

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

April 6, 2026

In the Matter of
Wareham MA 3, LLC

OADR Docket Number: WET-2024-017
DEP File No. SE 76-2684
Wareham, Massachusetts

RECOMMENDED FINAL DECISION

A Ten Residents Group (“Petitioner”) has filed this appeal with the Office of Appeals and Dispute Resolution (“OADR”)¹ challenging the issuance by the Southeast Regional Office of the Massachusetts Department of Environmental Protection’s (“SERO” or the “Department”) of a Superseding Order of Conditions (“SOC”) dated May 10, 2024, pursuant to the Massachusetts Wetlands Protection Act, G.L. c. 131, § 40 (“MWPA”), and the Wetlands Regulations, 310 CMR 10.00, *et seq.* The SOC reversed an Order of Conditions – Denial (“OOC”) issued by the Wareham Conservation Commission (“Commission”) to Wareham MA 3, LLC (“Applicant”) dated November 28, 2022. The project as approved by the SOC will consist of two solar arrays, perimeter fencing, photovoltaic solar panels, racking systems, inverters, transformers, battery storage units and associated concrete pads, above- and below-ground utilities, storm water facilities, and a gravel road (“Project”). The Project will clear forested upland which will then be covered with a meadow-style seed mix after development. The Petitioner asks that the SOC be

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.

vacated and a Final Order issue denying the Project. The Applicant and the Department ask that the SOC be affirmed.

On December 31, 2024, the Applicant filed a Motion to Dismiss for Failure to Sustain a Case pursuant to 310 CMR 1.01(11)(e) (“Motion for Directed Decision”). The Applicant argued that the Petitioner has failed to meet its burden of going forward on its claims. The Petitioner filed an Opposition to the Motion for Directed Decision on January 10, 2025, arguing that it has met its burden of going forward on Issues for Adjudication 2 and 3.² The Department filed an Assent to the Motion for Directed Decision on July 8, 2025, agreeing with the Applicant that the Petitioner failed to meet its burden of going forward.

I have reviewed the Motion for Directed Decision, the Department’s Assent to the Motion for Directed Decision, the Petitioner’s Opposition to the Motion for Directed Decision, the Petitioner’s Pre-Filed Testimony (“PFT”), and the documents produced by the Department at the outset of this appeal. Following my review, I recommend that the Commissioner grant the Motion for Directed Decision on all Issues for Adjudication and issue a Final Decision affirming the SOC with some minor modifications discussed below beginning at page 24.

I. Issues for adjudication.

The Parties collaborated at the September 25, 2024, Pre-Hearing Conference to formulate the Issues for Adjudication (“Issues”). Following the Pre-Hearing Conference, I issued a Pre-Hearing Conference Report and Order setting the agreed Issues in this appeal as follows:

1. Whether the resource area delineation on which the SOC is based is accurate.
2. Whether the Project complies with the provisions of 310 CMR 10.53 governing Buffer Zone and 310 CMR 10.55 governing Bordering Vegetated Wetlands (“BVW”).

² The Petitioner offered no argument or evidence in support of Issue for Adjudication 1.

3. Whether the Project complies with the Stormwater Standards at 310 CMR 10.05(6)(k)8. and 9.

II. Witnesses.

As the Department has brought a Motion for Directed Decision, I consider only the PFT offered by the Petitioner. See 310 CMR 1.01(11)(e).

A. Brandon Faneuf.

Mr. Faneuf is the President of Ecosystem Solutions, Inc., an environmental consulting firm. Faneuf PFT, ¶ 1.³ He has been a wetland scientist, soil scientist, and wildlife biologist for more than 26 years. Id. at ¶ 2. He has also provided consulting services for various conservation commissions throughout the Commonwealth. Id. He is a Professional Wetland Scientist, id. at ¶ 9; Certified Professional in Erosion & Sediment Control, id. at ¶ 10; Certified Wildlife Biologist, id. at ¶ 11; and Certified Coastal Invasives Manager. Id. at ¶ 12. He has testified as an expert witness in other OADR proceedings. Id. at ¶ 15. I find him qualified “by knowledge, skill, experience, training, or education” to render expert testimony in this appeal. See Matter of Jon L. Bryan, OADR Docket No. DEP-04-767, Recommended Final Decision (July 25, 2005), 2005 WL 4124541, *3.

B. Katherine Harrelson.

Ms. Harrelson is a staff scientist and outreach coordinator for Save the Pine Barrens, Inc. Harrelson PFT, ¶ 1. She has professional certifications in Construction Site Supervision and

³ Citations to relevant testimony and argument are as follows:

Pre-Filed Testimony: “[Witness] PFT, ¶ [paragraph]”

Pre-Hearing Memorandum: “[Party] Memo., p. [page number]”

Exhibits: “[Witness] Ex. [Exhibit identifier]”

Motion for Directed Decision: “Applicant Motion, p. [page number]”

Opposition to the Motion for Directed Decision: “Petitioner Opposition, p. [page number]”

Department Assent to the Motion for Directed Decision: Department Assent, p. [page number]

OSHA 10 General Industry from the Occupational Safety and Hazard Administration. Id. at ¶ 2. She has a professional training certificate in Wetlands Delineations from Rutgers University and became a Certified Stream Monitor for the New Jersey Department of Environmental Protection in 2017. Id. She has 18 years of experience conducting inspections and investigations at various locations to evaluate compliance with wetlands rules, collect samples, and assess other aspects of regulatory compliance. Id. at ¶ 5. I find her qualified “by knowledge, skill, experience, training, or education” to render expert testimony in this appeal. See Bryan, 2005 WL 4124541 at *3.

C. Annie Hayes.

Ms. Hayes owns property abutting the Project site. Hayes PFT, ¶ 4. She is a member of the of the Petitioner-Ten Residents Group. Id. at ¶ 5. She testifies to her observations of the Project site. Id. at ¶¶ 9-10. She also testifies to her own research on the water sources of other properties in the vicinity of the Project. Id. at ¶ 11.

D. Nancy McHale.

Ms. McHale has been the Treasurer of the Wareham Land Trust, Inc. (“WLT”),⁴ since 2002. McHale PFT, ¶ 3. She is an abutter to the Project site and a member of the Petitioner-Ten Residents Group. Id. at ¶ 7; Appeal Notice, p. 1 n. 1. She has been an analytical chemist for over 40 years. Id. at ¶ 2. Ms. McHale is familiar with the topographic and hydrologic conditions on the Project site, including its wetlands, slopes and stormwater drainage patterns. Id. at ¶ 7. She has observed the Project site yearly during her tenure as co-monitor of the Fearing Hill Conservation Area between 2005 and 2021. Id. I find her qualified “by knowledge, skill, experience, training, or education” to render expert testimony in this appeal. See Bryan, 2005 WL 4124541 at *3.

⁴ The WLT has as its mission “to conserve Wareham's open space and natural resources, to unite citizens in a common goal of conservation and responsible land use, and to educate the public about the environmental and economic benefits of protecting open space and promoting sustainable development.” McHale PFT, ¶ 4.

E. Kathleen Pappalardo.

Ms. Pappalardo is the President of the WLT. Pappalardo PFT, ¶ 3. She is also an abutter to the Project site. Id. at ¶ 4. She testifies to her observations at the Project site. Id. at ¶¶ 6-8.

III. Facts.

The facts are stated in the light most favorable to the Petitioner. See In the Matter of King's Grant Water Company, Inc., OADR Docket Nos. 2020-023, 2020-026, 2020-035, 2020-038, Recommended Final Decision (January 8, 2024), 2024 WL 1516283, *15, adopted as Final Decision (February 13, 2024), 2024 WL 1516280. The Applicant filed a Notice of Intent (“NOI”) with the Commission on May 17, 2021. NOI, p. 1 (produced by the Department at the outset of the appeal). The NOI proposed the construction of “two solar arrays, perimeter fencing, photovoltaic solar panels, racking systems, inverters, transformers, and battery storage units with associated concrete pads, above and below ground utilities, stormwater facilities, and a gravel road to access to all electrical equipment pads.” Id. at p. 4. The Project site is currently wooded, and would be cleared and “covered with a meadow-style seed mix after development” that would be composed of “native, non-invasive, species [that would] provide a more diverse habitat for wildlife throughout the site.” Id. at p. 5. The Applicant proposed “that stormwater runoff from the proposed development area [] be directed to a series of stormwater Best Management Practices (“BMPs”), including grassed swales, stormwater detention basins, and stone infiltration trenches which will prevent direct discharge of untreated stormwater to the wetland’s areas on the site” and attenuate any increases in peak flows. Id. The proposal also provided that “[w]ildlife passage through the site and solar fields will be enhanced by providing a 6-inch gap at the bottom of the security fence surrounding the arrays.” Id.

As part of its analysis, the Commission retained the Horsley Witten Group as a peer reviewer to produce a report (“the Horsley Report”) “to assess the potential for the project to

create negative impacts to surrounding abutters related to increased groundwater elevations and/or overland stormwater runoff.” Harrelson Ex. C, p. 1, Horsley Report. Horsley “review[ed] existing information, collect[ed] new field data, and model[ed] the groundwater and stormwater changes anticipated to occur from the proposed project.” Id. Horsley was concerned that “[a]ny potential increase in water table elevation (mounding) could impact the performance of nearby septic systems and their compliance with Massachusetts Title 5 regulations. As such, the focus of [its] study [was] on potential hydrogeologic and hydrologic concerns for these nearest neighbors.” Id. at p. 3. Horsley dug test pits, performed percolation tests, drilled monitoring wells, surveyed the monitoring wells, and manually collected water level data. Id. at p. 4.

Horsley offered a number of recommendations in its final report, including applying Rhode Island standards to the site,⁵ updating the Applicant’s HydroCAD modeling, modeling the western railroad grade/drainage ditch and its culvert, minimizing stormwater runoff and stormwater infiltration along the southwestern slope of the hill, and requiring construction and post-construction monitoring. Id. at pp. 38-39. The Applicant contends that the Horsley Report “led to significant project revisions by the Applicant that reduced the size of the Project and relocated all stormwater infrastructure away from abutting residential properties and outside of the 100-foot Buffer Zone.” Applicant Motion, p. 8. The Petitioner does not contest this assertion. Notably, the Department did not consult the Horsley Report as part of its analysis, as it was not part of the basic documents produced by the Department in the course of this appeal.

On November 28, 2022, the Commission issued the OOC denying the Project. The Commission found, in part, that “[c]lear cutting 18+ acres on this property will result in a

⁵ As opposed to Massachusetts guidance for ground-mounted solar facilities, the “Rhode Island guidance calls for a minimum spacing between rows of panels of at least equal to the width of those panels” Harrelson Ex. C, p. 38. The Horsley Report opined that the Rhode Island standard would require “wider spacing between panels would better allow for a healthy grass or meadow ground cover to establish.” Id.

degradation of water quality treatment compared to what currently exists.” OOC, p. 16 (produced by the Department at the outset of the appeal). The Commission was concerned that the proposed stormwater management system would “change the normal flow of water down the hill resulting in increased velocity of stormwater down gradient of the discharge points and to the stream that emanates from the wetland system” Id. The Commission found that the proposed clear cutting would “result in damage to the down stream wetland, which is also valuable Town owned conservation property.” Id. The Commission was also concerned that “[t]he project will also be surrounded by a 7-8' high perimeter security chain link fence which will create a barrier to wildlife and fragment the existing wildlife corridors that currently exist in this area.” Id. at p. 6. The Commission found that the Project did not comply with 310 CMR 10.55(3) and (4)(a) as well as portions of the Wareham Wetland Protective By-law.⁶ Id.

After receiving the OOC, the Applicant requested that the Department review the Project and issue an SOC. The SOC approved the Project as proposed. Among other findings, the SOC found that:

⁶ On January 17, 2023, the Applicant filed an appeal of the denial under the local By-Law, Wareham 3 MA, LLC v. Town of Wareham Conservation Commission, Plymouth Superior Court Docket No. 2383CV00050 (“2023 Complaint”). On November 22, 2024, while this appeal was pending, the Applicant and the Commission settled the 2023 Complaint, and the Commission agreed to issue an amended Order of Conditions with several amendments and approving the Project under the By-Law. The Commission issued the amended Order of Conditions on January 15, 2025.

On March 12, 2025, the Petitioner informed OADR that the amended Order of Conditions had issued. The Petitioner requested a stay pursuant to the Department's Administrative Appeals Policy for the Review of Project Plan Changes, Policy 91-1. The Department and the Applicant opposed the Motion, arguing that the amendments were insubstantial and *de minimis*. I denied the request for a stay on March 17, 2025, finding that the amendments to the Order of Conditions were insubstantial and *de minimis*.

In the meantime, I learned that on March 14, 2025, members of the Petitioner-Ten Residents Group filed a Superior Court complaint against the Applicant and the Commission (“2025 Complaint”) alleging that the Commission issued the amended Order of Conditions without giving all parties proper notice in violation of the local By-Law. See Pappalardo v. Wareham 3 MA, LLC, Plymouth Superior Court Docket No. 2583CV00242. That appeal remains pending as of the date of this Recommended Final Decision. No Parties have requested a stay due to this pending Superior Court appeal. I have not stayed this appeal because the 2025 Complaint is not an appeal of a denial under the local By-Law. See 310 CMR 1.01(6)(h) (requiring a matter be stayed if an Order of Conditions “is denied under a local wetlands bylaw and the denial is appealed to court”).

[t]he solar project is entirely within upland, with some activity located in Buffer Zone to [Bordering Vegetated Wetland] BVW. The work in Buffer Zone, as described above, is limited to mostly stormwater management Best Management Practices (BMPs), and erosion and sedimentation controls and plans are described in the project in order to protect the wetland associated with the buffer zone.

SOC Cover Letter, p. 2 (produced by the Department at the outset of the appeal). “The Department [] determined that the proposed stormwater management plan complies with the stormwater management standards and will not negatively impact the wetland nearby. Monitoring of the stormwater management systems is set to occur post[-construction].” Id.

IV. Procedural History.

On May 24, 2024, the Petitioner filed its Appeal Notice with OADR. Appeal Notice, p. 1. On July 3, 2024, the Applicant filed “Applicant’s Motion to Dismiss for Failure to State a Claim, and in the Alternative, Applicant’s Motion for More Definite Statement” (“Motion to Dismiss”). The Applicant argued that the Petitioner had failed to state a claim on which relief could be granted and argued in the alternative that the Petitioner be required to submit a More Definite Statement. The Department assented to the Motion to Dismiss on July 15, 2024, making arguments similar to the Applicant. The Petitioner filed its Opposition to the Motion to Dismiss on July 26, 2024, arguing that it had clearly and concisely stated the facts constituting the grounds for its appeal. On August 8, 2024, I denied the Motion to Dismiss and issued an Order requiring the Petitioner to submit a More Definite Statement describing in greater detail the factual basis of its claims.

The Petitioner filed its More Definite Statement on August 16, 2024. The Applicant renewed its Motion to Dismiss on August 23, 2024, arguing that the Petitioner still failed to state a valid claim for relief. The Petitioner filed an Opposition by email stating that it opposed the Renewed Motion to Dismiss for the reasons stated in its Opposition to the Motion to Dismiss.

The Department did not file in support of or in opposition to the Renewed Motion to Dismiss. I issued an Order on the Renewed Motion to Dismiss on September 6, 2024. The Petitioner's surviving claims were incorporated into the Issues for Adjudication at the Pre-Hearing Conference.

On September 25, 2024, I held a Pre-Hearing Conference with the Parties and issued a Pre-Hearing Conference Report and Order the same day setting a briefing schedule for the filing of Pre-Filed Testimony and Memoranda of Law. The Petitioner filed its Pre-Filed Testimony and Memorandum of Law on December 10, 2024. On December 31, 2024, the Applicant filed its Motion for Directed Decision. The Petitioner filed its Opposition to the Motion for Directed Decision on January 13, 2025. I issued an Order staying further briefing in the appeal pending the resolution of the Motion for Directed Decision on January 15, 2025. On June 26, 2025, I ordered the Department to offer its views on whether the Applicant's Motion for Directed Decision should be granted. On July 8, 2025, the Department filed an Assent to the Motion for Directed Decision and offered additional argument.

V. The Applicable Standards and Regulations.

A. The standard for dismissal for failure to sustain a case.

Under 310 CMR 1.01(11)(e),

Upon the petitioner's submission of prefiled testimony, or at the close of its live direct testimony if not prefiled, any opposing party may move for the dismissal of any or all of the petitioner's claims, on the ground that upon the facts or the law the petitioner has failed to sustain its case; or the Presiding Officer may, on the Presiding Officer's own initiative, order the petitioner to show cause why such a dismissal of claims should not issue.

As a recent Final Decision of the Department has stated:

“Dismissal [of an appeal pursuant to 310 CMR 1.01(11)(e)] for failure to sustain a case, also known as a directed decision, is appropriate when a party's direct case - generally, the testimony and exhibits comprising its prefiled direct testimony - presents no

evidence from a credible source in support of its position on the identified issues.” In the Matter of Thomas Vacirca, Jr., OADR Docket No. WET-2016-017, Recommended Final Decision (April 11, 2017), [2017 WL 1656467], adopted as Final Decision, (April 18, 2017), [2017 WL 1656463]. In essence, a directed decision should be entered against the petitioner in the appeal when the petitioner does not have a reasonable likelihood of prevailing on its claims in the appeal because the petitioner's evidentiary submissions are deficient as a matter of law. Id.

In the Matter of James Valis, OADR Docket No. 2021-015, Recommended Final Decision (July 7, 2022), 2022 WL 3147139, *2, adopted as Final Decision (July 25, 2022), 2022 WL 3147141.

A Motion for Directed Decision is akin to a motion for directed verdict under Mass. R. Civ. P. 50(a). Accordingly, when assessing a motion for directed verdict, the evidence is reviewed in the light most favorable to the non-movant, in this case the Petitioner. King's Grant, 2024 WL 1516283, *15, 2024 WL 1516280; Enrich v. Windmere Corp., 416 Mass. 83, 84-85 (1993); see Poirier v. Plymouth, 374 Mass. 206, 212 (1978); Chase v. Roy, 363 Mass. 402, 404 (1973).

B. The burden of going forward.

As the party challenging the Department’s issuance of the SOC, the Petitioner has the burden of proof in this *de novo* appeal to produce credible evidence from a competent source to support its positions. 310 CMR 10.03(2); 310 CMR 10.05(7)(j)2.b.iv.; 310 CMR 10.05(7)(j)2.b.v.; 310 CMR 10.05(7)(j)3.a.; 310 CMR 10.05(7)(j)3.b. This burden is referred to as the “burden of going forward.” See In the Matter of Diamond Dev. Realty Trust, OADR Docket No. WET-2018-016, Recommended Final Decision (April 2, 2019), 2019 WL 4735457, *5, adopted as Final Decision (April 8, 2019), 2019 WL 4735456; 310 CMR 10.03(2). Specifically, the Petitioner is required to present “credible evidence from a competent source in support of each claim of factual error [made against the Department], including any relevant expert report(s), plan(s), or photograph(s).” 310 CMR 10.05(7)(j)3.c.ii.; see also 310 CMR

10.03(2). “A ‘competent source’ is a witness who has sufficient expertise to render testimony on the technical issues on appeal.” 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. Whether the witness has such expertise depends “[on] whether the witness has sufficient education, training, experience and familiarity with the subject matter of the testimony.” Comm. v. Cheromcka, 66 Mass. App. Ct. 771, 786 (2006) (internal quotations omitted); see, e.g. In the Matter of Carl Carulli, OADR Docket No. DEP-06-071, Recommended Final Decision (August 10, 2006), 2006 WL 4211673, *4-*7, adopted as Final Decision (October 25, 2006) (dismissing claims regarding flood control, wetlands replication, and vernal pools for failure to provide supporting evidence from competent source); In the Matter of Indian Summer Trust, Docket No. 2001-142, Recommended Final Decision (May 4, 2004), 2004 WL 3973695, *2 (insufficient evidence from competent source showing that interests under MWPA were not protected), adopted as Final Decision (June 23, 2004).

C. The Massachusetts Wetlands Protection Act.

The MWPA’s statutory mandate is to protect wetlands areas and to regulate activities affecting those areas in a manner that promotes the following eight interests: (1) protection of public and private water supply; (2) protection of ground water supply; (3) flood control; (4) storm damage prevention; (5) prevention of pollution; (6) protection of land containing shellfish; (7) protection of fisheries; and (8) protection of wildlife habitat. G.L. c. 131, § 40; 310 CMR 10.01(2); see In the Matter of Kristen Kazokas, OADR Docket No. WET-2017-022, Recommended Final Decision (August 29, 2018), 2018 WL 9847851, *3, adopted as Final Decision (September 18, 2019), 2019 WL 5209254, quoting Ten Local Citizen Group v. New England Wind, LLC, 457 Mass. 222, 224 n. 6 (2010). The Resource Area at issue in this appeal

is BVW. BVWs “are areas where ground water discharges to the surface and where, under some circumstances, surface water discharges to the ground water.” 310 CMR 10.55(1). The proposed Project will take place, in part, in the Buffer Zone to BVW, which is the area within 100 feet of the BVW.⁷ 310 CMR 10.02(2)(b).

VI. Analysis.

The Petitioner’s Memorandum of Law and Opposition to the Motion for Summary Decision make four arguments: (1) the proposed Project has not been adequately conditioned to protect public and private water supplies (Issue 2), (2) the proposed Project has not been adequately conditioned to protect animal habitat (Issue 2), (3) the proposed Project does not meet the requirements of 310 CMR 10.05(6)(k)8. (Issue 3), and (4) the proposed Project does not meet the requirements of 310 CMR 10.05(6)(k)9. (Issue 3). I find that the Petitioner has failed to meet its burden of going forward on each of these arguments. I therefore recommend that the Commissioner issue a Final Decision affirming the SOC with some minor modifications discussed below beginning at page 24.

A. Directed Decision is granted on Issue 1.

The Petitioner has offered no Pre-Filed Testimony or argument on Issue 1. As a result, as a matter of law, the resource area delineation on which the SOC is based is accurate.

⁷ A project in the Buffer Zone (other than certain “minor activities” defined in 310 CMR 10.02(2)(b)) is subject to regulation under the MWPA and requires the filing of a Notice of Intent. 310 CMR 10.02(2)(b); In the Matter of Robert J. Cote, OADR Docket No. WET-2017-014, Recommended Final Decision (August 9, 2018), 2018 WL 6040705, *3, adopted as Final Decision (August 28, 2018), 2018 WL 6040704. Activities in the Buffer Zone do not have to meet the performance standard of the Resource Area. Kazokas, 2018 WL 9847851 at *5. If the Department determines that the proposed activity in the Buffer Zone will alter the Area Subject to Protection, “the applicant has a lighter burden and need demonstrate only that the work ‘will contribute to the protection of the interests identified in [the act]’ as determined by the issuing authority.” Id.; New England Wind, 457 Mass. at 225, citing 310 CMR 10.02(2)(b), 310 CMR 10.03(1)(a)(3).

B. The Petitioner has not met its burden of going forward on Issue 2 with respect to its argument that the proposed Project will affect public and private water supplies.

I begin with two evidentiary matters. I find that the Horsley Report is inadmissible but that an excerpt of the Federal Register is admissible. I then turn to the merits. The Petitioner argues that the SOC does not adequately protect public and private water supplies. Petitioner Memo., p. 3. Even if all of the Petitioner's testimony is taken as true, the Petitioner's PFT is conclusory, lacks supporting evidence, and is not the product of reliable principles and methods that were reliably applied to the facts.⁸

1. The Horsley Report is inadmissible.

The Applicant objects to the Petitioner's use of the Horsley Report in the Petitioner's PFT, and the Department also argues that the Horsley Report is inadmissible. Petitioner Motion, pp. 7-9; Department Assent, p. 2. The Department and the Applicant contend that if the Petitioner wanted to use the Horsley Report as evidence, it "was required to submit the sworn [PFT] of the author of the Horsley [Report] to authenticate it and be subject to cross-examination at the adjudicatory hearing by Parties." Applicant Motion, p. 8, citing Matter of Thomas Vacirca, Jr., OADR Docket No. WET-2016-017, Recommended Final Decision (April 11, 2017), 2017 WL 1656467, adopted as Final Decision (April 18, 2017), 2017 WL 1656463. In Vacirca, the Chief Presiding Officer declined to allow into evidence a report that was "rendered for the [conservation commission] and not for the Petitioner." Id. "The Department also did not follow the [report at issue] after it performed its own wetlands assessment during the SOC review process." Id. In order to rely on the Horsley Report, the petitioner would have had to "submit the

⁸ See Matter of SEMASS P'ship, OADR Docket No. 2010-051, Recommended Final Decision (June 18, 2013), 2013 WL 3196118, *8, adopted as Final Decision (June 24, 2013), 2013 WL 3243091; Matter of Norman Rankow, OADR Docket No. WET-2012-029, Recommended Final Decision (August 6, 2013), 2013 WL 4080414, *11, adopted as Final Decision (August 12, 2013).

sworn PFT of the author of the [report] to authenticate it and be subject to cross-examination at the evidentiary Adjudicatory Hearing by the Applicant and the Department.” Id.

That is the situation here. The Horsley Report was prepared for the Commission. See Harrelson Ex. C. It was utilized by the Commission in deciding the OOC, but not by the Department in preparing the SOC, as the Department did not produce the Horsley Report as one of the files it reviewed in issuing the SOC. The Petitioner therefore cannot rely on it without properly authenticating its contents, which it has failed to do.

The Petitioner contends that “The Applicant’s September 2, 2022[,] 188[-]page Stormwater Addendum 3 by Atlantic Design specifically addresses the Horsley-Witten Group study, thus incorporating its findings.” Petitioner Opposition, p. 9. This assertion does not ameliorate the evidentiary issue. I have reviewed Addendum 3 carefully and the Horsley Report is not included. The only reference to the Horsley Report is in a letter dated September 1, 2022, where the Applicant’s engineer responds to some of the points made in the report. But mere reference to the Horsley Report does not demonstrate that the Department considered the report itself. I therefore do not consider the Horsley Report.⁹

Moreover, even if I was to accept the Horsley Report into evidence, it does not support the Petitioner’s position. The Petitioner argues that the Horsley Report “indicates that a potential increase in water table elevation could have negative impacts on nearby septic systems.”

Harrelson PFT, ¶ 18. But the Horsley Report analyzes an earlier iteration of the Project—not the one that is the subject of the SOC.

⁹ For similar reasons, I do not consider the report at Harrelson Ex. D, a report titled “Hydrogeology and simulation of groundwater flow in the Plymouth-Carver-Kingston-Duxbury aquifer system, southeastern Massachusetts: U.S. Geological Survey Scientific Investigations Report 2009–5063.” This report was referenced in the Horsley Report, Harrelson PFT, ¶ 14, but there is no indication that report is part of the record here.

Also notable, the Petitioner itself casts doubt on the Horsley Report. Ms. Harrelson observes that the authors of the Horsley Report “did not conduct a full year hydrological study to determine actual water levels, flooding, or runoff patterns at the Project Site under current conditions. Seventy-five percent of the groundwater elevation monitoring data was collected during the dry season.” Harrelson PFT, ¶ 28. The authors also “did not account for the fact that this area surrounding the Site will be impervious.” *Id.* at ¶ 32. Ms. Harrelson offers her opinion that the Horsley Report “is based on insufficient data to make a reasonable conclusion about groundwater elevations year round, or the direction and rates of groundwater flow toward the southeastern side of the Site. The Horsley Report also failed to assess groundwater flow in the northern direction of the Project Site.” *Id.* at ¶ 30. Given that the Petitioner itself argues that the Horsley Report is deficient, *see* Petitioner Memo., p. 5, the report offers nothing in support of the Petitioner’s arguments.

2. The excerpt from the Federal Register is admissible.

The Applicant states that Mr. Faneuf cannot rely on Faneuf Ex. 2, an excerpt of the 1990 Federal Register, because he did not author it. Motion for Directed Decision, p. 8. Unlike the Horsley Report, the Federal Register is an official government publication¹⁰ and undoubtedly “the kind of evidence on which reasonable persons are accustomed to rely in the conduct of serious affairs.” G.L. c. 30A, § 11(2).¹¹ I therefore consider Mr. Faneuf’s testimony on this point.

¹⁰ “The Federal Register is the official daily publication for Presidential Documents, Executive Orders, proposed, interim, and final rules and regulations, and notices by Federal Agencies, as well as notices of hearings, decisions, investigations, and committee meetings.” About this Collection, Library of Congress, <https://www.loc.gov/collections/federal-register/about-this-collection/> (last accessed July 9, 2025).

¹¹ I note also that the Applicant requested in its Motion for Directed Decision on the same page that I take administrative notice of several maps because they are “official government publications.” Motion for Directed Decision, pp. 8-9.

3. The Petitioner has not met its burden of going forward on Issue 2 with respect to its argument that the SOC fails to protect public and private water supplies.

Turning to the Petitioner's substantive arguments (except as those arguments rely on the Horsley Report), the Petitioner contends that "[s]tormwater from the three detention basins for the 44[-]acre Site that includes about 20 acres of clear-cut forest will overflow toward adjacent wetland areas." Petitioner Memo., p. 3. The Applicant and the Department both contend that the Petitioner has not met its burden of going forward on this argument. Applicant Motion, pp. 6-7; Department Assent, pp. 2-3. The Petitioner contends that it has. Petitioner Opposition, pp. 7-8. I conclude that the Petitioner does not show with competent evidence that the Project, to the extent that it occurs in the Buffer Zone to BVW, will have an adverse effect on the BVW. The Petitioner relies on conclusory statements or, in some instances, no evidence at all.

First, the Petitioner argues that the "Project sits on the southwestern boundary of the USGS MODFLOW model of the Plymouth Carver Aquifer." Petitioner Memo., p. 5. The Department does not directly address this argument. But as the Applicant notes, none of the Petitioners' witnesses testify to any effect that the Project will have on BVW that will impair the aquifer. Applicant Motion, p. 8.

The Petitioner emphasizes that the Department has not demonstrated that the Project does not affect the aquifer. See Petitioner Memo., p. 5 ("The Department provides no explanation why Public Water Supply interests are not present and can be ignored in the SOC."). But this improperly places the burden on the Department. It is the Petitioner who must provide evidence that the Project will have an adverse effect on the BVW and as a result the water supply. The Petitioner offer no evidence; its argument is therefore unsupported.

Second, Mr. Faneuf's testimony observes that the Department's SOC "did not list Public Water Supply as an applicable Interest of the [MWPA] in [the SOC], when the site is in the

Plymouth-Carver Sole Source Aquifer, the primary source of drinking water to residents.”

Faneuf PFT, ¶ 31. He “testifies that if the Public Water Supply is not an interest identified, then the SOC could not have been conditioned to protect this interest.” Opposition to Motion for Summary Decision, p. 8. However, failing to check the box on the SOC form¹² finding that the work is significant to public water supply does not show that the Project as conditioned does not protect this interest. It is the Petitioner’s burden to show that the Project as conditioned in the SOC does not protect public water supplies regardless of whether the box on the WPA form was checked or not. The Petitioner fails to do so. Even taking Mr. Faneuf testimony as true, the Petitioner has done nothing to show that the Project will adversely affect the BVW and then that such adverse effect will adversely affect private water supplies. Mr. Faneuf’s statement lacks further explanation and is therefore conclusory. See In the Matter of 518 South Ave. LLC, OADR Docket No. WET-2019-028, Recommended Final Decision (May 8, 2020), 2020 WL 3058248, *11-*12, adopted as Final Decision (May 11, 2020), 2020 WL 3058251 (not crediting “conclusory, unsupported statements and opinions”).

Third, Mr. Faneuf testifies that the “clearcutting of + eighteen (18) acres of trees is expected to create wind fetch across the area of the solar array.” Faneuf PFT, ¶ 33; see also Petitioner Memo., p. 5 (making a similar argument). Mr. Faneuf believes that when this clearcutting happens, the “trees in the remaining Buffer Zone and BVW near the Buffer Zone will have mortality rates at a level to adversely impact the resource area.” Id. The Applicant does not address this argument, but as the Department observes, Mr. Faneuf’s testimony is conclusory. Department Assent, p. 3. Mr. Faneuf does not explain in any detail how the BVW will be impacted or attempt to quantify the impact on the BVW in any way. Mr. Faneuf’s testimony lacks the detail necessary to meet the Petitioner’s burden.

¹² WPA Form 5 – Superseding Order of Conditions.

Fourth, the Petitioner argues:

Residents abutting the Site obtain their water from underground wells. The grading and clearing of 4,000 square feet of vegetation within BZ to the BVW threatens Public and Private Water Supply and Groundwater Supply. The loss of at least 20 acres of trees on a steep hillside, where stormwater is directed to stormwater basins and wetlands off the site, directs runoff to the groundwater. The loss of trees, vegetation and soil including in the [Buffer Zone] will reduce the filtration for the groundwater. The testimony of Pappalardo, McHale and Hayes who are abutters to the Site who receive their drinking water from underground private wells testify that the Work threatens their wells. The water runs off from the eastern part of the hill toward their property. Any uncaptured stormwater will drain into the wetlands. The clearing of the land will increase the volume and speed at which water moves toward the wetlands.

Petitioner Memo., pp. 5-6. The Applicant and the Department argue that the Petitioner's evidence is again conclusory. Applicant Motion, p. 8; Department Assent, p. 3. The Petitioner's argument again fails to be supported in several ways.

First, the statement in the Petitioner's Memorandum that the "loss of at least 20 acres of trees on a steep hillside, where stormwater is directed to stormwater basins and wetlands off the site, directs runoff to the groundwater" is not testified to by any of the Petitioner's witnesses. There is likewise no explanation for how an increase in the "speed at which water moves toward the wetlands" will adversely impact the water supply. Petitioner Memo., p. 6.

Next, while Ms. Pappalardo, Ms. McHale, and Ms. Hayes worry that the Project will affect their wells, they do not explain *how* they believe it will affect their wells. Ms. McHale expresses her "concern" about the "increase in volume of water to the easterly side of the project." McHale PFT, ¶ 12. She states that:

the stormwater runoff from the panels and bare ground on the westerly side of the project, which naturally flow into the Sippican watershed, will be diverted via a piping system to the easterly side of the project. This increase in volume of water to the Weweantic watershed will potentially create standing water or swamp rather than a vibrant wetland that provides significant habitat benefits and replenishes drinking water supplies.

Id. She also expresses concern “about the unknown effects that removing water runoff from the westerly side will have on the Sippican watershed.” Id. None of these statements is supported with further analysis or evidence; they are merely speculative. See 518 South Ave. LLC, 2020 WL 3058248 at *11-*12.

Ms. McHale also worries that her well and septic “systems could be adversely affected by the increase in the existing water table caused by the Project. The quality of drinking water from the well is also subject to any contamination” Id. at ¶ 21. This statement is also unsupported by facts showing that the Project would cause an increase in the water table, and if so, how that would specifically impair her well and septic system.

Ms. Pappalardo offers the following testimony:

Based on my observations and knowledge obtained about the area surrounding the Project Site during decades of observations and study I believe the overall hydrological impact on the contiguous wetlands, neighboring wells and septic systems and personal property has not been adequately addressed in the Superseding Order of Conditions issued by MassDEP.

Pappalardo PFT, ¶ 13. This statement is one of her beliefs, but she offers no testimony laying a foundation for offering an expert opinion, and she has no experience with the Wetlands Regulations or wetlands science. She also testifies that “[b]y altering the Buffer Zone to the Bordering Vegetated Wetlands on the Project Site, and the interconnected grading and deforestation surrounding it, I believe there could be impacts to groundwater, erosion wetlands, water resources and private water supplies.” Id. at ¶ 15. This, again, is a statement of “belief” without the factual or scientific expertise foundation necessary to offer opinion testimony. Even taking Ms. Pappalardo’s statements as true, they are unsupported with factual analysis and therefore insufficient to meet the Petitioner’s burden.

Lastly, Ms. Hayes states that she also has “a private septic system that I own and am responsible for maintaining.” Hayes PFT, ¶ 8. She offers no testimony about any adverse effects

that would occur to her private septic system as a result of the Project. None of the PFT that the Petitioner cites meets its burden of going forward on its argument that the proposed Project threatens the witnesses' private wells.

The Petitioner cannot meet its burden of going forward by stating that the Department failed to consider certain statutory interests under the MWPA but offering nothing to show how the Project would fail to protect those interests. In sum, the Petitioner has failed to meet its burden of going forward on its argument that the proposed Project will adversely affect private water supplies. The Petitioner has failed to support its argument, and Directed Decision should be granted for the Applicant.¹³

C. **The Petitioner has not met its burden of going forward on Issue 2 with respect to the Petitioner's argument that the proposed Project will affect animal habitat.**

The Applicant intends to install a chain link fence around the Project site. The Petitioner argues that "[t]he chain link fence will create a barrier to wildlife and endanger the existing wildlife corridors that currently exist in the area." Petitioner Memo., p. 7.

In support of the Petitioner's argument, Mr. Faneuf testifies:

The fencing around the solar array, although leaving six (6") inches for small wildlife to be able to traverse between sides, will not allow large mammals such as whitetail deer and/or black bear to do the same. Despite the 4,000 square feet of disturbance within the Buffer Zone, the fencing as a whole will cause a significant shift in movement and migration patterns for large mammals. In my experience, this forces large mammals into undesirable areas, such as back yards of residential dwellings and out of their natural habitat.

Faneuf PFT, ¶ 32. The fencing is primarily in upland, although some areas to be fenced are in the Buffer Zone. See Plan, Sheet 2. Ms. Harrelson also testifies that various animals, including

¹³ In support of its argument regarding Issue 2, the Applicant submitted maps along with its Motion for Directed Decision and asked me to take administrative notice of them. However, a Motion for Directed Decision is based on the sufficiency of the Petitioner's own PFT and exhibits as well as other documents produced by the Department in the course of the appeal. Matters outside of these materials are irrelevant. I therefore do not take administrative notice of the Applicant's maps, and they played no part in this Recommended Final Decision.

“deer, gray fox, gray squirrel, and raccoon” “would [] be present on the Project Site.” Harrelson PFT, ¶¶ 40, 42.¹⁴

The Applicant contends that Matter of Beacon Ocean Shore Ltd. P'ship, OADR Docket No. DEP-06-135, Ruling on Directed Decision Motions and Motions to Strike (February 16, 2007), *5, Final Decision (September 6, 2007), 2007 WL 4465017, applies here. Applicant Motion, pp. 5-6. The Petitioner does not attempt to distinguish this case, and I agree with the Applicant. The MWPA “does not protect wildlife habitat in uplands or in the buffer zone of wetlands.” Id. In Beacon Ocean Shore, the Petitioner challenged a project, arguing that if the project was approved, “two-thirds of the upland [eastern box] turtle habitat on the site will be lost. Id. The case held that the MWPA does not impart any authority to prohibit a project that causes loss of habitat in upland: “[n]o matter how significant may be the impact of the project on land turtle habitat, this does not demonstrate at all that the project will harm turtle *wetland* habitat.” Id. (emphasis supplied). This includes work in the Buffer Zone: “Work in the buffer zone or an upland may displace animals into a wetland, but without proof that the project harms the plant community in the wetland, harms the hydrologic regime, or harms some other significant feature of the wetland, no case has been made out that the project will violate the [MWPA].” Id.¹⁵

For similar reasons, Petitioner has not shown that the work will harm wildlife habitat in a wetland. The Petitioner argues that the fencing, which is primarily in the upland and only

¹⁴ The Department also argues that, like the Horsley Report, the “Fearing Hill: Initial Natural History Evaluation” that Ms. Harrelson cites in her PFT (Harrelson PFT, ¶ 33) is not admissible because Ms. Harrelson did not author it. Department Assent, p. 2. I decline to strike this document. Given that it does not show that animals are present in the Resource Areas and would be affected by the proposed Project, it is irrelevant to my decision.

¹⁵ The Department similarly notes that the MWPA “does not provide the Department with jurisdiction over animals” but only wetlands. Department Assent, p. 3.

partially in Buffer Zone, will force larger fauna, such as deer and bears,¹⁶ to move into residential areas. Faneuf PFT, ¶ 32. As in Beacon Ocean Shore, this allegation of harm is to the upland habitat and Buffer Zone, not to BVW habitat itself. Beacon Ocean Shore, Ruling on Directed Decisions, *5. In sum, under these facts, any effect on the local fauna is outside of the scope of the MWPA. The Petitioner has not met its burden of going forward on this argument, and therefore Directed Decision should be granted to the Applicant on this argument and on Issue 2.¹⁷

D. The Petitioner has not met its burden of going forward on Issue 3 with respect to the Petitioner’s argument that the proposed Project does not comply with 310 CMR 10.05(6)(k)8.

Under 310 CMR 10.05(6)(k)8., “[a] plan to control construction related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation and pollution prevention plan) shall be developed and implemented.” The Petitioner’s sole argument supporting her contention that the proposed Project does not comply with 310 CMR 10.05(6)(k)8. is that “[t]he NOI states the Stormwater Pollution Prevention Plan **will** be prepared ‘before the start of construction.’” Petitioner Memo., p. 9 (emphasis in original). The suggestion is that such a plan does not currently exist. The Applicant argues that the “Project’s plans provide for delineated limit of work lines and the installation and maintenance of erosion controls, and the SOC includes conditions requiring compliance with the maintenance schedule for said erosion controls.”

¹⁶ I note that Ms. Harrelson testified that the species observed in the area in 2003 included “deer, gray fox, gray squirrel and racoon.” Harrelson PFT, ¶ 40. She does not mention bears. Neither does Ms. Pappalardo. See Pappalardo PFT, ¶ 6.

¹⁷ In addition to the Petitioner’s other arguments on Issue 2, Ms. Harrelson argues that “MassDEP Program Policy 17-1 on solar installations as applied to the Project Site is not adequately protective of Resource Areas.” Harrelson PFT, ¶ 45. She offers no explanation why and the argument is not developed elsewhere. I therefore do not consider it. The Petitioner alleged as a separate claim in its More Definite Statement that Program Policy 17-1 is facially arbitrary and capricious, again without offering any explanation as to why. I dismissed that claim in my Order of September 6, 2024.

Applicant Motion, p. 10. The Department does not address this argument. I agree with the Applicant that a plan exists to control construction related impacts.¹⁸

The SOC does include a number of conditions regarding 310 CMR 10.05(6)(k)8., particularly Condition 19 and several of its subparts. See SOC, ¶¶ 19, 19a, and 19b. The references in Condition 19 refer to “the construction period pollution prevention and erosion and sedimentation control plan” (“Erosion and Sedimentation Plan”), which includes an extensive Erosion Control Plan (Plan, Sheet 10, right hand column); a delineated Proposed Limit of Erosion Control (Plan, Sheet 3); a delineated Proposed Double Erosion Control (Plan, Sheet 4); and proposed tree clearing limits and erosion controls (Plan, Sheet 5). The Erosion and Sedimentation Plan controls construction-related impacts from erosion, sedimentation and other pollutants, even though it is not described as a Stormwater Pollution Prevention Plan.

The Petitioner’s argument is that the Erosion and Sedimentation Plan is not specifically made part of the SOC, but the Erosion and Sedimentation Plan is clearly incorporated by reference in the SOC in Condition 13: “The work shall conform to the plans and special conditions referenced in this order,” and Condition 19 references the Erosion and Sedimentation Plan. SOC, pp. 6-7. The Petitioner makes no argument that the proposed Erosion and Sedimentation Plan itself is substantively deficient and fails to meet the requirements of 310 CMR 10.05(6)(k)8. The Petitioner has therefore not met its burden of going forward on this argument, Directed Decision should be granted on this argument to the Applicant.

¹⁸ The Department does not directly address this argument, but argues that Ms. Harrelson is the only individual who provides expert opinion testimony in support of Issue 3, and that she lacks the expertise to offer expert opinion testimony. Department Assent, p. 4. Even taking the evidence in the light most favorable to the Petitioner, I find that the Petitioner has failed to meet its burden of going forward on Issue 3. I therefore do not decide whether Ms. Harrelson has the necessary qualification to offer expert opinion testimony on the Stormwater Standards.

E. Directed Decision should be granted on Issue 3 with respect to the Petitioner’s argument that the proposed Project does not comply with 310 CMR 10.05(6)(k)9.

Under 310 CMR 10.05(6)(k)9., “[a] long-term operation and maintenance plan shall be developed and implemented to ensure that the stormwater management system functions as designed.” The Petitioner’s sole argument is that “Stormwater Standard 9 requires a Long Term Stormwater Operation & Maintenance Plan. The operation and maintenance plan attached as Appendix E to the NOI is four pages of boilerplate language. It refers to the Town of Acushnet, not Wareham. It is unsigned. It does not satisfy Standard 9.” Petitioner Memo., p. 9; see also Petitioner Opposition, p. 12. The Applicant argues that it did in fact submit an Operation and Maintenance Plan (“O&M Plan”). Applicant Motion, p. 11. I agree with the Applicant.¹⁹

The Petitioner only takes issue with the form of the proposed “O&M Plan”, not its substance. The scrivener’s error misidentifying the town and the lack of a signature are easily remedied and are not a basis to void the entire Project. I therefore recommend that the Commissioner include in the Final Order of Conditions that the O&M Plan correctly identify Wareham and that the O&M Plan be properly executed (and incorporated into the list of plans binding on the project?) prior to the commencement of construction. Given that there are no substantive objections to the O&M Plan, the Petitioner has not met its burden of going forward on this Issue, and Directed Decision should be granted to the Applicant on Issue 3.

VII. Conclusion.

The Petitioner asked me to reserve decision on the Motion for Directed Decision until the close of all the evidence. Petitioner Opposition, p. 3; see 310 CMR 1.01(11)(e) (“Decision on the

¹⁹ The Department does not directly address this argument, and again relies on Ms. Harrelson’s alleged lack of qualifications. Cf. fn. 18, *supra*. Again, I find that the Petitioner has not met its burden of going forward and therefore do not decide whether Ms. Harrelson has the necessary qualification to offer expert opinion testimony on the Stormwater Standards.

motion or order to show cause may be reserved until the close of all the evidence.”). Doing so is unnecessary. First, as just shown, the Petitioner has failed to meet its burden of going forward on each of the Issues for Adjudication. Even taking the Petitioner’s PFT as true, the arguments that it makes either fail as a matter of law or are based on speculative or conclusory statements of the Petitioner’s witnesses. An evidentiary Adjudicatory Hearing is therefore unnecessary, and I deny the request to defer ruling on the Motion for Directed Decision.

For the foregoing reasons, I recommend that the Commissioner grant the Motion for Directed Decision for the Applicant and issue a Final Decision affirming the SOC with the additional conditions that the proposed O&M Plan be amended to refer to Wareham (instead of Acushnet) and that the O&M Plan be properly executed prior to the commencement of construction.

Date: April 6, 2026



Patrick M. Groulx
Presiding Officer

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.

SERVICE LIST

Ten Residents Group

Petitioner

Margaret E. Sheehan, Esq.
P.O. Box 1699
Plymouth MA 02362
ecolawdefenders@protonmail.com

Petitioner's Representative

Wareham MA 3, LLC
30 Easterbrook Road Ste 301
Dedham, MA 02026

Applicant

Matthew Watsky, Esq.
Rachel Watsky, Esq.
Eastbrook Executive Park
30 Eastbrook Road
Suite 301
Dedham, MA 02026- 2084
matt@watskylaw.com
rachel@watskylaw.com

Applicant's Representatives

Joseph Crespi
Ninety Six Realty, LLC
246 S Meadow Road, Gate 4, Hangar NW8
Plymouth, MA 02360

Property Owner

Maissoun Reda, Wetlands Section Chief
Jaclyn Sidman, Environmental Analyst
Bureau of Water Resources
MassDEP – Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347
Maissoun.Red@mass.gov
Jaclyn.sidman@mass.gov

Department Program Staff

Bruce Hopper, Litigation Manager
MassDEP/Office of General Counsel
100 Cambridge Street, 9th Floor
Boston, MA 02114
Bruce.e.hopper@mass.gov

Department's Representative

Wareham Conservation Commission
Joshua Faherty, Conservation Administrator
54 Marion Rd, Ste. 5
Wareham, MA 02571
jfaherty@wareham.ma.us

Conservation Commission

CC: Jakarta Childers, Program Coordinator
MassDEP/Office of General Counsel
100 Cambridge Street, 9th Floor
Boston, MA 02114
Jakarta.Childers@mass.gov

Department

Shaun Walsh, Chief Regional Counsel
MassDEP/SERO
20 Riverside Drive
Lakeville, MA 02347
Shaun.walsh@mass.gov

Department