



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:

Chilmark 4/6/22
 Conservation Commission (Issuing Authority) Date

To:

Bill Eddy - Eddy Farm Road Road Association
 Name of Violator
0 Eddy Farm Road
 Address

1. Location of Violation:

Vineyard Open Land Foundation
 Property Owner (if different)
0 Eddy Farm Road
 Street Address
Chilmark 02535
 City/Town Zip Code
25 7.15
 Assessors Map/Plat Number Parcel/Lot Number

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

- PLEASE FIND ATTACHED: Letter to the property owners, photos of site

This enforcement order is in regards to the unpermitted clearing of vegetation in the buffer zone. A utility pole was replaced in the area and the associated site work led to brush being cleared in turnoffs and around utility poles.

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:



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: _____

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

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 6/7/2022
Date

for the following:

See attached letter for details

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:

6/7/2022

Date

for the following:

- Plan to show: utility poles & guy wires, sideline of road, wetlands, edge of vegetation and define the turnoff as well as the proposed areas of maintenance and mowing, including but not limited to the turnoffs, around utility poles, the electric ROW along the eastern edge of the property, any other areas that the applicants wish to mow and maintain regularly.

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:

Kara E Shemeth

Name

508 645 2104

Phone Number

M-F 8-12

Hours/Days Available

Issued by:

Chilmark

Conservation Commission



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:

 Signature

Chris Murphy, Chair

 Printed Name

 Signature

Pam Goff

 Printed Name

 Signature

Sandy Broyard

 Printed Name

 Signature

Candy Shweder

 Printed Name

 Signature

Joan Malkin

 Printed Name

 Signature

 Printed Name

 Signature

 Printed Name

 Signature

 Printed Name

 Signature of delivery person or certified mail number