



**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:

Town of Sandisfield, MA

12/19/2023

Conservation Commission (Issuing Authority)

Date

To:

Jonathan Sylbert (Town of Sandisfield)

Name of Violator

66 Sandisfield Road, Sandisfield, MA 01255

Address

1. Location of Violation:

Town of Sandisfield

Property Owner (if different)

39 Dodd Road

Street Address

Sandisfield

01255

City/Town

Zip Code

Assessors Map/Plat Number

Parcel/Lot Number

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

Unpermitted work within a bordering vegetative wetland (wet meadows, marshes, swamps, and bogs) in violation of 310 CMR 10.55. At the intersection of Dodd Road and Sullivan Road the culvert pipes were replaced and the road was filled impacting 6000 sq ft of buffer zone.

**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:

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Name

Dated

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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 1/31/2024  
Date

for the following:

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Alteration to BVW and culvert replacement.

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:

1/31/2024

Date

for the following:

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Culvert pipe replacement and road work.

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:

Install erosion and sedimentation controls. Have the wetland delineated by a qualified person by January 31, 2023. Present to the Sandisfield Conservation Commission a plan to remediate and file a notice of intent by January 31, 2024.

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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:

Paul Gaudette

Name

518-329-5148

Phone Number

8:30-2:30

Hours/Days Available

Issued by:

Town of Sandisfield

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.

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Signatures:

**Paul Gaudette**

Printed Name

Signature

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Signature

Printed Name

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Signature

Printed Name

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Signature

Printed Name

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Signature

Printed Name

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Signature

Printed Name

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Signature

Printed Name

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Signature

Printed Name

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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:

*Paul Gaudette*  
 Signature  
*Theresa M. Spohnholz*  
 Signature  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 Signature

*Paul Gaudette*  
 Printed Name  
*12/19/2023*  
 Printed Name  
*Theresa M. Spohnholz*  
 Printed Name  
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*7021 2720 0000 3288 7191*  
 Signature of delivery person or certified mail number

