahala described the rise in elevation as one moved landward of the coastal beach as indicative of mound-type topography typical of a coastal dune.

According to Mr. Mahala, the coastal dune supplies sediment to the coastal beach, which enhances its ability to dissipate wave energy. It also buffers the effects of flooding on inland areas because it is higher than the beach. The dense vegetative cover also would reduce the velocity of floodwaters. He noted that coastal banks cannot accrete, but can only erode. He explained that coastal banks do not derive sediment from a coastal beach naturally. Mr. Mahala opined that because the landform on the Allens' property does accrete, it cannot be a coastal bank. He thus found Dr. Rosen's testimony regarding the coastal bank's "disappearance" to be more descriptive of a coastal dune.

Mr. Mahala also observed sediment from the coastal beach on the Allens' property, which he concluded was deposited there by wind and wave action. Storm waters would move up the dune scarp, eroding it, and then carry the sediments landward, reforming the dune. He testified that waves smaller than the three foot wave that defines a velocity zone would be sufficient to move sediment and cause erosion. He described the mouth of the Pamet River as a dynamic area, noting that over time the mouth of the River has moved. The Town boat ramp is located adjacent to the Landis property, at the confluence of Mill Creek and the Pamet River. According to Mr. Mahala, waves entering Mill Creek from Cape Cod Bay via the Pamet River can be both deflected and refracted by the ramp, which contributes to the concave shape of the beach.

This wave action, as well as tidal currents, also provides a sediment source for the coastal beach and coastal dune. In Mr. Mahala's opinion, sand enters the mouth of the Pamet River and is drawn in towards Mill Creek. He referred a license application submitted by the Town to dredge the Pamet River, including the boat basin in front of the Allens' property as evidence of recent sand build up. The dredged spoils will be used as beach nourishment for the barrier beach

to the south of the Allens' property. The elevations within the area to be dredged vary from approximately 6 feet above MLW to 1.5 feet above MLW. Mr. Mahala testified that if Dr. Rosen's grab samples were taken from the lower areas, this would explain why the sediments were organic material and not sand. He explained that the current in Mill Creek would likely prevent the build-up of sand in the deepest part of the basin. During storm events, however, sand would be available to move up onto the beach and onto the dune when it was flooded.

The Allens make much of the fact that in a 1993 decision the DEP found the only resource area on the Allens' property was land subject to coastal storm flowage, and that, in its SOC, it agreed with the Allens that the property contained a coastal bank. The basis for the 1993 decision (which is no longer in effect) is unexplained. Mr. Mahala testified convincingly about the factors that influenced him to change his opinion, after he issued the superseding order of conditions and after he had reason to more closely examine the landform. Consequently, I do not attribute any weight to these earlier decisions.

In the end, I am more persuaded by the testimony of Mr. Humphries and Mr. Mahala than that of Dr. Rosen. I view Dr. Rosen's observations of a fluctuating coastal beach and disappearing coastal bank to be more in keeping with changes to dune form and volume over time because a coastal bank does not reform itself. I find his explanation for the scene in the 1987 photograph to be more detailed than Mr. Humphries and certainly plausible. Nonetheless, even if the picture shows tidal action not waves, it could have been taken after waves struck the property. It is not conclusive evidence of either side's position.

I am not persuaded by Dr. Rosen's reinterpretation of his written direct testimony concerning the sediment source for the purported 1919 dredging or for the location of sand that may infill the Mill Creek today. Aside from the inconsistency in his testimony, if he wanted to establish that sediment derived from the sandy areas by the confluence did not move into Mill Creek to rest adjacent to the Allens' property, then he needed to undertake a more systematic

sampling within the basin. I am more persuaded by Mr. Mahala's testimony concerning the planned dredging within the entire Mill Creek basin and the dredging application he submitted showing considerable material to be dredged and dredging locations near the Allens' property. Moreover, Dr. Rosen's emphasis on the absence of a sediment source as support for his conclusion is puzzling in some respects. I am aware of stretches of the coast on Cape Cod where structures such as jetties have interfered with sediment transport so that a coastal beach and coastal dune system is effectively "starved" of its sediment source. Under such circumstances, the sediment exchange occurs within a closed system, yet the landform does not necessarily cease to be a coastal dune.

I find that the landform exhibits undulating mound topography, although it may not be as pronounced as at other locations that face directly on Cape Cod Bay. I find that there is a dune scarp, which is often obscured by wrack and that is less pronounced near the Allens' pier. I also find that the landform is comprised of dune-like sediments.

I find that sand accumulates on the property and is transported landward. Sand is carried into Mill Creek by currents and is carried onto the coastal beach and coastal dune by moving water, particularly during storm events. Sediment also is carried by wind.

I find that the landform has the ability to be modified by wind and water and to move landward. *Kline* at 137. Accordingly, I conclude that the landform on the Allens' property is a coastal dune that serves the wetlands interests of storm damage prevention and flood control.

4. Whether Project Meets Performance Standards

Dr. Rosen conceded that if the landform is a coastal dune, the Allens' proposed project does not meet the performance standards at 310 CMR 10.28 (3). Consequently, there is no real dispute on that point. Accordingly, I need not examine the detailed evidence offered by Mr. Humphries and Mr. Mahala regarding why the project should not be approved. I conclude that the Allens' proposed project does not meet the performance standards.

I note that some testimony presented at the hearing, particularly that concerning observations made at the view, strongly suggests that the extent of coastal beach and coastal dune on the property has altered since the project plans were initially prepared in 1996. According to Mr. Humphries' comparison of two plans used to measure the area lost between MHW in 1972 and MHW in 1999, the coastal beach is eroding at a rate of one to three feet per year. Dr. Rosen disputed Humphries's opinion based on his site observations over the last four years and average retreat rates of ocean-facing Massachusetts shorelines. Although I need not discuss the differences in any detail because of my findings above, the differences make it likely that some portion of the work is proposed on the coastal beach. Furthermore, even if I agreed with Dr. Rosen that the landform is a coastal bank, it is likely that some portion of the work is located on the bank's face. Thus, alternate bases may exist for not allowing the project to go forward.

DISPOSITION

The Allen's proposed project is denied.

NOTICE

This decision is a recommended final decision of the Administrative Magistrate. It has been transmitted to the Commissioner of the Department of Environmental Protection for his final decision in this matter. This decision is therefore not a final decision subject to reconsideration and may not be appealed to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The Commissioner's final decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect. Because this matter has now been transmitted to the Commissioner, no party shall file a motion to renew or reargue this recommended final

decision or any portion of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion, directs otherwise.

Bonney Cashin
Bonney Cashin
Administrative Magistrate

SERVICE LIST

In The Matter Of: John Allen & Barbara Cordi-Allen

Docket Nos.	File Nos.
2000-083	75-371
2000-084	75-459
2000-087	75-371
2000-088	75-459
2000-181	W96-5259

Representative	Party
Paul Revere, III, Esq. Law Offices of Paul Revere, III 226 River View Lane Centerville, MA 02632	APPLICANTS John Allen & Barbara Cordi-Allen
Sarah A. Turano-Flores, Esq. Zisson and Veara 828 Main Street P.O. Box 2031 Dennis, MA 02638	PETITIONERS Town of Truro & Truro Conservation Commission Docket Nos. 2000-083 and 2000-084
Michael A. Leon, Esq. Julie Pruitt Barry, Esq. Nutter, McClennon & Fish, LLP World Trade Center West 155 Seaport Boulevard Boston, MA 02210-2604	INTERVENOR Brooke Newman
George Poulos, Executive Director Pamet Harbor Yacht Club, Inc. P.O. Box 555 Truro, MA 02666	PETITIONER Pamet Harbor Yacht Club Docket Nos. 2000-087 and 2000-088
Deidre C. Desmond, Esq. DEP – Office of General Counsel One Winter Street, 3rd Floor Boston, MA 02108	AGENCY Dept. of Environmental Protection

Date: July 6, 2006