
MIRICK O'CONNELL

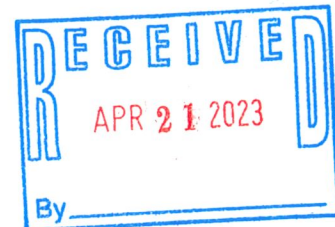
A T T O R N E Y S A T L A W

Todd K. Helwig
Mirick O'Connell
1800 West Park Drive, Suite 400
Westborough, MA 01581-3926
thelwig@mirickoconnell.com
t 508.860.1462
f 508.983.6258

April 6, 2023

VIA FEDERAL EXPRESS

Nantucket Conservation Commission
131 Pleasant Street
Second Floor
Nantucket, MA 02554



Re: **REQUEST FOR CERTIFICATE OF COMPLIANCE**
55 Pocomo Road, Nantucket (the "Property")
DEP File #SE48-2874

Dear Commissioners:

This office represents Mark R. MacNeill, Trustee of Fifty-Five Pocomo Realty Trust, the owner of the Property located at 55 Pocomo Road in Nantucket. The Property is subject to Order of Conditions SE48-2874. The Property owner is now applying for a partial certificate of compliance from the Order.

In connection with this request, enclosed please find the following:

1. Two (2) copies of the written application for the partial certificate of compliance;
2. A Copy of the first page of the original Order of Conditions; and
3. The filing fee of \$25 made payable to the Town of Nantucket.

Please note that no plan materials are submitted with this request as no work was performed at the Property in connection with the Order.

I respectfully request that the Conservation Commission issue a partial certificate of compliance for the Order.

MIRICK, O'CONNELL, DEMALLIE & LOUGEE, LLP

WORCESTER | WESTBOROUGH | BOSTON

www.mirickoconnell.com

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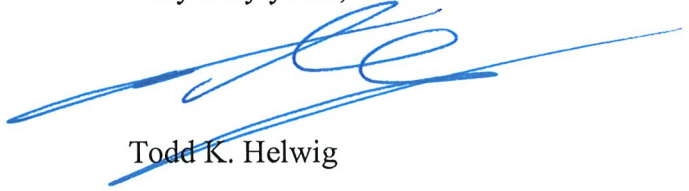
Nantucket Conservation Commission

April 6, 2023

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Please let me know if you have any questions or concerns regarding this matter.

Very truly yours,



Todd K. Helwig

TKH/dm
Enclosure

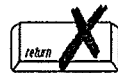
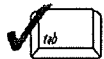


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE48-2874
 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:(current Title holder):

Mark R. MacNeill, Trustee of Fifty-Five Pocomo Realty Trust

Name
 125 Madison Road

Mailing Address
 Northborough

Massachusetts
 State

01532
 Zip Code

City/Town
 508.860.1462

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:
 Pocomo Neighbors - Refer to List Attached to Order of Conditions *

Applicant
 06/21/2016

SE48-2874

Dated

DEP File Number

3. The project site is located at:

55 Pocomo Road

Street Address
 15

Nantucket

City/Town
 18

Assessors Map/Plat Number

Parcel/Lot Number

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

Pocomo Neighbors

Property Owner (if different)

Doc. No. 153367

Nantucket

Book

Page

County
 13605

Certificate (if registered land)

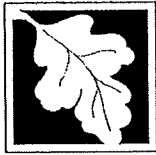
5. This request is for certification that (check one):

- 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.

See Attachment A.

*This request is also in reference to a Certificate of Compliance which issued on 10/23/2019 and provided for certain ongoing conditions under the final Order of Conditions referenced above. The Certificate of Compliance was registered with the Land Court as Doc. No. 163435; Cert. No. 22538.



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:

SE48-2874

Provided by DEP

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>).

Attachment A
to Request for Certificate of Compliance
MassDEP File # SE48-2874

This request is made by Mark R. MacNeill, Trustee of Fifty-Five Pocomo Road Realty Trust (the "**Trust**"), as the owner of 55 Pocomo Road, Nantucket, Massachusetts (the "**Property**"). The Property is one of several homes on Pocomo Road that is subject to Order of Conditions SE48-2874 (the "**Order**") for a beach stabilization project. While a number of the Pocomo Road homeowners discussed undertaking the work regulated by the Order, some homeowners opted out due to the cost. The Trust is one of the homeowners that opted out. However, the Property is still subject to the Order that contains numerous permanent conditions.

The Trust requests that the Conservation Commission issue a partial Certificate of Compliance because the Trust never began the work regulated by the Order, and, therefore, the Order is no longer valid with respect to the Property.

If you require additional information, please contact Attorney Todd K. Helwig at 508.860.1462 or thelwig@mirickoconnell.com.



2016 00153367

Cert: 13605 Doc: OOC
Registered: 11/07/2016 01:38 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48- 2874
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Refer to Attached List ("Pocomo Neighbors")
a. First Name _____ b. Last Name _____

c. Organization
c/o Arthur I. Reade, Jr., P.O. Box 2669

d. Mailing Address

Nantucket MA 02584
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Refer to Attached List
a. First Name _____ b. Last Name _____

c. Organization

d. Mailing Address

e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:
47,53,55,57,61,63,67,69 Pocomo Road Nantucket
a. Street Address b. City/Town

15 19,17,18,16,15,12,11,10 (Respectively)
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 41d 18' 57"N 70d 01'30" W
d. Latitude e. Longitude