

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

100 CAMBRIDGE STREET, BOSTON, MA 02114 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

July 24, 2025

**In the Matter of
James L. III and Meredith Tedford,
10 Harvard St**

**OADR Docket No. 2025-009
DEP File # 23-WW01-0009-APP
Marblehead, MA**

RECOMMENDED FINAL DECISION

On April 14, 2025, Erin Pararas and George Pararas-Carayannis (the “Petitioners”), residents of 89 Harvard Street, Marblehead, Massachusetts, filed an appeal with the Office of Appeals and Dispute Resolution (“OADR”) to challenge a draft Chapter 91 Waterways License No. 23-WW01-000-APP (“Draft License”) issued by the Waterways Regulation Program of the Massachusetts Department of Environmental Protection (“MassDEP” or the “Department”). The Draft License was issued to James L. III and Meredith Tedford for the construction and maintenance of a wooden pier, gangway and dock and authorized after-the fact shoreline stabilization on filled and flowed tidelands of Marblehead Harbor, at and extending from 10 Harvard Street, Marblehead, Massachusetts (“proposed Project”).

On June 5, 2025, I issued an Order for a More Definite Statement (“the Order”) to the Petitioners so that they could provide a more definite statement of their claim that they are aggrieved. The deadline for their response to the Order was June 16, 2025; they did not file a response. On June 23, 2025, the Department filed a Motion to Dismiss citing as grounds therefore the Petitioners’ failure to file a response to the Order. On June 24, 2025, the Applicant filed a Memorandum in Support of MassDEP’s Motion to Dismiss, also asserting that the

Petitioners had failed to demonstrate standing as aggrieved persons, had failed to state a claim, and that the Petitioners' claim was frivolous. Any response from the Petitioner would have been due on or before July 2, 2025.¹ The Petitioners did not file a response to the Motion to Dismiss or Memorandum in Support.

310 CMR 1.01(5)(a)15.d authorizes the Presiding Officer to issue an Order for a More Definite Statement to a party to provide a more definite statement of their claims, and to show cause why an appeal should not be dismissed. 310 CMR 1.01(5)(a)15.f.vi authorizes the Presiding Officer to dismiss appeals for failure to comply with an order. Pursuant to 310 CMR 1.01(10):

When a party fails to file documents as required, respond to notices, correspondence or motions, comply with orders issued and schedules established in orders or otherwise fails to prosecute the adjudicatory appeal; demonstrates an intention not to proceed; demonstrates an intention to delay the proceeding or resolution of the proceedings; or fails to comply with any of the requirements set forth in 310 CMR 1.01; the Presiding Officer may impose appropriate sanctions on that party.

Among the sanctions authorized by this regulation is the sanction of dismissal. See 310 CMR 1.01(10)(e). Because the Petitioner failed to respond to the Order or to oppose MassDEP's Motion to Dismiss, supported by the Applicant, they have demonstrated an intention not to pursue their appeal and a sanction of dismissal is appropriate. I recommend that MassDEP's Commissioner issue a Final Decision dismissing the appeal and affirming the Draft License.

Date: July 24, 2025



Margaret R. Stolfa
Presiding Officer

¹ The appeal regulations provide in relevant part, "Any time within seven days after a written motion is filed with the Presiding Officer, any party may file a written objection to the motion" See, 310 CMR 1.01(11)(a)1.

NOTICE-RECOMMENDED FINAL DECISION

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to MassDEP's Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(d), and may not be appealed to Superior Court pursuant to G.L. c. 30A. The MassDEP Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain notice to that effect. Once the Final Decision is issued "a party may file a motion for reconsideration setting forth specifically the grounds relied on to sustain the motion" if "a finding of fact or ruling of law on which a final decision is based is clearly erroneous." 310 CMR 1.01(14)(d). "Where the motion repeats matters adequately considered in the final decision, renews claims or arguments that were previously raised, considered and denied, or where it attempts to raise new claims or arguments, it may be summarily denied. . . . The filing of a motion for reconsideration is not required to exhaust administrative remedies." Id.

Because this matter has now been transmitted to MassDEP's Commissioner, no Party to this appeal shall file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party shall communicate with the MassDEP Commissioner's office regarding this decision unless MassDEP's Commissioner, in her sole discretion, directs otherwise.

SERVICE LIST

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