



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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Secretary

Martin Suuberg  
Commissioner

February 10, 2020

In the Matter of  
Danversport Yacht Club Marina, LLC

OADR Docket No. 2019-036  
Waterways License Application No. W87-  
290

Danvers, 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.

Robert and Jane Fuller, (collectively “the Petitioners”) challenged a Draft Waterways License (“the c. 91 License”) that the Boston Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued on October 1, 2019<sup>1</sup> to DeLorenzo Family Trust (“the Applicant”). The c. 91 License was issued 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 authorized the Applicant to maintain the existing 50,770 square foot pile-held marina consisting of piers, ramps and floats; to

<sup>1</sup> This date is taken from the Petitioners’ Notice of Claim. The document issued by MassDEP appears to be undated.

delineate a marina reconfiguration zone; and to replace an existing pedestrian footbridge with a new pedestrian footbridge, in and over flowed tidelands of the Porter River and Millet Creek on Elliot Street in Danvers. The use of the authorized structures is limited to a public boating facility and boating and pedestrian access to and across navigable waters.

The Petitioners, who are owners of property at 30 Congress Street in Danvers with riparian rights to Millet Creek, alleged that the existing footbridge and the proposed new footbridge as designed interfere with access and navigation to the open water.

On February 7, 2020, the parties jointly filed a stipulation of dismissal and moved to dismiss the appeal. The Applicant and the Petitioners have executed a Settlement Agreement that disposes of the matter and does not require approval by the Commissioner as part of this appeal. The parties' stipulation of dismissal of the appeal constitutes a waiver by the parties 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 dismissing this appeal.



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Salvatore M. Giorlandino  
Chief Presiding Officer

## SERVICE LIST

**IN THE MATTER OF:**

**DANVERSPORT YACHT CLUB MARINA, LLC**

**Docket No. 2019-036**

**Danvers**

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