



2016 00003658

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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 West Tisbury Wetlands Protection Bylaw and  
Regulations

Provided by MassDEP:  
SE79-365  
MassDEP File #

eDEP Transaction #  
WEST TISBURY  
City/Town

**A. General Information**

**Please note:**  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

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



1. From: WEST TISBURY  
Conservation Commission

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

3. To: Applicant:  
Glenn O. Medowski, Trustee  
a. First Name b. Last Name

Glenn O. Medowski Revocable Trust  
c. Organization

c/o Schofield, Barbini & Hoehn, P.O. Box 339  
d. Mailing Address

Vineyard Haven MA 02568  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
same as above  
a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:  
367 Lambert's Cove Road West Tisbury  
a. Street Address b. City/Town

7 13  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Dukes

a. County

1127

c. Book

b. Certificate Number (if registered land)

871

d. Page

7. Dates: February 29, 2016 May 10, 2016 June 1, 2016  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Plan of Land in West Tisbury

a. Plan Title

Schofield, Barbini & Hoehn

b. Prepared By

April 9, 2016

d. Final Revision Date

Richard J. Barbini

c. Signed and Stamped by

1"=40 feet

e. Scale

Proposed Sewage Disposal System prepared by Schofield, Barbini & Hoehn As revised to 4/26/16

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.





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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____ <sup>cu yd</sup>	_____ <sup>cu yd</sup>
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____ <sup>cu yd</sup>	_____ <sup>cu yd</sup>
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		



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**B. Findings (cont.)**

\* #22. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

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, bylaws, 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. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition 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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain 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.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then 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 the 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 done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. 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" [or, "MassDEP"]

"File Number            SE79-365            "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the "Project")** (1)  is (2)  **is not subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.





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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The WEST TISBURY hereby finds (check one that applies):  
Conservation Commission
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

WEST TISBURY WETLANDS PROTECTION BYLAW AND REGS

1. Municipal Ordinance or Bylaw	2. Citation
---------------------------------	-------------

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

**SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.**

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**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

6-1-14  
1. Date of Issuance

Please indicate the number of members who will sign this form.

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

6  
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Michael Turnell  
Bonnie Rapp  
Tara Gully

Pat. Rodriguez  
Walter Brown  
Pauline Smith

by hand delivery on

by certified mail, return receipt requested, on

Date

Date 6/1/14

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business 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 to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction. **Appeals of this Order under the West Tisbury Wetlands Protection Bylaw and Regulations may be made to the Dukes County Superior Court in accordance with M.G.L. Ch. 249 Sec.4.**

**Special Conditions**  
**Map 7 Lot 13**  
**367 Lambert's Cove Road**  
**DEP File # SE79-365**

**Project Description and Jurisdiction:** On February 29, 2016, Schofield, Barbini & Hoehn, Inc. filed a Notice of Intent (NOI) on behalf of Glenn O. Medowski, Trustee of the Glenn O. Medowski Revocable Trust (the "Applicant"), for property located at 367 Lambert's Cove Road.

The project consists of the relocation of an existing shed and construction of a two - bedroom single-family dwelling, together with associated site work including the installation of underground utilities, new septic tanks and site restoration in the Buffer Zone.

The project was reviewed for compliance with the Wetlands Protection Act and regulations at 310 CMR 1.02 and 10.53 (the "Act") and Sections II and XI of the West Tisbury Wetlands Protection Bylaw and regulations at (the "Bylaw").

Hearings were held on March 22, April 26 and May 10. Revisions to the project plans were submitted on April 26.

**Findings**

In making a decision on this project, the Commission has considered the magnitude of alteration, the environmental significance of the site, reasonable alternatives, and the minimization of impact and the extent of mitigation measures.

The Commission finds that the proposed activities, including mitigation measures, allow the project to be conditioned to protect the resource values identified in the Act and the Bylaw. The following special conditions are required to meet the performance standards set forth in 301CMR 10. 02 and 10.53, and Sections IV and XI of the Bylaw regulations.

**Special Condition that apply under the Act and the Bylaw**

- 1) The Applicant and the Applicant's agent(s) shall adhere to General Conditions 1 through 17 of this Order.
- 2) The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.
- 3) The form provided at the end of this Order shall be completed and stamped at the Dukes County Registry of Deeds, after the expiration of the 10-day appeal period and


if no request of appeal has been filed with the Department of Environmental Protection. This form shall be returned to the Commission in accordance with General Condition 8, and prior to the commencement of work.

- 4) The Commission has approved this project in accordance with the locations and specifications shown on a plan entitled, "**Plan of Land in West Tisbury, Mass. Prepared for Glenn Medowski**" by Schofield, Barbini & Hoehn Inc. dated **February 24, 2016 as revised to April 9, 2016 (the "Project Plan")**. Construction notes on the Project Plan are incorporated herein as special conditions. No deviations from these plans or from these orders are permitted without prior written approval from the Commission. See general conditions No. 13 and No. 14 regarding approval of changes to the Project Plan. To the extent the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall apply.
- 5) It is the responsibility of the Applicant, owner and /or successor (s) to ensure that all conditions of this Order are complied with. A copy of this Order of Conditions including the special conditions and construction plans shall be included in all construction contracts, subcontracts and specifications and shall be available on-site upon commencement and during the performance of any and all construction activities regulated by this Order. All site contractors shall review and adhere to these conditions of approval in performing the approved activities.
- 6) **Prior to the start of any excavation or construction, there shall be a pre-construction meeting on the site involving the contractor conducting the work, the site engineer, the applicant or its representative, and a member or agent of the Commission to ensure that all parties understand the requirements of this Order.** The applicant or its representative shall notify the Commission in writing of the names, addresses and business telephone numbers of the project supervisor or contractor who shall be responsible for ensuring compliance with the conditions in this Order and shall notify the Commission by telephone or in writing at least 72 hours prior to the pre-construction site visit.
- 7) **Prior to the pre-construction site visit, and in accordance with Project Plan Note G, the 25 foot No-Disturbance Zone setback shall be staked in the field by Schofield, Barbini & Hoehn and delineated at not less than 50' intervals with monumentation in the form of concrete or granite markers approved by the Commission. The boundary markers shall be maintained and replaced as needed. This is an ongoing condition that does not expire with the issuance of a Certificate of Compliance.**
- 8) Prior to the pre-construction site visit and commencement of construction, grading or disturbance on the site or any other work activity related to this project, adequate erosion and sedimentation control barriers consisting of silt fencing firmly staked end to end backed by wooden snow fencing stapled together to mark the limit of work zone will be placed as shown on the Project Plan.

- 9) The erosion control barrier/ limit of work fence shall be maintained in good repair and in place for the duration of the project until all disturbed areas have been fully stabilized with vegetation or other means. During construction, the applicant or their designee will inspect the erosion controls on a daily basis and will remove accumulated sediments as needed. All erosion control measures shall be properly maintained and left in place until a Certificate of Compliance is issued.
- 10) All demolition and construction debris shall be placed in a tarped dumpster that shall be located outside the Buffer Zone. Any fill, excavated materials and building materials on site shall be stockpiled outside the Buffer Zone and shall be stabilized to prevent erosion and sedimentation into wetland resource areas. Any topsoil stockpiles on the site that are exposed for more than 14 days shall be covered with a tarp.
- 11) All construction vehicles must be cleaned of accumulated soil or plant matter from other sites prior to entering the site. Any adverse impact to the Buffer Zone caused by vehicles, equipment or workers shall be mitigated immediately by the applicant in consultation with the Commission.
- 12) No underground fuel storage tanks shall be placed in the Buffer Zone. **This is an ongoing condition that does not expire with the issuance of a Certificate of Compliance.**
- 13) No landscaping was proposed or approved under this Order. All disturbed areas shall be stabilized and restored to their pre-construction condition.
- 14) The Applicant has entered into a covenant with the West Tisbury Board of Health that will reduce the number of the bedrooms in the main house from 6 to 5 and will prohibit the existing studio from being used as a bedroom or to be tied into the septic system. The covenant will be recorded at the Dukes County Registry of Deeds. In the event the Applicant or any successor in interest or successor in control of this property seeks permission to release this covenant, such release shall require the written approval of the Conservation Commission. **This is an ongoing condition that does not expire with the issuance of a Certificate of Compliance.**
- 15) To prevent surface erosion, roof runoff shall be directed into downspouts that will move water to drywells.
- 16) Areas of restoration within the Buffer Zone are shown on the Project Plan. In accordance with Note F. on the Project Plan, current mowing within the area indicated will be discontinued and the wetlands allowed to restore naturally.
- 17) Upon completion of construction of the Project, the Applicant shall submit the following to the Conservation Commission to request a Certificate of Compliance (COC):

1. A Completed Request for a Certificate of Compliance.
  2. A series of color, dated, post-construction photographs of the work areas, access and project locus immediately after completion.
  3. A final as-built plan signed and stamped by a Registered Professional Engineer or Land Surveyor certifying compliance of the property with this Order of Conditions, and detailing any deviations that exist and their potential effect on the project. A statement that the work is in "substantial compliance" with no detailing of the deviations shall not be accepted. The plan shall show distances from any structures constructed under this Order to wetland resource areas. Structures include, but are not limited to all buildings, pools, septic system components, wells, utility lines, retaining walls and road/driveways.
- 18) The Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
- 19) The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
- 20) In case of emergencies, problems or the need to discuss site conditions with the Commission, the contact person is the Board Administrator at 508-696-6404.

Attest:

 Register