



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:

Amesbury

Conservation Commission (Issuing Authority)

6.16.22

Date

To:

Dovaro Trust & Robert J. Palmisano Trust c/o Joshua W. & Sheena E. Cooper

Name of Violator

16 Industrial Way, Salem, NH 03079

Address

1. Location of Violation:

Property Owner (if different)

53 South Hunt Road

Street Address

Amesbury

City/Town

95

Assessors Map/Plat Number

01913

Zip Code

9

Parcel/Lot Number

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

A site visit was conducted on 6.8.22 at the above referenced location of violation. Based on the site conditions it was observed that a significant amount of soil removal, fill and regarading had taken place within a jurisdictional area to jurisdictional resources. This constitutes work regulated activity within a jurisdictional area without an Order of Conditions or a Negative Determination of Applicability. Work also consisted of the construction of an in-ground pool, fencing and placement of pervious mterial within said jurisdictional area.

## 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



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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:

Joshua W. & Sheena E. Cooper  
Name

6.16.22  
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

7.1.22  
Date

for the following:

\_\_\_\_\_  
\_\_\_\_\_

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:

Maintain fully functioning erosion control around limit of regulated activities conducted without a valid Order of Conditions of Negative Determination of Applicability.

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:

John Lopez

Name

(978) 388-8110 ext. 504

Phone Number

Monday - Tuesday (8 AM-4PM). Wednesday and Thursday (9 AM -1 PM)

Hours/Days Available

Issued by:

Amesbury

Conservation Commission



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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 G. Butler*

\_\_\_\_\_  
Signature of delivery person or certified mail number

**Attachment to the Enforcement Order**  
**June 16, 2022**

1. Property owner (Joshua and Sheena Cooper) or their consultant shall submit a letter to the Amesbury Conservation Commission (ACC) stating they will comply with the required mandates outlined in the Enforcement Order. This letter shall be submitted to the ACC by no later than July 1, 2022.
2. Property owner shall immediately retain a wetland scientist who is competent in wetland ecology and soil science. This person must submit a letter on their company letterhead stating they have been hired and include the scope of work to be performed. This letter shall be submitted to the ACC by no later than July 1, 2022.
3. The wetland scientist shall conduct an assessment identifying the edge of impacted Bordering Vegetated Wetlands (BVW) and Buffer Zone. Observations shall be detailed in a report and be photo-documented. In addition, all impacted wetland resource areas and Buffer Zone areas must also be depicted on a plan, which should include the limit of alternation. A hand-held Global Positioning System (GPS) unit (with accuracy to within +/- 12 ft) may be substituted for land survey. The assessment report and accompanying plan shall be submitted to the ACC for review by no later than July 1, 2022. These documents will be discussed at the July 5, 2022 ACC public meeting.
4. Property owner along with their wetland scientist must attend the July 5, 2022 virtual ACC meeting at which time commissioners will deliberate on further proceedings consistent with this enforcement order.

Appendix  
Site Location &  
Photographs



**City of Amesbury**  
**53 South Hunt Road**

06/16/2022



1:1,200



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Amesbury & MassGIS. MVPC AND THE CITY OF AMESBURY MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF AMESBURY AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



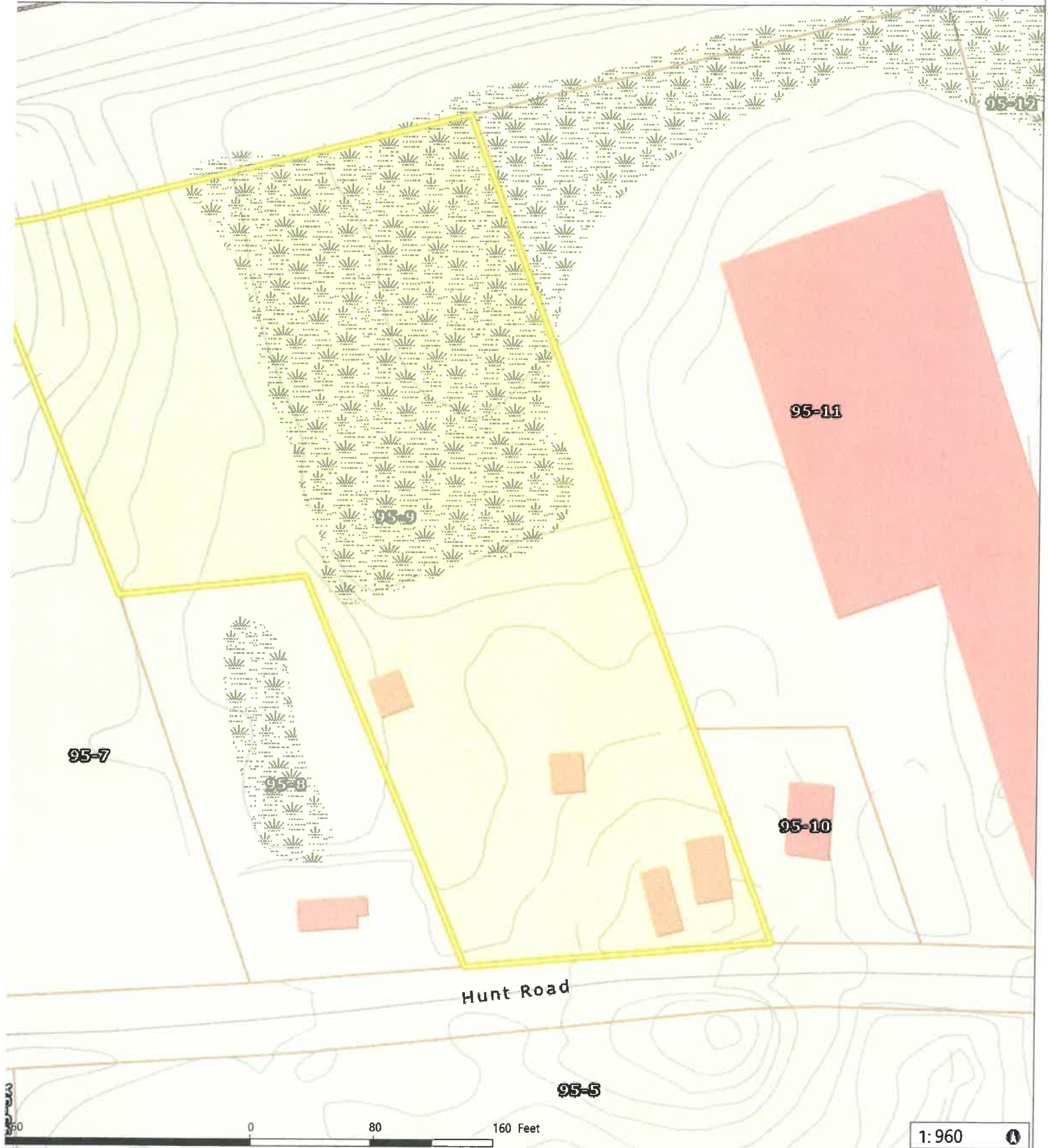
| Legend             |           |                       |            |
|--------------------|-----------|-----------------------|------------|
| Municipal Boundary | Parcels   | Building Footprint    | Road       |
| Local Road         | Easements | Hydrographic Features | Streams    |
|                    |           | Interstate            | Major Road |

Projection: NAD 1983 StatePlane Massachusetts Mainland FIPS 5001



# City of Amesbury 53 South Hunt Road

06/16/2022



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Municipal Boundary  
Local Road

Parcels  
Easements

Building Footprint  
Hydrographic Features

## Legend

Roads

Streams

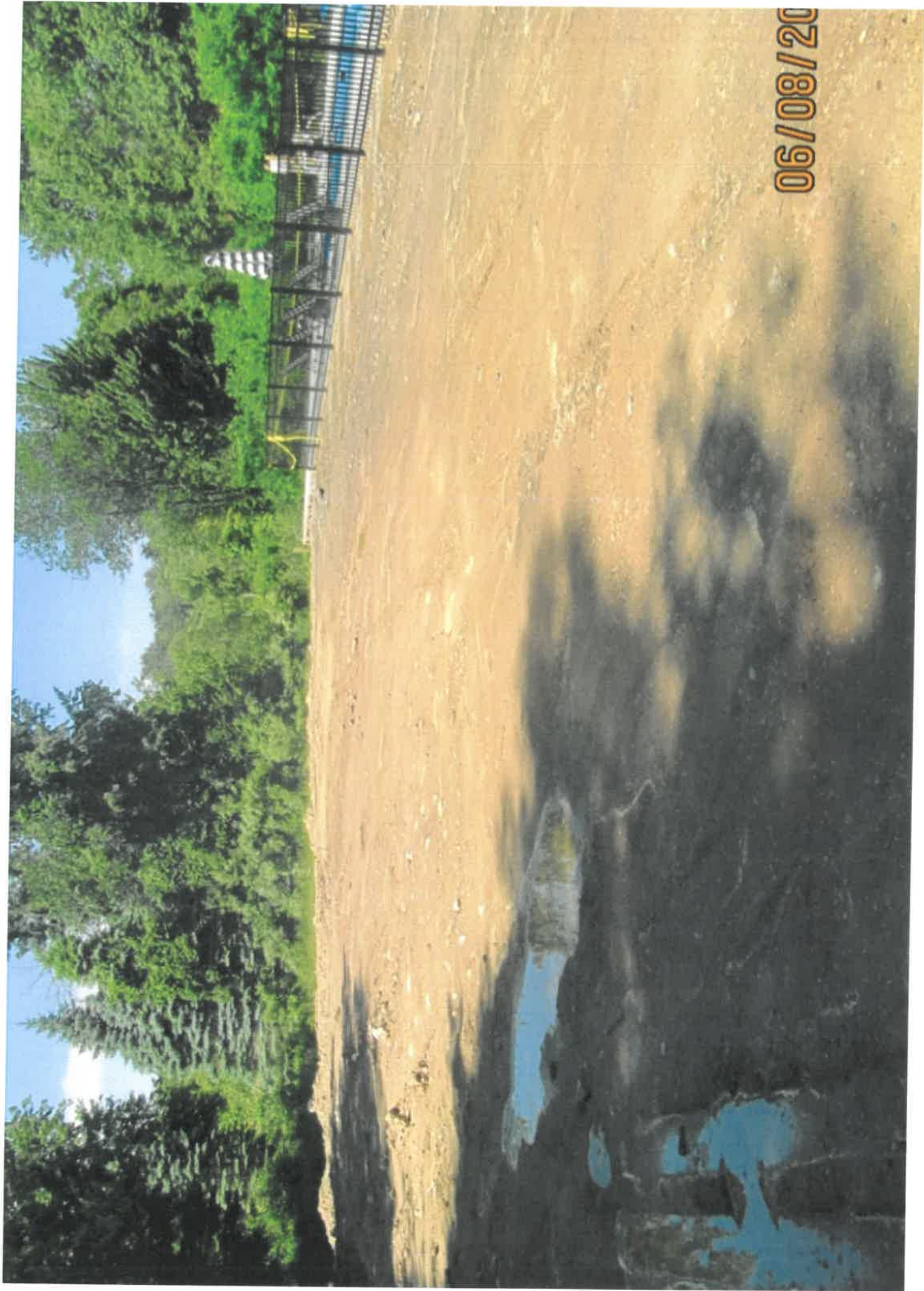
Interstate  
Wetlands

Major Road  
Contour Lines

1:960







06/08/20







06/08/20







06/08/20