



Shutesbury Conservation Commission
P. O. Box 276
Shutesbury, MA 01072
concom@shutesbury.org
413-259-3792

SHUTESBURY CONSERVATION COMMISSION GUIDELINES FOR REQUESTS FOR CERTIFICATES OF COMPLIANCE

Shutesbury General Wetlands Protection Bylaw MGL Chapter 131, Section 40

Certificates of Compliance should be requested at the conclusion of any project which has received an Order of Conditions from the Shutesbury Conservation Commission. When a Certificate of Compliance is recorded at the Registry of Deeds, the property may be conveyed from one owner to another with greater ease.

The requirements for a Certificate of Compliance are set forth in 310 CMR 10.00, in the Order of Conditions and/or its cover letter. Generally, the procedure is as follows:

Upon completion of the project (or within one year of issuance of an occupancy permit), the Applicant shall submit the following to the Shutesbury Conservation Commission to receive a Certificate of Compliance:

1. A letter from the Applicant requesting a Certificate of Compliance and referencing the DEP File Number (286-XXXX) with a check made out to the Town of Shutesbury (with "Bylaw Fee" written in the memo line.) WPA Form 8A (COC Request Form) and a signed Site Authorization Access Form should be included. If the request is made within 5 years of the issuance date of the Order of Conditions, the fee is \$50.00. If the request is made after 5 years, the fee is \$200.00.
2. When requesting either a Full or Partial Certificate of Compliance, submit site photos showing that the project is complete and that all disturbed areas and soils are completely stabilized and revegetated.
3. A written and stamped statement from a Professional Engineer, Architect or Land Surveyor registered in Massachusetts (dependent upon language in Order of Conditions) certifying that the work has been completed in compliance with the Order of Conditions and the approved plans referenced therein (or approved revisions). If the completed work differs in any way from approved plans and conditions, the statement must specify how the project differs by referencing plans or condition numbers. It shall also include the date and time of the inspection. Please note that the inspection must be done by the individual who provides the certification, or it must be stated who in fact did the inspection.
4. An as-built topographic plan signed and stamped by a professional land surveyor registered in Massachusetts to complete the public record. The plan must include as-built elevations of all drainage structures constructed within 100 feet of any wetland, distances to all structures and elevations within 100 feet of wetlands.
5. Where wetland replication or restoration is involved, a letter from a qualified wetland scientist certifying compliance with state regulations is also required.
6. Within twenty-one (21) days, arrange a site visit by the Conservation Commission to review site conditions.
7. Upon receipt of the Certificate of Compliance, it must be recorded at the Franklin County Registry of Deeds.

It is important to use the exact language specified above; terms such as "substantial compliance" are not sufficient and will not be accepted. The Engineer's statement must be precise and accurate.

Upon request by the applicant, the Commission may waive the requirement for an as-built plan and certification if the original NOI did not include engineer-stamped designs.

Once the complete application is received by the Commission by mail (P. O. Box 276, Shutesbury, MA 01072) and email (concom@shutesbury.org), along with the required fee, the Commission will schedule a site visit and then put discussion of and vote on the Certificate of Compliance on the agenda for its next available public meeting.

If you have any questions regarding this policy, please contact the Conservation Commission at concom@shutesbury.org or 413-259-3792.



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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:

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____

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

Applicant _____

Dated _____ DEP File Number _____

3. The project site is located at:

Street Address _____ City/Town _____

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) _____

County _____ Book _____ Page _____

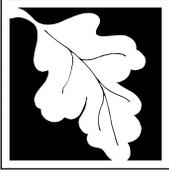
Certificate (if registered land) _____

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>).



Town of Shutesbury, Massachusetts 01072

**TOWN OF SHUTESBURY
Conservation Commission**

SITE ACCESS AUTHORIZATION

Date: _____

Project: _____

Location: _____

Property Owner: _____

I (We) hereby authorize the individual members of the Shutesbury Conservation Commission and its agents to enter upon the referenced property for the purpose of gathering information regarding the application filed with the Commission pursuant to the Wetlands Protection Act (MGL Ch 131, s. 40) and/or the Shutesbury General Wetlands Protection Bylaw.

Additionally, if an Order of Condition or other Permit is issued for the project, I (we) grant permission for Commission members and the Commission's agents to enter the above referenced property for the purpose of inspecting for compliance with the Order or Permit. This site access authorization is valid until a Certificate of Compliance is issued by the Conservation Commission or the Permit has expired.

Authorized Signature: _____ **Date** _____

Please Print _____

(If other than owner, please state whether tenant, agent or other)

Mailing Address: _____

Phone: _____ **Email:** _____

Cell: _____ **Fax:** _____