

COMMONWEALTH OF MASSACHUSETTS  
DIVISION OF ADMINISTRATIVE LAW APPEALS

April 17, 2008

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In the Matter of

Docket No. DEP-07-426

GREAT HARBOR YACHT CLUB, INC.

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DEP File No. SE 48-1670  
Nantucket

FINAL DECISION - ORDER OF DISMISSAL

Wetlands permit appeals challenging superseding order of conditions allowing the construction of fixed piers and appurtenant work, including dredging, bulkhead reconstruction and the installation of floating finger piers, dismissed for mootness following petitioners' withdrawal of their appeal.

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Peter R. Fenn, Esq. (Peter R. Fenn & Associates), Jamaica Plain, for petitioners (1) ten residents group, (2) Charles Sayle, Jr., Moncure Chatfield Taylor and David Wiley, individually, as abutters, and (3) Stephen Bender, Douglas Smith, Marina Finch, Matt Herr, Kenneth Kelley, Charles Sayle III, Charles Sayle, Jr., Moncure Chatfield Taylor, David Wiley, Duncan Fog, Leslie Johnson and Cormac Collier, individually as aggrieved persons.

Edward Woll, Jr., Esq. and Victor Baltera, Esq. (Sullivan & Worcester LLP), Boston, for applicant Great Harbor Yacht Club, Inc.

Samuel J. Bennett, Esq., Boston, for the Department of Environmental Protection.

Paul R. DeRensis, Esq. and Daniel R. Deutsch, Esq. (Deutsch, Williams, Brooks, DeRensis & Holland, P.C.), Boston, for the Nantucket Conservation Commission.

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MARK L. SILVERSTEIN, Administrative Magistrate.

The petitioners appealed a wetlands superseding order of conditions, issued by the Department of Environmental Protection on April 6, 2007, allowing Great Harbor Yacht Club, Inc. to construct, off of and adjacent to 96, 97 and 98 Washington Street and 11 Salt Marsh Way in Nantucket, two 200-foot-long fixed piers in Nantucket Harbor with attached finger piers, and, as well, to install a 135-foot-long seasonal floating pier with attached floating finger piers extending

off the southeast fixed pier, to reconstruct a bulkhead and install service floats, and to dredge 15,279 square feet of land under the ocean in the Harbor.

Great Harbor Yacht Club, Inc. has filed a withdrawal of this appeal by all of the petitioners, signed by their counsel. Accordingly, these appeals are dismissed as moot. The dismissal makes the appealed superseding orders of conditions final. See Matter of Munroe, Docket No. DEP-05-1086, Final Decision, 13 DEPR 84 (Mass. Div. of Admin. Law App., Mar. 24, 2006).

Because the unopposed withdrawal states that the petitioners waive all further rights of review and appeal, this decision does not include the standard notice of reconsideration and appeal rights that a final decision such as this one typically recites.<sup>1</sup>

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Mark L. Silverstein  
Administrative Magistrate

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<sup>1</sup>/ For the standard notice see, e.g., Munroe, 13 DEPR at 85.