



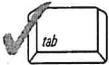
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9 – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 & Andover Wetland Protection Bylaw XIV

DEP File Number:

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 4/5/2021
 Conservation Commission (Issuing Authority) Date

To:

IQHQ-4 Corporate, LLC
 Name of Violator
One Boston Place, 201 Washington Street, Suite 3920, Boston, MA 02108
 Address

1. Location of Violation:

Property Owner (if different)
4 Corporate Drive
 Street Address
Andover 01810 Zip Code
 City/Town
167 12
 Assessors Map/Plat Number Parcel/Lot Number

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

Unauthorized large scale pond front renovations including extensive landscaping and a large patio with stone steps.

Under the Massachusetts Wetlands Protection Act (310 CMR 10.00): Conducting work within an Area Subject to Protection (wetland and wetland buffer zone) without a filing of a Notice of Intent or Request for Determination of Applicability is a violation of the Wetlands Protection Act, M.G.L. c.131, sec. 40 and the Wetlands Regulations, 310 CMR 10.05(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:



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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).

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 5/5/2021
Date

for the following: The property owner shall appear before the Andover Conservation Commission at its regularly scheduled meeting on April 6, 2021 to discuss the violation.



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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:

1. Existing erosion/sediment controls shall be repaired and/or fortified. Silt fence shall be repaired and straw wattles shall be placed on the upgradient side of the controls.

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

Name

(978) 623-8360

Phone Number

M-F 8-3#

Hours/Days Available



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Issued by:

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:



Signature of delivery person or certified mail number