

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

**THE OFFICE OF APPEALS AND DISPUTE RESOLUTION**

**January 7, 2020**

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In the Matter of  
Massflora, LLC.

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OADR Docket No. WET-2019-009  
Williamstown, MA

**RECOMMENDED FINAL DECISION**

Herbert A. Allen and a Ten Resident Group (“Petitioners”) brought this appeal concerning the real property at 295 Blair Road, Williamstown, Massachusetts (“the Property”). The appeal challenges a Superseding Determination of Applicability (“SDA”) that was issued by the Massachusetts Department of Environmental Protection’s Western Regional Office to the Applicant, Massflora, LLC, pursuant to the Wetlands Protection Act, G.L. c. 131 § 40, and the Wetlands Regulations, 310 CMR 10.00. The appeal challenged certain agricultural exemption determinations in the SDA with respect to the Applicant’s interest in developing a cannabis farm at the Property.

Since I held a Pre-Hearing Conference with the parties, the Applicant has decided not to pursue the original Request for Determination of Applicability (“RDA”). The Applicant’s withdrawal of that RDA was approved by the Williamstown Conservation Commission on September 26, 2019. As all parties agree, the withdrawal of the RDA has rendered this appeal 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 SDA be 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.



Timothy M. Jones  
Presiding Officer

## **SERVICE LIST**

In The Matter Of:

Massflora, LLC.

Docket No. WET-2019-009

File No. SDA

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### **Party**

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