

**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: \_\_\_\_\_

**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:

Canton June 19, 2015  
 Conservation Commission (Issuing Authority) Date

To:

██████████  
 Name of Violator  
 ██████████, MA 02021  
 Address

1. Location of Violation:

Property Owner (if different)  
 ██████████  
 Street Address  
Canton 02021  
 City/Town Zip Code  
 ██████████ Parcel/Lot Number

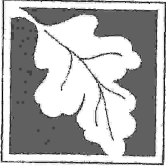
2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

Alteration of the Bank of ██████████ Pond, alteration of the 100' Buffer Zone to the Bank of ██████████ Pond, installation of a fixed boat dock without the benefit of a Chapter 91 license from DEP. Photographs of the violations were submitted by an abutter on June 18 & 19, 2015. Additional Canton residents have contacted the Commission and other town officials regarding the violation.

Under the Massachusetts Wetlands Protection Act (310 CMR 10.00): By conducting work within an Area Subject to Protection (wetland and buffer zone) without filing a Notice of Intent, ██████████ has violated the Wetlands Act, G.L.c. 131, sec. 40 and the Wetlands Regulations, 310 CMR 10.05(4) and the Town of Canton Wetlands Protection By-law, Article XV.

**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



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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):

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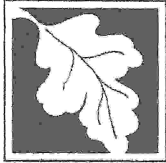
**C. Order**

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 July 8, 2015  
Date

for the following:

The property owner shall appear before the Canton Conservation Commission at its regularly scheduled meeting on June 24, 2015 to discuss the violation.



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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:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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:

Cythia O'Connell, Canton Conservation Agent

Name \_\_\_\_\_

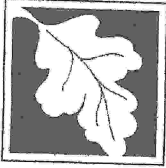
781-821-5035

Phone Number \_\_\_\_\_

Mon., Wed., Fri. 7:00 - 4:00

Hours/Days Available \_\_\_\_\_

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Canton  
Conservation Commission

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:

*James J. O'Connell* Conservation Agent  
*John J. [unclear]* Chair  
*James A. [unclear]*  
*[unclear]*  
*[unclear]*  
*[unclear]*

Signature of delivery person or certified mail number