



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

December 11, 2019

In the Matter of
Danielle Rizika

OADR Docket No. 2019-033
File No. W19-5483
Mashpee, 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, the Littleneck Bay Association, Inc. (“the Petitioner”) challenged a draft Chapter 91 License (“the c. 91 License”) that the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued on August 14, 2019 to Danielle Rizika (“the Applicant”) 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 c. 91 License tentatively approved a proposed project to reconstruct and maintain a pier, ramp and floats in and over the waters of Great River at 9 Keel Way and 0 Marsh, Waterline Drive South, in Mashpee. The Petitioner filed a Notice of Claim (“Appeal Notice”) with the Office of Appeals and Dispute Resolution (“OADR”) on September 6, 2019. In

its Appeal Notice, the Petitioner alleged that if the project proceeds as authorized, there will be significant navigational issues in the waterway.

On December 9, 2019, the Petitioner filed a Motion for Leave to Withdraw Notice of Appeal. 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 c. 91 License that was at issue in this appeal. Accordingly, the Department issues this Final Decision which grants the Petitioner's motion and dismisses this appeal.

A handwritten signature in black ink, reading "Salvatore M. Giorlandino". The signature is written in a cursive, flowing style.

Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

IN THE MATTER OF:
Docket No. 2019-033

Danielle Rizika

REPRESENTATIVE

PARTY

Barry P. Fogel, Esq.
Keegan Werlin LLP
99 High Street, Suite 2900
Boston, MA 02110
bfogel@keeganwerlin.com

PETITIONER

Christopher J. Kirrane, Esq.
Dunning, Kirrane, McNichols & Garner,
L.L.P.
P.O. Box 560
Mashpee, MA 02649
ckirrane@dunningkirkane.com

APPLICANT

Samuel Bennett, Esq., Senior Counsel
MassDEP Office of General Counsel
One Winter Street
Boston, MA 02108
samuel.bennett@mass.gov

DEPARTMENT

Brendan Mullaney, Environmental Analyst
Wetlands & Waterways Program
MassDEP Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
brendan.mullaney@mass.gov

DEPARTMENT

David Hill, Environmental Engineer
Wetlands & Waterways Program
MassDEP Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
David.hill@mass.gov

DEPARTMENT

Cc:
Shaun Walsh, Chief Regional Counsel
MassDEP/Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
shaun.walsh@mass.gov

DEPARTMENT

Leslie DeFilippis, Paralegal
MassDEP/Office of General Counsel
One Winter Street
Boston, MA 02108
Leslie.defilippis@mass.gov

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