



# TOWN OF CHILMARK

Conservation Commission

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Kara Shemeth

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July 27, 2021

Paul & Jodi Darrow (PDF via e-mail and return receipt mail - )

SUBJECT: Enforcement Order and Violations at 18 Green House Lane (AP 33- 149, 32 & possibly 31)

Dear Mr. & Mrs. Darrow:

As you are aware, recently there were several violations of the Commonwealth's Wetlands Protection Act (WPA, *MGL 310 CMR 10.00*) and Chilmark Wetlands Protection Bylaw on your, and abutting properties, carried out by your contractors. Based on the proximity of your property to both the coastal bank and the wetlands, your entire property falls within the Mass. Department of Environmental Protection and Chilmark Conservation Commission's jurisdiction and any disturbance requires permission from the Conservation Commission and a permit. The violations area as follows:

- Unpermitted clearing along the side of the Green House Lane, very close to, possibly in, the wetlands, on property belonging to your neighbor (performed by Matt Tobin).
- Unpermitted cutting and clearing on the northern vegetated portion of your, and possibly on another abutting property (performed by Matt Tobin).
- Unpermitted installation of Jute netting along the coastal bank on beach property owned by the Darling family (performed by Teles Landscaping).

The Chilmark Conservation Commission voted at their July 20th meeting, to issue an Enforcement Order regarding these violations. Per that Order, you will need to provide a restoration plan by October 4, 2021. The plan must show all resource areas and buffer zones and the areas where the unpermitted work took place. All property lines should be clearly defined and details as to how each brush cut area indicated on will be restored to the condition it was in prior to the brush cutting. Ideally, you would discuss demarcation options of the side of the lane with the Darling family to keep vehicles from parking and traveling along the edge of the lane on the wetlands side. The jute netting is to be left in place and you will be responsible for any cleanup or disposal of jute materials that may be damaged or come loose.

The Conservation Commission would like to make it clear that any more unauthorized work will constitute further breaches of the WPA and may trigger additional enforcement actions and fines. As the property owner you are responsible for all work that is carried out on your property by contractors you have engaged. This responsibility includes supervision of the contractors to ensure that any work performed by them is not in violation of any local, or other, applicable regulations. You are also responsible for work performed on abutter's property that is undertaken pursuant to your instruction, whether explicit or implicit. You, and any contractors you engage, have no authority to perform work on properties other

than your own without the consent of the owners of such properties and that, in any event, a permit is required for *any* work in a wetland or buffer zone.

The Commission strongly urges you to appear at the first October meeting to address the violations and remedies. You will be able to attend remotely if you are not available in person.

Thank you for your attention to this matter.

If you have any questions regarding this correspondence or the Enforcement Order, please contact our administrator, Kara Shemeth ([kshemeth@chilmarkma.gov](mailto:kshemeth@chilmarkma.gov)).

Sincerely,

A handwritten signature in black ink that reads "Chris Murphy". The signature is written in a cursive, flowing style.

Christopher Murphy  
Chair, Chilmark Conservation Commission