

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 9 – Enforcement Order**

SE49-0771

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 8, 2019  
Date

To:

Parallel Products of New England, Inc. c/o Tim Cusson  
Name of Violator

969 Shawmut Avenue, New Bedford, MA 02746  
Address

1. Location of Violation:

SMRE 100, LLC c/o Ruberto, Israel & Weiner 255 State Street, 7<sup>th</sup> Floor, Boston, MA 02109

Property Owner (if different)

100 Duchaine Boulevard

Street Address

New Bedford

02745

City/Town

Zip Code

Map 134

Lot 5

Assessors Map/Plat Number

Parcel/Lot Number

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

Stockpiling of glass in the 100' Buffer Zone (approx. 14,000 square feet of Buffer Zone). The existing Order of Conditions approved plans specifically state the area is to be used for the parking of tractor trailers. The glass covers two of the catch basins which discharge into a Bordering Vegetated Wetland. It is unknown if these catch basins are covered to prevent glass from entering them.

**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 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:

Tim Cusson

11/14/2017

Name

Dated

SE49-0771

13,14,22,

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):

The issuing authority has further determined that the activity described above is in violation of Article VII Wetland Protection of the City of New Bedford Code of Ordinances.

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

**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.

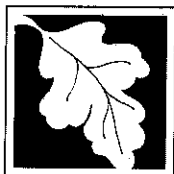
Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before \_\_\_\_\_ 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:

The property owner shall remove the stockpiled glass material from the Buffer Zone by June 7, 2019. The catch basins shall be cleaned of all debris (if they were left uncovered) by June 7, 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.

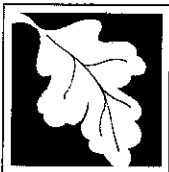
Hours/Days Available

Issued by:

New Bedford Conservation Commission

Conservation Commission

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:

*Sarah E. Porter*

_____	_____
_____	_____
_____	_____
_____	_____

7015 1520 0002 2797 1463

Signature of delivery person or certified mail number