



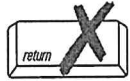
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 & Andover Wetland Protection Bylaw XIV

DEP File Number:

EO

A. Violation Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Enforcement Order is issued by:

Andover
 Conservation Commission (Issuing Authority)

March 24, 2023
 Date

To:

Keyur Patel, Manager Charnik Realty, LLC
 Name of Violator
429 Lowell Street, Andover, MA
 Address

1. Location of Violation:

Property Owner (if different)
429 Lowell Street
 Street Address
Andover, MA 01810
 City/Town
196
 Assessors Map/Plat Number

Zip Code

9

Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Unpermitted filling of a wetland resource area and buffer zone without a valid permit.

Under the Massachusetts Wetlands Protect Act (310 CMR 10.00): By conducting work within an Area Subject to Protection (wetland and buffer zone) without filing of a Notice of Intent or Request for Determination of Applicability has violated the Wetlands Act, G.L. c. 131, sec. 40 and the Andover Wetlands Protection By-Law.

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 & Andover Wetland Protection Bylaw XIV

DEP File Number:

EO

Determination).

B. Findings (cont.)

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

 Name Dated

 File Number Condition number(s)

The Order of Conditions expired on (date): _____
Date

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify): _____

C. Order

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before April 30, 2023
Date

for the following:

 The property owner shall appear before the Andover Conservation Commission at its regularly scheduled meeting on April 4,

2023 to discuss the violations.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 & Andover Wetland Protection Bylaw XIV

DEP File Number:

EO

The restoration shall be completed in accordance with the conditions and timetable established by the Andover Conservation Commission.

C. Order (cont.)

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

_____ Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Robert Douglas, Director of Conservation

 Name

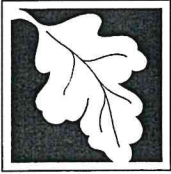
(978) 623-8630

 Phone Number

M-F 8:00am – 3:00 pm

 Hours/Days Available

Issued by:



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 & Andover Wetland Protection Bylaw XIV

DEP File Number:

EO

Andover
 Conservation Commission

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

[Handwritten Signature] Director
 Robert Douglas

7022 2410 0003 0338 9527
 Signature of delivery person or certified mail number

Lynn Viselli

From: Robert Douglas
Sent: Thursday, March 23, 2023 1:27 PM
To: Lynn Viselli
Cc: Benjamin Meade
Subject: Barron





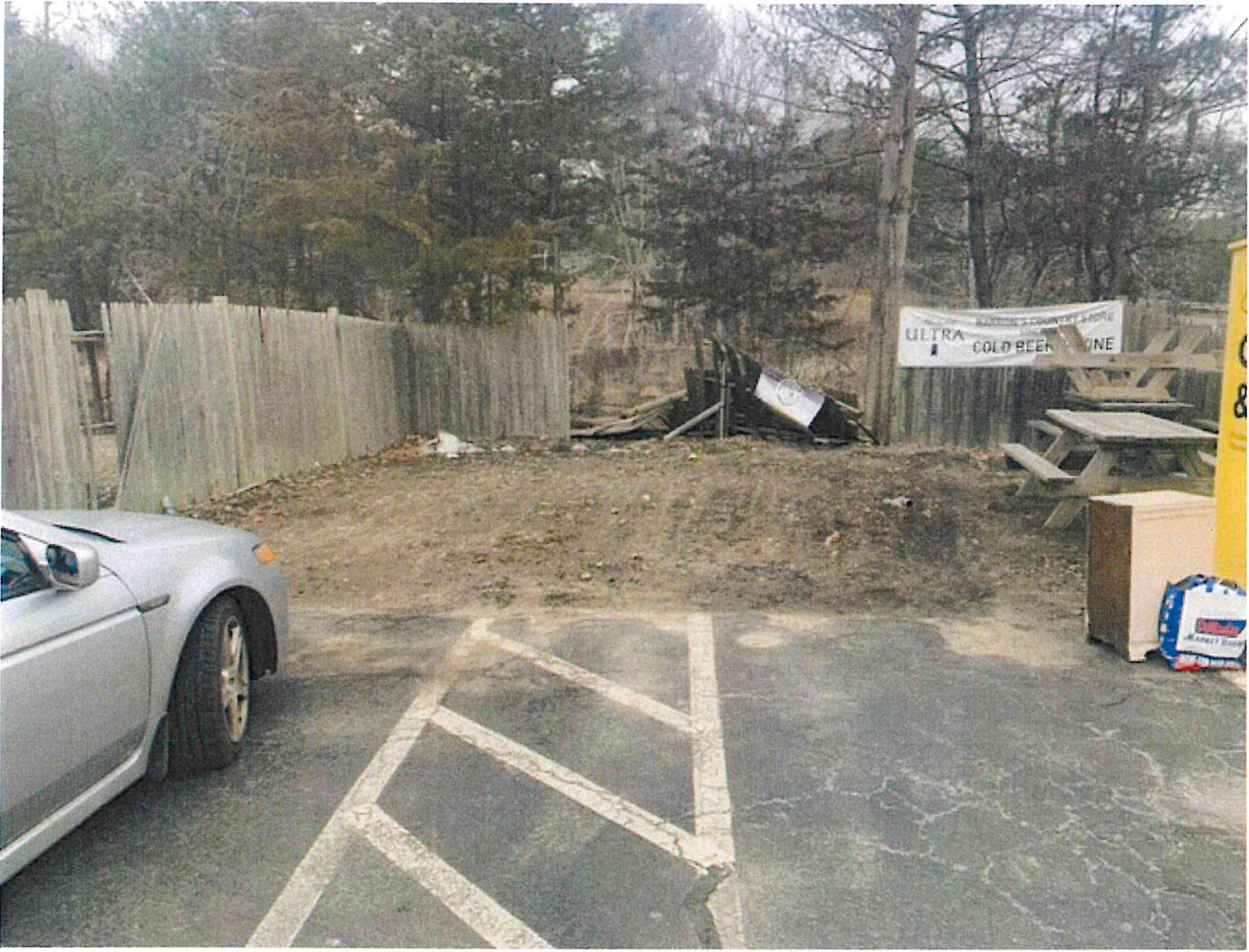








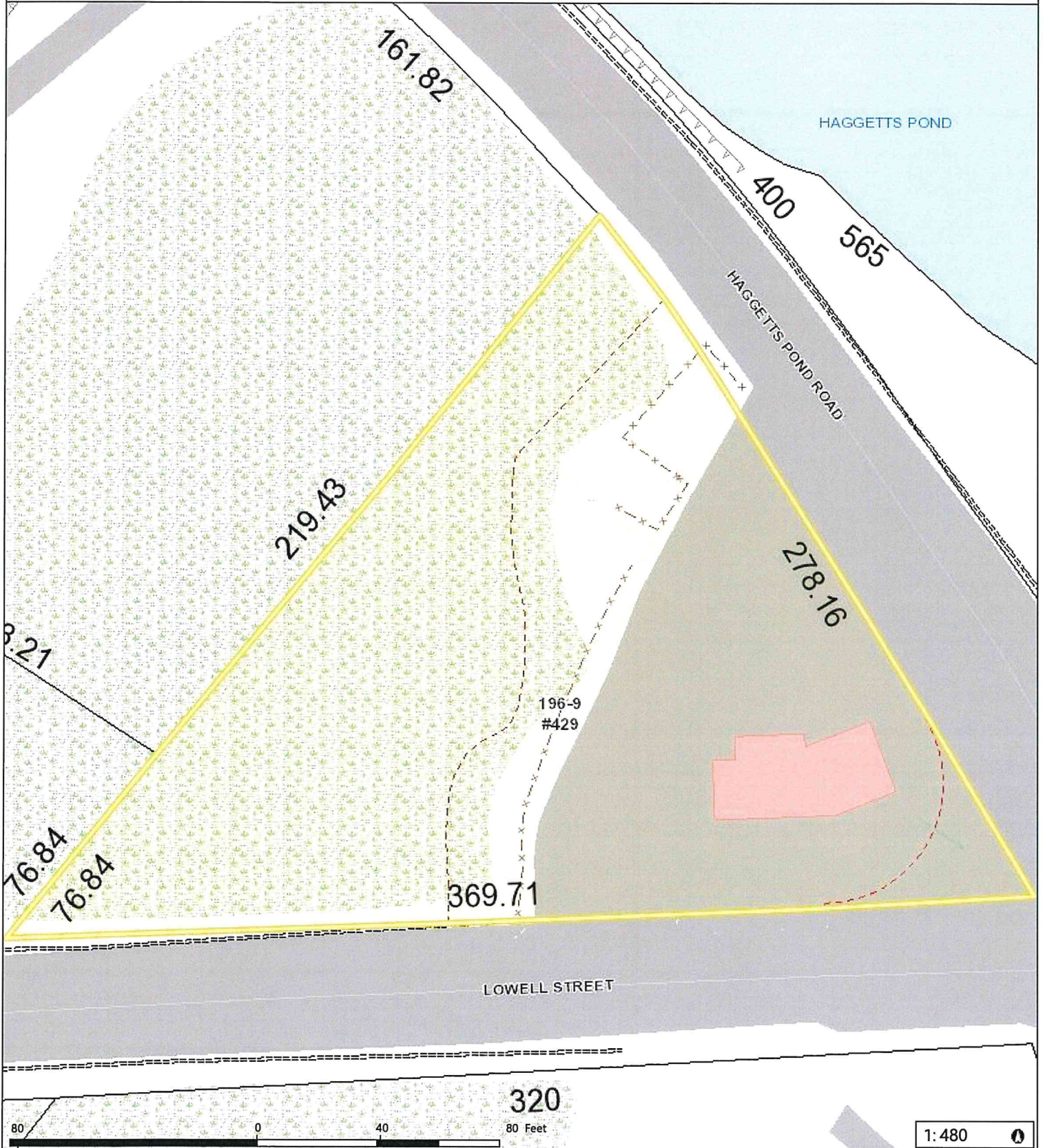




Sent from my iPhone

Town of Andover

03/23/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Andover & MassIT/MassGIS.
 MVPC AND THE TOWN OF ANDOVER MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ANDOVER AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



Legend	
Municipal Boundary	Parcels
Building, <Null>	Fuel Tank
Fence	Fence
Hedge	Bridge
Paved	Unpaved
Easement	easement_leader
Water Tank	Pool
Retaining Wall	Stone Wall
Private Road	Roads
Hydrographic Features	Streams
Condo Building	Basketball Court
Wall	Tennis Court
Guardrail	Road Right of Way
Wetlands	

Town of Andover

03/23/2023



1:480

Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Andover & MassIT/MassGIS.
MVPC AND THE TOWN OF ANDOVER MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ANDOVER AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



Municipal Boundary	Parcels (on aeriels)	Easement	Legend
Rail Line		easement_leader	Bridge
			Roads

Town of Andover

03/23/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Andover & MassIT/MassGIS.
MVPC AND THE TOWN OF ANDOVER MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ANDOVER AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



Municipal Boundary	Parcels (on aeriels)	Easement	Easement Leader	Bridge	Roads
Rail Line					