



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

Bonnie Heiple
Commissioner

January 22, 2024

In the Matter of
Walter Eriksen and Cricket
Lane, LLC

OADR Docket Number: WET-2022-028
DEP File No. 050-1355
MassDEP NERO
Newbury, MA

FINAL DECISION

I am the Final Decision-Maker in this administrative appeal (“appeal”) by special designation.

The Town of Newbury Conservation Commission (“the Petitioner” or “NCC”) filed this appeal with MassDEP’s¹ Office of Appeals and Dispute Resolution (“OADR”) challenging a Superseding Order of Conditions (“SOC”) that MassDEP’s Northeast Regional Office issued to Walter Eriksen and Cricket Lane, LLC (collectively “the Applicant”) on November 17, 2022, 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 the Applicant’s proposed Project at undeveloped real property located at 55R Pearson

¹ “MassDEP” is the acronym for the Massachusetts Department of Environmental Protection.

Drive in the Byfield section of the Town of Newbury (“the Property”).² Recently, the NCC, the Applicant, and MassDEP (collectively “the Parties”) filed a Joint Stipulation of Dismissal in which they agreed and requested that this appeal be dismissed with prejudice with each Party bearing their own costs. The Joint Stipulation of Dismissal constitutes the NCC’s waiver to any further administrative review before MassDEP as well as appeal to court of the SOC.

Accordingly, I issue this Final Decision incorporating the Joint Stipulation of Dismissal and dismissing this appeal with prejudice with each Party bearing their own costs.

Date: January 22, 2024



Salvatore M. Giorlandino
Chief Presiding Officer

² The Property is owned by Byfield Estates, LLC.

SERVICE LIST

Cricket Lane, LLC
c/o Walter Eriksen
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Applicant

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Applicant's Legal Representative

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Property Owner

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