



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

Littleton Wetlands Protection Bylaw

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)

5/2/2024

Date

To:

Casey and Jennifer Kaldenberg

Name of Violator

30 Warren Street

Address

1. Location of Violation:

Property Owner (if different)

30 Warren Street

Street Address

Littleton

01460

City/Town

Zip Code

U36

10-A

Assessors Map/Plat Number

Parcel/Lot Number

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

SEE ATTACHED

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).



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

Littleton Wetlands Protection Bylaw

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): _____

SEE ATTACHED

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 _____

5/14/2024
Date _____

for the following:

SEE ATTACHED

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



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

Littleton Wetlands Protection Bylaw

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:

Erosion Controls around the disturbed area, stockpiles of soil and materials.

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 (Assistant Conservation Agent)

Name _____

978-540-2427

Phone Number _____

Mon-Wed 8:00am – 4:30pm, Fri 8:00am – 12:30pm

Hours/Days Available _____

Issued by:

Littleton

Conservation Commission

Conservation Commission signatures required on following page.



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

D. Appeals/Signatures (cont.)

DEP File Number: _____

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.

Tom Cur

Signatures:

KLJ/NFL

Signature

Kyle F. Maxfield

Printed Name

Signature

Printed Name

9589 0710 5270 0277 6644 76

Signature of delivery person or certified mail number

Extent of Activity and Findings

Upon inspection of the site on 4/30/2024 and talking with a laborer and general contractor, Evan of Mayo Landscaping and Design, multiple violations of the Massachusetts Wetlands Protection Act and Littleton Wetlands Protection Bylaw were present. Evan was informed that the construction of the walkaway should've been proposed to the Conservation Commission staff to determine if the proposed work requires a permit. Evan was asked to provide contact information of the property owners (Casey and Jennifer Kaldenberg), so that I could contact them about the work done and schedule a meeting with them on-site. Evan did not provide their contact information and stated that he would contact Casey Kaldenberg to schedule a meeting with Evan, Kyle Maxfield (Littleton Conservation Commissioner) and myself, on-site the following day. Evan later stated that Mr. Kaldenberg did not plan on attending the on-site meeting. The site was photographed on 4/30/2024 and Evan was informed that the work should not continue.

The following violations were observed and photo-documented (See Photos):

	50' No-Disturb Area (Littleton Wetlands Protection Bylaw)	100' Buffer zone of a Wetland Resource Area (Massachusetts Wetlands Protection Act)	Riverfront Area (Massachusetts Wetlands Protection Act)	Border Vegetated Wetland
Unpermitted construction of a paver/gravel walkway and related work	X	X	X	
Unpermitted stockpiling of soil			X	
Unpermitted stockpiling of gravel			X	
Unpermitted removal of a tree	X	X	X	Most likely, but undetermined*
Unpermitted river rock walkway	X	X	X	X
Unpermitted fill	X	X	X	X

*Due to the location of the fill adjacent to and within the wetland, the natural boundary of the bordering vegetated wetland could not be determined without a professional wetland delineation.

On 5/1/2024, Evan, Mr. Maxfield, and myself met on-site. Additional work had been done since the site visit the previous day (additional pavers and gravel were placed within the excavated walkway area). All parties walked the site and Evan was adamant that the only work that his company conducted was the work associated with the construction of the paver/gravel walkway (excavation of soil, stockpiling, installation of pavers/gravel). Evan was informed again that work should not continue. Evan informed Mr. Maxfield and I that work may continue. Evan was informed that the Commission would like the property owner/s and himself to attend the Conservation Commission meeting on May 14th. Evan was asked to inform the property owner of this and that I would make an attempt to contact the property owner, myself. Evan was asked to provide a plan showing the work that has occurred. Evan was informed that it would be beneficial, to have other Commissioners visit the site before the Conservation Commission meeting on May 14th. Evan asked that when other Commissioners plan on visiting the site, I notify him in advance so that he can be present for the visit.

Order

The property owner, his agents, permittee, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

At the Conservation Commission meeting on May 14th, the Conservation Commission shall determine the proper course of action to be taken which may include, but is not limited to:

- Filing of a Notice of Intent/After-the-fact Notice of Intent and/or
- Filing of a Restoration Plan
- Professional Wetland Delineation

Evan was asked to place erosion controls around the disturbed area. Evan agreed.

Photo 1. Stockpiling of materials



Photo 2. Construction of pavers/gravel walkway and excavated soil



Photo 3. Excavated soil, river rock walkway, and fill in BVW



Photo 4. Construction of pavers/gravel walkway and excavated soil



Photo 5. Construction of pavers/gravel walkway and excavated soil



Photo 6. Construction of pavers/gravel walkway and excavated soil



Photo 7. Construction of pavers/gravel walkway and excavated soil and associated work



Photo 8. Stockpiling of soil and gravel





Photo 9. River rock walkway in BVW



Photo 10. Fill and river rock walkway in BVW



Photo 11. Fill and river rock walkway in BVW



Photo 12. Fill and river rock walkway in BVW



Photo 13. Fill and river rock walkway in BVW

