

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

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THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

December 23, 2025

In the Matter of Richard E. Toran,
Jr., and Ann J Toran

OADR Docket Number: 2025-003
DEP File No. 24-WW01-128-APP
Hingham, Massachusetts

RECOMMENDED FINAL DECISION

A Ten Residents Group (“Petitioner”) has filed this appeal with the Office of Appeals and Dispute Resolution (“OADR”)¹ of the Massachusetts Department of Environmental Protection (“Department”) challenging the issuance of a draft Waterways License (“Draft License”) pursuant to G.L. c. 91 (“Chapter 91”) and 310 CMR 9.00, *et seq.* (“the Waterways Regulations”), and dated January 17, 2025. The Draft License authorizes Richard E. Toran, Jr., and Ann J. Toran (“Applicants”), to construct and maintain a pier, ramp, and float in and over the waters of South River (“Project”) at 7 Holmes Street, Scituate (“Property”).

This Recommended Final Decision comes after the Petitioner was accorded several opportunities to adequately plead the grounds for its appeal in a More Definite Statement (“MDS”). Moreover, consistent with the Petitioner’s burden of proof in the appeal, specifically its burden to prove through expert witness testimony at an evidentiary Adjudicatory Hearing

¹ OADR is an independent quasi-judicial office in the Department which is responsible for advising its Commissioner in resolving all administrative appeals of Department Permit Decisions, Environmental Jurisdiction Determinations, and Enforcement Orders.

(“Hearing”) that the Department erred in issuing the Draft License, I directed the Petitioner to identify its expert witnesses and their expected testimony. In response, the Petitioner refused to identify its expert witnesses, instead relying on the lay testimony of its members.

As discussed below, the Petitioner had three opportunities to file an MDS that complied with the pleading requirements of 310 CMR 1.01(6)(b), 310 CMR 1.01(11)(b), and 310 CMR 9.17(3). Having failed to file a conforming pleading after having been given these multiple opportunities—and refusing to comply in strident terms—I recommend that the Department’s Commissioner issue a Final Decision pursuant to 310 CMR 1.01(10)(e) and (g) dismissing this appeal and affirming the Draft License.

I. Procedural History.

The Petitioner filed this appeal on February 5, 2025. Upon receiving it, I reviewed the Petitioner’s Notice of Claim (“Appeal Notice”) and determined that it did not meet the pleading requirements of 310 CMR 1.01(6)(b), 310 CMR 1.01(11)(b), and 310 CMR 9.17(3) (each discussed in detail below at page 5). Accordingly, on February 14, 2025, I issued an Order for More Definite Statement (“Order for More Definite Statement”). The Order for More Definite Statement required the Petitioner to submit an MDS that included “a clear and concise reference to the statutory and regulatory provisions governing the Draft License that tie[d] them to the facts alleged which [were] grounds for the Petitioner’s appeal of the Draft License and the relief sought, including the changes the Petitioner desire[d] in the final license.” Order for More Definite Statement, p. 3. I also required that the Petitioner “in accordance with 310 CMR 1.01(11)(b), include in its MDS the name of its expert witnesses, the credentials that establish[ed] the foundation for them to offer opinion testimony, and a summary of what the Petitioner anticipate[d] their testimony [would] be.” Id.

On February 25, 2025, the Petitioner filed its More Definite Statement. I reviewed the More Definite Statement and issued an Order on March 3, 2025, requesting that “the Department and the Applicants [] each file a memorandum expressing their respective views on whether the Petitioner’s More Definite Statement complie[d] with my Order for More Definite Statement, including whether the More Definite Statement [met] the pleading requirements of 310 CMR 1.01(6)(b) and 310 CMR 9.17(3)” by March 12, 2025. I also gave the Petitioner the opportunity to reply to those filings by March 19, 2025.

On March 11, 2025, without seeking leave to do so, the Petitioner filed a “Supplemental Response to Order for More Definite Statement” (“Supplemental Response”). The Applicants and the Department filed their Responses to the Petitioner’s MDS on March 12, 2025. The Petitioner filed a Reply on March 17, 2025.

For the reasons discussed below, I determined that the Petitioner’s MDS and its Supplemental Response remained deficient. Accordingly, on April 4, 2025, I issued an “Order to Show Cause Why the Petitioner’s Appeal Should Not Be Dismissed for Failure to Comply with Pleading Requirements and Order for More Definite Statement” (“Order to Show Cause”) pursuant to 310 CMR 1.01(5)(a)5. In the Order to Show Cause, I ordered the Petitioner to file a Response on or before April 18, 2025, and disclose the following (which I had previously ordered in the Order for More Definite Statement):

1. In accordance with 310 CMR 1.01(6)(b), 310 CMR 1.01(11)(b), and 310 CMR 9.17(3), the Petitioner [was required to] set forth in its More Definite Statement a clear and concise reference to the statutory and regulatory provisions governing the Draft License that tie[d] them to the facts alleged which [were] grounds for the Petitioner’s appeal of the Draft License and the relief sought, including the changes the Petitioner desire[d] in the final license.

2. As the Petitioner ha[d] the burden of proof in this matter to prove through expert testimony at an evidentiary adjudicatory hearing that the Department improperly issued the Draft License, the Petitioner [was required], in accordance with 310 CMR 1.01(11)(b), include in its More Definite Statement the name of its expert witnesses, the credentials that establish[ed] the foundation for them to offer opinion testimony, and a summary of what the Petitioner anticipate[d] their testimony will be.

Order to Show Cause, p. 13. I also advised the Petitioner “that the failure to file a timely and proper Reply to this Order to Show Cause [would] result in my issuance of a Recommended Final Decision recommending that the Department’s Commissioner issue a Final Decision dismissing this appeal for failure to comply with the pleading requirements of 310 CMR 1.01(6)(b), 310 CMR 1.01(11)(b), and 310 CMR 9.17(3) and the Order for More Definite Statement.” Id.

On April 16, 2025, the Petitioner filed a Response to the Order to Show Cause in which it declined to identify its expert witnesses and requested interlocutory review of this matter by the Commissioner. On April 25, 2025, the Department and the Applicant submitted Replies to the Petitioner’s Response.

II. The Applicable Regulatory Standards.

A. Sanctions under 310 CMR 1.01(10).

Under 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. Sanctions include, without limitation:

(a) taking designated facts or issues as established against the party being sanctioned;

(b) prohibiting the party being sanctioned from supporting or opposing designated claims or defenses, or introducing designated matters into evidence;

(c) denying summarily late-filed motions or motions failing to comply with 310 CMR 1.01(4);

(d) striking pleadings in whole or in part;

(e) dismissing the adjudicatory appeal as to some or all of the disputed issues;

(f) dismissing the party being sanctioned from the appeal; and

(g) issuing a final decision against the party being sanctioned.

Dismissal is appropriate where a Petitioner fails to file a conforming Notice of Claim. In the Matter of Jeffrey and Jennifer Fitton, OADR Docket No. WET-2021-028, Recommended Final Decision (July 29, 2021), 2021 WL 3477379, *3-*4 (dismissing appeal where petitioner failed to file conforming Notice of Claim despite multiple opportunities to do so), adopted as Final Decision (July 29, 2021), 2021 WL 3477398; In the Matter of Edwin Mroz, OADR Docket No. 2017-021, Recommended Final Decision (June 7, 2019), 2019 WL 4735471, *13-*14 (imposing sanctions for failure to file Pre-Filed Testimony despite multiple opportunities to do so), adopted as Final Decision (June 18, 2019), 2019 WL 4735469; In the Matter of 181 Coleridge St., LLC, OADR Docket No. 2021-024, Recommended Final Decision (February 18, 2022), 2022 WL 2389041, *2-*3 (same), adopted as Final Decision (February 23, 2022), 2022 WL 2389040.

B. Pleadings in a Chapter 91 appeal.

Under the Adjudicatory Proceedings Rules at 310 CMR 1.01(6)(b), a Notice of Claim must “state specifically, clearly and concisely the facts which are grounds for the appeal, the relief sought, and any additional information required by applicable law or regulation.” Where an Appeal Notice does not meet the requirements of 310 CMR 1.01 and other applicable regulations, 310 CMR 1.01(6)(b) provides that the Presiding Officer “shall dismiss the appeal or require a more

definite statement.” In the event the Petitioner fails to file a more definite statement within the required time, the appeal “shall be dismissed.” *Id.* Likewise, under 310 CMR 9.17(3), a Notice of Claim in a Chapter 91 matter must also include “the specific objections to the Department’s . . . draft license . . . and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written” license.

The Adjudicatory Proceeding Rules at 310 CMR 1.01(11)(b) set forth the parameters of an Order for More Definite Statement. This Rule provides that:

Where a notice of claim for adjudicatory appeal is so vague or ambiguous that it does not provide adequate notice of the issues to be addressed and the relief sought, any party may move for, or the Presiding Officer may order, a more definite statement. The motion or order shall set forth the defects complained of and the details desired. *A motion or order for a more definite statement also may seek or require the Petitioner to file sufficient evidence to meet the burden of going forward by producing at least some credible evidence from a competent source in support of the position taken.* The more definite statement shall be filed within ten days of the Presiding Officer's order being sent or within another time as may be ordered. If the more definite statement is not filed within the prescribed deadline, the Presiding Officer may either dismiss the adjudicatory appeal, grant the relief sought, or make another order as may be appropriate.

310 CMR 1.01(11)(b) (emphasis added). Orders for More Definite Statement under 310 CMR 1.01(11)(b) are consistent with the directive in the Adjudicatory Proceeding Rules at 310 CMR 1.01(1)(b) that “[the Rules] shall be construed [by the Presiding Officer in an appeal] to secure a just and speedy determination of every appeal.” They also are consistent with the directive in 310 CMR 1.01(4)(b) that there be a good faith basis for an appeal.

Moreover, the language of 310 CMR 1.01(11)(b) italicized above also serves as a reminder to the parties in an appeal of a Department permit determination (as this appeal is) that the Petitioner has the burden of proof in the appeal and, as such, must present “credible evidence from a competent source” to meet its burden of proof. Such a competent source is an expert witness duly

qualified to testify in favor of the Petitioner's positions on the issues for adjudication in the appeal. Specifically, a competent witness is one who has sufficient expertise to render testimony on the technical issues on appeal. Matter of Diamond Dev. Realty Trust, Docket No. WET-2018-016, Recommended Final Decision (April 2, 2019), 2019 WL 4735457, *5-*6 (no evidence of requisite qualifications as expert witness), adopted as Final Decision (April 8, 2019), 2019 WL 4735456.

III. Analysis.

I have reviewed the Petitioner's MDS, Supplemental Response, and Response to the Order to Show Cause. They fail to comply with the pleading requirements of 310 CMR 1.01(6)(b), 310 CMR 1.01(11)(b), 310 CMR 9.17(3), and the Order for More Definite Statement. In its More Definite Statement, the Petitioner failed to disclose its expert witnesses and failed to provide evidence from a competent source in support of its claims. The Petitioner's More Definite Statement did not propose changes to the Draft License but instead repeated its request that the Draft License be vacated in its entirety because of purported serious errors committed by the Department in issuing the Draft License. The Petitioner's Response to the Order to Show Cause offered proposed changes to the Draft License but still failed to disclose the Petitioner's expert witnesses. Because the Petitioner did not comply fully with the Order to Show Cause, I recommend that the Commissioner dismiss the matter.²

A. The Petitioner failed to identify its expert witnesses, their qualifications, and their expected testimony.

The Order for More Definite Statement and the Order to Show Cause required the Petitioner to disclose the names of its expert witnesses, their qualifications, and a summary of their testimony. The Petitioner refused to do so in strident terms in its MDS and its Supplemental

² Because I recommend that the Commissioner dismiss this appeal, I do not address the Department's argument that the Petitioner failed to adequately plead standing. See Petitioner Response to MDS, p. 2.

Response, stating that “at this juncture of the proceedings, there is no requirement that such statement must state such facts to a scientific - expertise - certainty.” More Definite Statement, p. 2; see also Response to Order to Show Cause, p. 2. This statement is incorrect for two reasons. First, the Petitioner misstates the standard: 310 CMR 1.01(11)(b) does not require a petitioner to prove its entire case at the outset, but merely to meet its burden of going forward. Under 310 CMR 1.03(2), “[t]he burden of going forward means having to produce at least some credible evidence from a competent source in support of the position taken.” See In the Matter of Jon L. Bryan, OADR Docket No. DEP-04-767, Recommended Final Decision (July 25, 2005), 2005 WL 4124541, *2. It is long established that a “competent source” is a witness qualified to render expert testimony. See In the Matter of Pittsfield Airport Comm'n, OADR Docket No. 2010-041, Recommended Final Decision (August 11, 2010), 2010 WL 3427461, *11, adopted as Final Decision (August 19, 2010), 2010 WL 3427460 (“A ‘competent source’ is a witness who has sufficient expertise to render testimony on the technical issues on appeal” and collecting cases where the petitioner failed to offer evidence from a competent source). Thus, to meet its burden of going forward, a petitioner must provide expert testimony on point.

Second, the Petitioner’s statement in response to the Order for More Definite Statement that “there is no requirement” to identify its expert witnesses baldly disregards not only the order itself but the plain language of 310 CMR 1.01(11)(b). This regulation explicitly allows a Presiding Officer at the outset of an appeal to require a petitioner to “file sufficient evidence to meet the burden of going forward by producing at least some credible evidence from a competent source in support of the position taken.” 310 CMR 1.01(11)(b). That is what I did here.

“When a party fails to . . . comply with orders issued,” it is subject to sanctions, up to and including the Presiding Officer “issuing a final decision against the party being sanctioned.” 310

CMR 1.01(10). The Petitioner’s refusal to comply with the Order to Show Cause despite being given multiple opportunities to do so justifies the sanction of dismissal. See In the Matter of Francis Eaton, Trustee of the FW Eaton Qualified PR Trust, OADR Docket No. WET-2011-020, Recommended Final Decision (June 21, 2017), 2017 WL 2843034, *2 (recommending dismissal for failure to follow Presiding Officer’s orders), adopted as Final Decision (June 22, 2017), 2017 WL 2843032.

B. The Petitioner has failed to provide evidence from a competent source in support of its claims.

I have reviewed the Petitioner’s More Definite Statement and Supplemental Response. They still lack “credible evidence from a competent source in support of the position taken” and therefore do not meet the Petitioner’s burden of going forward. 310 CMR 1.03(2).

A witness is generally limited to testifying to what they have perceived. See Black's Law Dict. (11th ed. 2019) p. 1921, col. 1 (defining “percipient witness” as “[a] witness who has perceived things about which he or she testifies....”); cf. Mass. Guide Evid. § 701 (Opinion testimony by lay witnesses). A witness may generally not offer expert testimony in the form of an opinion unless the witness has “specialized knowledge [that] would be helpful” to the finder of fact. Com. v. Pytou Heang, 458 Mass. 827, 844 (2011).

While the rules of evidence do not apply in administrative proceedings, G.L. c. 30A, § 11(2), Massachusetts Guide to Evidence § 702 guides the admissibility of opinion testimony. See Matter of Salvatore and Nancy Vigorito, OADR Docket No. 028-2859, Recommended Final Decision (March 19, 2024), 2024 WL 3649620, *12, adopted as Final Decision (July 3, 2024), 2024 WL 3649618. In order for a witness to be qualified to give opinion testimony:

[t]he proponent of [the] expert witness testimony has the burden of establishing the five foundational requirements for admission. First, the proponent must establish that the expert witness testimony will assist the trier of fact. Second, the proponent must demonstrate that the witness is qualified as an expert in the relevant area of inquiry. Third, the proponent must demonstrate that the facts or data in the record are sufficient to enable the witness to give an opinion that is not merely speculation. Fourth, the expert opinion must be based on a body of knowledge, a principle, or a method that is reliable. Fifth, the proponent must demonstrate that the expert's opinion reflects a reliable application of the body of knowledge, the principle, or the method to the particular facts of the case.

Mass. Guide Evid. § 702, Note (internal citations omitted). “Each of these five foundation[al] requirements is a preliminary question of fact for the trial judge to determine.” Id.

As to the second factor, the one most pertinent here, “[t]he crucial issue in determining whether a witness is qualified to give an expert opinion is whether the witness has sufficient education, training, experience and familiarity with the subject matter of the testimony.” Com. v. Richardson, 423 Mass. 180, 183 (1996) (quotations and citation omitted). Although education is often an important element in determining a witness's qualification to offer opinion testimony, this factor may be met by sufficient experience. See Cronin v. McCarthy, 22 Mass. App. Ct. 448, 451 n. 1 (1986) (collecting cases where experts are qualified on the basis of experience).

The Petitioner desires several changes to the Draft License, including reducing the width of the river that the Project will cover, reducing the size of the float, redesigning the lateral access to allow the public to walk over the Project, replacement of sea grass, and making the final license subject to the approval of the Massachusetts Division of Marine Fisheries and the U.S. Army Corps of Engineers. Petitioner Response to Order to Show Cause, p. 3. The Petitioner also contends that the Draft License is so flawed that it should not be granted at all. Supplemental Response, p. 3. Each of these grounds requires a technical analysis that only expert witnesses can

provide. Thus, only expert witnesses can offer competent evidence in support of the Petitioner's appeal.

The Petitioner "offers the members of the Ten Residents [Group] as expert witnesses" Response to Order to Show Cause, p. 2. However, each of the Petitioner's witnesses fails to lay a foundation demonstrating that they have "sufficient education, training, experience and familiarity with the subject matter of [their] testimony" for the following reasons. Richardson, 423 Mass. at 183. First, the Petitioner's lay witness, Ana Bard, does not describe any expertise in her Affidavit supporting the Petitioner's MDS that she may have with Chapter 91. Moreover, many of her statements are cast merely as her "belief" of what might happen if the pier at issue in this appeal is built. See Aff. Ana Bard, ¶¶ 19-22.

Second, the affidavits of the Petitioner's other lay witnesses are even more sparse, offering no foundation and merely conclusory statements about the possible effects of the dock. See Aff. Jean DeFlorio, ¶ 2 (conclusory statement that the dock would "drastically impact the South River Humarock experience and increase the risk of accidents."); Aff. Anne Doherty, ¶ 2 ("The construction of the large pier will disrupt" use of floatation devices); Aff. Michael Doherty, ¶ 2 ("The construction of the large pier will disrupt" use of floatation devices); Aff. Walter Doherty, p. 1 ("The enormous pier that the Toran family is building will definitely hinder" swimming, floating, and hunting crabs and minnows); Aff. Kelly Hathaway, ¶ 4 (dock will "greatly impact" people who paddleboard, canoe, boat, and swim); Aff. Ronald E. Hathaway, ¶ 1 ("The structure would drastically impact the South River Humarock experience."); Aff. Brian Hawes, ¶ 2 (dock would "drastically impact" "paddle boarding, kayaking, floats, swimming, beaching and fishing"); Aff. Lisa Hébert, ¶ 2 (dock would "drastically impact" "paddle boarding, kayaking, floats, swimming, beaching and fishing"); Aff. Paul Hébert, ¶ 2 (dock would "drastically impact" "paddle

boarding, kayaking, floats, swimming, beaching and fishing”); Aff. Daniel Smith, p. 1 (speculating about the effect of the dock on kayaks, canoes, paddle boards, and boats). In many instances, the Petitioner’s affiants allege that the dock will impede on their views from their property, an interest not protected by Chapter 91. Higgins v. Dep’t of Env’t Prot., 64 Mass. App. Ct. 754, 757 (2005). See Aff. Anne Doherty, ¶ 2; Aff. Michael Doherty, ¶ 2; Aff. Kelly Hathaway, ¶ 3; Aff. Ronald E. Hathaway, ¶ 4; Aff. Lisa Hébert, ¶ 2; Aff. Paul Hébert, ¶ 2; Aff. Daniel Smith, p. 2. None of these witnesses is a competent source in support of the Petitioner’s positions in challenging the Draft License here.

The Supplemental Response does not repair the extant deficiencies in the Petitioner’s pleadings. The Petitioner argues that the Draft License does not comply with 310 CMR 9.29(3)(a) but, again, does not support its statements with competent expert testimony. Neither Ana Bard, Walter Doherty, Lisa Hébert, nor Paul Hébert, who submitted affidavits in support of the Supplemental Response, lay any foundation to allow them to offer expert opinion testimony. The Supplemental Response also appears to add an entirely new claim, that the Draft License interferes with the public right to boat and swim in South River. Supplemental Response, p. 2. But again, this claim is not supported with competent evidence. Lastly, the Petitioner has failed to propose any changes to the Draft License. The Supplemental Response does not alter my conclusion that an Order to Show Cause should issue.

The Petitioner contends that I am prematurely “decid[ing] on the credibility and competency of [its] witnesses.” Response to Order to Show Cause, p. 3. This is not correct. I am not assessing the credibility of the witnesses but asking whether, assuming that their testimony is taken as true, they meet the minimum threshold to offer opinion testimony. I conclude that they do not.

The Petitioner also alleges that it “has tried to find expert witnesses and still looks for expert witnesses but have been unable to find experts witnesses that will testify on behalf of the Ten Residents.” Response to Order to Show Cause, p. 2. At no point did the Petitioner request additional time to locate an expert witness. Even so, the Petitioner has had since February 5, 2025, when it filed its Notice of Claim, to locate a qualified expert witness, and neglected to do so.

In sum, the Petitioner has failed to present competent expert testimony to prove that the Department erred in issuing the Draft License. Its failure notwithstanding multiple opportunities to do so warrants dismissal. See In the Matter of Edgewater Bog Realty Trust, OADR Docket No. 2010-047 and 048, Recommended Final Decision (November 29, 2010), 2010 WL 5478619, *1-*2 (recommending dismissal for failure to comply with an Order for More Definite Statement), adopted as Final Decision (December 15, 2010), 2010 WL 5478620;

C. The Petitioner has provided “the changes desired in the final written determination, license, or permit” required by 310 CMR 9.17(3) but still has failed to comply with the entirety of the Order to Show Cause.

Under 310 CMR 9.17(3), a Notice of Claim must include “specifically the changes desired in the final written determination, license, or permit.” “A Petitioner cannot obtain [its] desired changes if it does not identify any specific ways in which the Written Determination does not comply with the regulations.” In the Matter of Suffolk Square Assocs. III Ltd. P'ship., OADR Docket No. 2016-031, Recommended Final Decision (February 3, 2017), 2017 WL 1063621, *8, adopted as Final Decision (February 14, 2017), 2017 WL 1063698.

In its Response to the Order to Show Cause, the Petitioner lists seven changes that it wishes to see in the final license. Response to Order to Show Cause, p. 3. This is the first time that the Petitioner has listed explicitly the changes that it wishes to see in the final license. Based on my review of these proposed changes, the Petitioner has complied with the portion of the Order to

Show Cause requiring it to list with specificity the proposed changes to the Draft License.

However, this does not change my conclusion that it failed to comply with the entirety of the Order to Show Cause and that dismissal is still warranted.

D. Interlocutory appeal to the Commissioner is unavailable.

The Petitioner “request[s] an[] interlocutory appeal to the Commissioner for the sole purpose as to define, ‘the Petitioner to file sufficient evidence to meet the burden for going forward by producing at least some credible evidence from a competent source to in support of the position taken.’” Response to Order to Show Cause, pp. 3-4. The Adjudicatory Proceeding Rules do not provide for interlocutory review by the Commissioner. As stated below, whether the Commissioner requests additional information from the Parties after this Recommended Final Decision is issued and prior to issuing a Final Decision is committed to her sole discretion. 310 CMR 1.01(14)(a) (after issuance of a Recommended Final Decision by the Presiding Officer in appeal “[t]he Commissioner shall have the discretion to allow or order parties to argue orally before the Commissioner”). Accordingly, insofar as the Petitioner requests that I take action to transmit this appeal to the Commissioner for interlocutory review, the Petitioner’s request is denied.

IV. Conclusion.

The Petitioner has failed to offer competent evidence in support of its claims despite being given several opportunities to do so and being ordered to do so in the Order to Show Cause. I therefore recommend that the Department’s Commissioner issue a Final Decision dismissing the Petitioner’s appeal pursuant to 310 CMR 1.01(10)(e) and (g) and affirming the Draft License.



Patrick M. Groulx
Presiding Officer

Date: December 23, 2025

NOTICE OF RECOMMENDED FINAL DECISION

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the 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 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 may file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party may communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

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