



**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:

Rowley  
 Conservation Commission (Issuing Authority)

Sept. 20, 2023  
 Date

To:

James W. DiBenedetto  
 Name of Violator  
92 Leslie Road, Rowley, MA 01969  
 Address

1. Location of Violation:

same  
 Property Owner (if different)  
92 Leslie Road  
 Street Address  
Rowley  
 City/Town  
Map 7  
 Assessors Map/Plat Number

01969  
 Zip Code  
Parcel 19, Lot 10  
 Parcel/Lot Number

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

Cutting, clearing, and grading (altering), placement of fill (filling), and ditching (removal) in the 100' Buffer Zone to Bordering Vegetated Wetlands (BVW) 310 CMR 10.02 of approx. 4,000 sq. ft. and Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 approx. 800 sq. ft. (state & local) without application or an issued permit

**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).



**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):

the activity has been/is being conducted in violation of the Town of Rowley Wetlands Protection Bylaw

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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 Nov. 20, 2023  
 Date

for the following:

wetlands delineation and surveyed plan for property prepared by qualified professionals subject to RCC review shall be prepared to quantify the nature and extent of resource area alterations and impacts

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**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: \_\_\_\_\_

---

**C. Order (cont.)**

- Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Nov. 20, 2023

Date

for the following:

Restoration of altered 100' Buffer Zone to BVW and BVW with replanting and establishment of 25' No Cut/No Disturbance Zone as required by RCC

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:

Arrange site inspection with RCC staff prior to meeting. Installation of protective erosion control barriers for all non-stabilized soils and sediment including bare soils. Engage the services of a qualified wetlands professional subject to RCC review. Impacted resources shall be restored. Submit a letter stating intent to comply with Enf Ord by October 16, 2023. Cease and desist from any further altering, cutting or clearing. Attend the RCC meeting Oct. 3 or 24, 2023.

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:

Brent Baeslack, Conservation Agent

Name

978 948-2330

Phone Number

Monday to Thursday 9:00 AM to 12:30 PM

Hours/Days Available

Issued by:

Town of Rowley

Conservation Commission

Conservation Commission signatures required on following page.



**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: \_\_\_\_\_

---

**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.

---

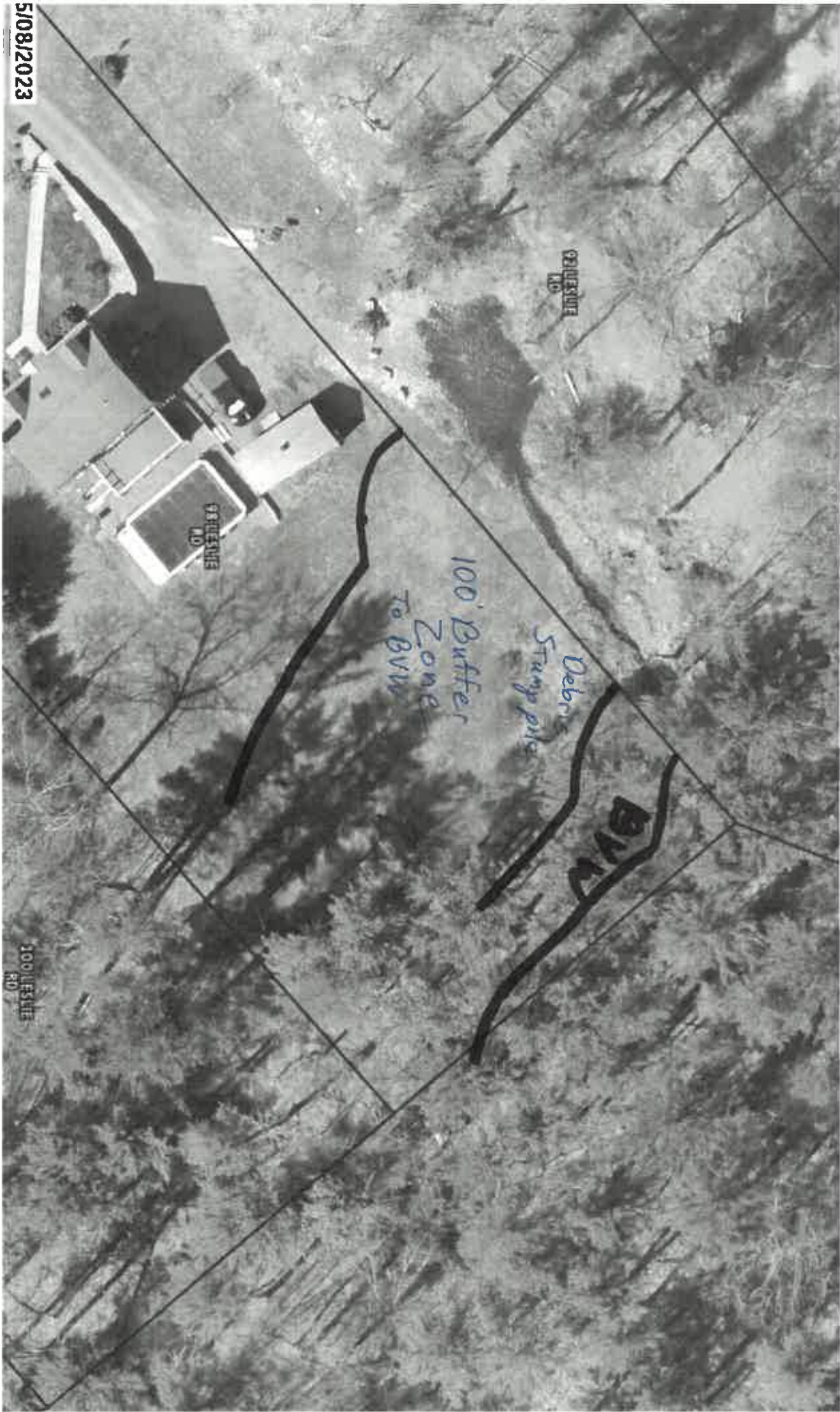
Signatures:

Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____
Signature _____	Printed Name _____

*Brend Baeslach*

Signature of delivery person or certified mail number

5/08/2023



92 LESLIE RD

98 LESLIE RD

100' Buffer Zone To BWW

Debris Stump pile

BWW

300 LESLIE RD

James W. DiBenedetto  
92 Leslie Rd  
7-19-10  
100' Buffer Zone  
To BVW

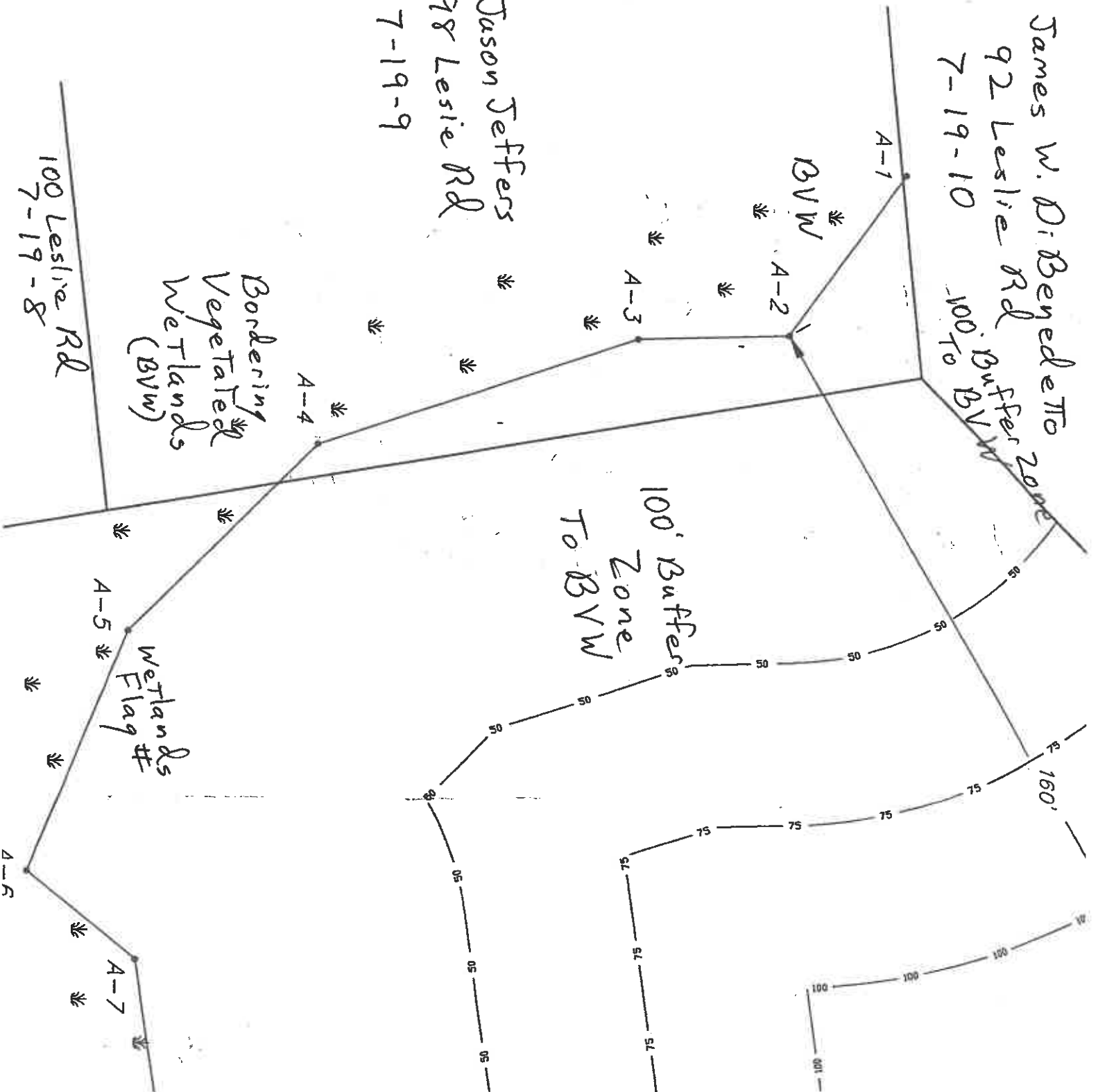
Jason Jeffers  
98 Leslie Rd  
7-19-9

Bordering  
Vegetated  
Wetlands  
(BVW)

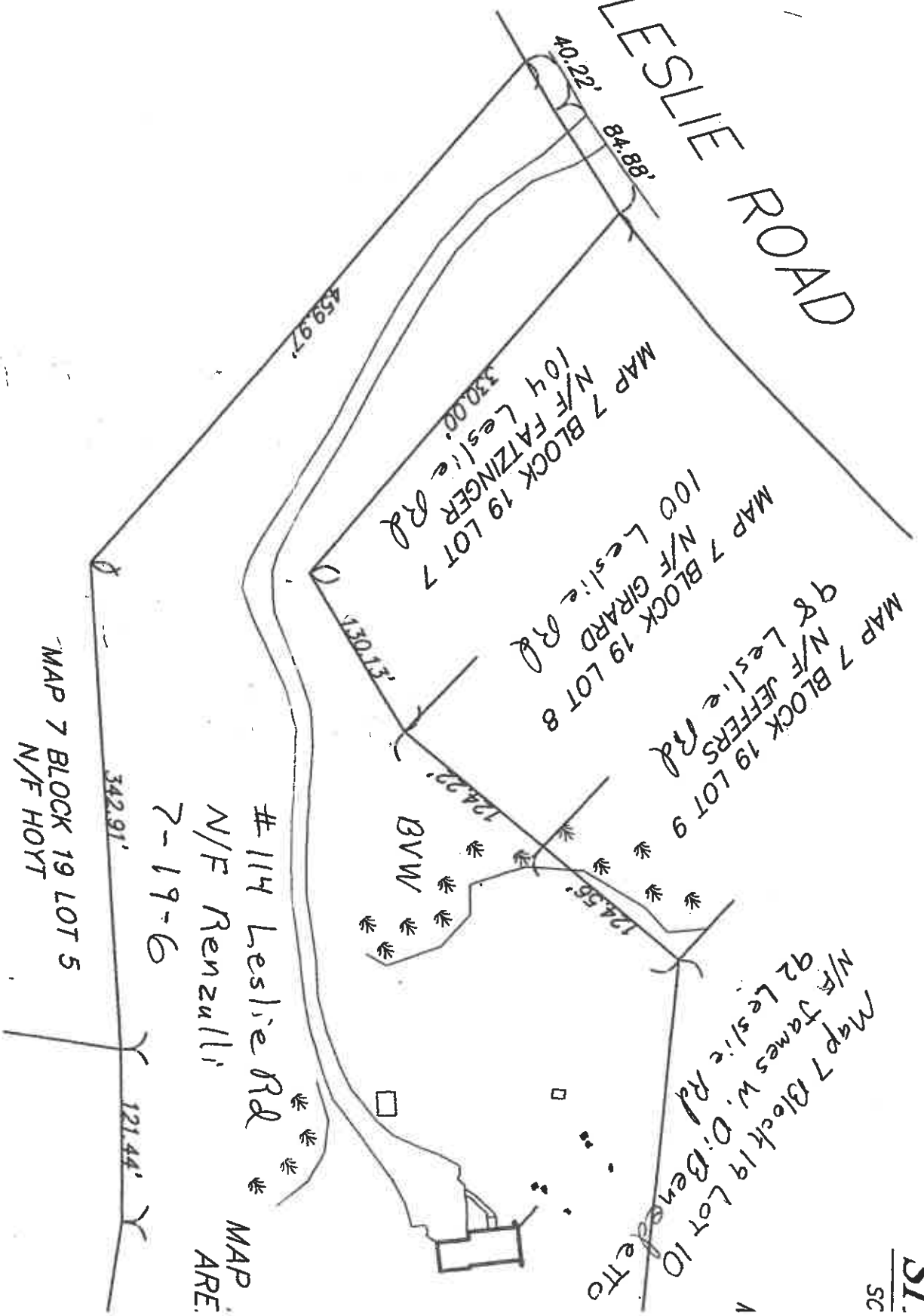
100' Buffer  
Zone  
To BVW

100 Leslie Rd  
7-19-8

Wetlands  
Flag #



# LESLIE ROAD

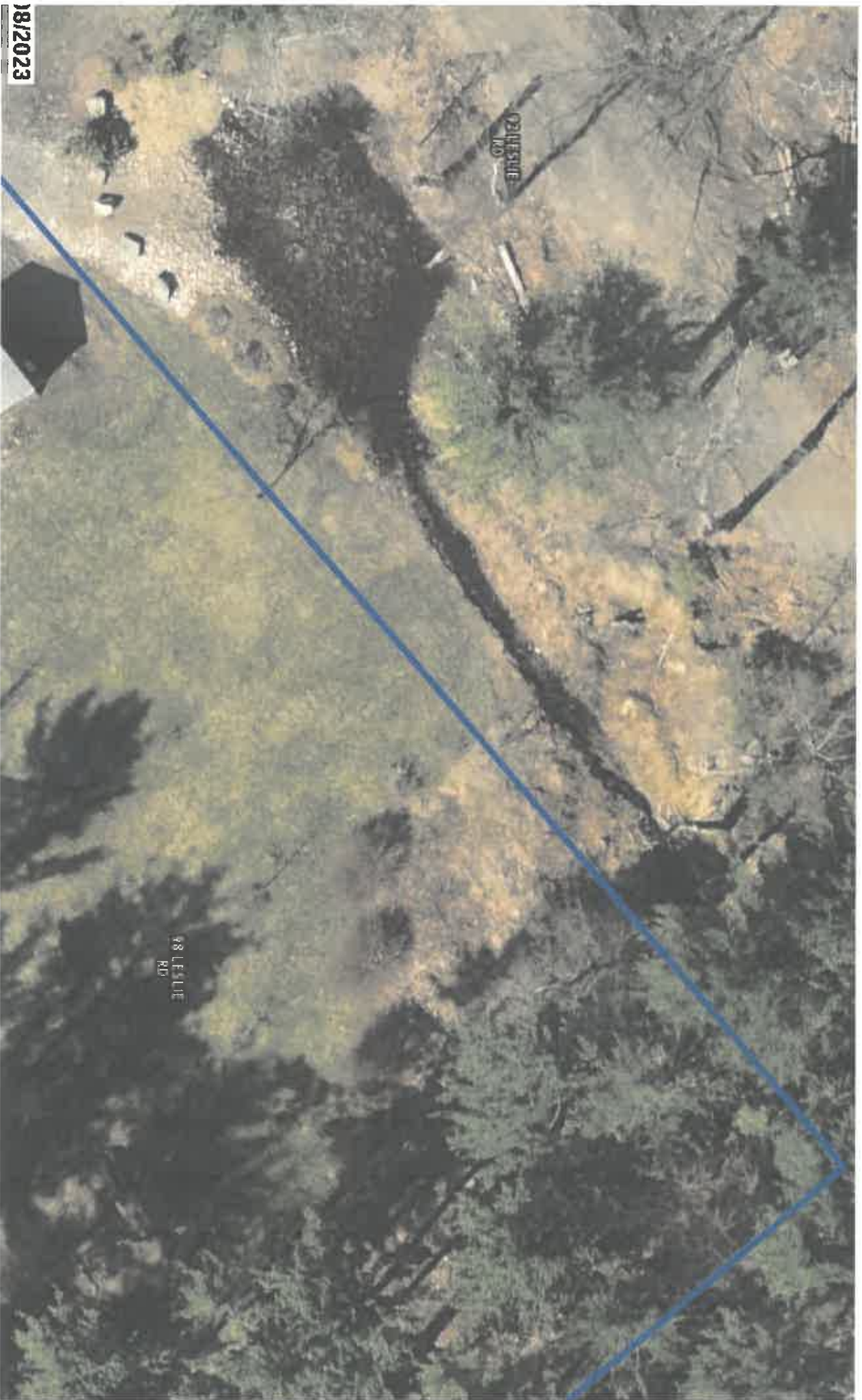


## LOCUS I

SCALE 1" = 1'

Left = 92 Leslie Rd

Right = 98 Leslie Rd

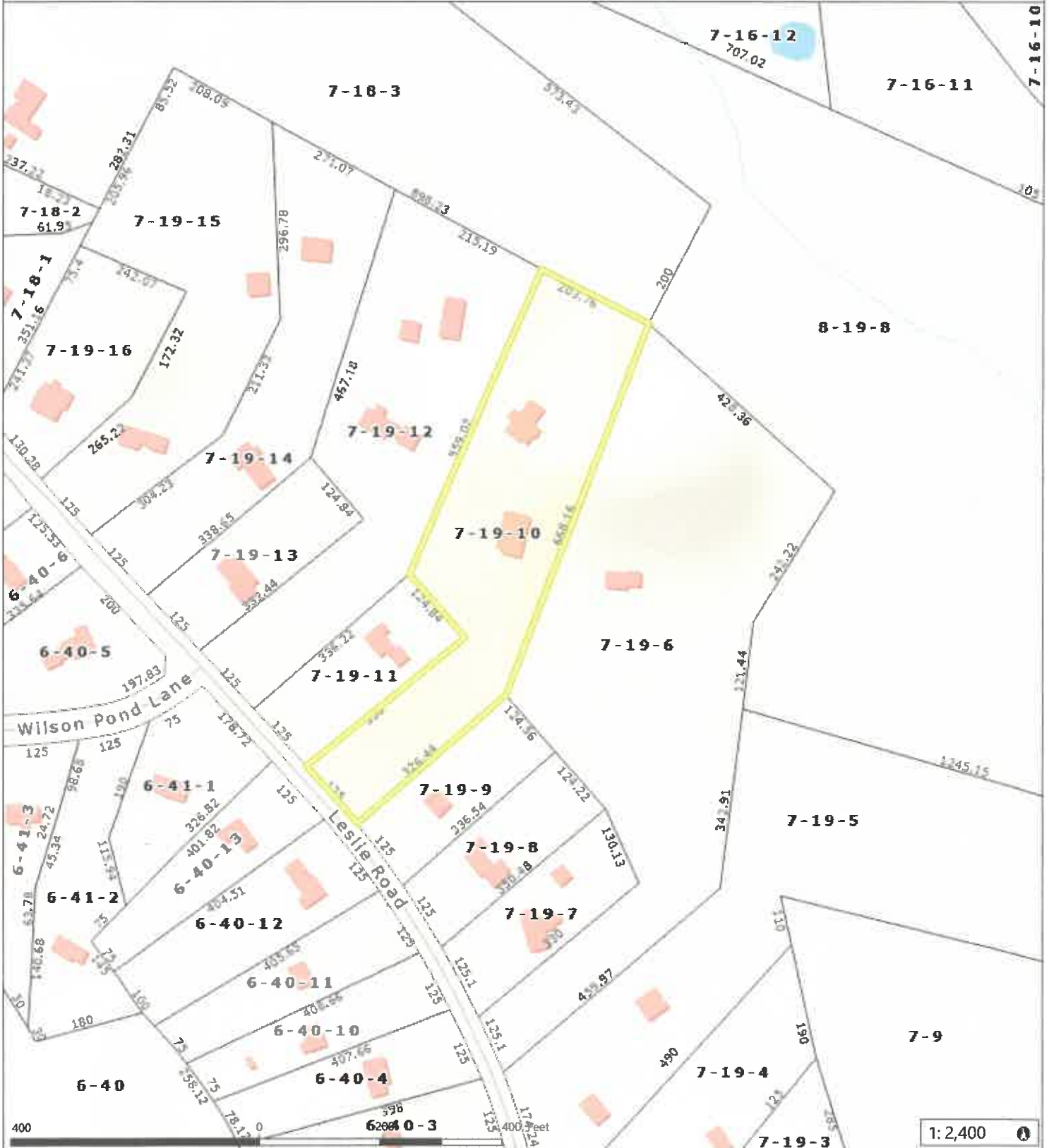


18/2023



# 92 Leslie Rd DiBenedetto

09/20/2023



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Rowley & MassT/MassGIS.  
MVPC AND THE TOWN OF ROWLEY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF ROWLEY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



- Legend
- Municipal Boundary
  - Building Footprints
  - Roads
  - Hydrographic Features
  - Interstate
  - Streams
  - Major Road
  - Local Road
  - Parcels