

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

June 10, 2019

City of New Bedford
Conservation Commission
133 Williams Street
New Bedford, MA 02740
Attn: Sarah Porter, Agent

Re: Request for a Certificate of Compliance – DEP File No. SE 49-538

Owner/Applicant: BLF Realty Trust
Site Address: Route #6 (Popes Island)
Lot #2 on Assessors Map #60

Dear Sarah,

On behalf of the BLF Realty Trust, Schneider, Davignon & Leone, Inc. hereby submits the attached Information for the purposes of issuing a Certificate of Compliance (COC) for the above described project.

On April 29, 2005, the New Bedford Conservation Commission (NBCC) issued the Order of Conditions (OOC) permitting proposed improvements to a gravel parking lot located easterly and adjacent to 226 Popes Island.

The proposed work could not commence until a License was received by the applicant from the City of New Bedford permitting the use of the subject parking lot.

Said license was never obtained; ***therefore the permitted work activity never commenced.***

The OOC expired on April 29, 2008.

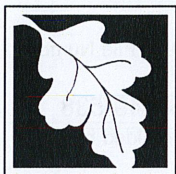
Consequently I respectfully request that the NBCCC issue a COC for SE 49-538 - for the purposes of clearing the Title for the property and allowing a P & S Agreement to conclude.

If you have any questions or need additional information, please contact me at (508) 758-7866 (ext. 203).

Sincerely,
Schneider, Davignon & Leone, Inc.

David M. Davignon, P.E.

cc: File 1474
BLF Realty Trust



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

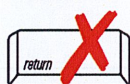
SE 49-538

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:

Schneider, Davignon & Leone, Inc.

Name

P.O. Box 480, 1 County Road

Mailing Address

Mattapoissett

MA

02739

City/Town

State

Zip Code

(508) 758-7866

Phone Number

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

Brian Faltus

Applicant

April 29, 2005

SE 49-538

Dated

DEP File Number

3. The project site is located at:

Route #6 (Popes Island)

New Bedford

Street Address

City/Town

#60

#2

Assessors Map/Plat Number

Parcel/Lot Number

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

BLF Realty Trust

Property Owner (if different)

Bristol

7536

202

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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

SE 49-538

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 Attachment).

AGREEMENT

Lori Faltus, Trustee of the BLF Realty Trust (hereafter "Faltus") of 59 Orchard Street, Fairhaven, Massachusetts, owner of 226 Pope's Island, a/k/a "Captain Leroy's", New Bedford, Massachusetts (hereafter "Premises"), and the New Bedford Conservation Commission (hereafter "ConCom") of 133 William Street, New Bedford, Massachusetts, do enter into this Agreement.

Whereas, Faltus is desiring that the ConCom consider her request for Certificates of Completion for Notices of Intent (hereafter NOI) numbered SE 49-67, SE 49-473 and SE 49-538;

Whereas, the ConCom charges a fee of \$1,500.00 per each NOI for which a certificate is requested;

Whereas, Faltus has paid a fee of \$1,500.00 fee for a Certificate of Completion for NOI SE 49-67;

Whereas, Faltus, at present, lacks sufficient funds to pay for the remaining two certificates requested;

Whereas, Certificates of Completion are required for the sale of the premises, which are the subject of a duly executed and binding Purchase and Sale Agreement;

Now therefor, the parties agree as follows:

1. ConCom shall consider all three NOI's for Certificates of Completion for the premises at its meeting on July 18, 2019, including SE 49-67 for which a fee was paid.
2. ConCom shall consider the remaining two NOI's for the premises at its meeting, without the requisite payment of \$3,000.00, prior to July 18, 2019.

3. In consideration thereof, Faltus agrees that the sum of \$3,000.00 shall be deducted from the proceeds of sale at the closing for the premises, which sum shall be considered akin to a municipal charge, for said purpose alone.

4. Faltus hereby irrevocably directs the Settlement Agent to deduct the amount of \$3,000.00 from Seller's gross proceeds at any closing and shall remit said sum to the ConCom, immediately thereafter, by mailing a check to ConCom for same.

5. The ConCom members signing below are fully authorized to enter into this Agreement with Faltus.

Signed and sealed this _____ day of June, 2019.

BLF Realty Trust

New Bedford Conservation Commission

By: Lori Faltus
Lori Faltus, Trustee

By: _____

6/10/19



By: _____

By: _____

By: _____

By: _____



REV. #	DATE	BY
APPROVED BY:		
		
<p>PLAN TO ACCOMPANY NOTICE OF INTENT FOR PROPERTY OWNED BY THE CITY OF NEW BEDFORD IN NEW BEDFORD, MA. TO BENEFIT PROPERTY AT 226 POTES ISLAND d/ b/ a CAPTAIN LEBROS AND OWNED BY BLF REALTY TRUST</p>		
SCALE: 1" = 20'		
		
DATE: MARCH 22, 2005		

N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

FROELICH CIVIL ENGINEER
1 COUNTRY RD, P.O. BOX 480, MATTAPOISETT, MA 02739

1-508-758-7866

Drawn By: D.M.D.

Check By: N.D.S.	Sho
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1 of 1

Job No. 474



PROFESSIONAL CIVIL ENGINEER
1 COLONY RD, P.O. BOX 480, MATTAPOISETT, MA 02739
1-508-758-7866

Dr. Bui, D.M.D.	Check Bui, N.D.S.	Sheet 1 of 1	Job No. 1474
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