



TOWN OF WEST NEWBURY

CONSERVATION COMMISSION

381 Main Street, West Newbury, Mass. 01985

TEL: 978-363-1100 x126 EMAIL: conservation@wnewbury.org

Certificate of Compliance Request Instructions

Certificate of Compliance (COC)

1. A Certificate of Compliance (COC) is a document issued by the Conservation Commission that indicates that a permitted project has been completed in substantial compliance with the issued Order of Conditions (OOC). Once the COC is issued and recorded, it removes the encumbrance that the recorded OOC created to the deed to the property title with the Essex South Registry of Deeds.
 - If a project/work was permitted through an OOC and work was never done, a COC can be requested indicating this to remove the encumbrance of the OOC from the deed / title to the property
 - The recorded OOC follows the property, not the property owner. Prior to selling or buying a property, any recorded OOC's that do not also have a recorded COC should be addressed with the Conservation Commission through a COC request.
2. **Prepare and/or obtain the following items that are required to be submitted as part of your COC request:**
 - a. ☐ Download and complete the COC request / WPA Form 8A from the MA DEP website. WPA Form 8A can be found here:
<https://www.mass.gov/lists/wetlandspermittingforms#certificate-of-compliance->
 - b. ☐ An as-built plan showing all areas within jurisdiction of the Wetlands Protection Act. The as-built plan shall contain the following:
 - A signature from a professional engineer of record certifying that the project is in substantial compliance with the Order of Conditions that was issued;
 - As-built elevations of all drainage ways constructed within 100ft. of any wetland resource area.
 - As-built elevations and grades of all filled or altered wetland resource areas, buffer zones and replicated wetland areas.
 - Distances to all structures within 100ft. of any wetland resource area.
 - The original plan that was submitted with the Notice of Intent filing can be used to create the as-built plan with any changes in the elevations or locations be marked in red and the term "as-built" added to the plan title.
 - c. ☐ The West Newbury Conservation Commission requires a fee paid to the Town for the COC request.
 - The fee is determined by the expiration date of the OOC at the time the COC request is made. Please refer to the [local fee schedule](#) to determine the correct fee.
3. **Submit a Certificate of Compliance request to the West Newbury Conservation Commission:**
 - a. ☐ 2 hard copies of the completed and signed Certificate of Compliance Request, WPA Form 8A.

- b. ☐ 2 hard copies of the as-built plan as outlined above.
- c. ☐ 1 digital copy of the completed WPA Form 8A and as-built plan.
- d. ☐ A check in the appropriate amount as determined by the local fee schedule made payable to the Town of West Newbury.
 - i. Hard copies of the full filing and checks can be mailed or hand delivered in person to the Conservation Office:
Town of West Newbury
Conservation Commission
381 Main Street
West Newbury, MA 01985
 - ii. Digital copies must be submitted via email to conservation@wnewbury.org

4. A site walk will be scheduled.

- The Conservation Agent will schedule a site walk. At the site walk the Conservation Agent will review the site and completed work for compliance with the OOC. The Agent will confirm the as-built plan accurately reflects the site, grading, and locations of any approved construction. The Agent may also take pictures of the site to show the Commissioner's during their meeting.
- If the site and completed construction appears to be in substantial compliance with the OOC and as-built plan, the Agent will add the COC request to the agenda for the Commission's next regularly scheduled meeting.
- If the site and construction are not in substantial compliance with the OOC and as-built plan, the Agent will discuss these discrepancies with the applicant, and their representative if applicable, and the property owner if different from the applicant.
 - The Agent may make suggestions on how to bring the site into compliance and may schedule a future site visit to confirm the site is in compliance and if it is, will proceed to add the COC request to the Commission's meeting agenda.
 - If the Agent believes the site is substantially out of compliance, the Agent may recommend the applicant, and or their representative, attend the next regularly scheduled Conservation Commission meeting to determine the best way to bring the site into compliance.
 - The Commission may require an after the fact NOI filing or Amendment to the OOC filing to bring the site into compliance with the OOC and the Wetlands Protection Act.

5. A decision will be made at a Conservation Commission Meeting.

- At their regularly scheduled meeting, the Commission will hear the request for the Certificate of Compliance. The Agent will present observations from the site visit and will make a recommendation to either issue or deny the COC. The Commission will discuss the request and the Agent's observations and will vote to either issue or deny the COC.
- If the request is denied, the Agent will work with the applicant and or their representative to address the Commission's concerns and bring the site into compliance.
- If the request is approved and a COC is issued, the Agent will prepare and issue the COC to the applicant.

6. Issuance of the COC:

- After the Commission votes to issue the COC, the Agent will prepare and issue the COC to the applicant.

- The COC may contain ongoing Conditions to protect the resource areas at the property. Please read the COC carefully to determine if ongoing Conditions apply.
- The applicant is required to record the COC at the [Essex South Registry of Deeds](#).
 - Recording the COC will remove the encumbrance of the OOC from the property's deed / title.