



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

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In the Matter of  
Norman Rankow

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April 29, 2019  
Docket No. 2016-024  
File No. JD16-4678-474  
Edgartown, MA

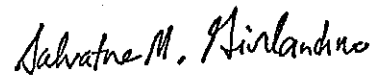
### **FINAL DECISION**

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.

In this appeal, Cynthia Reed as Trustee of the Cynthia Reed Revocable Trust (“the Petitioner” or “Reed”) challenged a positive Determination of Applicability that the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued on August 16, 2016 in response to a request for a Determination of Applicability filed by Norman Rankow (“the Applicant” or “Rankow”) pursuant to the Massachusetts Public Waterfront Act, G.L. c. 91 (“Chapter 91” or “c. 91”), and the Waterways Regulations at 310 CMR 9.00. The appeal has been stayed since January 17, 2017 to afford the Petitioner time to determine whether a Chapter 91 license was needed and if so, to apply for a Chapter 91 license.

The Petitioner has decided to file for a Chapter 91 License, and thus the appeal is moot. The Petitioner filed a withdrawal of its appeal on April 26, 2019.

The Petitioner's voluntary withdrawal of its appeal constitutes a waiver by the Petitioner to any further administrative review before the Department as well as appeal to court of the positive Chapter 91 Determination of Applicability that was at issue in this appeal. Accordingly, the Department issues this Final Decision incorporating the Petitioner's voluntary withdrawal, and dismisses this appeal.

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

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Salvatore M. Giorlandino  
Chief Presiding Officer

## **SERVICE LIST**

**In Re:**        **Norman Rankow**

**OADR Docket No.**     **2016-024**

**DEP Waterways File No. JD16-4678**  
**Determination of Applicability**  
**Edgartown, MA**

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Date: April 26, 2019

### **Party**

#### **PETITIONER**

Cynthia Reed Revocable Trust,  
Cynthia Reed, Trustee

#### **APPLICANT**

Norman Rankow

#### **DEPARTMENT**