



## 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

Littleton Wetlands Protection Bylaw

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

### 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:

Littleton

Conservation Commission (Issuing Authority)

11/06/2025

Date

To:

Dale and Susan Cotnam

Name of Violator

172 Whitcomb Ave

Address

1. Location of Violation:

Dale and Susan Cotnam

Property Owner (if different)

172 Whitcomb Ave

Street Address

Littleton

City/Town

R13

Assessors Map/Plat Number

01460

Zip Code

3-1

Parcel/Lot Number

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

Removal of trees and vegetation within the 100' buffer zone of a jurisdictional wetland resource area

and within bordering lands subject to flooding. Removal was done on private land (R13-3-1) and

Town-Owned land (R13-3-15), some felled trees landed on adjacent conservation property owned by

Sudbury Valley Trustees, Inc. (R13-5-0). See attached site walk report dated 11-04-2025.

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### 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), 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:

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 11/18/2025  
\_\_\_\_\_  
Date \_\_\_\_\_

for the following:

Restoration of area disturbed without authorization.

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:

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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:

Attend the November 18<sup>th</sup> Conservation Commission meeting to discuss the violation and the path forward with the Commission.

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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:

Tim Pearson (Littleton Conservation Agent)

Name \_\_\_\_\_

978-540-2427

Phone Number \_\_\_\_\_

Mon-Thurs 8:00am- 4:30pm, Friday 8:00am- 12:30pm

Hours/Days Available \_\_\_\_\_

Issued by:

Littleton

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:

Signature

Andrew J. Sammarco

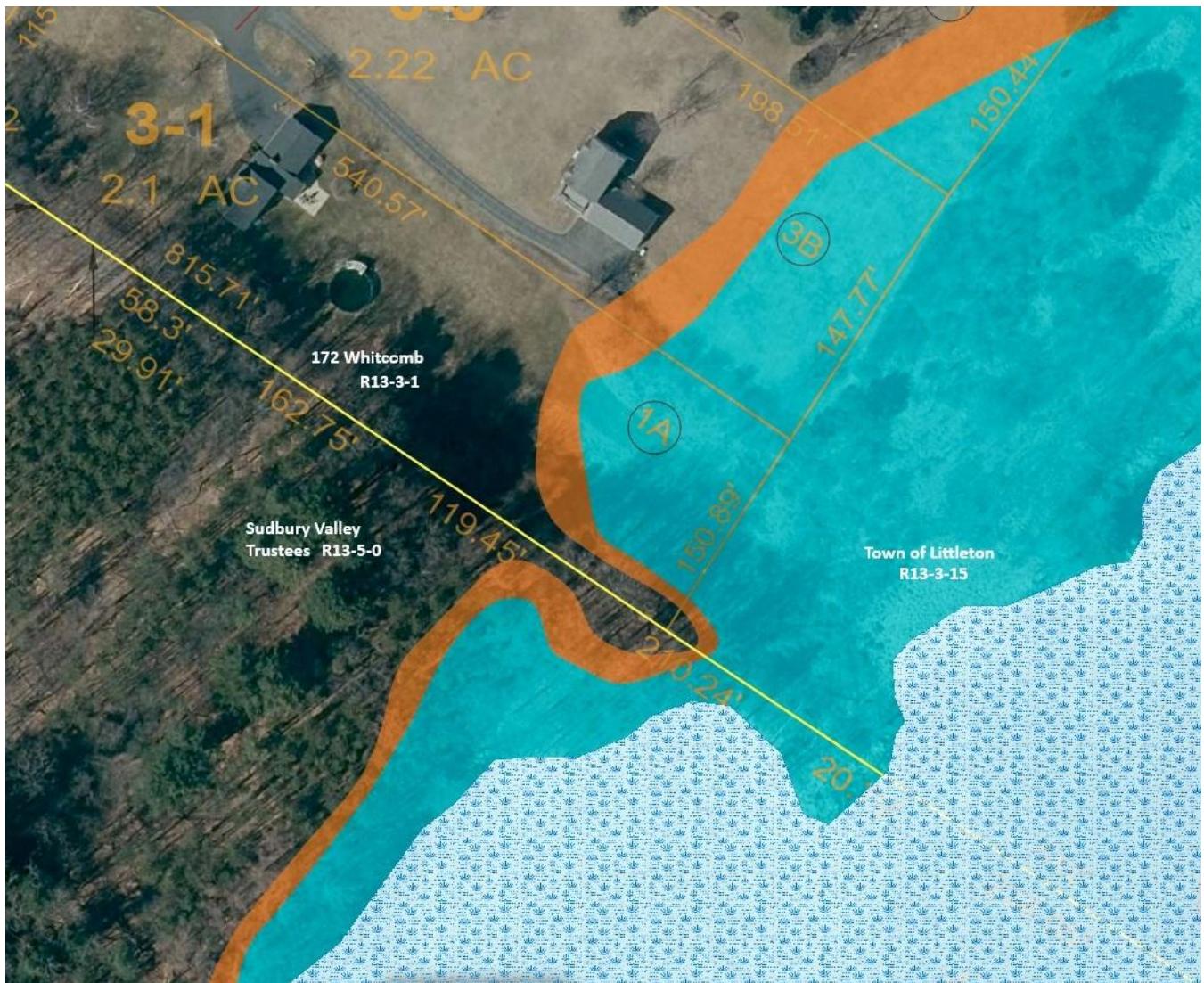
Printed Name

Signature

Printed Name

Signature of delivery person or certified mail number

**Photo 1. AxisGIS Aerial Imagery showing 172 Whitcomb, Approximate Wetland Locations, and Approximate Bordering Lands Subject to Flooding Locations.**



**Photo 2. Aerial imagery of 172 Whitcomb and neighboring properties from August 12, 2025 (left) and September 27, 2025 (right). Yellow lines indicate approximate property bounds.**



**Photo 3. Aerial imagery of 172 Whitcomb and neighboring properties from October 31, 2024 (left) and April 10, 2025 (right). Yellow lines indicate approximate property bounds.**



**Photo 4. Cleared Vegetation.**



**Photo 5. Cleared Vegetation.**



**Photo 6. Cleared Vegetation**



**Photo 7. Cut Vegetation and Felled Trees**



**Photo 8. Cut Vegetation and Felled Trees.**



**Photo 9. Cut Vegetation and Felled Trees.**

