



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

Martin Suuberg
Commissioner

In the Matter of
Wynn MA, LLC

July 22, 2016

Docket No. 2016-004
File No. W15-4480-N
Everett

FINAL DECISION

On July 15, 2016, the Presiding Officer issued a Recommended Final Decision which included recommended changes to the Written Determination and Draft Conditions ("Chapter 91 License") that the Department issued to the Applicant in this case. I adopt the Recommended Final Decision of the Presiding Officer in all respects with one exception noted below, and, as such, I direct the Department to issue the License with the following revisions (and any other conforming revisions required to give effect to these revisions) to the Written Determination and Draft Special Conditions.

The Written Determination shall be revised to describe a fifty (50) year term for the Chapter 91 License.

Special Waterways Condition Number 4 shall be amended by striking in the first sentence the words "but not less than 4.36 acres (the area equal to size of footprint of building in jurisdiction)".

Special Waterways Condition Number 5 shall be amended to include in the first sentence after the words “dock and float facilities” the following: “and the operation of water shuttle service from downtown Boston and the Boston Seaport to Licensee’s dock”.

I do not adopt the recommended inclusion of a new Special Condition for the fishing pier and canoe/kayak launch. However, my review of the record concludes that the Project as already conditioned serves a proper public purpose and provides greater benefit than detriment to the rights of the public in the tidelands. The Project facilities for water-dependent activity comply with 310 CMR 9.52(1)(a). While the Recommended Final Decision correctly notes that these amenities are described in the Municipal Harbor Plan, there is nothing in the record of either the consideration of the Written Determination or the appeal that discusses what an appropriate level of contribution would be for these additional off-site improvements.

The parties to this proceeding are notified of their right to file a motion for reconsideration of this decision, pursuant to 310 CMR 1.01(14)(d). The motion must be filed with the Case Administrator and served on all parties within seven business days of the postmark date of this decision. A person who has the right to seek judicial review may appeal this decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this decision.


Martin Suuberg
Commissioner

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