



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 9A – Enforcement Order

SE57-N/A
Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
Town of Plymouth Wetlands Bylaw

A. Violation Information

COPY

This Enforcement Order is issued by:

PLYMOUTH
Conservation Commission (Issuing Authority)

8/30/07
Date:

To:

Property owner: Great Island Community, LLC/D.B.A. Great Island by Del Webb
Name of Violator
115 Flanders Road, Suite 170, Westborough, MA 01581
Address

1. Location of Violation:

Great Island Community, LLC/d.b.a. Great Island by Del Webb
Property Owner (if different)

Property is the Open Space Lots directly abutting 41 White Trellis, 43 White Trellis and 45 White Trellis.
Street Address

Plymouth

City/Town

02360

Zip Code

78D

Assessors Map/Plat Number

S-111 and S-77

Parcel/Lot Number

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

On August 16, 2007, the Plymouth Conservation Commission (PCC) was notified by The Pinehills staff of the unauthorized alteration of the resource area of Great Island Pond. Photos submitted showed extensive clearing of the under-story vegetation and the mature trees on the inland bank and within the 100-foot buffer zone of Great Island Pond. An onsite was performed by PCC staff on August 29, 2007 and noted that approximately 47 trees, greater than 2 inches in diameter were cut down on the bank and in the buffer zone of Great Island Pond. The disturbed area consists of approximately 20,900 square feet and in some areas goes down to the high-water mark.

THE ENTIRE SITE IS STATE-MAPPED PRIORITY AND ESTIMATED HABITAT FOR RARE AND ENDANGERED SPECIES AS DEPICTED ON THE MOST RECENT NATURAL HERITAGE MAP, DATED: OCTOBER 1, 2006.

The work and subsequent alteration of the inland bank and buffer zone are violations of the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131 Section 40, and the Plymouth Wetlands Protection Bylaw Article 27 s. 4 and Regulations s.3 (B) (1),(2).

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

SE57-N/A

File Number

Dated

Condition number(s)



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B. Findings (cont.)

Other (specify):

See attachment for "Fines".

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

October 15, 2007

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:

The Notice of Intent (NOI) must include a plan of restoration for the disturbed area. The plan will include re-vegetation with native plantings, brush, and significant trees. The NOI and plan shall be prepared and stamped by a registered Professional Engineer.

THE PROPERTY OWNER WILL IMMEDIATELY INSTALL A SILTATION FENCE INCLUDING A ROW OF DOUBLE-STAKED HAY BALES, IN ORDER TO PREVENT FURTHER EROSION.

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:

Elizabeth Sullivan, Conservation Planner

Name

508-747-1620, x140

Phone Number

Monday – Friday, 8 A.M. to 4:30 P.M.

Hours/Days Available

Issued by:

August 30, 2007

Plymouth

Conservation Commission

Elizabeth Sullivan, Conservation Planner

To be ratified by PCC on 9/10/07

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:

Evelyn Strawn, Chairperson

Christopher Brink

Gerre Hooker

Christine Reardon

William Wennetberg, Vice-Chairman

John Scaglianni

Paul Withington

7005 1820 0005 9283 1386

Signature of delivery person or certified mail number

- c: Amy Getchell, Director of Land Planning
- Natural Heritage and Endangered Species Program
- Jack Merrill, 41 White Trellis
- Joseph Macaluso, 43 White Trellis
- Eileen Troy, 45 White Trellis