



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

WPA Form 9 – Enforcement Order

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Littleton Wetlands Protection Bylaw

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:

Littleton

Conservation Commission (Issuing Authority)

July 20, 2023

Date

To:

Peter Scott

Name of Violator

5 Scott Road, Littleton, MA 01460

Address

1. Location of Violation:

Property Owner (if different)

107 Matawanakee Trail

Street Address

Littleton

City/Town

U47

Assessors Map/Plat Number

MA

Zip Code

19-0

Parcel/Lot Number

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

Grading and filling in 100 foot buffer zone with no erosion controls. See attached

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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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): _____

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.

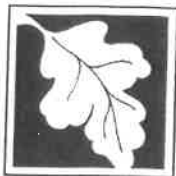
☒ A restoration plan shall be filed with the issuing authority on or before _____

August 8, 2023
Date

for the following:

As discussed on the site on July 20, Mr. Scott will attend the July 25th meeting to discuss _____

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



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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:

Establish erosion controls at the edge of the grading

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:

Amy Green

_____ Name

978-540-2428; agreen@littletonma.org

_____ Phone Number

M-Th 8:00 to 2:00

_____ Hours/Days Available

Issued by:

Littleton

_____ Conservation Commission

Conservation Commission signatures required on following page.



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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:

Ang Gr, agent

7022 1670 0003 2292 4986

Signature of delivery person or certified mail number

Amy Green

From: Amy Green
Sent: Thursday, July 13, 2023 11:13 AM
To: Peter Scott
Cc: Tim Pearson
Subject: 107 Matawanakee work
Attachments: 2023-07-13 Site Walk Report dirt dumping compiled.pdf

Peter – I've gotten a couple of complaints about work going on at 107 Matawanakee and it appears that the dirt being dumped is going into the regulated 100-foot buffer zone, and is unstabilized and unsecured. Can you let me know your intent there? Are the trees with X's marked with removal? There is no permit for work in the 100 foot buffer zone

Amy Green
Conservation Agent
Littleton Conservation Commission
37 Shattuck Street
PO Box 1305/Room B100
Littleton, MA 01460
978-540-2428
Hours – M-Th 9:00 – 1:00

Amy Green

From: Amy Green
Sent: Wednesday, July 19, 2023 12:12 PM
To: Peter Scott
Cc: Amy Green
Subject: 107 Matawanakee work
Attachments: 2023-07-17 Site walk for buffer zone work.pdf; 2023-07-13 Site Walk Report buffer one work compiled.pdf

Peter – this material continues to be a problem as it is eroding and causing siltation through the buffer zone. Can we meet out there to discuss what is going on? I am attaching the site walk report I also sent you earlier.

Amy Green
Conservation Agent
Littleton Conservation Commission
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978-540-2428
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Littleton Conservation Commission
P.O. Box 1305
37 Shattuck Street
Littleton, MA 01460
Phone: 978 540-2428 FAX: 978 952 2321
E-Mail: agreen@littletonma.org

SITE WALK REPORT
107 Matawankee Trail

Present: Amy Green (Conservation Agent)

Date: July 17, 2023

We had very heavy rains over the weekend and this is an update of the work.

Gullying and erosion is occurring in the unstabilized dirt piles and carrying the materials down slope.

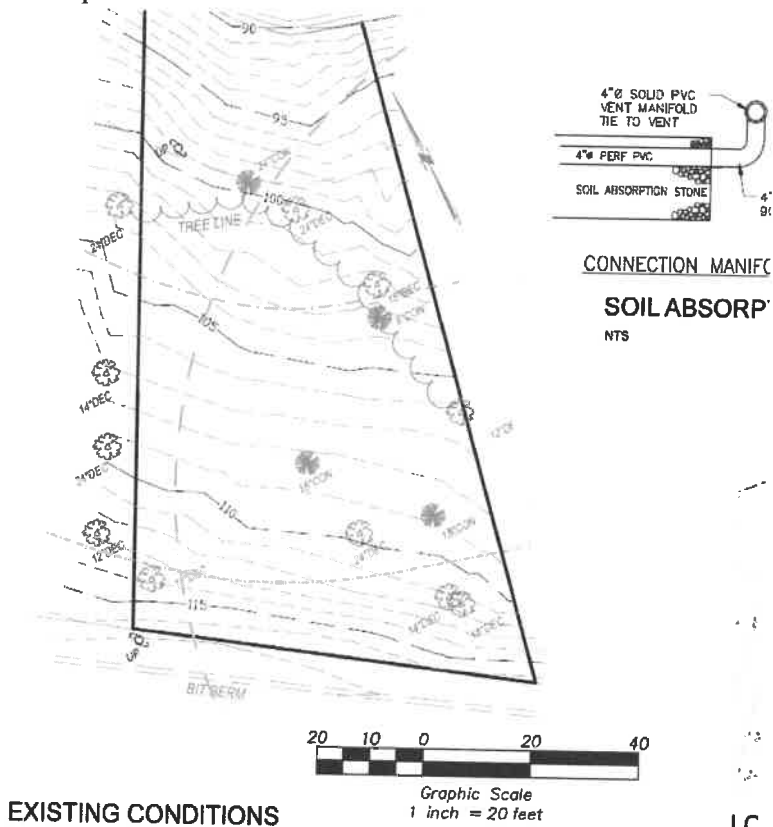


Photo 1. July 17, 2023. Gully eroding into buffer zone (near telephone pole).



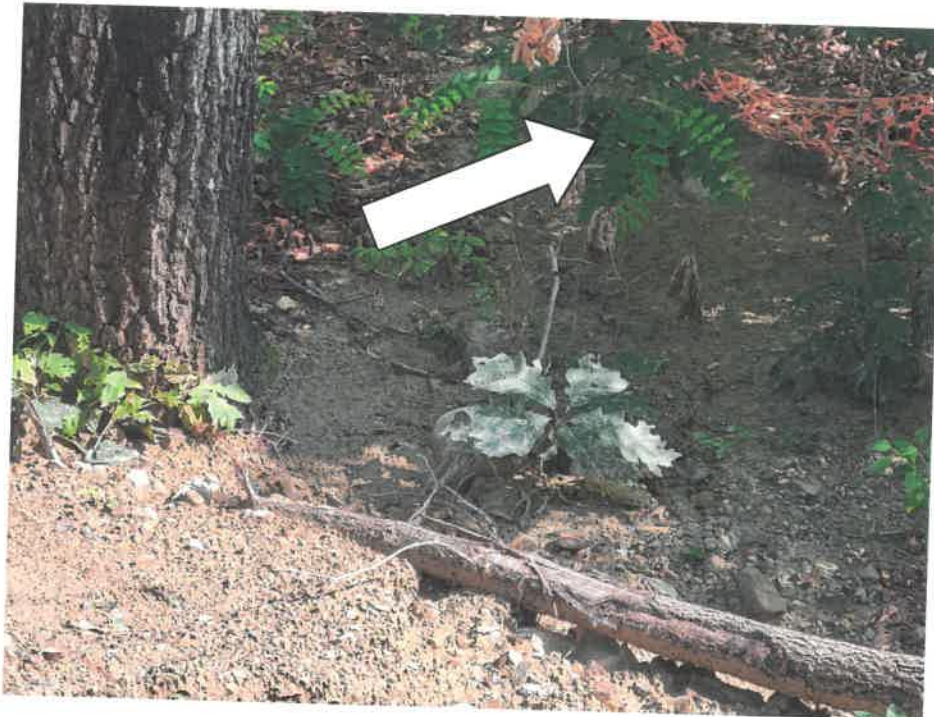
Photo 2. July 17, 2023. Close up of gully showing bricks etc in fill. Arrow shows siltation down the hill



Photo 3. July 17, 2023. Erosion going down the hill. Tree trunk in photo is identified as 24"DEC on plan



Photo 4. July 17, 2023. Heavy erosion going down hill. Tree trunk shown is part of 14"DEC and 18"DEC shown on the plans





Littleton Conservation Commission
P.O. Box 1305
37 Shattuck Street
Littleton, MA 01460
Phone: 978 540-2428 FAX: 978 952 2321
E-Mail: agreen@littletonma.org

SITE WALK REPORT
107 Matawankee Trail

Present: Amy Green (Conservation Agent)
Tim Pearson (Asst Conservation Agent)

Date: July 13, 2023

We walked the site in response to two complaints received yesterday and today. Dirt is being dumped along the road and apparently encroaching into the 100 foot buffer zone, creating a steep unstabilized slope with no erosion controls. In addition, most of the trees have been marked with orange X's. The attached partial map (from the NOI filing for 204-0921) shows that the 100 foot buffer zone is about 12 feet from the utility pole, and just below a tree identified as '12"DEC'.

The office had received a similar complaint and a site walk was conducted on June 9th. At that time, it did not appear that the dumping was in the buffer zone.

Pictures from the neighbors and the Agent (taken from the road) are attached, showing progression of work from June 9 to July 13, 2023.

107 Matawanakee

Photo 1. July 13, 2023. Telephone pole (yellow arrow) is about 12 feet from 100 foot buffer zone



Photo 2. July 13, 2023. Telephone pole (yellow arrow) is about 12 feet from 100 foot buffer zone. Dirt slope is beyond this



Photo 3. July 12, 2023. Photo by abutter

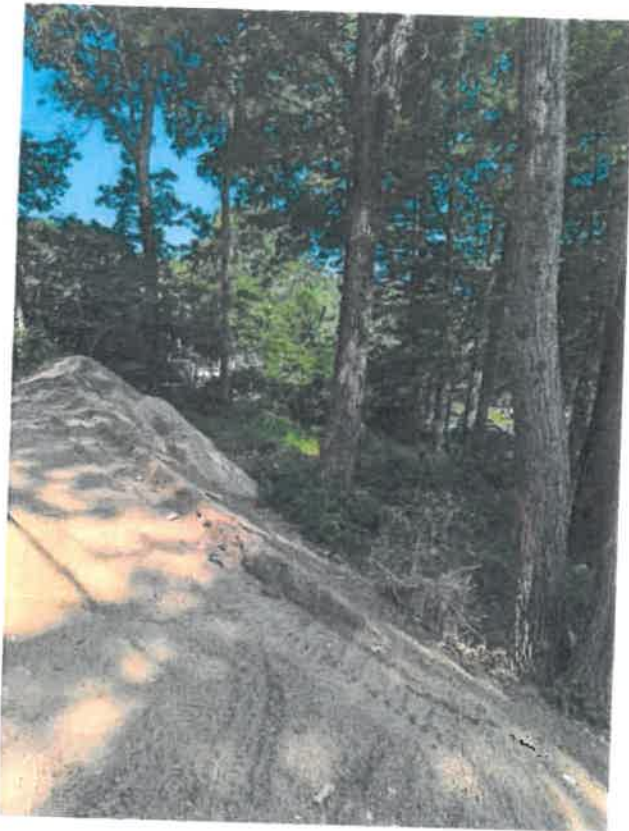
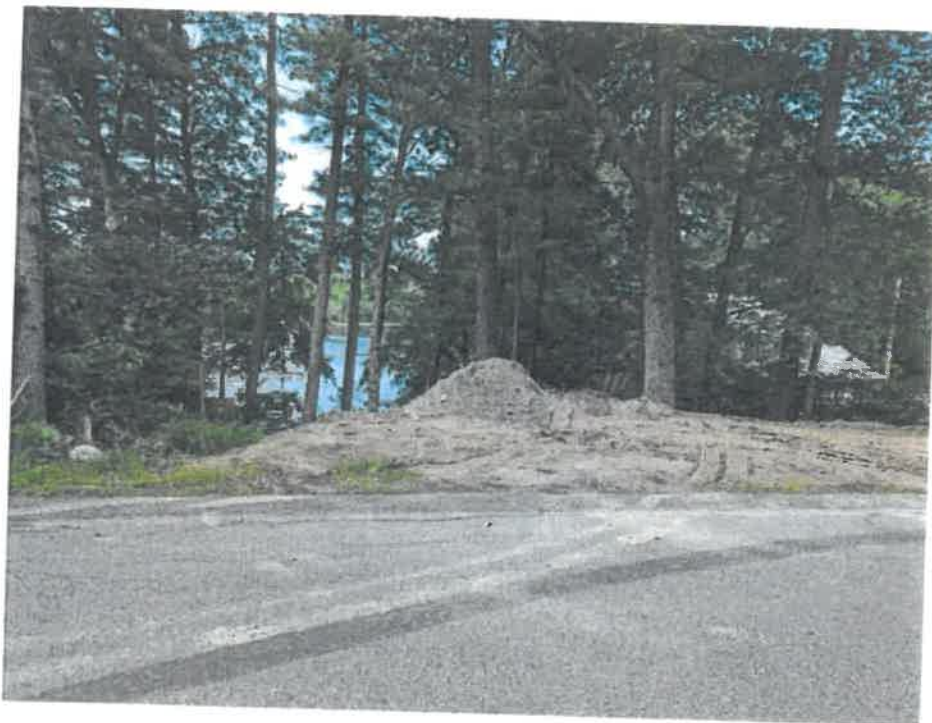


Photo 4. July 11, 2023. Photo by abutter



107 Matawanakee

Photo 5. June 9, 2023. Trees marked with X's



Photo 5. June 9, 2023. Trees marked with X's



107 Matawanakee

Photo 7. June 9, 2023. Dumped dirt, appears to be outside of 100 foot buffer zone



Photo 8. June 9, 2023. Dirt pile

