|  | 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 and the West  Tisbury Wetlands Protection Bylaw | | | | | 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: | | | | | |
| West Tisbury  Conservation Commission (Issuing Authority) | | | September 12 and 26, 2023  Date | | |
| To: | | | | | |
| Christopher Cottrell  Name of Violator | | | | | |
| 274 Indian Hill Road  Address | | | | | |
| 1. Location of Violation: | | | | | |
| same as above  Property Owner (if different) | | | | | |
| Street Address | | | | | |
| City/Town | | | Zip Code | | |
| Assessors Map/Plat Number | | | Parcel/Lot Number | | |
|  | 2. Extent and Type of Activity (if more space is required, please attach a separate sheet): | | | | | |
|  | See Attachment A | | | | | |
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|  | 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),or the West Tisbury Wetlands Protection Bylaw and Regulations( the “ Bylaw”) 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). | | | | | |
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|  | B. Findings (cont.) | | | | | |
|  | the activity has been/is being conducted in an area subject to protection under c. 131, § 40, Bylaw, or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to: | | | | | |
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|  | Christopher Cottrell  Name | | | February 1, 2019  Dated | | |
|  | SE79-395  File Number | | | 9,11, and 12  Condition number(s) | | |
|  | The Order of Conditions expired on (date): | May 8,2023  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): | | | | | |
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|  | 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 | | | | October 10, 2023  Date | |
|  | for the following: | | | | | |
|  | See Attachment A | | | | | |
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|  | The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority. | | | | | |
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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: | | | | | |
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|  | 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: | | | | | |
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|  | 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. | | | | | |
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|  | 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: | | | | | |
|  | Maria McFarland, Board Adiminstator  Name | | | | | |
|  | 508-696-6404  Phone Number | | | | | |
|  | Monday -Thursday Noon to 4:30  Hours/Days Available | | | | | |
|  | Issued by: | | | | | |
|  | Conservation Commission | | | | | |
|  |  | | | | | |
|  | Conservation Commission signatures required on following page. | | | | | |
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|  | 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. | | | | | |
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|  | For authorization of electronic signatures see Certificate of Vote recorded in the Dukes County Registry of Deeds in Book 1530, Page 619. | | | | | |
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|  | Signatures: | | | | | |
|  | Signature | | Fred Barron  Printed Name | | | |
|  | Signature | | Geraldine Brooks  Printed Name | | | |
|  | Signature | | Whit Griswold  Printed Name | | | |
|  | Signature | | Angela Luckey  Printed Name | | | |
|  | Signature | | Peter Rodegast  Printed Name | | | |
|  | Signature | | Ernie Thomas  Printed Name | | | |
|  | Signature | | Michael Turnell  Printed Name | | | |
|  | Signature | | Printed Name | | | |
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|  | Signature of delivery person or certified mail number | |  | | | |