

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:

EO 24-01

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:

Pittsfield
Conservation Commission (Issuing Authority)

May 1, 2024
Date

To:

Country Club of Pittsfield
Name of Violator
639 Sout Street, Pittsfield, Massachusetts 01201
Address

1. Location of Violation:

Country Club of Pittsfield
Property Owner (if different)
639 South
Street Address
Pittsfield
City/Town
Map H4
Assessors Map/Plat Number
01201
Zip Code
Bock 2, Lot 1
Parcel/Lot Number

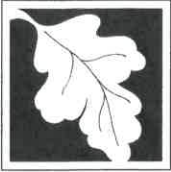
2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The site is located within of near the playing areas of an eighteen-hole golf course associated with the Country Club of Pittsfield. Unauthorized activities included the removal of woody (including hydrophytic shrubs and mature trees) and herbaceous vegetation (including hydrophytic herbs) and land grading with no evidence of significant grade change within, Bordering Land Subject to Flooding (310 CMR 10.57), Bordering Vegetated Wetlands (310 CMR 10.55), Inland Bank (310 CMR 10.54), and associated buffer zones (310 CMR 10.04).

Such activity is spread out over the low-lying portions of the golf course and will require site survey to best approximate the extent of resource and buffer zone impacts.

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



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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 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): _____

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 June 20, 2024
Date

for the following:

For all areas where vegetation has removed from the buffer zone and wetland resources areas. The restoration plan, at minimum, shall provide replacement plantings commensurate to the impact. This



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plan shall also include a detailed wetland resource area delineation and field survey that is to be shown on topographic base plan having 1' contour intervals and tied into the FEMA survey datum.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

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:

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:

Rob Van Der Kar

Name

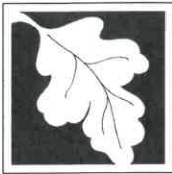
(413) 499-9359

Phone Number

M-F 8:30 - 4:00

Hours/Days Available

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Pittsfield
Conservation Commission

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:

Robert P. VanDerKam

Signature of delivery person or certified mail number