



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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Secretary

Martin Suuberg  
Commissioner

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In the Matter of  
John Crane

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OADR Docket No. 2021-002  
Plymouth, MA  
Enforcement Order

## **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.

Petitioner John Crane challenged an Enforcement Order (“EO”) issued by the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) on December 1, 2020 for alleged violations of the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Wetlands Regulations, 310 CMR 10.00. The EO alleged that the Petitioner altered Wetland Resource Areas without a permit at property owned by him at 120R Drew Road in Plymouth, Massachusetts (“the Site”). The appeal was stayed on May 5, 2021, pursuant to the authority of 310 CMR 1.01(5)(a)3, to afford the parties time to engage in settlement negotiations and to address larger issues at the Site involving non-parties to the appeal.

On December 21, 2021, MassDEP filed notice with the Office of Appeals and Dispute Resolution (“OADR”) that it was withdrawing the EO because:

Over the course of this proceeding, the Town of Plymouth has become proactively involved in this matter and is working with the Petitioner to address these larger issues, as well as the culvert. MassWildlife’s Natural Heritage & Endangered Species Program is also involved in this process due to the presence of several protected species at the Site. The Petitioner filed a Notice of Intent to begin remedial work at the Site and currently has a request for a Superseding Order of Conditions (the “SOC”) with MassDEP’s Southeast Regional Office.

MassDEP’s Notice of Withdrawal at p. 1. MassDEP asserts in its notice that the outstanding issues at the site are best addressed by the Petitioner in coordination with the Plymouth Conservation Commission through the permitting process. Because MassDEP is withdrawing the EO, which was the basis for the Petitioner’s appeal, the appeal has become moot.

On February 4, 2022, the parties filed a joint stipulation of dismissal stipulating that this appeal be dismissed as moot because MassDEP has withdrawn the EO at issue in the 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 Enforcement Order that was at issue in this appeal. Accordingly, the Department issues this Final Decision dismissing the appeal.



Date: February 7, 2022

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Salvatore M. Giorlandino  
Chief Presiding Officer

## **SERVICE LIST**

In the Matter of  
John Crane

Docket No. 2021-002  
Enf. Doc. # 00010273

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