

WPA Form 9 – Enforcement Order

SE49-0730

DEP File Number:

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 And the City of New Bedford Wetlands Ordinance (Sections 15-101 - 15-112)

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.
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	is Enforcement Order is issued by:		
	·		
	New Bedford Conservation Commission (Issuing Authority)	May 30, 2019 Date	
	Conservation Commission (issuing Authority)	Date	
To:	:		
	Bruce Hebbel c/o the City of New Bedford Dept of Environmental Stewardship		
	Name of Violator		
	Room 304 City Hall - 133 William Street, New Be	edford, MA 02740	
	Address		
1.	Location of Violation:		
	City of New Bedford		
	Property Owner (if different)		
	241 Duchaine Boulevard		
	Street Address		
	New Bedford		
	City/Town	Lot 231	
	Map 136 Assessors Map/Plat Number	Parcel/Lot Number	
2.	Extent and Type of Activity (if more space is required, please attach a separate sheet):		
	Failure to request an extension of the Order of Conditions prior to completing the work on the wetland restoration. The wetland restoration area is currently approximately 1' higher than the adjacent wetland. The restored wetland is required to be at the same elevation as the adjacent wetland. The wetland restoration area was also seeded with the wrong seed mix. A wetland seed mix was approved under the Order of Conditions and a Conservation Seed Mix was used. Failure to notify the Conservation Agent to inspect the final grade of the wetland area prior to seeding.		
_	Findings		

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), and the New Bedford Wetlands Ordinance 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 No	egative

Page 1 of 4 wpaform9a.doc • rev. 7/14/04



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 And the City of New Bedford Wetlands Ordinance (Sections 15-101 - 15-112) 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: Michele Paul 4/22/2016 Name Dated SE49-0730 5, 13, 14, 22, 51, File Number Condition number(s) 4/22/2019 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 issuing authority has further determined that the activities described above are in violation of Article VII Wetland Protection of the City of New Bedford Code of Ordinances. 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 Date for the following: The restoration shall be completed in accordance with the conditions and timetable established by the

wpaform9a.doc • rev. 7/14/04 Page 2 of 4

issuing authority.



SE49-0730

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WPA Form 9 – Enforcement Order

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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:			
	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:		
	The property owner shall survey the wetland restoration area and the adjacent wetland. Wetland soils shall then be removed from the restored wetland until the elevation matches the adjacent wetland. The Conservation Agent shall then inspect the final grade of the restored wetland to determine if the elevation matches the adjacent wetland. The restored wetland shall then be seeded with a wetland seed mix with the tag from the seed mix submitted to the Conservation Agent prior to seeding. A straw mulch shall be placed over the seeded areas. This work is to be completed by August 2nd, 2019.		
	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		
	Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of vironmental Protection, but may be filed in Superior Court.		
Qu	estions regarding this Enforcement Order should be directed to:		
	New Bedford Conservation Commission		
	Name 508-991-6188		
	Phone Number		
	Monday thru Friday 8:00a.m. To 4:00 p.m. Hours/Days Available		
ss	sued by:		
_	New Bedford Conservation Commission		
	Conservation Commission		

wpaform9a.doc • rev. 7/14/04 Page 3 of 4



WPA Form 9 – Enforcement Order

SE49-0730

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Conservation Commission signatures required on following page.

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				

wpaform9a.doc • rev. 7/14/04 Page 4 of 4