

# Violation Policy

## Norwell Conservation Commission

*Adopted by Unanimous Vote on May 2, 2001*  
*Amended by Unanimous Vote (7) on November 18, 2014*

### Identification of Violations

Violations are identified by two primary means: observations by the agent or conservation members (primarily existing or impending projects) and citizens (existing, impending, or unidentified projects). Reports of violations from neighbors and other citizens are considered confidential. Conservation members and staff may not reveal, unless legally compelled to do so, the source of any report of possible violations.

When possible violations are reported to a Commission member or staff, the Conservation Agent will determine whether a violation exists and a Violation Notice is necessary. The Agent may consult with the chairman and other members at this stage, but if time or other constraints exist may proceed based on his or her best judgment.

### Violation Notices

If the agent confirms or strongly suspects a violation, a Violation Notice will be issued. Violation Notices will direct the property owners and contractors to (1) stop work, (2) identify resource areas on the site, (3) install erosion controls, and (4) meet with the commission or its agent to discuss the violation. If a wetland line has been previously approved by the Commission, its location will be the basis for evaluation of the Violation. If a wetland line has not been established or approved by the Commission, then the Violation Notice will require the owner, developer, and contractor to employ a wetland scientist to identify wetland resource areas with flagging within a time frame not longer than one week from the date of the Violation Notice.

Upon that meeting, the Commission, in consultation with the agent, will consider the following aspects of the violation:

- Value of the area to the statutory interests
- Harm of the damage
- Immediacy of the harm
- Value of restoration
- Feasibility of restoration
- Potential legal outcomes
- Potential financial burden to the Town of Norwell

Based upon that review, the Commission and Agent will work quickly and informally with the owner, developer, and contractors to correct the Violation, will direct the owner, developer, and contractors to file an after-the-fact Notice of Intent, or will issue an Enforcement Order.

## Enforcement Orders

Enforcement Orders will be issued by the Commission when there is a serious Violation which requires an approved plan to correct, and or a Violator is not cooperating to correct the Violation. Enforcement Orders list the Conditions that the owner, developer, and contractors must meet to resolve the Violation. No work will continue on the project until the conditions of the Enforcement Order have been met. A copy of the Enforcement Order will be sent to other Town Boards.

## Reporting

All Violation Notices and Enforcement Orders will be noted. A list, including address and location of the property owner developer, and primary contractor, will be maintained by the agent and staff.