**ATTACHMENT A**

Christopher Cottrell

274 Indian Hill Road

Mr. Cottrell was sent a Notice of Violation on March 1, 2023, (the “ March 1 Notice”). At that time, Mr. Cottrell was asked to cease and desist from any further activity within 100 feet of the wetland areas shown on the plan prepared by Schofield, Barbini & Hoehn dated December 19, 2018 as revised to January 22, 2019 ( the “2019 Project Plan”) because he was in violation of an Order of Conditions SE79-395. The Order of Conditions expired on May 8,2023.

While the Order of Condition was in place, the following special conditions were relevant to the unauthorized activities conducted at your property:

1. *No construction activities, storage of equipment or materials or stockpiling of excavated fill shall occur outside the limit of work as shown on the Project Plan****.***
2. *In accordance with the provisions of 310 CMR 10.53 ( 1), where previous development of the Buffer Zone is extensive, the Issuing Authority may consider measures such as the restoration of natural vegetation adjacent to a Resource Area. Therefore, the stone wall shown on the project plan shall serve as the limit of approved mowing within the Buffer Zone. The area beyond the stone wall to the south and south west to the edge of the wetland shall be left undisturbed in order to allow the disturbed vegetation in the Inner Buffer Zone and the Bordering Vegetated Wetland to grow back. This is an ongoing condition that does not expire with the issuance of a Certificate of Compliance.*
3. *Any new landscaping within the Buffer Zone and outside the existing stone walls requires the submission of a landscape plan for review and written approval from the Commission.*

Since the issuance of this Order of Conditions there were several instances of reported unauthorized activities outside the limit of work shown on the 2019 Project Plan. The unauthorized work includes but may not be limited to removal of trees, brush cutting, laying of pvc pipes, and placement of gravel and fabric filter within the Buffer Zone.

On March 12, 2020 it was discovered that a significant amount of clearing had been done outside the limit of work prompting a request for the wetland edge to be flagged in the field so that the extent of any violation could be documented. A revised plan dated August 14, 2020 showed a significantly reduced wetland which would place much of the clearing and alteration beyond the stone wall either in the outer Buffer Zone to an Isolated Wetland or more than 100 feet from the wetlands. Because the 2020 delineation was never formally accepted by the Commission by an amendment to the Orders of Condition, the 2019 Project Plan must be used in accordance with 310 CMR 10.05(4)(b)2., and 10.05(6)(d) when the March 1 Notice was issued.

The March 1 Notice required Mr. Cottrell to have the wetland delineation shown on the 2019 Project Plan verified by having a person qualified to perform wetland delineations conduct a review of the delineation to confirm the wetland edge so that the Commission could determine the extent of violations within the wetlands and the Buffer Zone.

In compliance with this requirement Mr. Cottrell submitted a plan dated 04-10-23 prepared by Ecosystem Solutions, Inc , (the “ESI Plan”) on April 10,2023. The ESI plan shows the location of the 25,50 and 100 ft setbacks from the wetland edge in order to document all alterations within the Commission’s jurisdiction. This plan includes all cleared areas, any drainage pipes that have been installed and the location of filter fabric. The Commission now accepts this plan as the delineation for 274 Indian Hill Road. was filed with the Notice of Intent referenced below.

Based on the delineation on the ESI plan, there are currently no violations under MGL Chapter 40 Section 131 as amended. The violations that currently exist are within the Buffer Zone to an isolated wetland shown on the ESI Plan as series B1-B8 9( the “ B-Series IVW”)

At the September 12 public hearing on a Notice of Intent filed with the Commission on August 30,2023 (SE79-456), the Commission voted to continue the hearing on the NOI to December 12, 2023 at 5:20 PM and to issue this Enforcement Order for the submittal of restoration plan on or before October 10, 2023.

The restoration plan to be submitted shall include the following areas to be restored within the Buffer Zone to the isolated wetland:

* the removal of that portion of the dirt road/ driveway and the garden area in the Buffer Zone,
* the restoration of the disturbed areas within 50 feet of the B-Series IVW as shown on the ESI Plan,
* the removal of the drainage pipe and restoration of this area,
* abandonment of the paths shown on the ESI plan; the removal of any fill, all filter fabric and wood chips
* removal of any lumber or other materials currently being stored in the Buffer Zone

The new proposed work in Notice of Intent for SE 79-456 will not be considered for approval until such time as the restoration plan has been implemented.

Until this matter is resolved, no work is to be conducted that would further alter the buffer zone or wetland areas on this property. Failure to comply with this Enforcement Order will result in the issuance of fines issued in accordance with 310 CMR 10.08, MGL Chapter 40 Section 21D and the West Tisbury Wetlands Protection Bylaw Section X.