



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON MA 02108 (617) 292-5500

WILLIAM F. WELD
Governor

ARGEO PAUL CELLUCCI
Lt. Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

OCT 09 1996

Massachusetts Highway Department
c/o Lisa A. Rhodes
10 Park Plaza, Room #260
Boston, MA 02116-3973

RE: Waterways License Application No. W96-5076, License No. 6006
Nantucket Sound and Sengekontacket Pond
Towns of Edgartown and Oak Bluffs, Dukes County

Dear Ms. Rhodes:

The Department of Environmental Protection has approved the enclosed referenced license authorizing you to perform certain activities pursuant to G.L. Chapter 91 and regulations 310 CMR 9.00.

Any unauthorized substantial change in use or substantial structural alteration of any structure or fill authorized by this license shall render it void.

Furthermore, this license must be recorded at the referenced Registry of Deeds within 60 days from the date of issuance. Work or change in use authorized by this license shall not commence until said license and plans are recorded and the Department has received written notification of the date, book, and page number of record. Please complete and return the enclosed Notification Form to this office. You are also required to notify the Department in writing of the date the authorized work or change in use is completed.

Sincerely,

Jeffrey R. Martin
John A. Simpson

Program Chief
Waterways Regulation Program

JAS/JRM/jrm

cc: DEP, Region IV, Wetlands File Nos. 053-0282/020-0623
Office of Coastal Zone Management w/enc.
MEPA Unit, EOEA No. 6386
Edgartown Harbormaster w/enc.
Oak Bluffs Harbormaster w/enc.
Tom Maguire, MHD

DEPARTMENT OF ENVIRONMENTAL PROTECTION

John A. Simpson, Program Chief
Waterways Regulation Program
Department of Environmental Protection
1 Winter Street, 8th Floor
Boston, Massachusetts 02108

RE: Waterways License Application No. W96-5076, License No. 6006
Nantucket Sound and Sengekontacket Pond
Towns of Edgartown and Oak Bluffs, Dukes County

Dear Mr. Simpson:

This is to notify you that the referenced license was recorded on _____, book number _____, page number(s) _____.

We will notify your office in writing of the date the authorized work or change in use is completed.

Sincerely,

LICENSE VOID
IF NOT RECORDED
WITHIN 60 DAYS
OF ISSUANCE

The Commonwealth of Massachusetts

No. 6006



Whereas, Massachusetts Highway Department

of -- Boston --, in the County of -- Suffolk -- and Commonwealth
aforesaid, has applied to the Department of Environmental
Protection for license to ----- construct and maintain three (3)
temporary adjustable timber groins, to dredge and to perform beach
nourishment -----

and has submitted plans of the same; and whereas due notice of said
application, ~~and of the time and place fixed for a hearing thereon,~~
has been given, as required by law, to the - Boards of Selectmen -
of the Towns of -- Edgartown and Oak Bluffs;

NOW, said Department, having heard all parties desiring to be
heard, and having fully considered said application, hereby,
subject to the approval of the Governor, authorizes and licenses
the said

----- Massachusetts Highway Department -----, subject to the
provisions of the ninety-first chapter of the General Laws, and of
all laws which are or may be in force applicable thereto, to -----
construct and maintain three (3) temporary adjustable timber groins,
to dredge and to perform beach nourishment -----

in and over the waters of -- Nantucket Sound and Sengekontacket
Pond -- in the Towns of -- Edgartown and Oak Bluffs -- and in
accordance with the locations shown and details indicated on the
accompanying DEP License Plan No. 6006, (8 Sheets).

The structures authorized hereby shall be limited to the following use(s): shoreline stabilization for the protection of existing structures.

SPECIAL WATERWAYS LICENSE CONDITIONS

1. Approximately 70,500 cubic yards of sediment may be dredged from the waters of Sengkontacket Pond in conformance with the accompanying license plan.
2. Dredging shall be performed by hydraulic means to the depths indicated on Sheets 7 and 8 of the license plan.
3. All dredged spoils shall be utilized as beach nourishment on Sylvia State Beach in conformance with Sheets 3 through 6 of the license plan.
4. Maintenance dredging and nourishment shall be performed in accordance with the "Monitoring and Maintenance Program" document prepared by the Massachusetts Highway Department, dated September 6, 1996, or any subsequent document approved by the Technical Advisory Committee. In any case, this license shall expire ten (10) years from the date of issuance for all maintenance dredging and/or beach nourishment activities.

Please see pages 3 and 4 for additional conditions to this license. ---

Duplicate of said plan, number 6006 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
 2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
 3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
 4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
 5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
 6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
 7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
 8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - ___ Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - ☒ Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the high water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - ___ a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

STANDARD WATERWAYS DREDGING CONDITIONS

1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of the Department, and, when required, the Licensee shall provide at his/her expense a dredge inspector approved by the Department.

2. This Waterways License is issued upon the express condition that the dredging, transport and/or disposal of dredged material shall be in strict conformance with the Water Quality Certificate issued by the Department.

3. All subsequent maintenance dredging, and transport and disposal of dredged material during the term of this License shall conform to the standards and conditions applied to the original dredging operation performed under this License.

4. After completion of the work hereby authorized, the Licensee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged. Dredging under this License shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his/her expense, remove the shoal areas. The Licensee shall pay all costs associated with such work. Nothing in this License shall be construed to impair the legal rights of any person, or to authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.

5. The Licensee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.

6. The Licensee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the location and amount of the proposed work, and of the time at which work is expected to begin.

7. Whosoever violates any provision of this License shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --- Massachusetts Highway Department --- by paying into the treasury of the Commonwealth -- zero dollars and zero cents (\$0.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department.

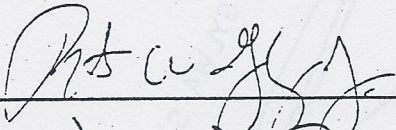
Nothing in this License shall be so construed as to impair the legal rights of any person.


This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of -- Dukes.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this ninth day of October in the year nineteen hundred and ninety-six.

Director

Program Chief





Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said

----- Massachusetts Highway Department -----


the further sum of

----- zero dollars and zero cents (\$0.00) -----

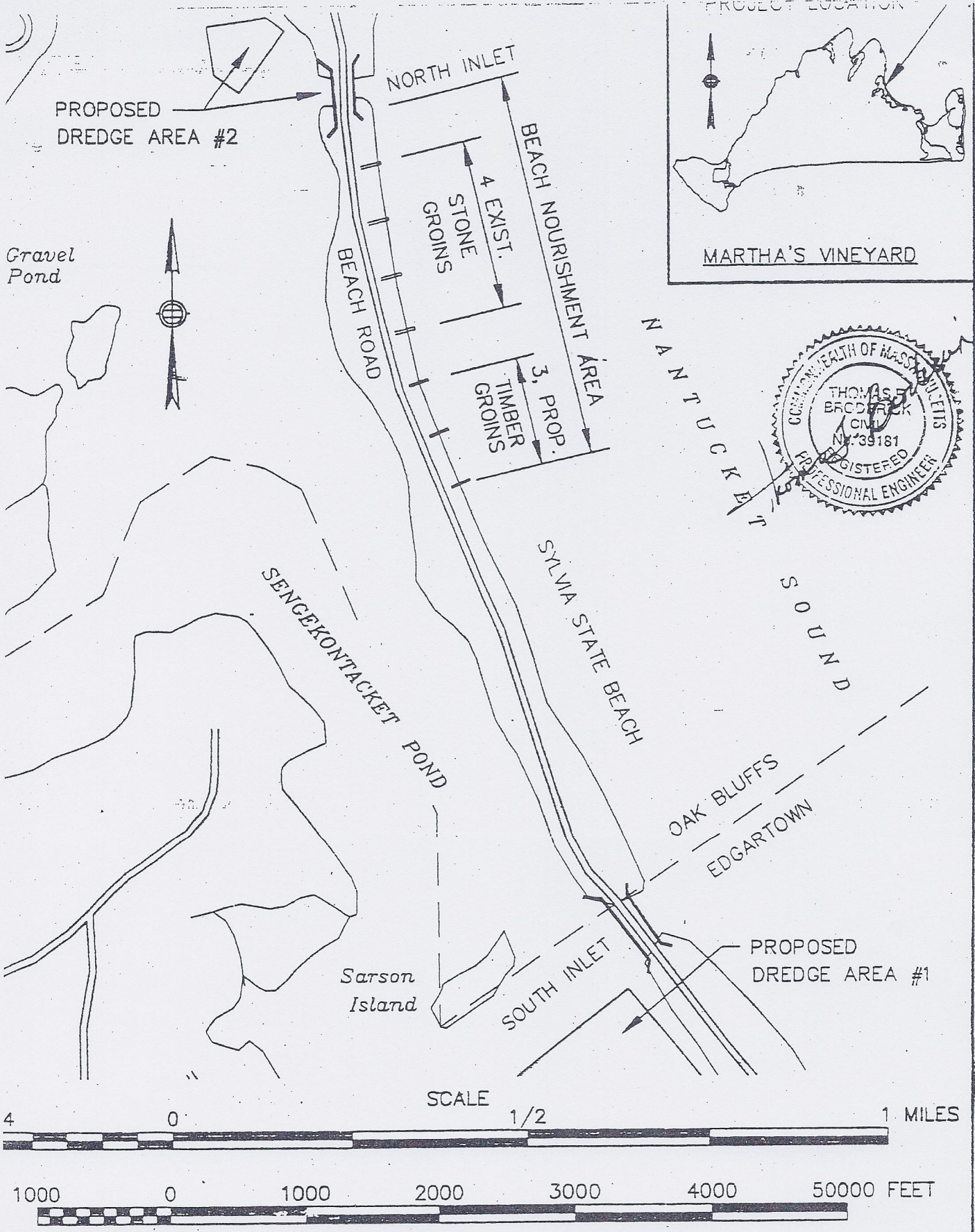
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.



Governor



ans Accompanying Petition of the
 Massachusetts Highway Department
 for
 Waterways License

LICENSE PLAN NO. 6006

APPROVED BY Department of Environmental Protection

MASSACHUSETTS

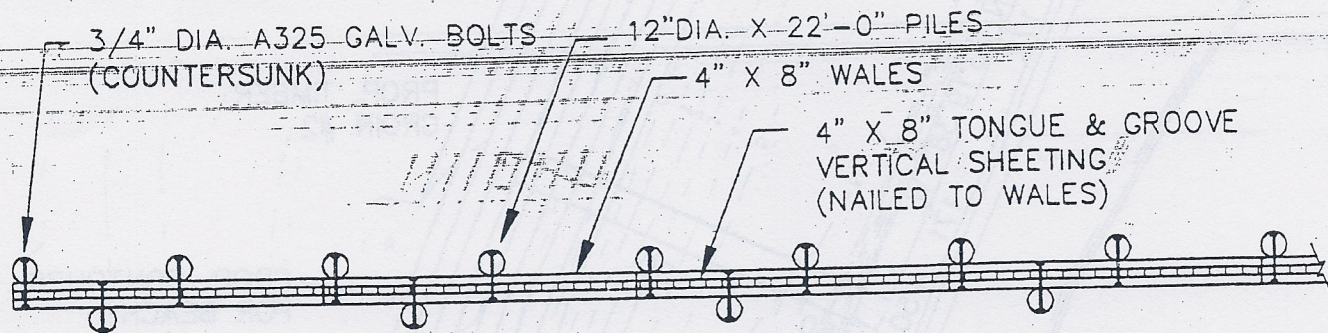
[Signature] DIVISION CHIEF

[Signature] DIRECTOR

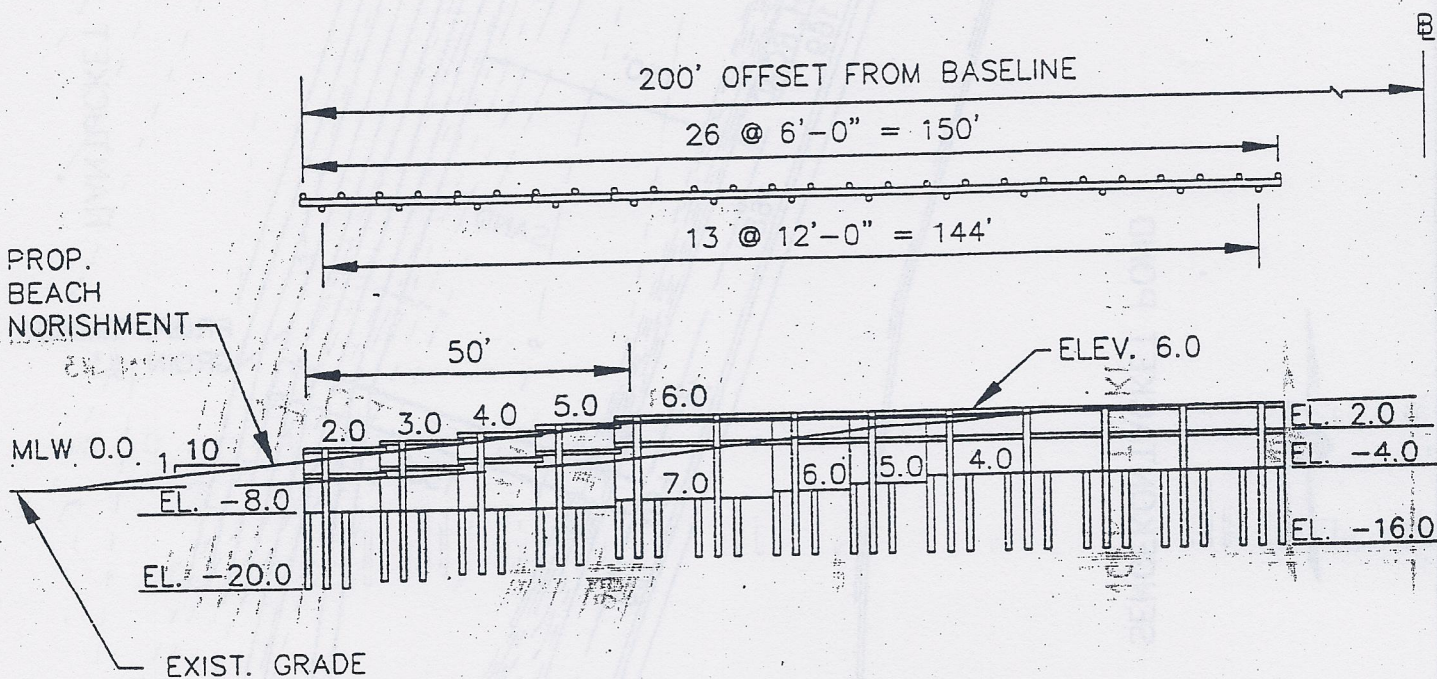
CHIEF

DATE 09 1996

W96-504
 601



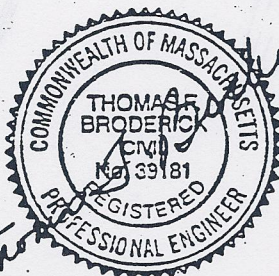
PLAN
(NOT TO SCALE)



ELEVATION

(TYPICAL FOR ALL PROPOSED GROINS)
SCALE 1" = 30'

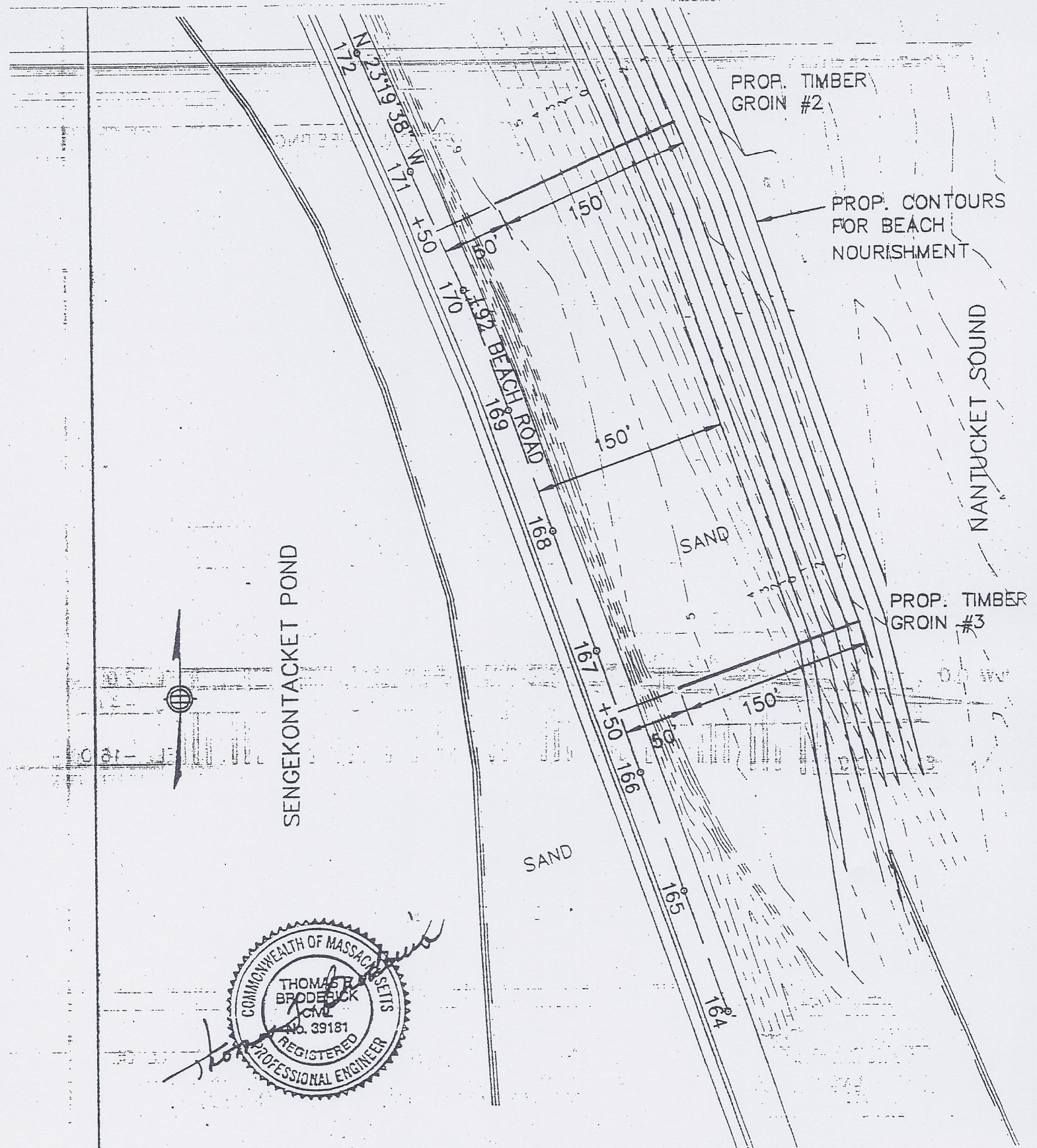
- NOTE: 1. ALL WOOD MATERIAL SHALL BE SOUTHERN PINE GRADE #1 DENSE OR EQUAL, PRESSURE TREATED.
2. ANCHOR BOLTS, NUTS AND WASHERS SHALL BE AASHTO M164 (ASTM A325) HIGH STRENGTH (ALL MATERIAL SHALL BE GALVANIZED).
3. MEAN HIGH WATER (MHW) = EL. 1.7
MEAN LOW WATER (MLW) = EL. 0.0



Plans Accompanying Petition of the
Massachusetts Highway Department
for
Waterways License

USE PLAN NO. 6006
approved by Department of Environmental Protection
etc. OCT 00 1986

1096-507

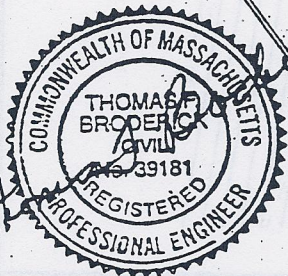
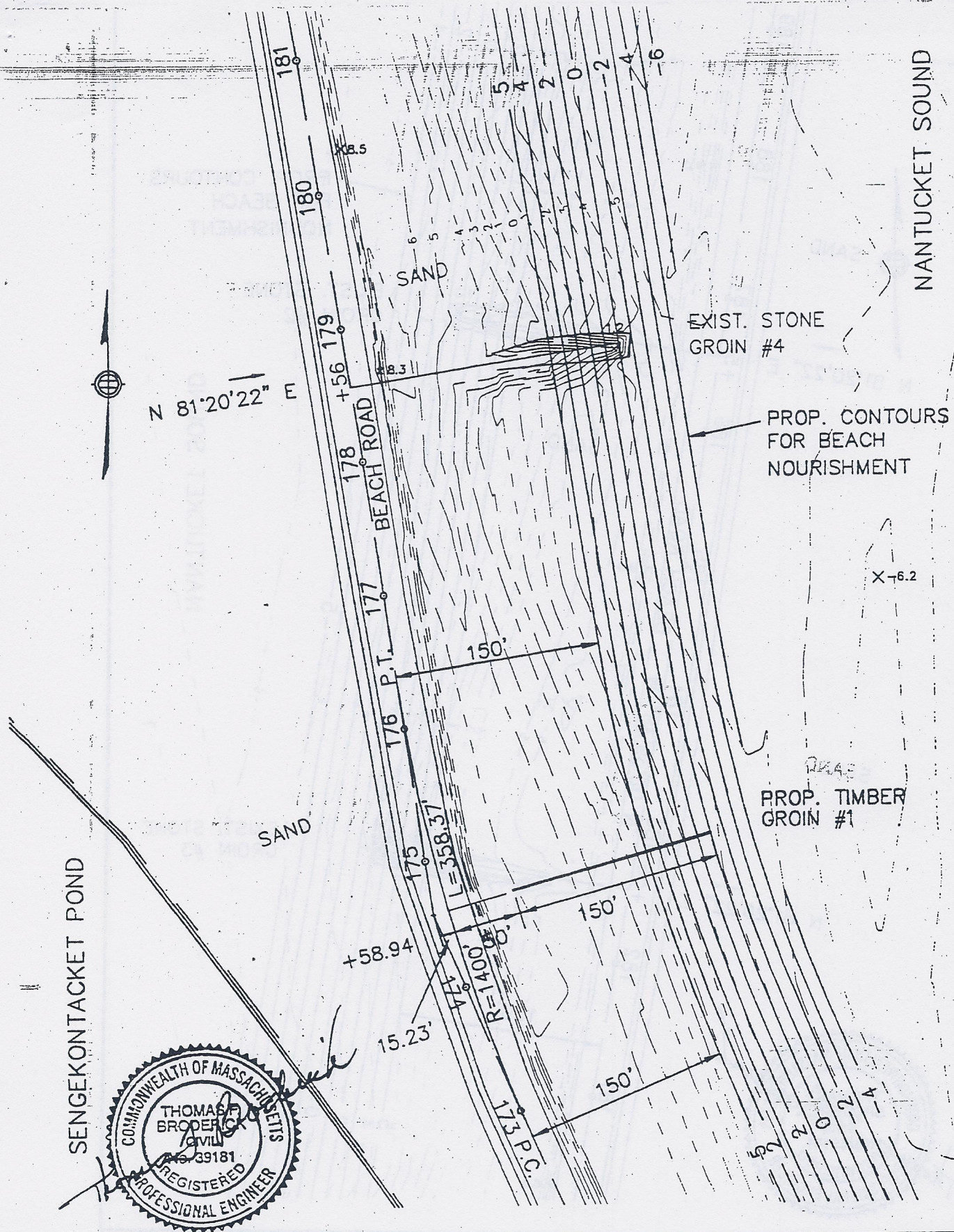


Plans Accompanying Petition of the
Massachusetts Highway Department
for
Waterways License

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'

ENGINEERING PLAN NO. 6006
 Approved by Department of Environmental Protection
 Date OCT 29 1996

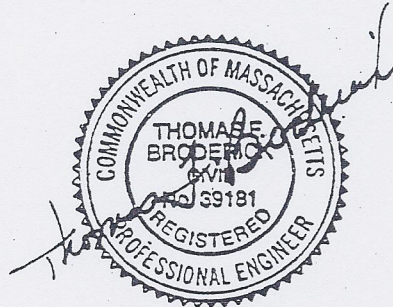
1605-507

SENKEKONTACKET POND



SAND

N 81°20'22" E



185 BEACH ROAD

184 N 08°39'38" W

183 N 08°39'38" W

182

181

189

188

187

186

185

184

183

182

181

SAND

PROP. CONTOURS FOR BEACH NOURISHMENT

EXIST. STONE GROIN #2

NANTUCKET SOUND

EXIST. STONE GROIN #3

150'

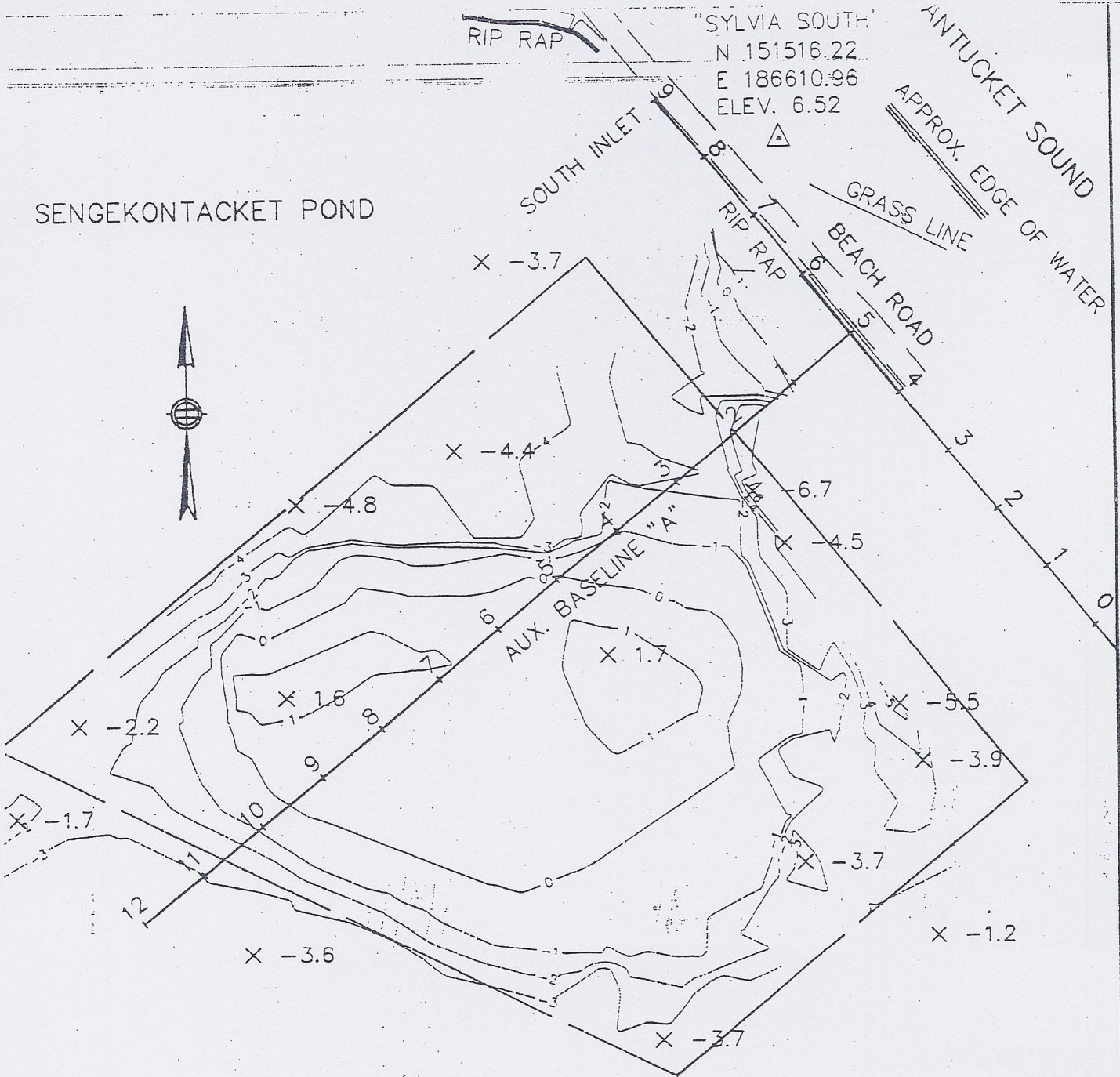
LICENSE PLAN NO. 6006

Approved by Department of Environmental Protection

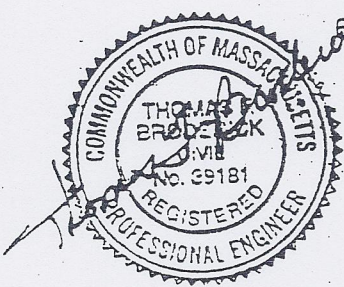
Date: OCT 29 1996

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

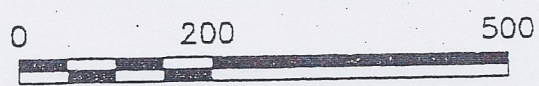
105-96M



PROPOSED BORROW AREA #1
 67,000 C.Y. AVAILABLE TO ELEVATION -5.0
 AREA = 720,000 S.F.



HOR. SCALE IN FEET

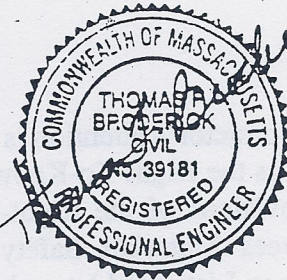


Plans Accompanying Petition of the
 Massachusetts Highway Department
 for
 Waterways License

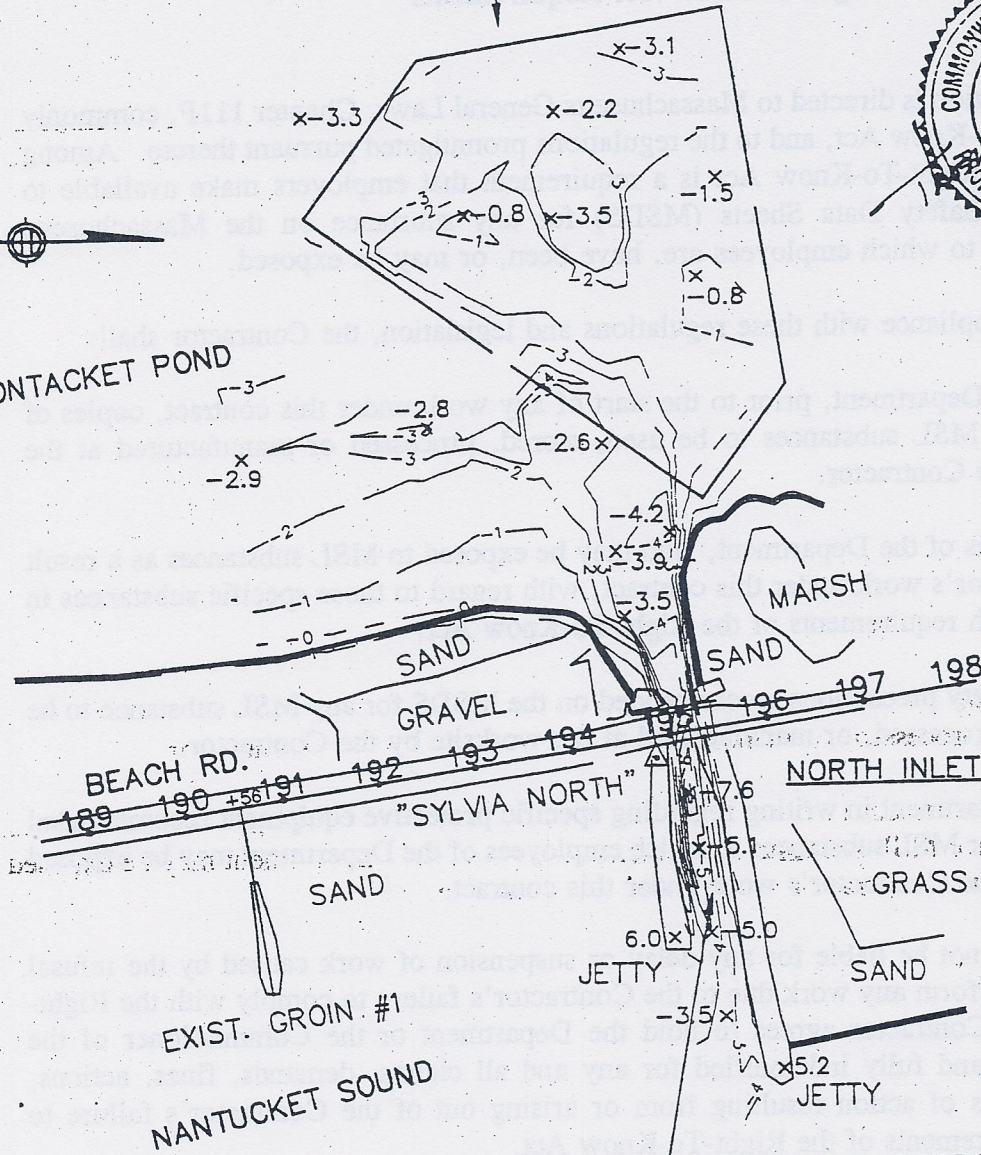
LICENSE PLAN NO. 6006
 Approved by Department of Environmental Protection
 Date: **OCT 09 1996**

W96-5076

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



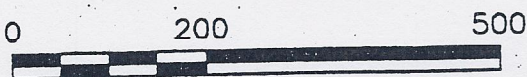
SENKEKONTACKET POND



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



Plans Accompanying Petition of the
 Massachusetts Highway Department
 for

LICENSE PLAN NO. 6006

Approved by Department of Environmental Protection

Date OCT 00 1966

11/10/66

**Special Provisions
for
Right-to-Know Act Requirements**

The Contractor's attention is directed to Massachusetts General Laws, Chapter 111F, commonly known as the Right-To-Know Act, and to the regulations promulgated pursuant thereto. Among the provisions of the Right-To-Know Act is a requirement that employers make available to employees Materials Safety Data Sheets (MSDS) for any substance on the Massachusetts Substance List (MSL) to which employees are, have been, or may be exposed.

To ensure prompt compliance with these regulations and legislation, the Contractor shall:

1. Deliver to the Department, prior to the start of any work under this contract, copies of MSDS for all MSL substances to be used, stored, processed or manufactured at the worksite by the Contractor.
2. Train employees of the Department, who may be exposed to MSL substances as a result of the Contractor's work under this contract, with regard to those specific substances in accordance with requirements of the Right-To-Know Act.
3. Observe all safety precautions recommended on the MSDS for any MSL substance to be used, stored, processed, or manufactured at the worksite by the Contractor.
4. Inform the Department in writing regarding specific protective equipment recommended in the MSDS for MSL substances to which employees of the Department may be exposed as a result of the Contractor's work under this contract.

The Department shall not be liable for any delay or suspension of work caused by the refusal of its employees to perform any work due to the Contractor's failure to comply with the Right-To-Know Act. The Contractor agrees to hold the Department or the Commissioner of the Department harmless and fully indemnified for any and all claims, demands, fines, actions, complaints, and causes of action resulting from or arising out of the Contractor's failure to comply with the requirements of the Right-To-Know Act.