



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 9A – Enforcement Order
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

A. Violation Information

This Enforcement Order is issued by:

ACTON
 Conservation Commission (Issuing Authority)

09-25-2012
 Date

To:

ESTERBROOK FARM LLC, KIM SIEURIN
 Name of Violator
41 ESTERBROOK ROAD, ACTON MA
 Address

1. Location of Violation:

ESTERBROOK FARM LLC, KIM SIEURIN
 Property Owner (if different)
41 ESTERBROOK ROAD
 Street Address
ACTON MA
 City/Town
F-5
 Assessors Map/Plat Number

01720
 Zip Code
24
 Parcel/Lot Number

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

(A) CLEARING AND GRADING OF APPROXIMATELY TWO ACRES OF FORESTED WETLANDS

(RED MAPLE SWAMP).

(B) CLEARING AND SILT REMOVAL OF APPROXIMATELY 400 LINEAR FEET OF

INTERMITTENT STREAM CHANNEL AND ASSOCIATED BANKS (SEE ATTACHED MAP).

B. Findings

The Issuing Authority has determined that the activity described above 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 without a valid Order of Conditions.

the activity has been/is being conducted in violation of the Order of Conditions issued to:

Name

Dated

File Number

Condition number(s)



B. Findings (cont.)

Other (specify):

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 the further activity affecting the Buffer Zone and/or wetland resource areas on this property.
- Wetland alterations resulting from said activity should be corrected and the site returned to its original condition.
- Complete the attached Notice of Intent. The completed application and plans for all proposed work as required by the Act and Regulations shall be filed with the Issuing Authority on or before

NOVEMBER 1, 2012

Date

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 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:

TOM TIDMAN, NATURAL RESOURCES DIRECTOR *TT*

Name

978.929.6634

Phone Number

MONDAY – FRIDAY, 8AM – 5PM

Hours/Days Available

Issued by:

ACTON

Conservation Commission

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:

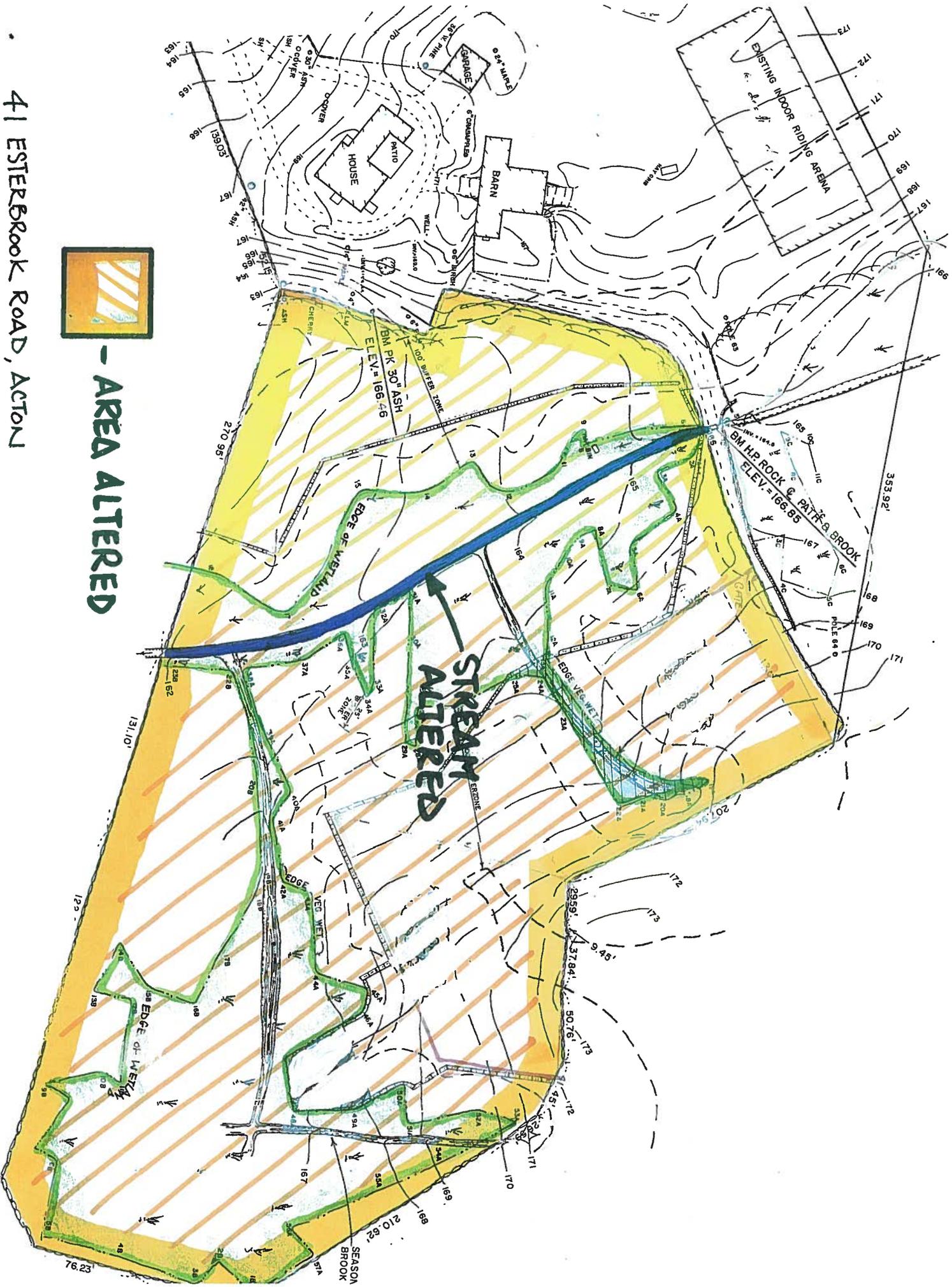
Terence Maitland, CHAIR

Signature of delivery person or certified mail number

41 ESTERBROOK ROAD, ACTON



- AREA ALTERED





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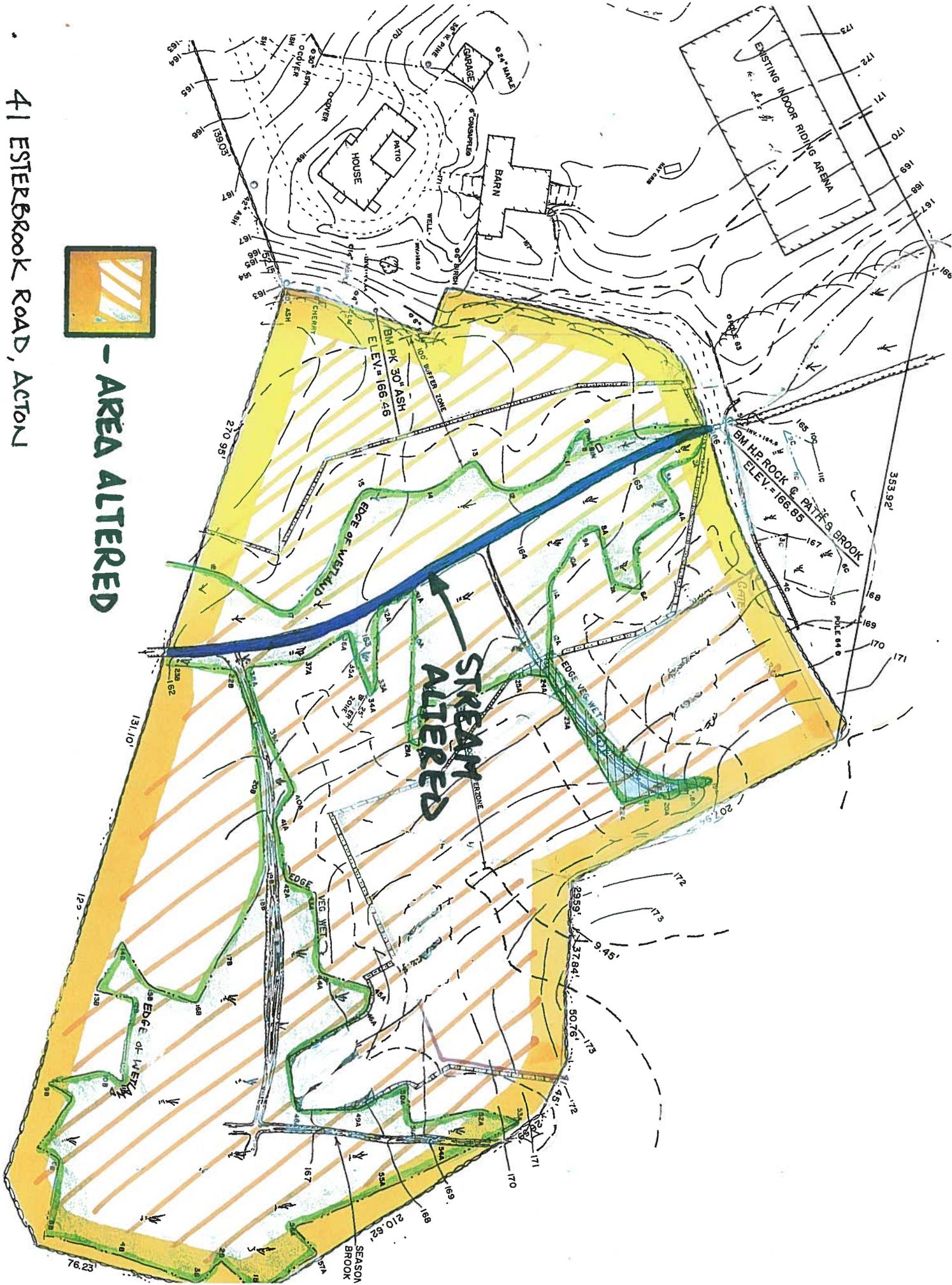
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