



**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)

5/3/2022  
 Date

To:

Jawahar Raina and Kulpana Koul  
 Name of Violator  
11 Berkeley Lane, Andover MA, 01810  
 Address

1. Location of Violation:

Property Owner (if different)  
11 Berkeley Lane  
 Street Address  
Andover, MA 01810  
 City/Town  
227  
 Assessors Map/Plat Number

Zip Code

23  
 Parcel/Lot Number

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

Vegetation clearing and the import, placement, and grading of fill in a Bordering Vegetated Wetland and wetland buffer. All work was completed without the benefit of a permit from the Andover Conservation Commission.

Under the Massachusetts Wetlands Protection Act (310 CMR 10.00): By conducting work within an Area Subject to Protection (Bordering Vegetated Wetland and buffer zone) without filing either a Request for Determination of Applicability or Notice of Intent is a violation of the Wetlands Protection Act, G.L. c131, 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:



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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 Determination).

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**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): \_\_\_\_\_  
 \_\_\_\_\_

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**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 June 3, 2022  
 Date

for the following:  
 \_\_\_\_\_



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The property owner shall appear before the Andover Conservation Commission on May 24, 2022 at its regularly scheduled meeting to discuss the violation.

**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:

Immediately install erosion/sedimentation controls (straw wattles and silt fence) along the limits of fill placement. Immediately engage the services of a certified wetland scientist to flag wetland resource areas and to advise on restoration of the impacted wetlands and buffer zone. Immediately make arrangements to have the fill removed and allow the impacted Bordering Vegetated Wetlands and buffer zone to fully renaturalize.

\_\_\_\_\_

\_\_\_\_\_

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 or Benjamin Meade

Name

(978) 623-8630

Phone Number

Monday through Friday, 8AM – 3PM

Hours/Days Available



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Issued by:

Andover  
Conservation Commission

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**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:

Kevin Ponto  
Lee E. Z...  
Ella ...  
[Signature]

[Signature]  
[Signature]  
Clyde ... Driscoll

\_\_\_\_\_  
Signature of delivery person or certified mail number

# 11 Berkeley Lane, Town of Andover

05/03/202



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



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|---|--|-----------------------------------|---|---------------------------------|--------------------------------|
| <input type="checkbox"/> Municipal Boundary | <input type="checkbox"/> Parcels               | <input type="checkbox"/> Easement | <input type="checkbox"/> Condo Building | <input type="checkbox"/> Bridge | <input type="checkbox"/> Roads |
| <input type="checkbox"/> Rail Line          | <input type="checkbox"/> Hydrographic Features | <input type="checkbox"/> Streams  | <input type="checkbox"/> Wetlands       |                                 |                                |



