

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

June 16, 2026

**In the Matter of
WINDSOR PLACE, LLC**

**OADR Docket No. WET-2019-025
DEP File No. 322-0897
Wayland, MA**

RECOMMENDED FINAL DECISION

Chris D’Antonio of Windsor Place, LLC, (both the “Petitioner” and the “Applicant”) submitted this appeal to the Office of Appeals and Dispute Resolution (“OADR”) on July 30, 2019, to challenge a Superseding Order of Conditions (“SOC”) issued by the Massachusetts Department of Environmental Protection’s Northeast Regional Office (“MassDEP” or the “Department”). The SOC (MassDEP File No. 322-0897), issued on July 16, 2019, denied the Applicant’s proposal for a 12-unit 40B residential development project located at 24 School St., Wayland, MA. The Applicant had sought the SOC to review the denial Order of Conditions (“OOC”) issued by the Wayland Conservation Commission (“WCC”) on October 4, 2018. The OOC denied a Notice of Intent (“NOI”) submitted by the Applicant on September 7, 2017.

On October 4, 2019, the Applicant submitted an assented-to Motion to Stay Proceedings, claiming that the Applicant intended to return to the WCC with a new NOI for the project, which would “address the concerns raised in the Commission’s and Department’s denial order of conditions by supplying additional information to the Commission through the new filing process.” The Applicant “note[d] that under the Department’s Multiple Filings Policy (Policy 88-3: Multiple Filings)¹, the appeal would be stayed automatically upon the filing of a new NOI for the project.” The Motion to Stay was allowed on October 17, 2019. The Parties submitted a Joint Status Report on May 18, 2020, requesting that the stay be extended, due in part to, “challenges posed by the COVID-19 pandemic.” That request was allowed on May 20, 2020, and the matter has remained stayed since that time.

In December of 2020, the Applicant filed a new NOI with the WCC for a 12-unit 40B residential development project located, again, at 24 School St., Wayland, MA. The WCC issued a denial OOC on December 12, 2024, and the Applicant sought a SOC from the Department. The Department issued a SOC (MassDEP File No. 322-0965) affirming the denial on March 10, 2026, and the Applicant appealed that denial to OADR on March 24, 2026. That appeal was assigned OADR Docket No. WET-2026-007.

On April 8, 2026, the Department filed a Request for Order to Show Cause on Docket No. WET-2026-007, asking that the Presiding Officer, “issue an Order to Show Cause to the

¹ Policy 88-3 encourages such refilings at the local level, and provides that upon written notice of a refiling, the original appeal will be stayed while the new filing is processed. Policy 88-3 also provides that the applicant has 21 days from the date of issuance of an Order of Conditions resulting from the refiled NOI to withdraw, in writing, one of the two pending Notices of Intent. Failure to do so will result in the applicant being required to Show Cause why the earlier filed Notice of Intent should not be dismissed.

Applicant Windsor Place, LLC to decide on which project it seeks an adjudicatory hearing, pursuant to the Multiple Filings Policy,” and, “issue an Order to Show Cause to the Applicant as to why the first docketed appeal should not be dismissed.” The Department’s Request noted the procedural history of the two matters and cited the relevant provisions of the Multiple Filings Policy 88-3.

MassDEP Wetlands Policy 88-3 reads in full:

1. Upon written notice (either by letter, new Notice of Intent, Order of Conditions or letter of appeal) that a refiling will be made or upon realization by the Department that a refiling has been made, all administrative action on the original appeal will be stayed while processing the new Notice of Intent.
2. In the case of Superseding Orders of Conditions, the applicant has 21 days from the date of issuance of the Order of Conditions to withdraw, in writing, one of the two Notices of Intents [sic]. In cases where the Department learns of the refiling after a second file number has been issued, the Regional Office shall immediately send a Notification Letter instructing the applicant that she/he has 21 days from when the Order of Conditions was issued or from when the Department learned of the refiling (whichever is later) to withdraw one of the two Notices of Intent. If the Department does not receive such notice in the required time, the Department will issue a follow-up letter which will dismiss the earlier-filed Notice of Intent.
3. In the case of adjudicatory hearings, the applicant has 21 days from the date of issuance of the Order of Conditions to withdraw, in writing, one of the two Notices of Intent. Failure to do so will result in the applicant being required to show cause why the earlier filed Notice of Intent should not be dismissed.

Wetlands Program Policy 88-3: Multiple Filings.

On April 9, 2026, pursuant to 310 CMR 1.01(5) and 310 CMR 1.01(6)(d), I ordered the Applicant to show cause why the earlier appeal and the earlier NOI should not be dismissed consistent with Policy 88-3. On April 16, 2026, the Applicant responded, stating, “Windsor Place acknowledges that two appeals are presently pending before the OADR in connection

with the project at issue in this matter... By and through this response, Windsor Place agrees to dismissal of Docket No. WET-2019-025 (i.e., the earlier of the two appeals).”

Consistent with Policy 88-3, and with the assent of both the Applicant and the Department, I recommend that MassDEP’s Commissioner issue a Final Decision dismissing both WET-2019-025 and the original NOI, submitted by the Applicant on September 7, 2017.



Date: June 16, 2026

Ian Leson
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.

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