



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

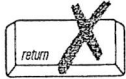
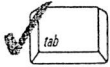
**WPA Form 5 – Order of Conditions**

SE53-0520

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and Oak Bluffs Wetlands Bylaw

**A. General Information**

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



From: Oak Bluffs Conservation Commission  
1. Conservation Commission

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

3. To: Applicant:

Lynne Fraker Towns of Oak Bluffs and Edgartown  
a. First Name b. Last Name c. Company

PO Box 739  
d. Mailing Address

Edgartown MA 02539  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Dept. Cons. & Rec. Commonwealth of MA  
a. First Name b. Last Name c. Company

251 Causeway Street  
d. Mailing Address

Boston MA 02114-2104  
e. City/Town f. State g. Zip Code

posted: 5/24/07  
cc: Town Clerk

5. Project Location:

Sea View Avenue (also known as Beach Road) Oak Bluffs  
a. Street Address b. City/Town

32 1 & 2  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known (note: electronic filers will click for GIS locator): 4125.398200 7033.143500  
e. Latitude f. Longitude

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

Dukes  
a. County b. Certificate (if registered land)

596 66  
c. Book d. Page

7. Dates: 10/26/06 11/28/06 5/22/07  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

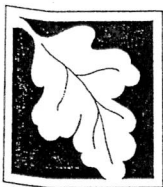
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

See Special Conditions #17 and #18 on page 6B.  
a. Plan Title

b. Prepared By c. Signed and Stamped by

d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date



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

### 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. 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:

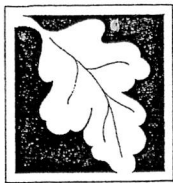
- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special 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.

**Denied** because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

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

3. <input type="checkbox"/> Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)				a. linear feet
Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



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### B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	12000 a. square feet	12000 b. square feet		
	4000 c. cu.yd dredged	4000 d. cu.yd dredged		
12. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	291239 a. square feet	291239 b. square feet	43500 c. c/y nourishmt.	43500 d. c/y nourishmt.
14. <input checked="" type="checkbox"/> Coastal Dunes	192788 a. square feet	192788 b. square feet	12500 c. c/y nourishmt.	12500 d. c/y nourishmt.
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 checked="" type="checkbox"/> Land Under Salt Ponds	867814 a. square feet	867814 b. square feet		
	69500 c. cu.yd dredged	69500 d. cu.yd dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input checked="" type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	73500 a. cu.yd dredged	73500 b. cu.yd dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1072602 a. square feet	1072602 b. square feet		



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

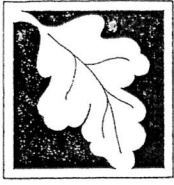
(only applicable to approved projects)

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. 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.
7. 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.
8. 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 this 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.
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 Protection" [or, "MA DEP"]

"File Number" SE53-0520





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

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

10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

N/A

If you need more space for additional conditions, select box to attach a text document ☐



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

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

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

a. Municipal Ordinance or Bylaw

b. 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.

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

Oak Bluffs General Wetlands Bylaw

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

See Special Conditions pages 6A, 6B, 6C, and 6D.

If you need more space for additional conditions, select box to attach a text document ☒

## **Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6A**

1. The applicant and the applicant's agent(s) shall adhere to General Conditions 1 through 18 of this permit.
2. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in this Order, the Act, 310 CMR 10.00 and the Oak Bluffs General Wetlands Bylaw and Regulations, and may acquire any information, measurements, photographs, observations, and/or materials or may require the submittal of any data or information deemed necessary by this Commission for that evaluation.
3. Any change made or intended to be made in the plans shall require the applicant to file a new Notice of Intent, or inquire of the Commission in writing whether the change is substantial enough to require a new filing.
4. The Conservation 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.
5. Pursuant to General Condition #8, the Order of Conditions must be registered in the Dukes County Registry of Deeds prior to the commencement of work. The Conservation Commission hereby orders that it be recorded in the Registry and notice filed with the Commission no later than four weeks from the date of this Order (5/24/07). Failure to comply with this Order shall be deemed cause to revoke this Order of Conditions.
6. The applicant shall inform the Commission in writing of the name, address, business and home telephone numbers of the project supervisor who will be responsible for insuring onsite compliance with this Order.
7. This Order shall apply to and be binding upon the applicant, its employees, and all successors and assigns in interest or control.
8. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this Order are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before the start of construction.

## **Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6B**

9. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the Order's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
10. During construction for this project, an onsite foreman, directing engineer, or other designated construction manager, shall have a copy of this Order at the site, shall familiarize him or herself with the conditions of this Order, and shall adhere to said conditions. Excavating subcontractors, if applicable, shall also have a copy of this Order at the site, shall familiarize themselves with the conditions of this Order, and shall adhere to said conditions.
11. Material of construction and equipment shall be stored in a manner and location that will minimize the compaction of soil and the concentration of runoff.
12. Each day's debris shall be cleaned up and taken away.
13. Prior to the start of any work, the Commission shall be notified in writing as to the approximate date of the commencement of work.
14. Accepted engineering standards and procedures shall be followed in the completion of this project.
15. The project manager shall make him or herself available for site visits at the request of the Commission.
16. **Plans:**
17. All work shall be carried out in accordance with the following plans: "Plans Accompanying Petition of the Massachusetts Highway Department for Waterways License, Sheets 1 through 8, dated August 1996; License Plan #6006, approved by Department of Environmental Protection 10/9/96, attached.
18. Borrow Area #2, located in Oak Bluffs, inside the pond near the Little Bridge, is permitted for dredging to a depth of -3.0 MLW, for 2,500cy. This permit also allows maintenance dredging of the Little Bridge Channel, outside the Pond, to a depth of -5.0 MLW for 4,000 cy. (Borrow Area #1 is in Edgartown.)

## **Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6C**

### **19. Dredge:**

- 20. Dredging shall be coordinated with tides and weather to prevent turbidity.
- 21. No dredging or other work shall be done between March 15 and Labor Day, annually, to avoid interference with fisheries, wildlife habitat and recreation.

### **22. Beach Renourishment:**

- 23. The Commission shall be notified, in writing, at least one month prior to the estimated start date of the renourishment project. The Commission shall be provided with the name, address, phone number and email address of the on-site project manager who is responsible for compliance with this Order.
- 24. Prior to the start of each renourishment project the Commission shall receive in writing a plan detailing the beach nourishment process. The plan shall include specific details of the dewatering process, the specific locations of the nourishment sites, how the sites will be accessed, how the material will be deposited and spread, and the timing of the project as it relates to protected species. All elevations and contours, as well as the actual nourishment sites, shall conform to the approved plans. No work shall begin until the Commission provides written approval of said plan.
- 25. Prior to approving a renourishment plan the Commission shall meet on site with the project supervisor to view the proposed access sites.
- 26. Access over the dune for trucks shall be angled.
- 27. Access points shall be restored to the same height as the surrounding dunes and snow fencing shall be placed at the water end and the road end of the access ways as soon as revegetation is completed and until the vegetation is well established, as determined by the Commission.
- 28. Protection and monitoring of protected species and their habitats shall conform to all federal, state and local requirements, including but not limited to those issued by the Natural Heritage and Endangered Species program of the MA Division of Fisheries and Wildlife. The Commission shall be provided a copy of all such requirements.
- 29. The grain size of the dredge material shall be compatible with the existing sediment.

**Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6D**

- 30. The dredge material shall be clean.
- 31. Any disturbed fencing shall be replaced.
- 32. The renourishment project shall comply with this Order and the approved plans.
- 33. The appropriate authority shall determine if a police detail is required during the project.
- 34. The Commission shall receive copies of all monitoring reports and project reports.

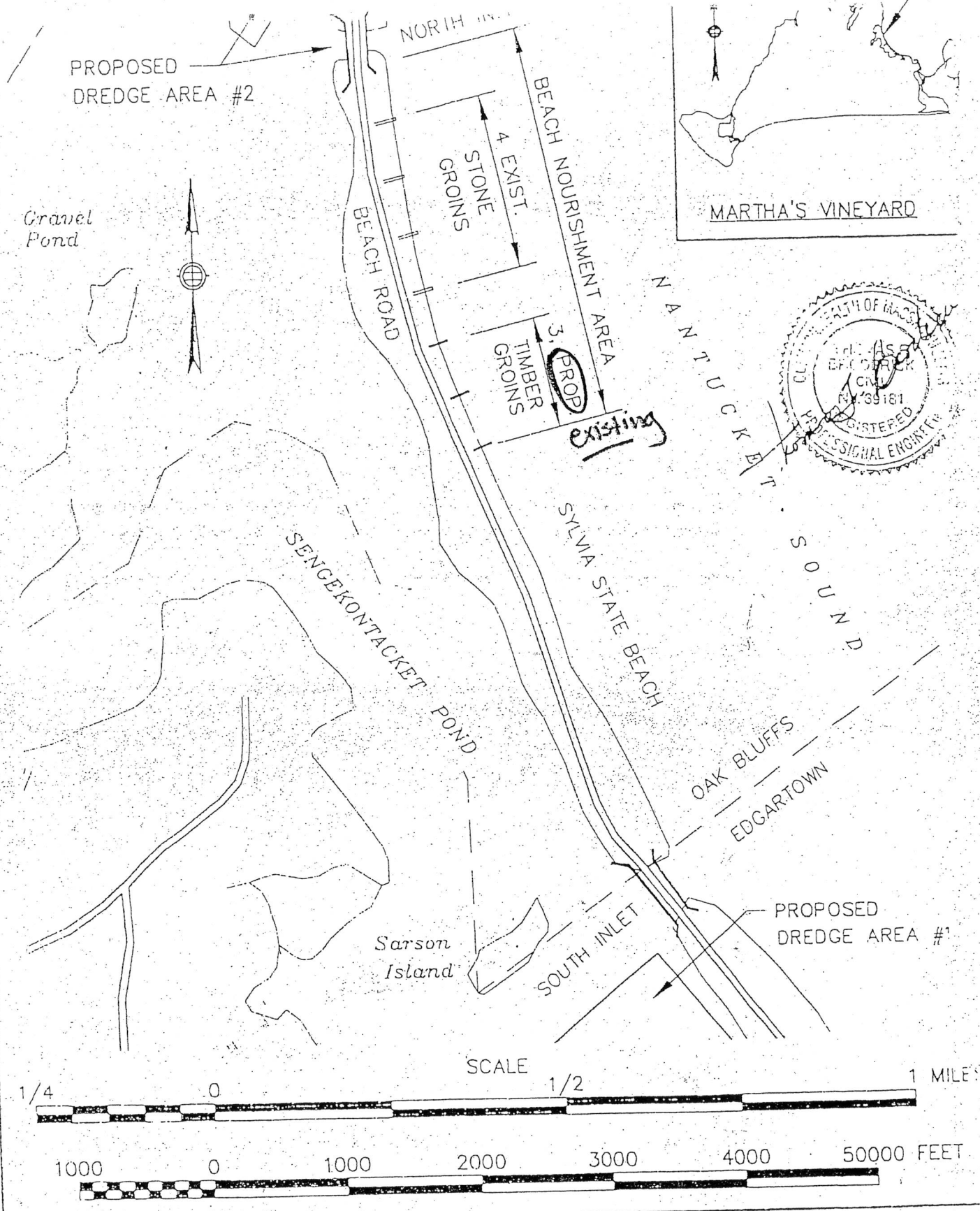
**35. Beach/Dune Revegetation:**

- 36. Prior to every renourishment project the Commission shall approve a revegetation plan for the disturbed areas. The plan shall include plant and grass species, quantities and spacing, and the name of the project supervisor. The renourishment project shall not begin until the Commission provides written approval of the revegetation plan.
- 37. The Commission shall determine the dates when revegetation shall be done.
- 38. The Commission shall monitor the planting process and must be notified 48 hours in advance of the commencement of work.
- 39. The Commission shall inspect the revegetated area twice yearly, in spring and fall for two years following the planting. The success rate shall be at least 75%; if it is lower, revegetation will be required.

**40. Expiration:**

- 41. Due to special circumstances, particularly the critical public safety aspect of this project this Order of Conditions shall be valid for ten years from the date of issuance. The expiration date is 5/24/17. An extension permit must be requested at least one month prior to the expiration date.





Plans Accompanying Petition of the  
Massachusetts Highway Department  
for  
Waterways License

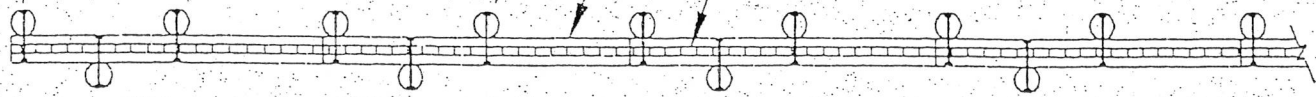
MASSACHUSETTS AN NO. 6006  
DIVISION OF HIGHWAYS  
OCT 09 1996  
DIRECTOR  
HILL

1/4" DIA. A325 ANCH. BOLTS  
(COUNTERSUNK)

12" DIA. X 22'-0" PILES

4" X 8" WALES

4" X 8" TONGUE & GROOVE  
VERTICAL SHEETING  
(NAILED TO WALES)



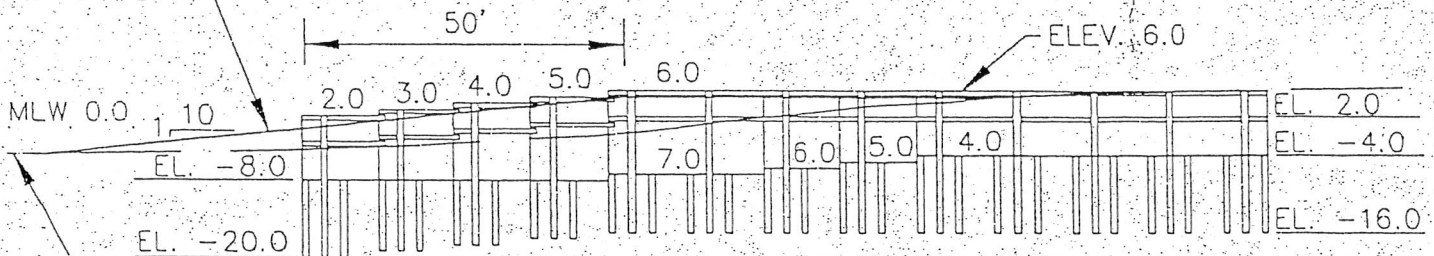
PLAN  
(NOT TO SCALE)

200' OFFSET FROM BASELINE

26 @ 6'-0" = 150'

13 @ 12'-0" = 144'

PROP.  
BEACH  
NORISHMENT



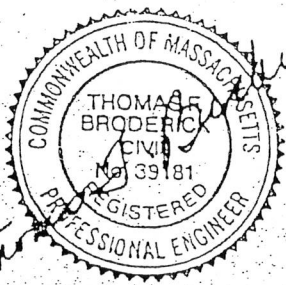
EXIST. GRADE

### ELEVATION

(TYPICAL FOR ALL PROPOSED GROINS)

SCALE 1" = 30' Existing

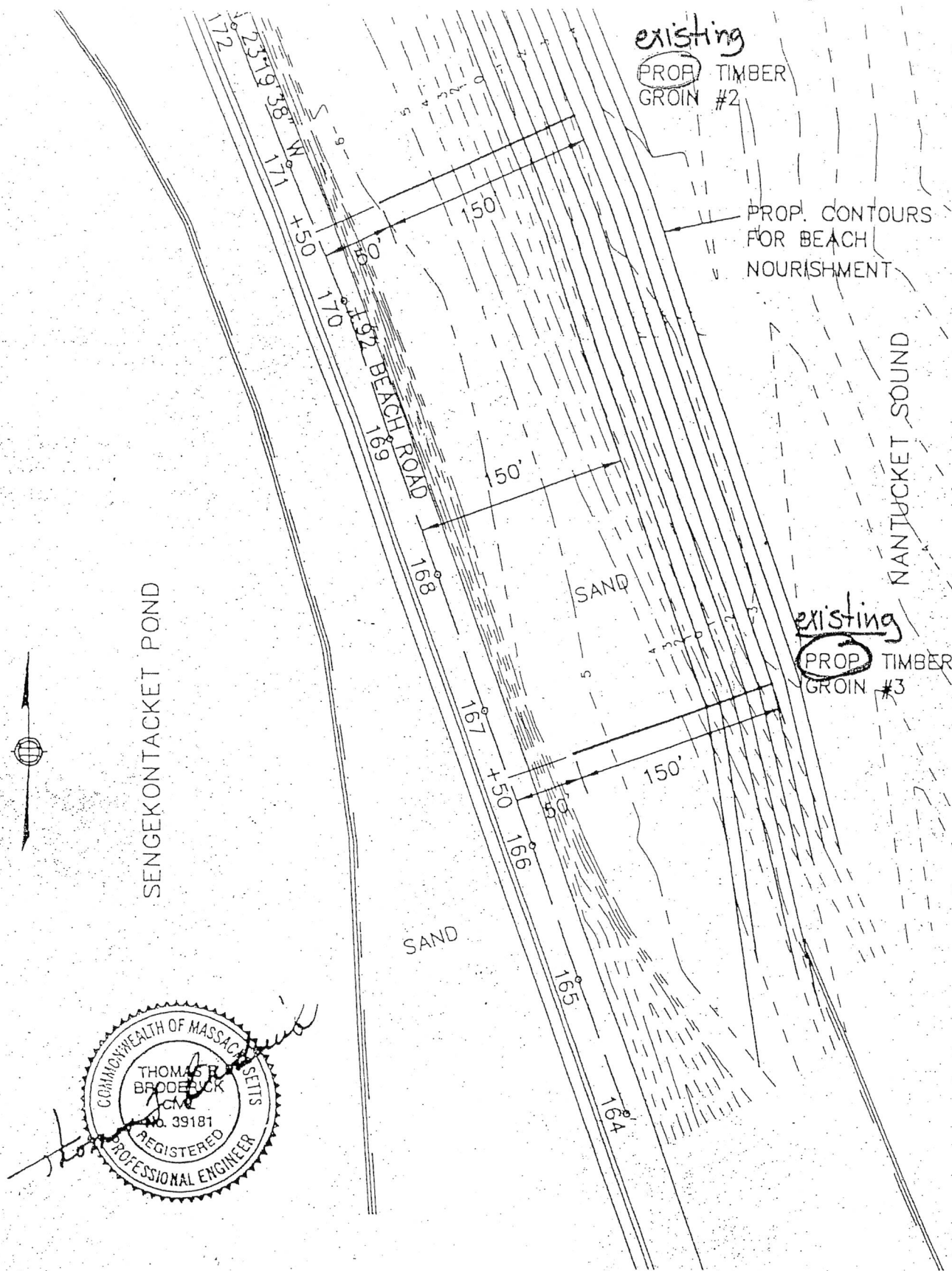
- NOTE: 1. ALL WOOD MATERIAL SHALL BE SOUTHERN PINE GRADE #1 DENSE OR EQUAL, PRESSURE TREATED.
2. ANCHOR BOLTS, NUTS AND WASHERS SHALL BE AASHTO M164 (ASTM A325) HIGH STRENGTH (ALL MATERIAL SHALL BE GALVANIZED).
3. MEAN HIGH WATER (MHW) = EL. 1.7  
MEAN LOW WATER (MLW) = EL. 0.0



Plans Accompanying Petition of the  
Massachusetts Highway Department  
for  
Waterways License

USE PLAN NO. 6006  
approved by Department of Environmental Protection  
OCT 20 1996

010010

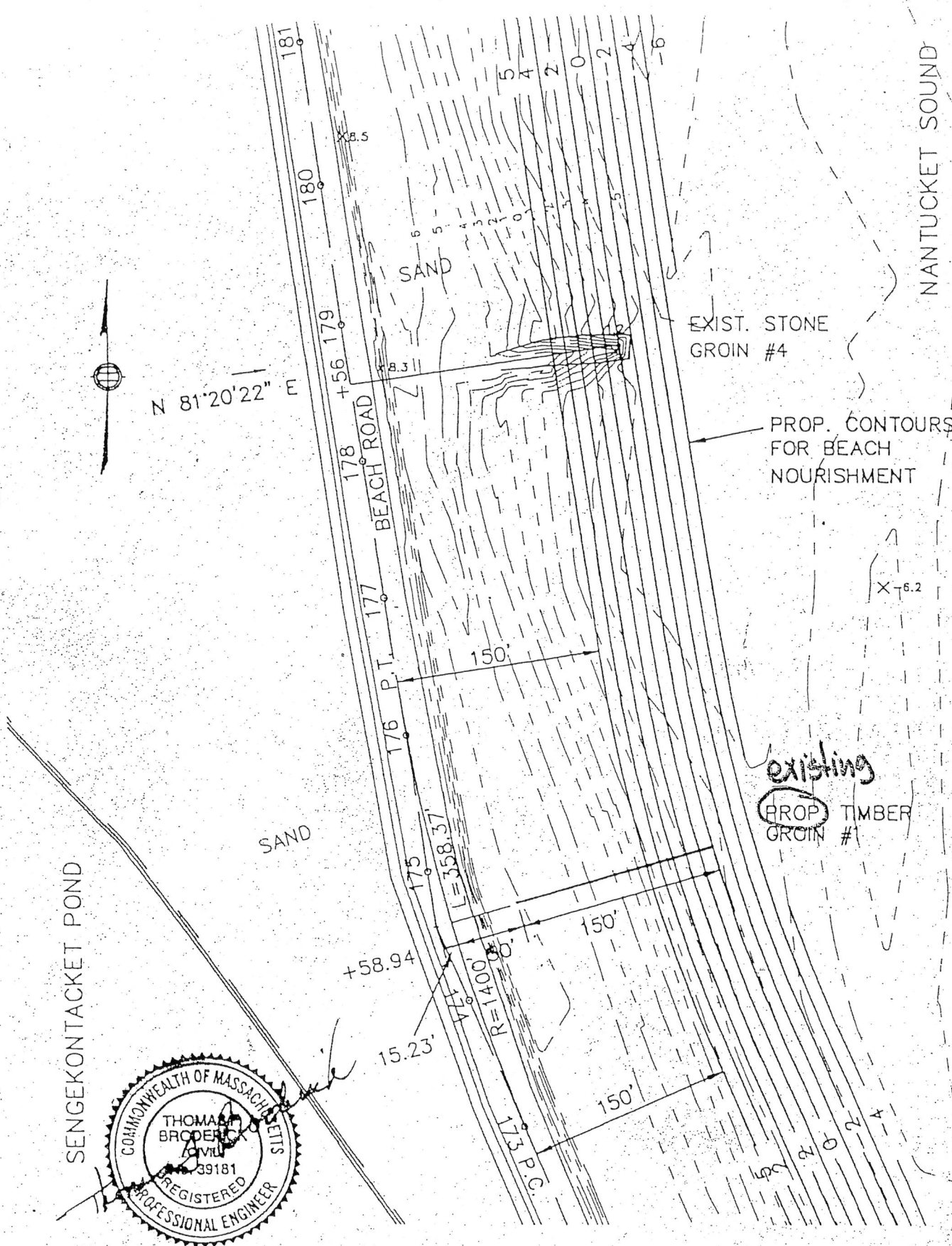


Plans Accompanying Petition of the  
Massachusetts Highway Department  
for  
Waterways License  
Scale 1" = 100'

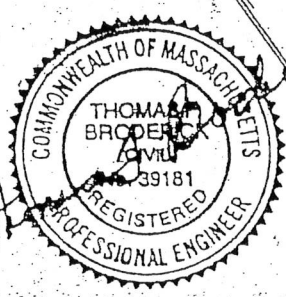
**LICENSE PLAN NO. 6006**

Approved by Department of Environmental Protection

Date: OCT 09 1996



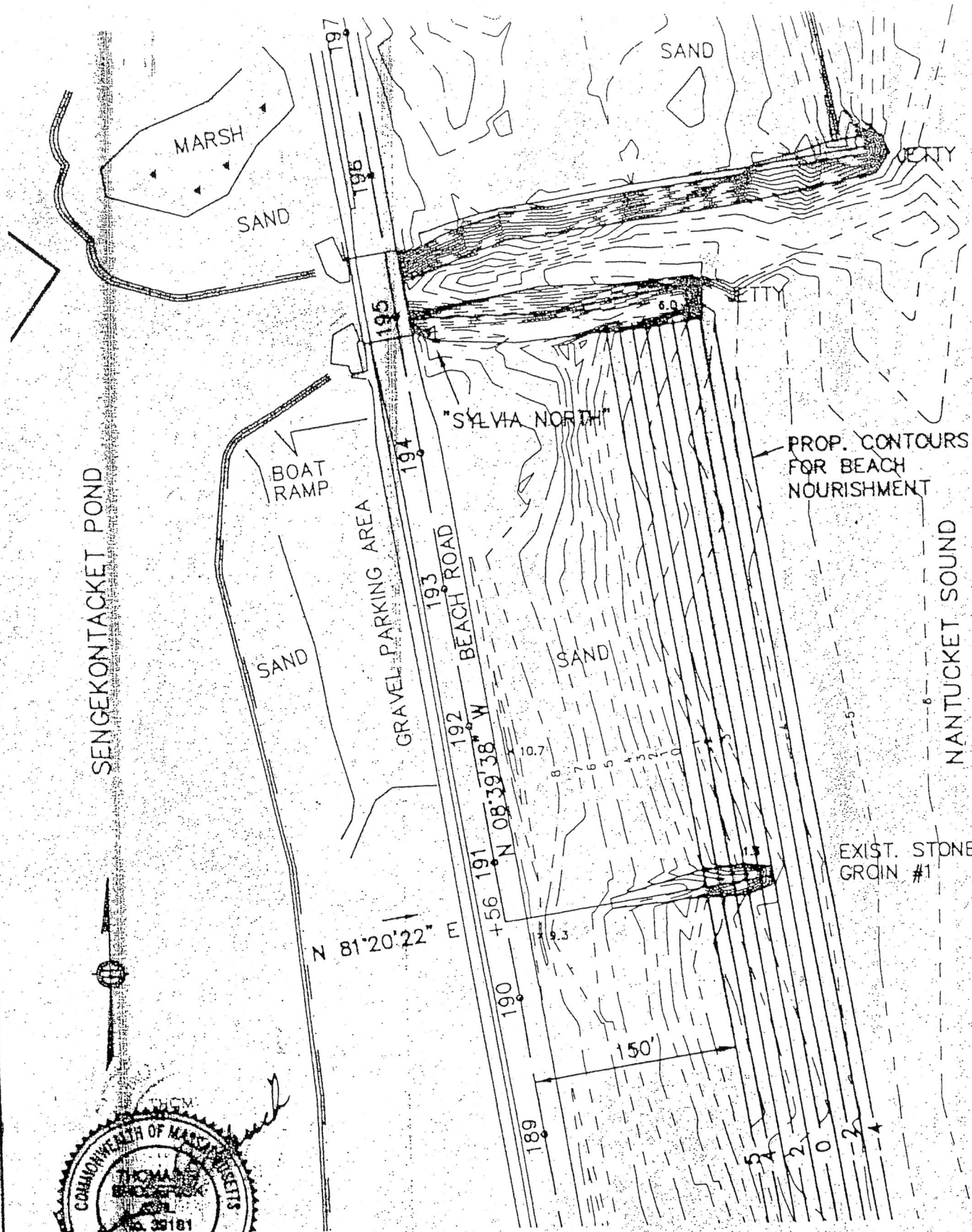
SENKEKONTACKET POND



Plans Accompanying Petition of the  
 Massachusetts Highway Department  
 for  
 Waterways License  
 Scale 1" = 100'

ENGINEERING PLAN NO. 6006  
 Approved by Department of Environmental Protection  
 Date: OCT 09 1996



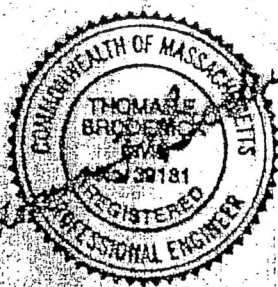
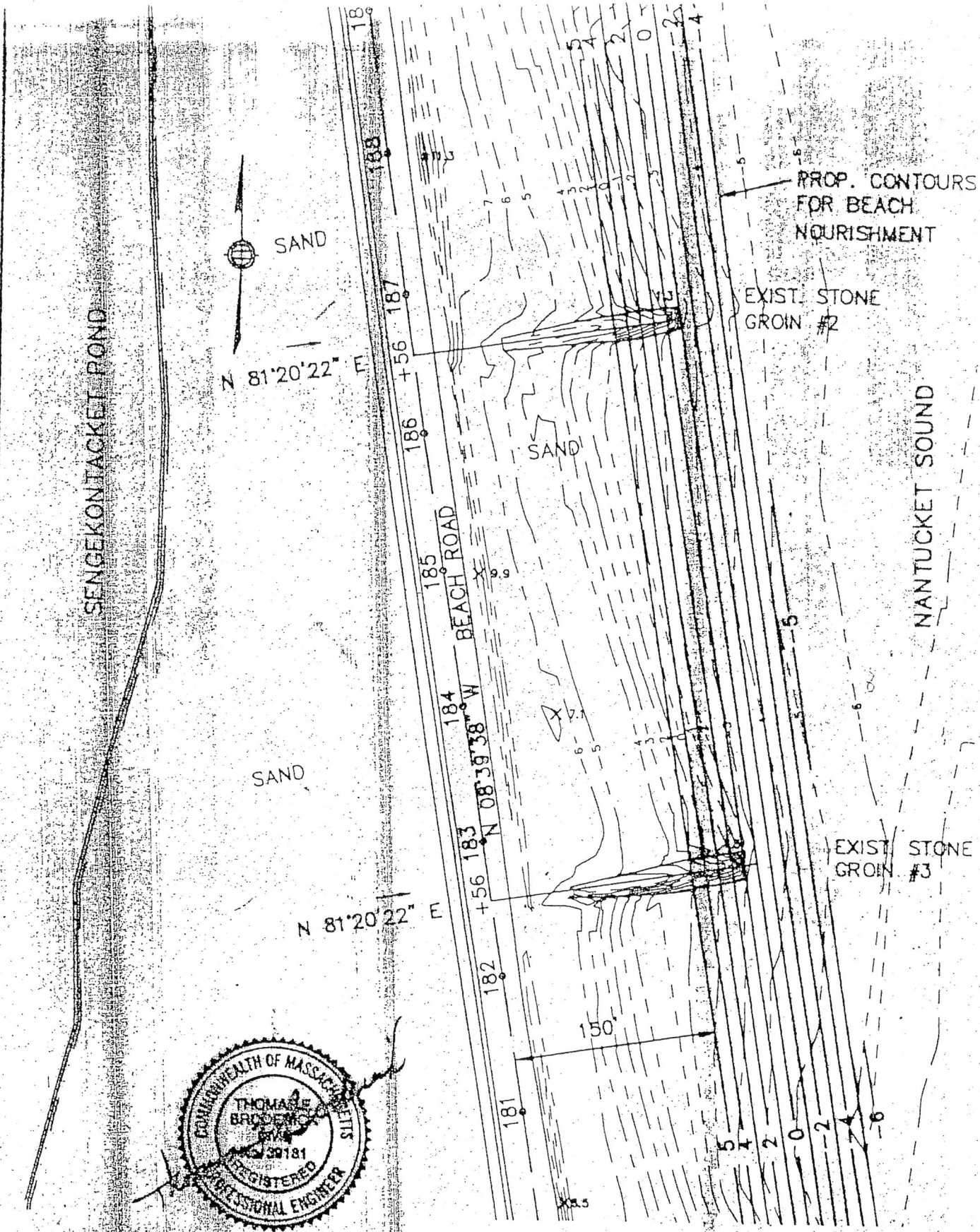


Plans Accompanying Petition of the  
Massachusetts Highway Department  
for  
Waterways License  
Scale 1" = 100'

**LICENSE PLAN NO. 6006**

Approved by Department of Environmental Protection

Date: OCT 09 1996



Plans Accompanying Petition of the  
 Massachusetts Highway Department  
 for  
 Waterways License  
 Scale 1" = 100'

**LICENSE PLAN NO. 6006**  
 Approved by Department of Environmental Protection  
 Date: OCT 09 1996



SENKEKONTACKET POND

N 151516.22  
E 186610.96  
ELEV. 6.52

BUCKET SOU.  
APPROX. EDGE OF WA.  
GRASS LINE  
BEACH ROAD

SOUTH INLET

RIP RAP

X -3.7

X -4.4

X -4.8

X -2.2

X -1.7

X -3.6

X -3.7

X -1.2

X -6.7

X -4.5

X -5.5

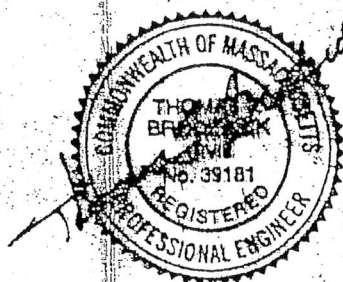
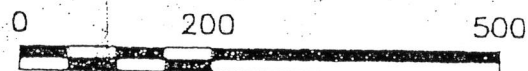
X -3.9

AUX. BASELINE "A"

X 1.7

PROPOSED BORROW AREA #1  
57,000 C.Y. AVAILABLE TO ELEVATION -5.0  
AREA = 720,000 S.F.

HOR. SCALE IN FEET



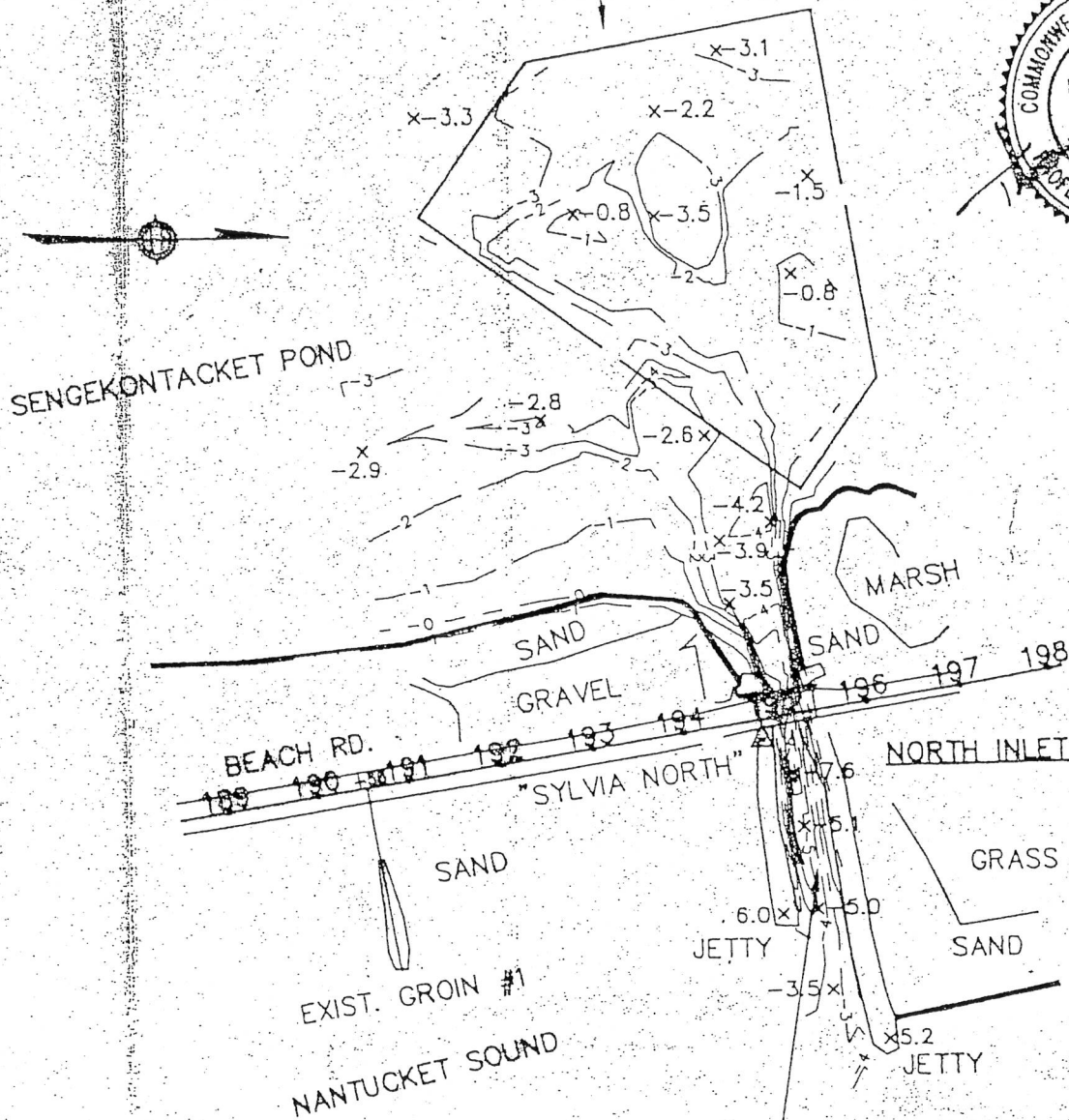
Plans Accompanying Petition of the  
Massachusetts Highway Department  
for  
Waterways License

**LICENSE PLAN NO. 6006**

Approved by Department of Environmental Protection

Date: OCT 10 1996

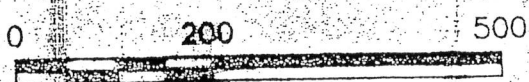
PROPOSED BORROW AREA #2  
2,500 C.Y. AVAILABLE TO ELEV. -3.0  
AREA = 147,814 S.F.



PROPOSED BORROW AREA #2  
1000 C.Y. AVAILABLE IN CHANNEL  
(EAST OF ROAD TO ELEVATION -6.0)  
AREA = (300' X 40') = 12,000 S.F.

TOTAL DREDGE MATERIAL IN AREA NO. 2 = 3,500 CY. ±  
TOTAL DREDGE AREA = 159,814 S.F.

HOR. SCALE IN FEET





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

DEP File Number:

SE53-0520

**E. Issuance**

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

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.

5/24/07

1. Date of Issuance

5

2. Number of Signers

Signatures:

*Joan Hughes*  
*John R. B. B. B.*  
*John B. B. B.*  
*Robert G. B.*

*John B. B. B.*

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Dukes

On this 23rd Day of

May

2007

Before me, the undersigned Notary Public, personally appeared

Joan Hughes  
Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Known Personally

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Oak Bluffs  
City/Town

Conservation Commission

*Elizabeth Dolan Durkee*

Signature of Notary Public

Elizabeth Dolan Durkee

Printed Name of Notary Public

10/19/12

My Commission Expires (Date)

Place notary seal and/or any stamp above

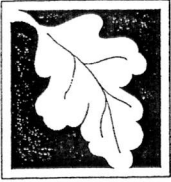
This Order is issued to the applicant as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested, on  
5/24/07

Date

Date



## **WPA Form 5 – Order of Conditions**

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

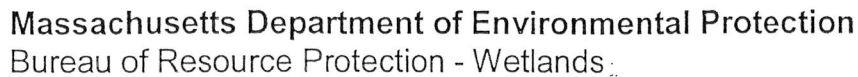
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### **F. Appeals**

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 DEP 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

**Section G, Recording Information is available on the following page.**



DEP File Number:

# WPA Form 5 – Order of Conditions

SE53-0520

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

## G. Recording Information

This Order of Conditions must be 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 subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Oak Bluffs Conservation Commission

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Oak Bluffs Conservation Commission

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Sea View Ave. (32/1&2)

### Project Location

SE53-0520

DEP File Number

Has been recorded at the Registry of Deeds of:

Dukes

County

Book

Page

for:

Commonwealth of MA, Dept. of Conservation &amp; Recreation

Property Owner

and has been noted in the chain of title of the affected property in:

---

Book

Page

In accordance with the Order of Conditions issued on:

5/24/07

Date \_\_\_\_\_

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant