



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number: \_\_\_\_\_

**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)

December 20, 2018  
Date

To:

The Bilotti Group, LLC  
Name of Violator  
941 Dyer Avenue, Cranston, RI 02920  
Address

1. Location of Violation:

Property Owner (if different)  
52 New Plainville Rd  
Street Address

New Bedford  
City/Town

02745

Zip Code

Map 125

Lot 127

Assessors Map/Plat Number

Parcel/Lot Number

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

Discharge of milky white water into Bordering Vegetated Wetlands (310 CMR 10.55). This constitutes an **Alteration** of the Bordering Vegetated Wetland as defined in 310 CMR 10.04. The source of the water is the basement inside Building H of the Willows Apartment Complex. A trench was recently installed in the concrete floor. This trench collects water which is then conveyed outside via pumps and into the 100' Buffer Zone. The water then flows overland and into the Bordering Vegetated Wetland where milky white water was observed on 11/21/2018. The Bilotti Group was asked twice to filter the water and they took no action.

**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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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:

Name \_\_\_\_\_ 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):

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:

1/24/2019 at 12:00 noon.

Date

for the following:

A proposed design to either infiltrate clean water from the basement into the 100' Buffer Zone or discharge clean water from the basement via drain pipes onto rip rap splash pads in the 100' Buffer Zone.

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:

Immediately **Cease & Desist** from discharging any water from the basement of Building H into the 100' Buffer Zone until you have a valid Order of Conditions from the Conservation Commission.

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



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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:

Sarah E. Porter  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

7015 1520 0002 2797 1418  
Signature of delivery person or certified mail number