



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

DEP File Number:

E.O

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
 Conservation Commission (Issuing Authority)

March 8, 2023
 Date

To:

Margaret A. Reilly, Trustee of the Dale Street Realty Trust
 Name of Violator

206 Andover Street, #11, Andover, MA 01810
 Address

1. Location of Violation:

Property Owner (if different)
212 Andover Street
 Street Address
Andover 01810
 City/Town Zip Code
138 23C
 Assessors Map/Plat Number Parcel/Lot Number

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

Alteration of the 100' Inner Riparian and 200' Outer Riparian of the Shawsheen River, installation of a retaining wall partially on Conservation land and within 100' of the Shawsheen River without a permit. .
 Under the Massachusetts Wetlands Protection Act (310 CMR 10.00): By conducting work within an Area Subject to Protection (wetlands and buffer zone) without filing a Notice of Intent has violated the Wetlands Regulations, 310 CNR10.05(4) and the Town of 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



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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 _____ Date _____

for the following:

The property owner shall appear before the Andover Conservation Commission at its regularly scheduled meeting on Tuesday, March 21, 2023 at 7:00pm to discuss the violation and proposed restoration plan.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



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:

Cease and desist any and all activity within 100' of the Shawsheen River and on land owned by the Conservation Commission; and submit a restoration plan for the removal of the retaining wall and debris and restoration of the Riverfront.

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

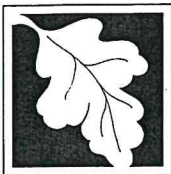
M-F 8:00am-3:00pm

Hours/Days Available

Issued by:

Andover

Conservation Commission



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Conservation Commission signatures required on following page.

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:

 Agent/Dir _____

7622 2410 0003 0338 9503
Signature of delivery person or certified mail number



NORSE ENVIRONMENTAL SERVICES, INC.

92 Middlesex Road, Unit 4

Tyngsboro, MA 01879

TEL. (978) 649-9932 - FAX (978) 649-7582

Website: www.norseenvironmental.com

February 5, 2018

Francis P. Reilly & Sons
212 Andover Street
Andover, MA 01810.

Re: 212 Andover Street
Andover, MA 01810
Riverfront Restoration Plan

In the course of a survey for the above site, it was determined that a portion of the property used for material storage is located on the Town of Andover property. The adjacent land has been used for many years as property of F.P. Reilly and Sons. The disturbed area consists of approximately 3,500 s.f. of land located within Riverfront Area, flood plain, and buffer zone to a small isolated wetland area. Concrete barriers had been installed as a limit of work and storage of composted leaf litter, construction material, and stone has been stored on site.

It is the intent of the owner to remove the offending material and concrete barriers to the correct property bound and restore the riverfront to original conditions. The procedure will be:

1. Install erosion controls consisting of straw wattles around the perimeter of the work area;
2. Remove the concrete barriers;
3. Remove all stored material on the site;
4. Stake the revised property line;
5. Loam and seed all disturbed areas to original grade as determined on site during the restoration process;
6. Revegetated the remaining area with trees and shrubs to resemble the adjacent land.

The adjacent land is an area that was disturbed in the past, with evidence of some mounded material and excavation. It has naturally revegetated over the years as a wooded area of red maple (*Acer rubrum*), red oak (*Quercus rubra*), high bush blueberry (*Vaccinium corymbosum*), and similar woodland species. The soils are a Udorthent, a gravelly material that was previously disturbed, but with a relatively high water table within two feet of the surface.

Revegetation of the site will return it to similar conditions with the following species:

| Common Name | Latin Name | Height | Regional I Indicator |
|------------------------|---------------------|---------------|-----------------------------|
| Red Maple | Acer Rubrum | 3-4 ft | Fac |
| Witch hazel | Hammelis virginiana | 2-3 ft | Fac |
| Alternate leaf dogwood | Cornus ammomum | 2-3 ft | Fac |
| River birch | Betula nigra | 2-3 ft | Fac |
| Northern Arrowwood | Viburnum recognitum | 2-3 ft | FacW- |
| Winterberry | Ilex verticillata | 2-3 ft | FacW+ |

Species selection shall be based on cost and availability. The shrubs shall be planted 15 ft. on center and the trees 25 ft. on center. A total of (5) trees and (10) shrubs shall be planted on site. In addition a New England Wetland Plants, New England Erosion Control Restoration Seed Mix shall be applied to the area. The disturbed area will then be mulched with a layer of leaf litter.


On completion, the applicant will provide a completed "As Built" plan showing locations of the revised property line, vegetation, topography and limits of grading.

Removal of the barriers and material can be performed immediately. If weather conditions prevent ongoing work, the disturbed areas can be mulched with leaves or loose hay for temporary stabilization.

Plantings must wait until the growing season begins, March at the earliest. Plantings shall be viable for a period of two growing seasons with an inspection and report to the commission at the end of the first year and end of the second year.

If you have any questions or concerns regarding the above information please do not hesitate to call.

Sincerely,



Maureen Herald, PWS