

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 21, 2023

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In the Matter of  
Margaret and Robert Maier

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OADR Docket No. WET-2019-033  
DEP File No. SE 19-1711  
Eastham, MA

**RECOMMENDED FINAL DECISION**

On July 6, 2023, the Petitioner, Paul Dinto, through its counsel, expressed that he does not intend to prosecute this appeal.<sup>1</sup> Therefore, I recommend that the Commissioner enter a final decision dismissing this matter pursuant to 310 CMR 1.01(5)(a)15.f.ii.<sup>2</sup>



Date: July 21, 2023

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Patrick M. Groulx  
Presiding Officer

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<sup>1</sup> Attorney Christopher J. Snow stated in an E-mail to this Office, "On behalf of Petitioner Paul Dinto, in view of the final decision of the Barnstable Superior Court affirming the Eastham Conservation Commission's denial of the Maier's application under the local Town bylaw, the Petitioner will not be pursuing the above appeal."

<sup>2</sup> "The Presiding Officer may, on the Presiding Officer's own initiative or on a party's motion where appropriate, without limitation: ... prescreen appeals and determine their potential amenability to settlement through alternative dispute resolution and early resolution through motions to dismiss. Prescreening may include, without limitation: ... issuing recommended final decisions for the dismissals of appeals, including, but not limited to, where there is... the withdrawal of the notice of claim...."

### **NOTICE OF RECOMMENDED FINAL DECISION**

This decision is a Recommended Final Decision of the Presiding Officer issued pursuant to 310 CMR 1.01(5)(a)15.f.ii.. 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 M.G.L. c. 30A. The Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

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

## **SERVICE LIST**

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