CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

May 13, 2019

Mr. Seth Tiburcio
68 Erin Court
New Bedford, MA 02745

NOTICE OF VIOLATION
68 Erin Court
Map 132J, Lot 40

Dear Mr. Tiburcio,

This letter serves to notify you that the tree cutting that has occurred on your property took place within the designated No Disturb Zone (or Setback) from a Bordering Vegetated Wetland (BVW) and within the BVW itself. BVW's are protected under the Ma Wetlands Protection Act (M.G.L. c131 S40) and accompanying Regulations (310 CMR 10.00 et. seq.). Additionally, a chain link fence has been installed within the BVW which you stated is located along a portion of your property boundary.

I have attached a copy of the Order of Conditions (OoC) issued by the Conservation Commission for the construction of your house and the plan approved with the OoC, which illustrates the wetland boundary and no disturb zone. A Certificate of Compliance (CoC) was also issued by the Conservation Commission which has an ongoing condition number 49 stating: *Upon completion of construction, a split rail fence shall be installed along the hay bale/silt fence boundary to establish a permanent no disturbance boundary in perpetuity. A sign/placard shall be placed on the fence notifying the property owner that a protected conservation area exists beyond the fence line.*   I have also attached this CoC for your information which is also recorded at the Registry of Deeds.

The Conservation Commission hereby requests your appearance at the Conservation Commission's next regularly scheduled meeting on May 21st, 2019 at 6:30 PM at the Brooklawn Senior Center, 1997 Acushnet Avenue, New Bedford, MA 02740. The purpose of your appearance will be to address the tree cutting and fence installation with the Commission.   Please contact me if you have any questions regarding this correspondence,

Sincerely,

Sarah E. Porter

Sarah E. Porter

cc: Conservation Commissioners, file

133 William Street-Room 304, New Bedford, MA 02740 - Telephone 508-991-6188 - Fax 1-508-961-3045