

REQUEST FOR OBTAINING A CERTIFICATE OF COMPLIANCE CHECKLIST

TO CLOSE OUT A NOTICE OF INTENT (NOI)

Steps to request a Certificate of Compliance

Step 1_____. Verify, to the best of your ability, that the project permitted under a Notice of Intent permit (the permit itself is called an Order of Conditions) has been completed. It is common for OOC permits to stay open for years before being closed out. It is also common for the presence of an OOC to be noted on a property's chain of record (the deed) when a property is being bought or sold. Outstanding OOC permits that are still open may lead to financial, logistical, or timing challenges during the property buying/selling process. If you are a property owner and you are aware of an open OOC permit on your property, it is best to close the permit out through this process as soon as the project is finished.

Step 2_____. Verify that the requirements for obtaining a Certificate of Compliance for projects completed under an Order of Conditions permit are met. These requirements are available in the Massachusetts Wetlands Protection Act regulations at 310 CMR 10.05(9)(a-f). The Massachusetts Wetlands Protection Act regulations are located online here: <https://www.mass.gov/regulations/310-CMR-1000-wetlands-protection-act-regulations>

Note that requirements for obtaining a Certificate of Compliance include an as-built plan and an engineer's affidavit.

Step 3_____. Fill out the Wetlands Protection Act (WPA) Form 8A – Request for Certificate of Compliance. This request document is located on pages 3 and 4 of this document. Form 8A is also located online here: <https://www.mass.gov/lists/wetlands-permitting-forms>

Step 4_____. Hand deliver or mail two (2) copies of the Form 8A – Request for Certificate of Compliance form and supporting materials (plans, engineer's affidavit, etc.) to the Andover Conservation Department located on the first floor of the Andover Town Offices at 36 Bartlet Street, Andover, MA 01810. The Andover Conservation Department's email is: Cdpconservation@andoverma.us. The Andover Conservation Department's phone number is: (978) 623 8630. If you are hand delivering your request, you may also drop the completed forms in the drop box in the front of the Town Offices building at 36 Bartlet Street. Please place the form in an envelope addressed to the Andover Conservation Department.

Please contact Andover Conservation Department Staff by phone or email if you have any questions.

Next Steps: Once the Andover Conservation Department receives the request for a Certificate of Compliance, it will be placed on the next available Andover Conservation Commission meeting agenda for their consideration. The Andover Conservation Commission meets biweekly on the first and third Tuesday of every month throughout the year; however, sometimes the timing of holidays impacts this schedule.

Before the Andover Conservation Commission meeting, Andover Conservation Staff will visit the property to confirm compliance with the permit conditions and verify that the project has been completed per the OOC permit.

At the Andover Conservation Commission meeting, Andover Conservation Staff will advise the Andover Conservation Commission as to whether the conditions of the OOC permit have been met, whether the project has been completed per the approved plan, etc. Then, the Commission will make a decision – recorded by roll call vote – as to whether the Certificate of Compliance may be issued. It is best if the applicant or their representative is present at the meeting in case there are any questions about the permit or the project.

Note: The decision for whether or not a Certificate of Compliance will be issued lies solely with members of the Andover Conservation Commission. Andover Conservation Staff are not able to make this decision.

After the Andover Conservation Commission meeting, the Conservation Commissioners will sign the Certificate of Compliance document. After the Conservation Commissioner’s signatures are obtained, the Certificate of Compliance will be mailed to the Applicant or person who made the request for the Certificate.

Once the original copy of the Certificate of Compliance is in hand, the Certificate needs to be recorded at the Northern Essex (County) Registry of Deeds. [Registry of Deeds](#)

1 Union Street, Suite #402, Lawrence, MA 01840

Recording hours: 8AM-4PM Monday through Friday

The cost of recording the Certificate of Compliance is \$105.00.

Once the Certificate of Compliance is recorded at the Registry of Deeds, and a copy of the recorded Certificate of Compliance is forwarded to Andover Conservation Staff, the Order of Conditions permit is officially “closed out.”

Information about Notice of Intent permits:

Notice of Intent permit applications are typically used to permit large projects such as construction of new houses, major additions or house renovations, residential or commercial development, major utility projects, or other large projects that involve significant excavation and/or alteration of existing grades, soils and vegetation within a jurisdictional wetland area or buffer zone. The Notice shall be submitted on the form (WPA Form 3) according to instructions required by State regulation in the WPA at 310 CMR 10.05(4).

The Conservation Commission will approve or deny the project through the issuance of an Order of Conditions permit (OOC) that regulates how the project shall proceed in order to protect resource areas. The OOC must be recorded at the Essex County North Registry of Deeds in Lawrence, MA prior to commencement of work.

A Certificate of Compliance (COC) is the document an applicant or property owner receives from the Conservation Commission once all the work permitted under an OOC has been satisfactorily completed. When the OOC specifies, the applicant must also submit an as-built plan and an engineer's certification that the work was completed in compliance with the OOC.

Orders of Conditions permits are valid for three years from the date of issuance and may be extended.

Note: NOI applications and their required supplemental materials are complex. Completion and filing of NOIs are best handled by professional(s) such as wetland scientists, engineers, land surveyors, or a combination of these professionals and others. Supplemental materials that may be required include a site-specific instrument survey, a wetland delineation, a plan drawn and stamped by a professional engineer, a stormwater management analysis, and/or other documents and information.



WPA Form 8A – Request for Certificate of Compliance

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

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:

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Applicant _____

Dated _____ DEP File Number _____

3. The project site is located at:

Street Address _____ City/Town _____

Assessors Map/Plat Number _____ Parcel/Lot Number _____

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different) _____

County _____ Book _____ Page _____

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.



WPA Form 8A – Request for Certificate of Compliance

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

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>).