Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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October 14, 2016

Mr. Gary DiBella
12 Pierview Avenue
Revere, MA 02151

WETLANDS/REVERE
DEP File #061-0683
72 Goldie Street
NOTICE OF APPEAL

Dear Mr. DiBella:

Under the provisions of the Wetlands Protection Act, Massachusetts General Laws, Chapter 131, Section 40, and upon its own initiative, the Northeast Regional Office of the Massachusetts Department of Environmental Protection Wetlands Program ("MassDEP"), **hereby appeals** the project filing referenced above. This intervention is being made in accordance with 310 CMR 10.05(7) (c) based on the postmark of the Order of Conditions (October 6, 2016). MassDEP has assumed jurisdiction over the project and will make a determination as to whether those areas on which the proposed work is to be done are significant to the statutory interests identified in the Act.

It is MassDEP's opinion that the Order of Conditions issued by the Revere Conservation Commission is inconsistent with the Wetland Protection Act Regulations, 310 CMR 10.00. Specifically, MassDEP is concerned that the project does not comply with the Regulations at 310 CMR 10.057(4) for activities within Bordering Land Subject to Flooding.

In preparation for the issuance of a Superseding Order of Conditions, MassDEP will be scheduling an informal site visit with you and all concerned parties. All parties will be notified in writing of the site visit date and time.

In the event that MassDEP determines that the Order of Conditions as originally issued protects the interest of the Act and complies with its regulations, MassDEP reserves the right to withdraw its appeal and return jurisdiction to the Revere Conservation Commission.

This information is available in alternate format. Call the MassDEP Diversity Office at 617-556-1139. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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No activity may commence on any portion of the project site subject to the jurisdiction of M.G.L. 131, Section 40, until MassDEP issues a Superseding Order of Conditions and all appeal periods have elapsed, or in the alternative, MassDEP withdraws its appeal.

Sincerely,

Rachel Freed

Rachel Freed
Deputy Regional Director
Bureau of Water Resources - NERO

cc: Revere Conservation Commission, City Hall, 281 Broadway, Revere, MA 02151