



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: _____

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:

Paul Slavin & Susan Waitzkin
 Name of Violator
6 Eddy Farm Road
 Address

1. Location of Violation:

Property Owner (if different)
6 Eddy Farm Road
 Street Address
Chilmark 02535
 City/Town Zip Code
25 1.02
 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 resource area and bufferzone. A restoration plan for replanting the area and installing the previous required boulders along the 25' setback line, demarking the "no cut zone" shall be submitted to this office no later than May 3, 2022. The restoration must include plantings up to the 25' setback line. The plan must show all resource areas and buffer zones, proposed plantings, and the areas where the unpermitted work took place, including the edge of vegetation as it is now and the location of the trench.

B. Findings



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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

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 5/3/2022
 Date

for the following:

See attached letter for details _____



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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:

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:

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:



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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
 Signature Pamela J Goff
 Signature Sandy Broyard
 Signature Candy Shweder
 Signature Joan Malkin
 Signature _____
 Signature _____
 Signature _____

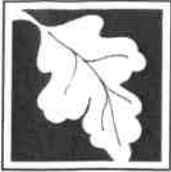
Chris Murphy, Chair
 Printed Name
 Pam Goff
 Printed Name
 Sandy Broyard
 Printed Name
 Candy Shweder
 Printed Name
 Joan Malkin
 Printed Name

 Printed Name

 Printed Name

 Printed Name

Signature of delivery person or certified mail number



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1. Location of Violation:

Property Owner (if different)
6 Eddy Farm Road
 Street Address
Chilmark 02535
 City/Town Zip Code
25 1.02
 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 trenching in the wetland. The property owner is to provide a written plan for filling in the trench and have the following people on site when it takes place: Reid Silva (VLS), Carlos Montoya, and Kara Shemeth (Conservation Agent). This portion of the restoration is of utmost importance and must take place at the soonest possible time to reduce the impact to the wetland and buffer zone.

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 5/3/2022
Date

for the following:

See attached letter for details



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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:

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.

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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
Signature		Pam Goff
Signature		Sandy Broyard
Signature		Candy Shweder
Signature		Joan Malkin
Signature	_____	Printed Name
Signature	_____	Printed Name
Signature	_____	Printed Name

Signature of delivery person or certified mail number