



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

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Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

November 27, 2019

In the Matter of
Margaret & Michael Kerr
Kerr Family Trust

Docket No. WET-2019-031
File No. SE 3-5655
Barnstable

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.

This appeal was filed by Petitioner Wendy Garthwaite challenging a Superseding Order of Conditions (“SOC”) issued by the Department of Environmental Protection’s Southeast Regional Office to Applicants Margaret and Michael Kerr, Kerr Family Trust on August 14, 2019. The SOC was issued pursuant to the Massachusetts Wetlands Protection Act (“MWPA”), G.L. c. 131, § 40 and the Wetlands Regulations, 310 CMR 10.00 et seq. The SOC approved the Applicants’ proposed Project involving creation of a 4’ wide by approximately 70’ long path; construction of a 4’ wide by 89’ long pile-supported pier; installation of a 3’ wide by 15’ long gangway; and an 8’ wide by 16’ long float. The Petitioner, an abutter to the project site, objected to the SOC, alleging that it failed to comply with the applicable regulations and failed to protect the interests of the MWPA.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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On November 6, 2019, the Petitioner filed a Withdrawal of her Request for an Adjudicatory Hearing. The Petitioner's voluntary withdrawal of her appeal constitutes a waiver by the Petitioner to any further administrative review before the Department as well as appeal to court of the SOC that was at issue in this appeal. Accordingly, the Department issues this Final Decision incorporating the Petitioner's voluntary withdrawal and dismisses the appeal.

A handwritten signature in cursive script, reading "Salvatore M. Giorlandino".

Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

In The Matter Of:

Margaret and Michael Kerr, Kerr Family Trust

Docket No. WET-2019-031

File No. SE 3-5655
Nantucket

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DEPARTMENT

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DEPARTMENT

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CONCOM

Date: November 27, 2019