



**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 (Issuing Authority)

November 29, 2017  
 Date

To:

Michael Daly  
 Name of Violator  
3 West Hollow , Andover, MA 01810  
 Address

1. Location of Violation:

Property Owner (if different)  
3 West Hollow  
 Street Address  
Andover 01810  
 City/Town Zip Code  
97 8A  
 Assessors Map/Plat Number Parcel/Lot Number

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

Unpermitted construction of a fence within the wetland buffer and alteration of a resource area and buffer zone without a permit; and operation of construction vehicles within the buffer and resource area. Under the Massachusetts Wetlands Protection Act (310 CMr 10.00): By conducting work within an Area Subject To Protection (wetland and buffer zone) without filing a Notice of Intent or Request for Determination of Applicability, has violated the Wetlands Act, 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:

- 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 TBD by Staff  
 Date \_\_\_\_\_

for the following:

The property owner shall appear before the Andover Conservation Commission at its regularly scheduled meeting on December 5, 2017 to discuss the violation.

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



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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:

All work to cease and desist and no further alteration of the wetland resource area or buffer by heavy equipment. Wetland resource area to be verified and flagged by a wetland scientist immediately and the plan provided to the Conservation Department no later than December 19, 2017.

\_\_\_\_\_

\_\_\_\_\_

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.

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**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:

Benjamin K. Meade, Conservation Agent

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.

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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:

*Benjamin K. Meade* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*7007 2560 0000 4029 1508*  
Signature of delivery person or certified mail number