

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

August 8, 2018

In the Matter of
Mark McLeod, The H. L. Turner
Group, Inc.

OADR Docket No. WET-2018-004
Salem, MA

RECOMMENDED FINAL DECISION

A ten residents group ("Petitioners") brought this appeal concerning the real property at 293 & 297 Bridge Street, Salem, Massachusetts ("the Property"). The Petitioners challenge the Superseding Order of Conditions ("SOC") that the Department's Northeast Regional Office issued to the Applicant, Mark McLeod, The H.L. Turner Group, Inc. The SOC was issued pursuant to the Wetlands Regulations and the Wetlands Protection Act, 310 CMR 10.00 and G.L. c. 131 § 40, respectively.

The Applicant has moved to dismiss the appeal on the grounds that it is moot; he has withdrawn the Notice of Intent because the property owner is considering alternative projects. No opposition has been filed to the motion to dismiss.

For all the above reasons demonstrating the absence of a justiciable issue and the absence of any opposition to the motion to dismiss, I find that the appeal is moot. See Matter of Wilkinson Excavating, Inc., Docket No. 2010-064, Recommended Final Decision (March 8, 2011), adopted by Final Decision (April 5, 2011). I therefore recommend that the appeal be dismissed and the SOC vacated.

NOTICE- RECOMMENDED FINAL DECISION

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for his Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(d), and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. 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 part of it, and no party shall communicate with the Commissioner's office regarding this decision unless the Commissioner, in his sole discretion, directs otherwise.

A handwritten signature in black ink, appearing to be 'T. Jones', written over a horizontal line.

Timothy M. Jones
Presiding Officer

SERVICE LIST

In The Matter Of:

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Docket No. WET-2018-004

File No. 064-0629

Salem

Representative

Party

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