



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:

N/A

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
 Conservation Commission (Issuing Authority)

April 10, 2024
 Date

To:

Dale and F Gary MacCausland
 Name of Violator

169 Glen St. Rowley 01969 & 27 Coleman Rd, Newbury, MA 01922
 Address

1. Location of Violation:

Same

Property Owner (if different)

169 Glen Street

Street Address

Rowley

City/Town

Map 20

Assessors Map/Plat Number

01969

Zip Code

Parcel17, Lot 6

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 Bordering Vegetated Wetlands (BVW) 310 CMR 10.55 and within the 100' Buffer Zone of BVW 310 CMR 10.02 of approx. 500 - 800 sq. ft. (state & local). Possible alteration of an intermittent stream (Bank) 310 CMR 10.54) by redirecting groundwater flow. All without application or issued permit (WPA or Local Bylaw).

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 June 30, 2024
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.



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:

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 April 23, 2024. Cease and desist from any further altering, cutting, clearing, and ditching. Attend the RCC remote meeting April 23 or May 14, 2024. Arrange site inspection with RCC staff prior to meeting.

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

978-768-2330

Phone Number

Mon-Thur 9:00 AM to 12:30 PM

Hours/Days Available

Issued by:

Rowley Conservation Commission

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.

Brent Baeslack, Conservation Agent *Brent Baeslack*
4-10-24

Signatures:

<u>Signature</u>	<u>Printed Name</u>
<u>Signature</u>	<u>Printed Name</u>
<u>Signature</u>	<u>Printed Name</u>
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<u>Signature</u>	<u>Printed Name</u>

Signature of delivery person or certified mail number