



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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In the Matter of
Nantucket Islands Land Bank

May 15, 2019
Docket No. WET-2019-006
File No. SE 48-2885
Nantucket, MA

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 wetlands appeal concerns the proposed redevelopment of “Petrel Landing”, located at 17 Commercial Wharf in Nantucket. The project is proposed by the Nantucket Islands Land Bank (“NILB”), which owns the project site. On February 1, 2019, the Department’s Southeast Regional Office issued a Superseding Order of Conditions (“SOC”) to NILB approving the project pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (“MWPA”), and the Wetlands Regulations, 310 CMR 10.00 et seq. (“the Wetlands Regulations”). The SOC affirmed an Order of Conditions (“OOC”) issued to NILB by the Nantucket Conservation Commission (“NCC”) on January 10, 2018. In issuing the SOC, the Department determined that

the project as proposed and conditioned adequately protected the interests of the MWPA. SOC Cover Letter at ¶ 2. The Petitioner David Muller then brought this appeal (“Docket No.WET-2019-006”) challenging the SOC on the grounds that the proposed project purportedly failed to: (1) meet the performance standards for the affected wetlands resource areas and (2) protect the interests of the MWPA. The Petitioner sought to have the SOC vacated and a new SOC issued denying the project.

The Petitioner, however, recently executed and filed with the other parties to this appeal, a Stipulation of Dismissal with Prejudice of Docket No.WET-2019-006, requesting dismissal of this appeal with prejudice. The Stipulation of Dismissal constitutes a waiver by the Petitioner to any further administrative review before the Department as well as appeal to court of the SOC issued by the Department in this matter on February 1, 2019. Accordingly, the Department issues this Final Decision incorporating the Stipulation of Dismissal with Prejudice of Docket No. WET-2019-006, and dismisses this appeal with prejudice.



Salvatore M. Giorlandino
Chief Presiding Officer