



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 7/20/21
 Conservation Commission (Issuing Authority) Date

To:

Paul & Jodi Darrow
 Name of Violator
18 Greenhouse Lane
 Address

1. Location of Violation:

Peter & Odila Darling Realty Trust
 Property Owner (if different)
Greenhouse Lane
 Street Address
Chilmark 02535
 City/Town Zip Code
Map 33 Lots 149, 32 & possibly 31
 Assessors Map/Plat Number Parcel/Lot Number

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

- Unpermitted clearing along the side of the Green House Lane, very close to, possibly in, the wetlands, on property belonging to an abutter.
- Unpermitted cutting and clearing on the northern vegetated portion of 18 Greenhouse Lane, and possibly on another abutting property.
- Unpermitted installation of Jute netting along the coastal bank on beach property owned by the Darling family.

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

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 10/5/21
Date

for the following:

All property lines and violations 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.



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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.

Per an October 20 vote, the Conservation Agent is authorized to sign on behalf of the Commissioners

Signatures: 

Signature	Kara E Shemeth
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name
Signature	Printed Name

Signature of delivery person or certified mail number