



**WPA Form 9 – Enforcement Order**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the City of New Bedford Wetlands Ordinance (Sections 15-101 - 15-112)

**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:

New Bedford  
Conservation Commission (Issuing Authority)

May 30, 2019  
Date

To:

Bruce Hebbel c/o the City of New Bedford Dept of Environmental Stewardship  
Name of Violator  
Room 304 City Hall – 133 William Street, New Bedford, MA 02740  
Address

1. Location of Violation:

City of New Bedford  
Property Owner (if different)  
241 Duchaine Boulevard  
Street Address  
New Bedford 02745  
City/Town Zip Code  
Map 136 Lot 231  
Assessors Map/Plat Number Parcel/Lot Number

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

Failure to request an extension of the Order of Conditions prior to completing the work on the wetland restoration. The wetland restoration area is currently approximately 1' higher than the adjacent wetland. The restored wetland is required to be at the same elevation as the adjacent wetland. The wetland restoration area was also seeded with the wrong seed mix. A wetland seed mix was approved under the Order of Conditions and a Conservation Seed Mix was used. Failure to notify the Conservation Agent to inspect the final grade of the wetland area prior to seeding.

**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), and the New Bedford Wetlands Ordinance 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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**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:

The property owner shall survey the wetland restoration area and the adjacent wetland. Wetland soils shall then be removed from the restored wetland until the elevation matches the adjacent wetland. The Conservation Agent shall then inspect the final grade of the restored wetland to determine if the elevation matches the adjacent wetland. The restored wetland shall then be seeded with a wetland seed mix with the tag from the seed mix submitted to the Conservation Agent prior to seeding. A straw mulch shall be placed over the seeded areas. This work is to be completed by August 2nd, 2019.

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:

\_\_\_\_\_ New Bedford Conservation Commission

Name

\_\_\_\_\_ 508-991-6188

Phone Number

\_\_\_\_\_ Monday thru Friday 8:00a.m. To 4:00 p.m.

Hours/Days Available

Issued by:

\_\_\_\_\_ New Bedford Conservation Commission

Conservation Commission



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 9 – Enforcement Order**

SE49-0730

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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:

_____	_____
_____	_____
_____	_____
_____	_____

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