



**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:  
 85-1184  
 Provided by DEP

**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:

Acton  
 Conservation Commission (Issuing Authority)

Aug. 5, 2015 Amended: Oct. 22, 2015

To:

James & Jill Bernhard  
 Name of Violator  
 34 Robbins Street  
 Address

1. Location of Violation:

Property Owner (if different)  
 34 Robbins Street  
 Street Address

Acton  
 City/Town

01720  
 Zip Code

H-2  
 Assessors Map/Plat Number

48  
 Parcel/Lot Number

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

Grading, clearing and filling within the 100 foot wetland buffer zone.

Amendments:

- A. Material dumped in 100 year floodplain
- B. Material dumped in bordering vegetated wetlands
- C. Material dumped in 100 foot wetland buffer zone

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**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.



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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

September 30<sup>th</sup>, 2015  
 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:

1. Wetlands shall be delineated
2. Silt prevention measures shall be installed immediately
3. No additional work shall occur until an Order of Conditions has been issued.
4. All fill and tailings dumped illigally within floodplain, wetlands and wetlands buffer areas will be removed. (Amendment: 10/22/2015) Work shall be completed by 11/30/15.

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)



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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:

Tom Tidman, ttidman@acton-ma.gov

Name

978-929-6634

Phone Number

8AM - 5 PM

Hours/Days Available

Issued by:

ACTON

(See page 4 for original signatures Aug. 5, 2015)

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:

James C. Colman  
Paula Brodwin  
Cheryl Jones  
Terrence Maitland

[Signature]  
William F. Jones

\_\_\_\_\_  
 Signature of delivery person or certified mail number



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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:

Terrence Maitland, CHAIR      Paul G. Gorder  
William Folsom      James C. Colman  
[Signature] Vice Chair  
[Signature]

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Signature of delivery person or certified mail number