

COMMONWEALTH OF MASSACHUSETTS  
DIVISION OF ADMINISTRATIVE LAW APPEALS

December 31, 2007

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In the Matter of

ROBERT A. SCHLAGER,  
for the Trustee of Acorn Park Holdings Realty  
Trust

DALA Docket No. DEP-06-940  
DEP Docket No. 2006-109  
DEP File No. 123-184  
Cambridge

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FINAL DECISION - ORDER OF DISMISSAL

Ten residents appealed a superseding amended order of conditions the Department of Environmental Protection issued that approved a path built by applicant, Robert Schlager, acting as a member of BHX, LLC, the trustee of Acorn Park Holdings Realty Trust. The path is built through a lot owned by the Division of Conservation and Recreation (DCR) in the Alewife area between Route 2 and the Little River. I stayed this matter on January 5, 2007 to give the parties an opportunity to evaluate how the path would impact other plans DCR intended to propose for this parcel. The residents group petitioner have now filed a stipulation of dismissal.

In accordance with the stipulation, the appeal is dismissed as moot. See Matter of Osmun, Docket No. DEP-04-958, Final Decision-Order of Dismissal (May 12, 2005). The superseding amended order of conditions, which DEP issued on June 27, 2006, is made final.

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Reconsideration and Appeal

The parties to this proceeding are hereby notified of their right to file a motion for reconsideration of this final decision. The motion must be filed with the Docket Clerk and served on all parties within seven business days of the postmark date of this Decision.

Any party may appeal this Decision to the Superior Court pursuant to the Massachusetts Administrative Procedure Act, G.L. c. 30A, sec. 14(1). The complaint must be filed in the Court within thirty days of receipt of this final decision.

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James P. Rooney  
Administrative Magistrate