



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE49-249
 Provided by DEP

A. Project Information

Important:
 When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Blair Bailey
 Name
City of New Bedford, 133 William Street
 Mailing Address
New Bedford MA 02740
 City/Town State Zip Code
5089791429
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

City of New Bedford
 Applicant
10/22/98 SE49-249
 Dated DEP File Number

3. The project site is located at:

John Vertente Blvd. New Bedford
 Street Address City/Town
135 2
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
Bristol County (S.D.) Registry 4291 20
 County Book Page
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



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A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Form 5

DEP File No. DEP SE49-249
(To be provided by DEP)

Commonwealth
of Massachusetts

City/Town New Bedford
Applicant City of New Bedford
c/o David Kennedy

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, Section 40

From The New Bedford Conservation Commission Issuing Authority

To City of New Bedford Same
(Name of Applicant) (Name of Property Owner)

Address 133 William Street Same

City/State New Bedford, MA 02740

This Order is issued and delivered as follows:

By hand delivery to applicant or representative on 10/22/98 (date)
 By certified mail, return receipt requested on _____ (date)

This project is located at John Vertente Blvd Lot 2 Pbt 135 (Tallyrand)
The property is recorded at the registry of Deeds Bristol County
Book 2744 Page 299

Certificate (if registered) _____
The Notice of Intent for this project was filed on 9/14/98 (date)
The Public Hearing was closed on 10/13/98 (date)

Findings

The NBCC has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the NBCC at this time, the NBCC has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject of Protection Under the Act

(Check As Appropriate):

Public Water Supply Flood Control Land Containing Shellfish
 Private Water Supply Storm Damage Prevention Fisheries
 Ground Water Supply Prevention of Pollution Protection of Wildlife Habitat

Total Filing Fee Submitted 0 City/Town Share _____ State Share _____
Municipality - Fee Exempt (1/2 fee in excess of \$25.00)

Total Refund Due _____ City/Town Portion _____ State Portion _____
(1/2 total) (1/2 total)

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Therefore, the NBCC hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The NBCC orders that all work shall be performed in accordance with said conditions and with the Notice of Intent references above. To the extent that the following conditions modify or differ from the plans specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions:

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (A) The work is a maintenance dredging project as provided for in the
 - (B) Act; or the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the NBCC on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File No. DEPSE 41-29
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

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11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

12. The work shall conform to the following plans and special conditions:

Plans:

Title:	Date:	Signed and Stamped by:	On File With:
Existing Conditions	9/8/98	Richard L. Silveira #28009	Conservation Planning Dept.

Special Conditions (Use additional paper if necessary)

"PLEASE SEE ATTACHED SPECIAL CONDITIONS"

(Leave Space Blank)

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SPECIAL CONDITIONS

13. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
14. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
15. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
16. Contours shall remain unchanged except as permitted by this Order of Conditions.
17. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
18. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
19. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
20. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
21. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
22. No runoff shall be caused to drain on to adjoining property or on any public ways.
23. All excess material shall be removed from the site.
24. The Owners shall notify the Conservation Commission of the work start date prior to its commencement so that regular inspections may be made.
25. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.
26. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the

taking of pictures to determine and evaluate compliance with this order.

27. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
28. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, § 40, the Wetlands Protection Act.
29. Certain conditions, such as maintenance or monitoring are on-going and to not expire at the end of three years or with the issuance of a Certificate of Compliance.
30. This order of Conditions shall apply to any successor in interest or successor in control
31. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
32. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

The Department of Environmental Protection
Army Corps of Engineers
Coastal Zone Management
Division of Waterways

33. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
34. Any fill and/or construction materials shall be placed in upland areas.
35. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
36. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.

Issued by New Bedford Conservation Commission

Signature (s) [Signature]
Raymond H. Brown Margaret Otu
Richard H. Brown
Jose Nelson Friedman

This Order Must be signed by a majority of the Conservation Commission.

On this 13th day of October 1998 before me personally appeared all of the above to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/ her free act and deed.

Melinda M. Ferreira
Notary Public

MELINDA M. FERREIRA
Notary Public
My Commission Expires October 30, 2003
My Commission Expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the NRCC prior to commencement of work.