



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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May 4, 2021

In the Matter of
Michael Stevens

OADR Docket No. WET-2019-004
File No. SE 13-1265
Cohasset, 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.

The Town of Cohasset Conservation Commission (“the Petitioner”), filed this appeal challenging a Superseding Order of Conditions issued to Michael Stevens, Stevens Construction and Development, LLC, by the Massachusetts Department of Environmental Protection’s Southeast Regional Office (“the Department”) on January 4, 2019. The SOC was issued pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (“MWPA”), and the Wetlands Regulations, 310 CMR 10.00 et seq. (“the Wetlands Regulations”). The SOC approved a project for construction of a single-family house at property located at Lots F and G Rust Way in Cohasset, Massachusetts. The property is owned by Ms. Leslie Fallon. The Petitioner denied the project pursuant to both the MWPA and the Cohasset wetlands bylaw. The

Applicant appealed the bylaw denial to Superior Court and as a result, this appeal was stayed while that appeal was pending. The Applicant filed periodic status reports in accordance with the Order Staying Appeal issued by Presiding Officer Jane Rothchild on February 11, 2019.

The Applicant prevailed in his bylaw appeal. The Superior Court vacated the Petitioner's decision and remanded the matter to the Petitioner for further proceedings. On remand the Petitioner again issued an Order of Conditions denying the project under the local bylaw. The Applicant decided not to appeal the denial and the denial is now final. As a result, no work can be performed under the SOC because the SOC requires approval under the local bylaw.

On April 15, 2021, the Petitioner moved to dismiss its appeal as moot. The motion is allowed. Additionally, pursuant to 310 CMR 1.01(5)(a)2, the Petitioner's appeal is dismissed because the record discloses that the proposed project has been denied by the Petitioner pursuant to the Cohasset wetlands bylaw and that denial is final. The Petitioner's voluntary dismissal 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 SOC that was at issue in this appeal. Accordingly, the Department issues this Final Decision which allows the Petitioner's motion and dismisses this appeal.



Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

IN THE MATTER OF: **MICHAEL STEVENS**

Docket No. WET-2019-004 **Cohasset**

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