



WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Boxford Wetlands Protection Bylaw, Town Code c. 192

A. Violation Information

This Enforcement Order is issued by:

Boxford Conservation Commission
Conservation Commission (Issuing Authority)

10-20-2013
Date

To:

Barbara Parke Alakel, 110 Stiles Pond Road, Boxford, MA

1. Location of Violation:

Property Owner (if different)

110 Stiles Pond Road

Street Address

Boxford, MA

City/Town

Map 18

Assessors Map/Plat Number

01921

Zip Code

Block 1, Lot 11

Parcel/Lot Number

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

Construction of a portion of deck in a manner not consistent with a plan approved in Order of Conditions 114-1015, in particular, extending the deck closer to the resource area than was approved.

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 Determination).



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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:

Barbara Parke Alakel

Name

3-5-2007

Dated

114-1015

File Number

Approved Plan

Condition number(s)

The Order of Conditions expired on (date): 3-5-2014
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 June 6, 2013
Date

for the following:



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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:

- The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

The homeowner shall remove a 3'9" section of deck as depicted on a Plan entitled Conservation As-Built Plan, last revised 9-5-2014, and as described in a letter from William G. Holt to the Boxford Conservation Commission dated 9-9-2014. The homeowner shall also cause to be planted nine blueberry shrubs within the 25-foot no-disturb zone to augment the native vegetation within the No-Disturb Zone.

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:

Ross Povenmire

Name

978-887-6000 x181

Phone Number

M-Th 8:30 am to 2:00 pm

Hours/Days Available

Issued by:

Boxford Conservation Commission

Conservation Commission



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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DEP File Number:

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 of delivery person or certified mail number