



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**WPA Form 9 – Enforcement Order**

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

**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:

New Bedford  
Conservation Commission (Issuing Authority)

July 9, 2018  
Date

To:

David Rosonina  
Name of Violator  
3806 Acushnet Avenue, New Bedford, MA 02745  
Address

1. Location of Violation:

Property Owner (if different)  
3806 Acushnet Avenue  
Street Address  
New Bedford  
City/Town  
Map 134  
Assessors Map/Plat Number  
02745  
Zip Code  
Lot 298  
Parcel/Lot Number

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

The grading and placement of fill in a Bordering Vegetated Wetland (BVW) and its associated 100' Buffer Zone. Approximately 3,200 s.f. of BVW and 10,000 s.f. of Buffer Zone have been altered by the filling. Stumps in the BVW and Buffer Zone were removed.

**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 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 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):

Those violations cited in 2 above are also violations of the City of New Bedford Wetlands Ordinance (Section 15-108A). The property owner has been notified twice in the past 3 years and informed to not cut trees in the BVW and Buffer Zone.

**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 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:

Thursday August 2, 2018

Date

for the following:

Flagged and surveyed wetland boundary, restoration plan for the Bordering Vegetated Wetland and the 25' setback (no disturb zone), including planting plan and the placement of a fence at the edge of the 25' no disturb zone.

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:

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:

New Bedford Conservation Commission

Name

508-991-6188

Phone Number

Monday thru Friday 8:00a.m. To 4:00 p.m.

Hours/Days Available

Issued by:

New Bedford 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.

Signatures:

*Sarah E. Porter*

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

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

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Signature of delivery person or certified mail number