



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

**December 12, 2023**

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In the Matter of  
Stephen Arena,  
128 Wheeler Street

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OADR Docket No. WET-2022-021  
DEP File No. 028-2825  
Gloucester, MA

## **FINAL DECISION**

I have reviewed the following:

- (1) the attached Settlement Agreement signed by the applicant Stephen Arena (“the Applicant”) on March 14, 2023, by Chuck Schade for the City of Gloucester Conservation Commission (“the GCC”) on March 17, 2023, and by Eric Worrall, Regional Director for the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) on March 22, 2023;
- (2) the proposed Final Order of Conditions (“FOC”) that was prepared in connection with the Settlement Agreement; and
- (3) the August 2, 2023 Recommended Final Decision (“RFD”) of the Presiding Officer recommending that I approve the Settlement Agreement and FOC.

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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Based on my review, I adopt the Presiding Officer's RFD as my Final Decision in this appeal and in doing so, I also approve and incorporate in this Final Decision the Settlement Agreement and the FOC.

In accordance with the provisions of 310 CMR 1.01(8)(c), the Applicant, the GCC, and MassDEP have waived as between them whatever rights they may have had to further administrative review before the Department as well as appeal to court as a result of having entered into the Settlement Agreement. The Petitioners, James Bordinaro and Jan Bordinaro, who objected to the Settlement Agreement for reasons that the Presiding Officer properly rejected in her RFD, are notified of their right to file a motion for reconsideration of this Final Decision, pursuant to 310 CMR 1.01(14)(d). The motion must be filed with the Case Administrator and served on all parties within seven business days of the postmark date of this Final Decision. The Petitioners may also seek judicial review of this Final Decision by appealing this Final Decision to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint for judicial review must be filed in the Court within thirty days of the Petitioners' receipt of this Final Decision.



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Bonnie Heiple  
Commissioner

## **SERVICE LIST**

<b><u>Party</u></b>	<b><u>Legal Representative</u></b>
<b><u>Petitioner</u></b>  James and Jan Bordinaro c/o Seaside Legal Solutions P.O. Box 1172 Gloucester, MA 01930	Joel Favazza, Esq. Mustafa Sidki, Esq. Seaside Legal Solutions 123 Main Street, Suite 301 Gloucester, MA 01930 <a href="mailto:jfavazza@seasidelegal.com">jfavazza@seasidelegal.com</a> <a href="mailto:msidki@seasidelegal.com">msidki@seasidelegal.com</a>
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