

# Commonwealth of Massachusetts Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker Governor

Karyn E. Polito Lieutenant Governor Matthew A. Beaton Secretary

Martin Suuberg Commissioner

Woods Hole, Martha's Vineyard & Nantucket Steamship Authority Attn: William Cloutier P.O. Box 284 Woods Hole, MA 02543

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE
Waterways License Application No. W16-4601, License No. 14171
Woods Hole, Martha's Vineyard & Nantucket Steamship Authority
Woods Hole Ferry Terminal, Great Harbor, Falmouth

#### Dear Sir or Madam:

Following an in-depth review of the referenced file, the Department of Environmental Protection has approved the enclosed license authorizing you to perform certain activities pursuant to M.G.L. Chapter 91 and regulations 310 CMR 9.00. It is the Department's opinion that, as conditioned herein, the authorized structures and uses adequately protect the public rights in trustlands.

This license must be recorded at the referenced Registry of deeds within 60 days from the date of issuance or it will be rendered VOID. To document this recording, please complete and submit the enclosed Notification Form to the Department prior to commencing with any work or change in use authorized herein.

Please note that any unauthorized substantial change in use or substantial structural alteration of any structures or fill authorized by this license shall render it void. Therefore, it is recommended that you contact the Department prior to performing any alterations or use modifications for review and, if necessary, approval pursuant to MGL c. 91. Also, upon completion of the licensed project, you are required to submit a written request to the Department for a Certificate of Compliance in accordance with 310 CMR 9.19.

### ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE Waterways License Application No. W16-4601, License No. 14171 Woods Hole, Martha's Vineyard & Nantucket Steamship Authority Woods Hole Ferry Terminal, Great Harbor, Falmouth

If you have any questions concerning this license, please contact David Hill at (508) 946-2730.

Very truly yours,

David E. Hill

Environmental Engineer

David I. Hill

Wetlands and Waterways Program

#### Enclosure

cc: w/enc. Ben Lynch, Section Chief, DEP, Boston

Office of Coastal Zone Management

Falmouth Harbormaster

Falmouth Conservation Commission

Falmouth Board of Selectmen

Valerie A. Moore, Esq., Ferriter Scobbo & Rodophele, PC

Jonathan M. Polloni, Esq., Glynn Law Office

David E. Hill
Department of Environmental Protection
Wetlands & Waterways Program
20 Riverside Drive
Lakeville, MA 02347

RE: Waterways Application No. W16-4601, License No. 14171, Transmittal #X268272 Great Harbor, Falmouth, Barnstable County

Dear Mr. Hill:

Date of Recordation:

This is to notify you that the above referenced Waterways license was recorded with the appropriate Registry of Deeds / Land Court for this project location and to provide your office with the following recordation information.

| County Registry of Deeds:  |
|--|
| Book number and page number(s)   |
| Land Court:  |
| Land Court Lot # Plan #  |
| Certificate Document Number  |
| We will notify your office in writing of the date the authorized work or change in use is simpleted. |
| ncerely,   |
| , Chapter 91 Waterways Licensee  |

LICENSE VOID
IF NOT RECORDED
WITHIN 60 DAYS
OF ISSUANCE

## The Commonwealth of Massachusetts



No. 14171

### Whereas, Woods Hole, Martha's Vineyard & Nantucket Steamship Authority

of -- Falmouth -- in the County of -- Barnstable -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- reconstruct and maintain three (3) existing ferry slips, construct a new terminal building with associated utilities and site improvements and to excavate/dredge --

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 -- Board of Selectmen -- of the -- Town of Falmouth. --

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

-- Woods Hole, Martha's Vineyard & Nantucket Steamship Authority --, 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 -- reconstruct and maintain three (3) existing ferry slips, construct a new terminal building with associated utilities and site improvements and to excavate/dredge --

in and over flowed and filled Commonwealth tidelands of -- Great Harbor -- at -- the foot of Railroad Avenue -- in the -- Town of Falmouth (Woods Hole) -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 14171 (8 sheets).

The structures authorized hereby shall be limited to the following use(s): to provide for waterborne passenger transportation facilities and shipment of goods.

The License to be issued pursuant hereto shall be valid for an unlimited term pursuant to 310 CMR 9.15(1)(c).

Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this license.

Existing structures previously authorized under Department of Public Works License No.'s 5648, 5145, 3977, 2835 and 2908, Department of Environmental Quality Engineering License No. 1960 and Department of Environmental Protection License No. 12221 shall be maintained in accordance with the terms and conditions of said licenses and plans. Maintenance dredging at the site has been performed under Department of Environmental Protection Permit No. 11575.

#### SPECIAL WATERWAYS CONDITIONS

- 1. In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area and historic filled tidelands. The Licensee shall also place and maintain, in good repair, a sign at each property line adjacent to the mean high water shoreline and at each main entry point to the facility to provide information about public access to and from the water's edge consistent with the provisions of 310 CMR 9.35(5)(b). The number and location of said signs, which shall be designed in accordance with the signage specifications provided by the Department, shall be subject to review and written approval by the Department and shall be posted within thirty (30) days of completion of the licensed project. Further, the exercise by the public of free on-foot passage in accordance with this License shall be considered a permitted use to which the limited liability provisions of M.G.L. c. 21, § 17C apply. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.
- 2. In order to address restricted public pedestrian access along the waterfront within the vessel berthing and loading areas, the Licensee shall develop and plan and adopt rules governing the publicly accessible areas of the site, subject to review and written approval by the Department, as are necessary for the protection of public health and safety and to ensure public use and enjoyment by minimizing conflicts between user groups. No amendment to said rules shall be made without written approval of the Department.
- 3. All work authorized herein shall be completed within six (6) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

#### SPECIAL WATERWAYS CONDITIONS (continued):

4. Within sixty (60) days of completion of the licensed project, the Licensee shall request, in writing, that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification by a registered professional engineer licensed in the Commonwealth that the project was completed in accordance with the License.

5. In accordance with License Plan No. 14171, existing structures that are identified as to be removed, shall be removed in their entirety and properly disposed of in conformance with all local, state and federal laws either prior to new construction or within thirty (30) days of completion of final construction.

#### SPECIAL WATERWAYS DREDGING CONDITIONS

- 1. Dredging of approximately 1,500 cubic yards of material from the ferry berthing slips shall be performed by mechanical methods.
- 2. Dredging shall be to a depth of -17.35 feet NAVD 88 datum within the areas specified on License Plan No. 14171 with an allowable 1-foot overdredge.
- 3. No dredging shall occur from January 15<sup>th</sup> to May 31<sup>st</sup> of any year.
- 4. Prior to the commencement of dredging activities, the Licensee shall contact the Town of Falmouth to determine if there is an interest to reuse suitable dredge material for beach nourishment. If the Town agrees to accept dredge material, the Town shall be responsible for the transportation of the material from the site to one of the beach nourishment sites identified on the Town of Falmouth Chapter 91 Comprehensive Permit No. 13266.
- 5. Dredge and excavated material not utilized for beach nourishment shall be dewatered on-site and then transported to an upland facility approved to accept dredge material for disposal or beneficial reuse.
- 6. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this license.
- 7. Within 30 days of completion of the dredging authorized herein, the Licensee shall furnish to the Department a suitable plan showing the depths at MLW over the area dredged.

Please see the following Standard Waterways License and Dredging Conditions.

Duplicate of said plan, number 14171 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 <u>prior</u> 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 MassDEP.
- 9. This License authorizes structure(s) and/or fill on:

|                           | In accordance with the pu     |                      |                   |                   |              |
|---------------------------|-------------------------------|----------------------|-------------------|-------------------|--------------|
| shall allow the public to | use and to pass freely upo    | on the area of the s | subject property  | lying between the | high and low |
| water marks, for the pur  | poses of fishing, fowling, na | avigation, and the i | natural derivativ | es thereof.       |              |

- X 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 low 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.
- \_\_\_ Navigable River and Streams. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

#### STANDARD WATERWAYS LICENSE CONDITIONS (continued):

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 MLW 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 or 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 tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Woods Hole, Martha's Vineyard & Nantucket Steamship Authority -- 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 Barnstable.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 25th day of April in the year two thousand seventeen.

/cr-Program Chief David Z. Hill

Commissioner

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 -- Woods Hole, Martha's Vineyard & Nantucket Steamship Authority --

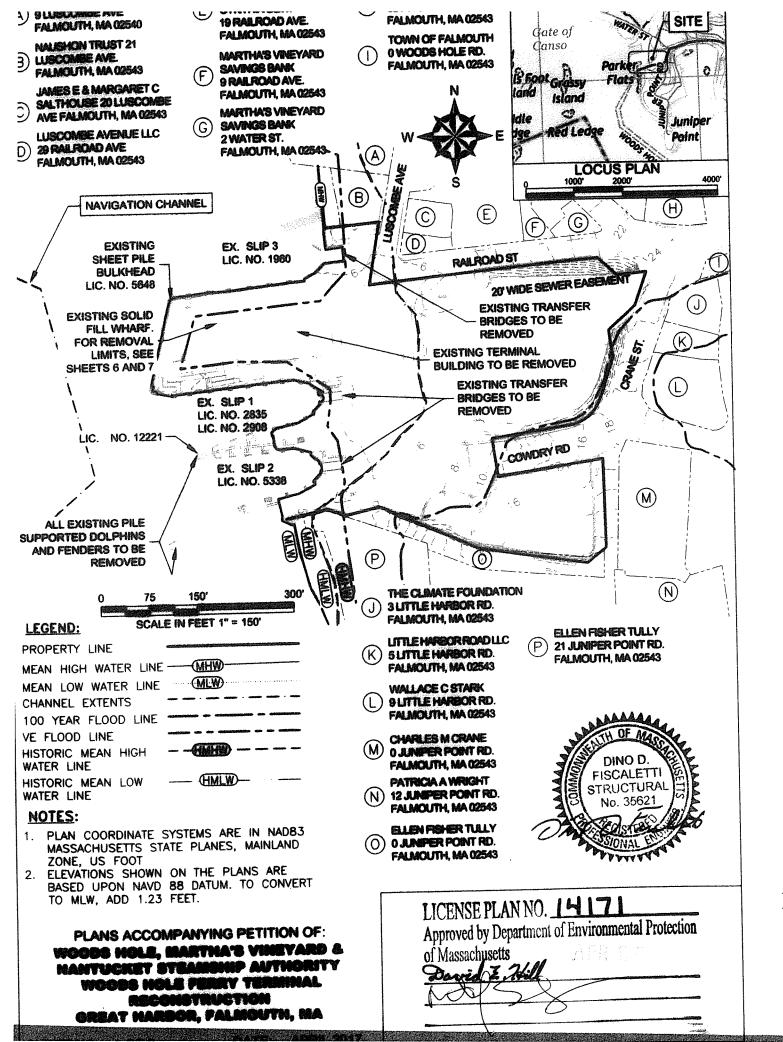
of the further sum of -- zero dollars and zero cents (\$0.00) --

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

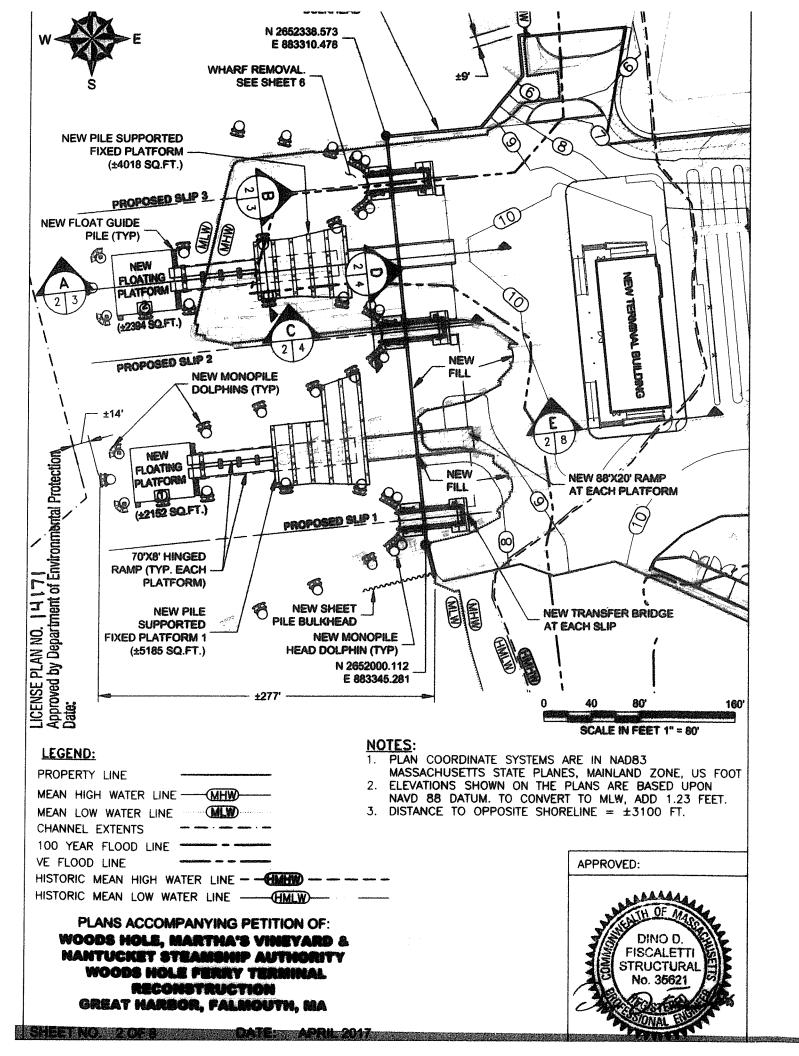
BOSTON,

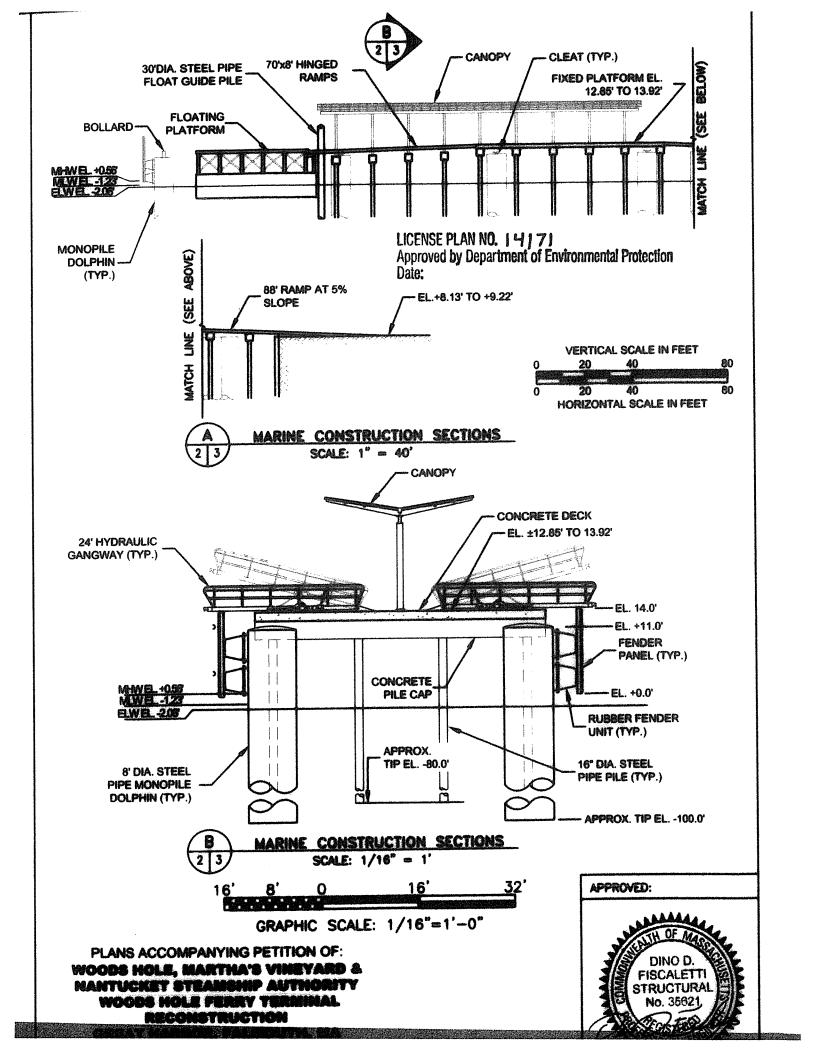
Approved by the Governor.

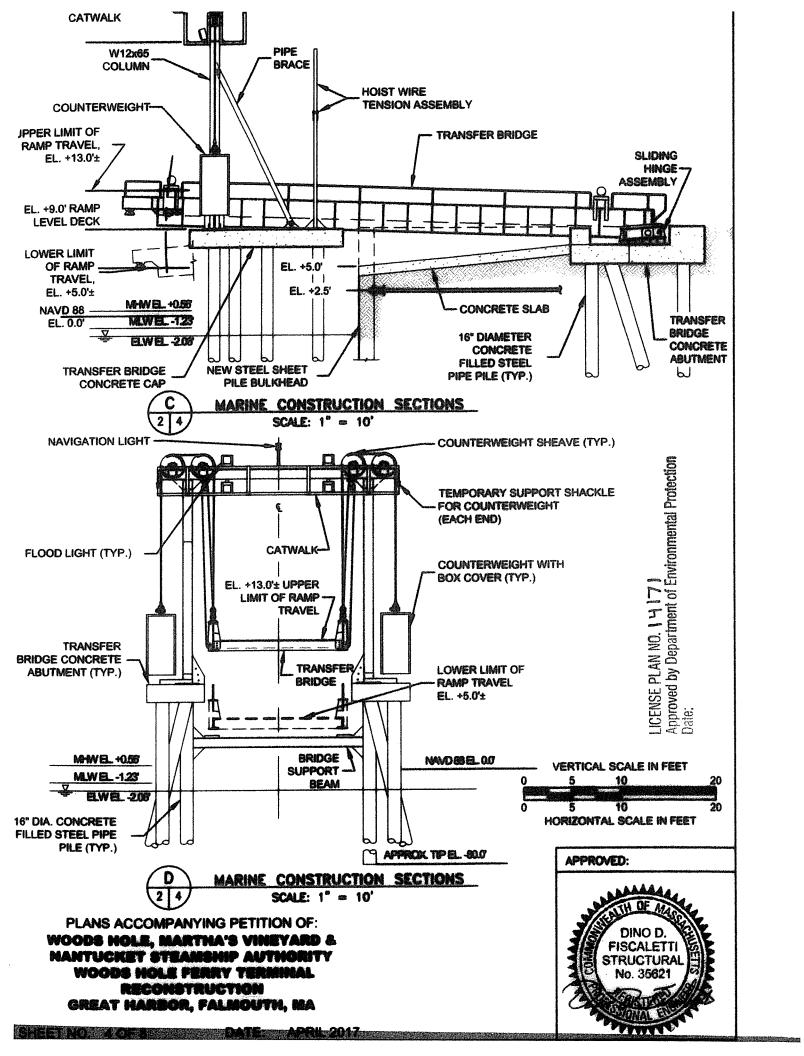
Governor

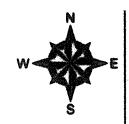


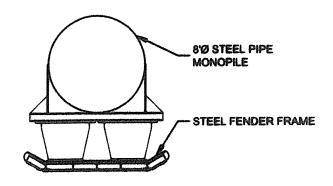
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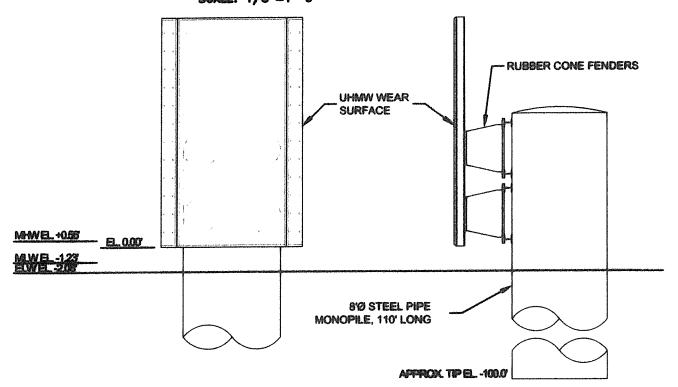








## MONOPILE DOLPHIN PLAN SCALE: 1/8"=1"-0"



MONOPILE DOLPHIN ELEVATION
SCALE: 1/8"=1"-0"

MONOPILE DOLPHIN SECTION SCALE: 1/8"=1"-0"

NOTE:

FENDER PANELS ARE TYPICALLY 19'-0" HIGH FENDER PANELS ARE 14'-0"HIGH AT LOCATIONS WHERE PANELS WILL INTERFERE WITH VESSEL BOARDING



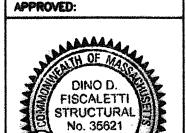
### LICENSE PLAN NO. 14171

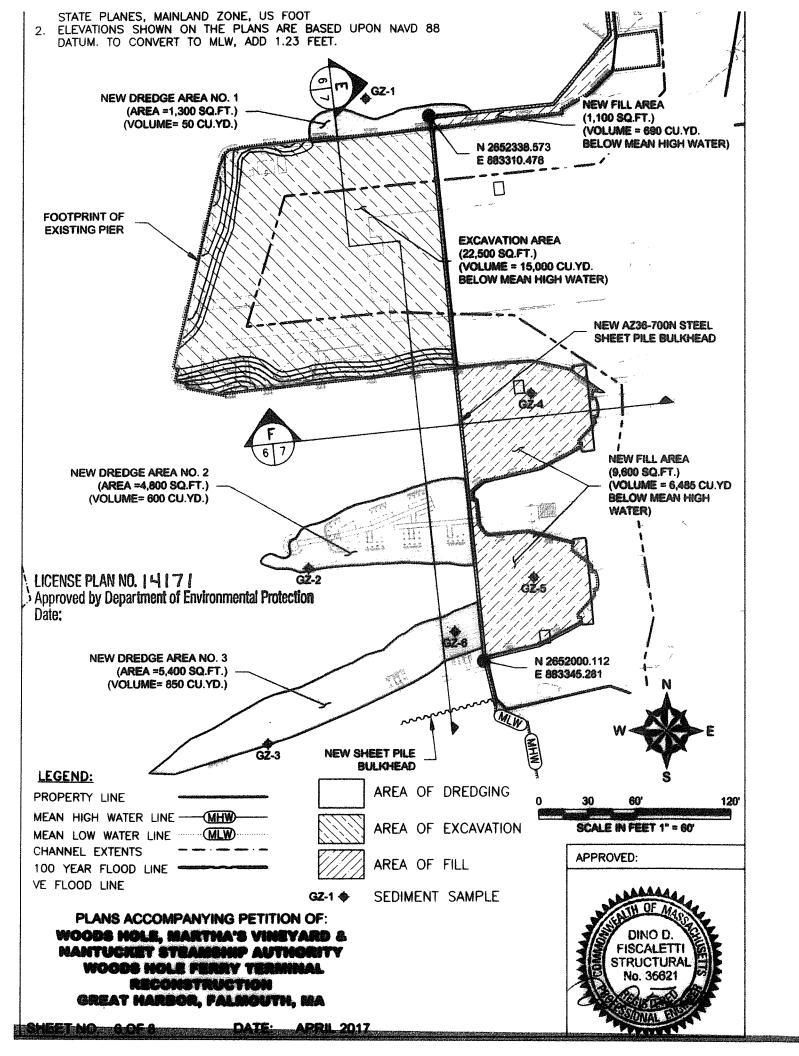
Approved by Department of Environmental Protection Date:

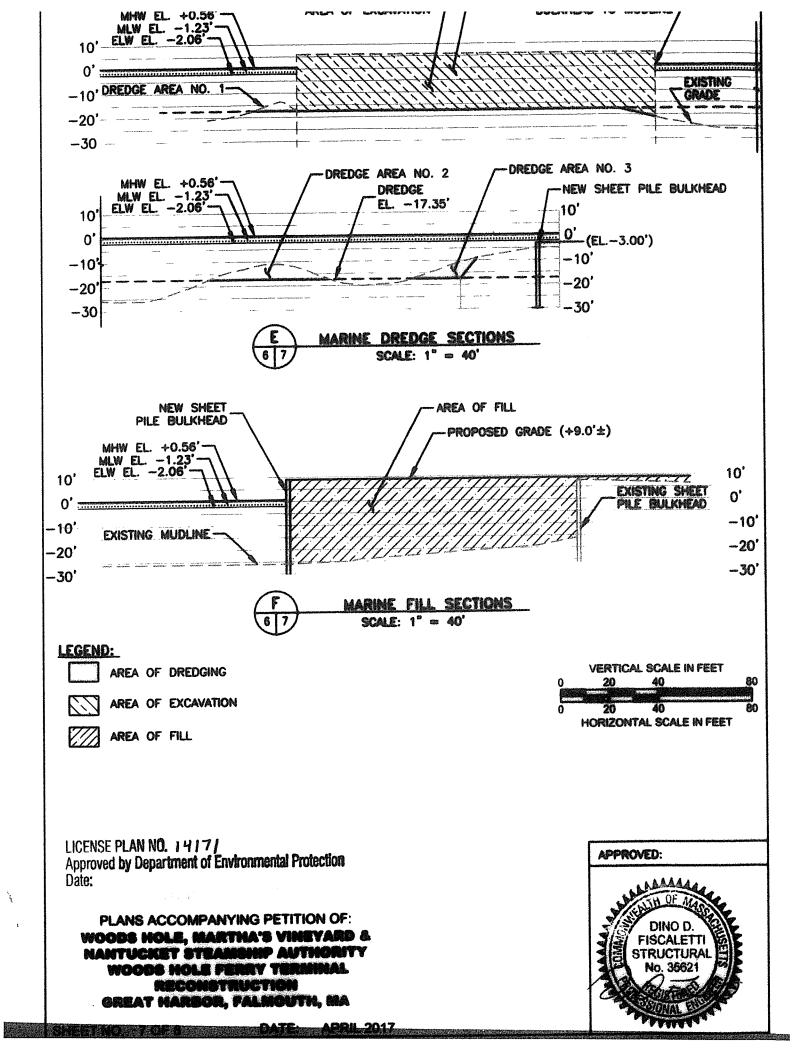
PLANS ACCOMPANYING PETITION OF:

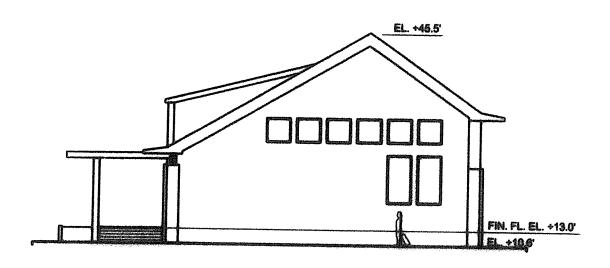
Woods Hole, Martha's Vineyard & Mantucket Steamship Authority Woods Hole Ferry Terminal

HEROMETRIES TON













LICENSE PLAN NO. 14171
Approved by Department of Environmental Protection
Date:

PLANS ACCOMPANYING PETITION OF:
WOODS HOLE, MARTHA'S VINEYARD &
NANTUCKEY STEAMSHIP AUTHORITY
WOODS HOLE FERRY TERMINAL
RECONSTRUCTION
GREAT HARBOR, FALMOUTH, MA

SHEET NO. 8 OF 8

DATE: APRIL 201

