

#### **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.	V	'i	0	la	ıti	0	r	1	In	fc	r	r	n	a	ti	0	r	1

Important:
When filling out
forms on the
computer, use
only the tab
key to move
your cursor -
do not use the
return key.





A.	Violation Information						
Thi	s Enforcement Order is issued by:						
	Newburyport Conservation Commission	03-01-2022					
	Conservation Commission (Issuing Authority)	Date					
To:							
	Mr. Mark Drago and Mr. John Powers						
	Name of Violator						
	3 Q Street and 163 Old Point Road						
	Address						
1.	Location of Violation:						
	ark Drago and the City of Newburyport						
	roperty Owner (if different)						
	Seawall associated with 3 Q Street and "Marshland, Old Point Road"						
	Street Address						
	Newburyport	01950					
	City/Town	Zip Code					
	75	170 and 173					
	Assessors Map/Plat Number	Parcel/Lot Number					
2.	Extent and Type of Activity (if more space is required, please at	tach a separate sheet):					
	Construction of a concrete and stone veneer/reinforcement on t	he landward side of the pre-existing					
sto	ne seawall.	9					

#### **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), 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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D	EP Fi	le Nun	nber:
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В.	Fi	ndings (cont.)	
	buf	the activity has been/is being conducted in an area s fer zone in violation of an issuing authority approval (i termination of Applicability) issued to:	
	Nan	ne	Dated
	File	Number	Condition number(s)
		The Order of Conditions expired on (date):	9
		The activity violates provisions of the Certificate of C	ompliance.
		The activity is outside the areas subject to protection but has altered an area subject to MGL c.131 s.40.	under MGL c.131 s.40 and the buffer zone,
		Other (specify):	
C.	Oı	rder	
	The	e issuing authority hereby orders the following (check	all that apply):
		The property owner, his agents, permittees, and all of from any activity affecting the Buffer Zone and/or res	ource areas.
	Ш	Resource area alterations resulting from said activity returned to their original condition.	shall be corrected and the resource areas
		A restoration plan shall be filed with the issuing author	ority on or before Date
	for	the following:	
		e restoration shall be completed in accordance with thuing authority.	e conditions and timetable established by the

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C.	Order (cont.)							
<ul> <li>Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing or before:</li> <li>April 19, 2022</li> </ul> Date								
1	for the following:							
	Repair and Maintenance of the seawall							
	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							
	Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of ironmental Protection, but may be filed in Superior Court.							
Que	stions regarding this Enforcement Order should be directed to:							
آ <u>ز</u>	Julia Godtfredsen Name igodtfredsen@cityofnewburyport.com Phone Number							
-	Hours/Days Available							
_	ed by:  Newburyport Conservation Commission  Conservation Commission							

DEP File Number:

Conservation Commission signatures required on following page.



# CITY OF NEWBURYPORT CONSERVATION COMMISSION

60 PLEASANT STREET NEWBURYPORT, MA 01950 978-465-4400

## **Enforcement Order for 11 76th Street**

#### Electronic Signature Page

Public Meeting Date: March 1, 2022

Location of Violation: 3 Q Street and City of Newburyport "marshland"

Property Owners: Mark Drago, John Powers and City of Newburyport

E-Signatures:

The name(s) typed below represent the intent to sign the foregoing document:

$\boxtimes$	<u>Joe Teixera, Chair</u>
$\boxtimes$	Stephen Moore, Vice-Chair
$\boxtimes$	Paul Healy, Member
$\boxtimes$	Dan Warchol, Member
$\boxtimes$	Carole Wagan, Member

Date Signed: March 1, 2022



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Signature of delivery person or certified mail number

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agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.					
Signatures:					

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or