

Bk: 00423 Pg: 472

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DEOE File No. 79-18
(To be provided by DEOE)

City/Town West Tisbury
Applicant Burgess Lee and
Susan W. Berlin

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

From West Tisbury Conservation Commission
To Burgess Lee and Susan W. Berlin Same
(Name of Applicant) (Name of property owner)

Address _____ Address _____

This Order is issued and delivered as follows:

- ☐ by hand delivery to applicant or representative on December 8, 1984 (date)
☐ by certified mail, return receipt requested on _____ (date)

This project is located at Umbagog Road, Norton Point, West Tisbury

The property is recorded at the Registry of County of Dukes County

Book 1103 Page 805

Certificate (If registered) _____

The Notice of Intent for this project was filed on November 5, 1984 (date)

The public hearing was closed on November 27, 1984 (date)

Findings

The West Tisbury Conservation 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 W/T C.C. at this time, the W/T C.C. 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 | ☒ Storm damage prevention |
| ☐ Private water supply | ☐ Prevention of pollution |
| ☐ Ground water supply | ☐ Land containing shellfish |
| ☐ Flood control | ☐ Fisheries |

Bk: 00423 Pg: 473

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Therefore, the West Tisbury Conservation 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 West Tisbury Conservation 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 W/T C.C. 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 79-18".
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:

Bk: 00423 Pg: 474

00423-474

Plans:

Title	Dated	Signed and Stamped by:	On File with:
Shore Protection Measures	Oct. 18, 1984	G. L. Wey Engineering Consultants	West Tisbury Conservation Commission
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special Conditions (Use additional paper if necessary)

13. That the entire property's coastal bank should be protected.
14. All loose debris deposited on top of coastal bank should be removed.
15. All large so-called coastal bank stabilizers should be removed and replaced with smaller and fewer stabilizers.
16. The West Tisbury Conservation Commission must be informed of the start-up date of the actual work, so they can monitor the activities.

(Leave Space Blank)

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Bk: 00423 Pg: 475

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Issued By West Tisbury Conservation CommissionSignature(s) Margaret K. Littlefield ChairmanWilliam E. Alaka John W. AtheamJames O. MullettThomas C. Mendall

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

On this 7th day of December 1984, before me
 personally appeared Margaret K. Littlefield 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.

Notary Public

My Commission Expires July 8, 1988

Notary Public

My commission expires

Heidi Schuerz

The applicant, the owner, any person approved 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 Superceding 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.

Edgartown, Mass. Dec 14 1984
 P. 2 o'clock and 40 minutes P M
 H. copied and entered with Dukes County Deeds
 Book 423 Page 472

Attest:

Deborah W. King

Register

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

To West Tisbury Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at _____

File Number 79-18 has been recorded at the Registry of _____ 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

E-4A