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:

214-0691

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:

Medfield
Conservation Commission (Issuing Authority)

9/12/2025
Date

To:

Scott Colwell
Name of Violator

42 Elm St
Address

1. Location of Violation:

Scott Colwell
Property Owner (if different)

42 Elm St and 40 Elm St
Street Address

Medfield
City/Town

02052
Zip Code

33
Assessors Map/Plat Number

087
Parcel/Lot Number

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

Unpermitted removal of wall and vegetation cutting after unpermitted installation.
Unpermitted land alteration on 40 Elm St

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).

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:

Scott Colwll
Name

Dated

214-0691
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):

Violation occurs partially on abutting property. Land was cut from abutting property thus altering the approved slope. Unpermitted vegetation cutting occurred.

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:

Work stopped on 9/12 until, in writing, an agreement from both parties is received indicating approval to proceed with work. Work can resume and continue pending receipt of a final plan of record on Tuesday, September 16, 2025 by 12pm, showing all grading , slope stabalization, and plantings.

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:

Finn Kelley
Name

fkelley@medfield.net
Phone Number

Hours/Days Available

Issued by:

Medfield
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:

Signature	Printed Name
[signature]	Finn Kelley

Signature of delivery person or certified mail number

Hand Delivered on-site 9/12/2025