



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

CERTIFICATE OF COMPLIANCE REQUEST

SE48-0257

Coastal Bank Stairs

**105 Eel Pint Road
Map 32 Parcel 5
Nantucket, Massachusetts**

Prepared for:

**Margaret T. Cunningham Qualified Personal Residence Trust
C/O Elizabeth Braudis
Foster Dykema Cabot & Co
101 Arch Street
Boston, MA 02110**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

November 3, 2021

SDE No.: 11141

WPA FORM 8A

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
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WPA Form 8A – Request for Certificate of Compliance

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

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:(current Title holder):

Margaret T. Cunningham Qualified Personal Residence Trust. C/O Elizabeth Braudis

Name

Foster Dykema Cabot & Co. 101 Arch Street

Mailing Address

Boston

City/Town

MA

State

02110

Zip Code

Phone Number

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

David Cunningham

Applicant

August 23, 1984

Dated

SE48-0257

DEP File Number

3. The project site is located at:

105 eel Point Road

Street Address

Nantucket

City/Town

32

Assessors Map/Plat Number

5

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for: (name on Order)

David Cunningham

Property Owner (if different)

Nantucket

County

10924

Certificate (if registered land)

56

Book

174

Page

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the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

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>).

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
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SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
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November 3, 2021

SDE No. 11141

Jeff Carlson
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Request for Certificate of Compliance
105 Eel Point Road, Nantucket MA
Assessors Map 32, Parcel 5
DEP File No.: SE48-0257**

Dear Mr. Carlson:

The purpose of this letter is to request that the Conservation Commission (Commission) issue a Certificate of Compliance (COC) for the above referenced Order of Conditions (OOC). The OOC allowed the Applicant to construct a set of beach stairs down the face of the Coastal Bank. The work was approved under SE48-0257 issued on August 23, 1984. A revised OOC was issued on October 4, 1984. The work had been previously completed but has since been superseded by work permitted under SE48-3076. A certificate of compliance was issued for SE48-3076 on November 6, 2019. Since the previous site work has been modified and redone under a subsequent OOC and a COC has been issued for that work, the Applicant respectfully requests that the Commission grant a COC for the above referenced OOC.

If you have any questions, please feel free to call me at (508) 802-5832 or email me at (mrits@sde-ldec.com).

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Rits'.

Mark Rits
Site Design Engineering, LLC.

FILING FEE INFORMATION

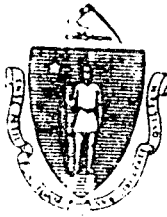
SITE DESIGN ENGINEERING, LLC.

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REVISED ORDER OF CONDITIONS

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



Commonwealth of Massachusetts

DECE File No SE48- 257
(To be provided by DECE)
City/Town Nantucket
Applicant D. Cunningham

REVISED

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

From NANTUCKET CONSERVATION COMMISSION
To DAVID CUNNINGHAM SAME AS APPLICANT
(Name of Applicant) (Name of property owner)
969 BUCKINGHAM PLACE
PASADENA, CALIFORNIA 91105
Address Address

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at EEL POINT ROAD

The property is recorded at the Registry of NANTUCKET

Book 56 Page 174

Certificate (if registered) 10924

The Notice of Intent for this project was filed on JUNE 22, 1984 (date)

The public hearing was closed on AUGUST 2, 1984 (date)

Findings

The Commission 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 Commission at this time, the Commission 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 to Protection Under the Act (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries

Therefore, the Commission 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 Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced 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. This 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 Act; or
 - (b) 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 Commission 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 Quality Engineering,
File Number E48-257"
10. Where the Department of Environmental Quality Engineering 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.
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:
SEPTIC SYSTEM DESIGN	6/4/84	JOHN SHUGRUE P.E.	DEQE CONCOM

Special Conditions (Use additional paper if necessary)

1. Additional Presumptions of Significance set forth in Town By-Law for Wetlands:

- Erosion Control Wildlife Recreation
- Wetland Scenic Views

2. Any changes made or intended to be made in the plans or methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, whether the change is substantial enough to require filing a new Notice of Intent.

3. Any part of the dwelling, including porches and decks, will have to be thirty (30) feet back from the edge of the bluff.

4. Section 30(3) of the Wetlands Regulations, promulgated under G.L. Chapter 131, Section 40, requires that no coastal engineering structure, such as a bulkhead, revetment or seawall, shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.

* * * * *

(Leave Space Blank)

Issued By _____ Conservation Commission

Signature(s) MADRAE S

Cail Barched

Amy A Teske

Charbon Jean

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

On this 4th day of October, 1984, before me personally appeared Wesley S. Arnold to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Wesley S. Perry My commission expires April 29, 1990
Notary Public

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 Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. 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 Commission prior to commencement of work.

To Nantucket Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Eel Point Road

File Number SE48- 257 has been recorded at the Registry of Nantucket and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant _____

ORDER OF CONDITIONS

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



Commonwealth of Massachusetts

DEQE File No. SE48- 257
(To be provided by DEQE)

City/Town Nantucket

Applicant D. CUNNINGHAM

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

From NANTUCKET CONSERVATION COMMISSION

To DAVID CUNNINGHAM SAME

(Name of Applicant) (Name of property owner)

Address 969 BUCKINGHAM PL PASADENA, CALIFORNIA 91105 Address

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on (date)
by certified mail, return receipt requested on AUGUST 25, 1984 (date)

This project is located at EEL POINT ROAD

The property is recorded at the Registry of NANTUCKET

Book 56 Page 174

Certificate (if registered) 10924

The Notice of Intent for this project was filed on JUNE 22, 1984 (date)

The public hearing was closed on AUGUST 2, 1984 (date)

Findings

The Commission 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 Commission at this time, the Commission 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 to Protection Under the Act (check as appropriate):

- Public water supply
Private water supply
Ground water supply
Flood control
Storm damage prevention
Prevention of pollution
Land containing shellfish
Fisheries

Therefore, the Commission 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 Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced 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. This 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 Act; or
 - (b) 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 Commission 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 Quality Engineering,
SE48-
File Number 257"
10. Where the Department of Environmental Quality Engineering 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.
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:

NANTUCKET

Issued By _____ Conservation Commission

Signature(s) MS DeLoe Lucy Johnson

Paul Burchell Asst

Mr. H. Dan

Charles Jones

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

On this 23rd day of August 1984, before me personally appeared Mark S. Ardelt, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Harold S. Perry April 27, 1990
Notary Public 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 Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of this Order. 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 _____ Commission _____ prior to commencement of work.

To Nantucket Conservation Commission _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____
File Number SE48-257 has been recorded at the Registry of _____ Nantucket _____ and

has been noted in the chain of title of the affected property in accordance with General Condition B on _____ 19____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Plans:

On File with:

Title	Dated	Signed and Stamped by:	On File with:
SEPTIC SYSTEM DESIGN	6/4/84	JOHN SHUGRUE P.E.	DEOE, CONCOM

Special Conditions (Use additional paper if necessary)

1. Additional Presumptions of Significance set forth in Town By-Law for Wetlands:

- Erosion Control
- Wildlife
- Recreation
- Wetland Scenic Views

2. Any changes made or intended to be made in the plans or methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, whether the change is substantial enough to require filing a new Notice of Intent.

3. Any part of the dwelling, including porches and decks, will have to be thirty (30) feet back from the edge of the bluff.

* * * * *

(Leave Space Blank)