

Town of Edgartown
10 Year Comprehensive Dredge and Beach Nourishment Permit
Permit List

Cape Pogue:

The Gut and Nourishment area NSELB:

- Order of Conditions SE20-655 issued 4/7/1997
- DEP Chp 91 permit# 320 issued 10/17/2007
- DEP WQC T#123381 issued 10/3/1997
- ACOE NAE-2004-3801 issued 1/26/2005
- NHESP 97-1566
- Dredged 1998, 2003, 2006

The Narrows and Nourishment area :

- Order of Conditions SE20-653 issued 4/7/1997
- DEP Chp91 permit#322 issued 10/17/1997
- DEP WQC T#122716 issued 10/3/1997
- ACOE NAE-2004-3803 issued 1/26/2005
- NHEP 97-1666
- Dredged 1998, 2003, 2006

Dike Bridge Approach and Nourishment area:

- Order of Conditions SE20-651 issued 4/7/1997
- DEP Chp 91 Permit#323 issued 10/17/1997
- DEP WQC T#125062 issued 10/3/1997
- ACOE NAE-2004-3802 issued 1/26/2007
- NHESP 97-1562
- Dredged 1998, 2003, 2006

Inner Harbor:

Eel Pond :

- Orders of Conditions SE20-654 issued 4/7/1998
- DEP Chp 91 Permit#370 issued 1/21/1999
- DEP WQC T#122151 issued 10/3/1997
 - Amended 12/31/1998
- ACOE NAE-2006-3245 issued 8/24/2007
- Dredged 1999, 2000,2004,2007

Lighthouse

- Orders of Conditions SE20-723 issued 6/30/1998
- DEP Chp 91 Permit#358 issued 12-29-1998
- DEP WQC T#125423 issued 9/21/1998
 - Ammended T#121066 issued12/14/1998
- ACOE NAE-2004-3805 issued 8/24/2007
- Dredged 1999

**Town of Edgartown
10 Year Comprehensive Dredge and Beach Nourishment Permit
Permit List**

Inner Harbor

- Orders of Conditions SE20-774 issued 6/30/1999
- DEP Chp 91 Permit#383 issued 10/25/99
- DEP WQC T#W995749 issued 10/1/1999
- ACOE NAE-2004-3804 issued 1/26/2005
- Dredged 2002

Collins Beach

- Orders of Conditions SE20-770 issued 5/27/1999
- DEP Chp 91 Permit#384 issued 2/24/2000
- DEP WQC T#W003958 issued 2/26/2000
- ACOE CENAE-CO-R-199901569 issued 1/21/2000
- NHESP 99-4950
- Dredged 2001,2002,2003

Calebs Pond

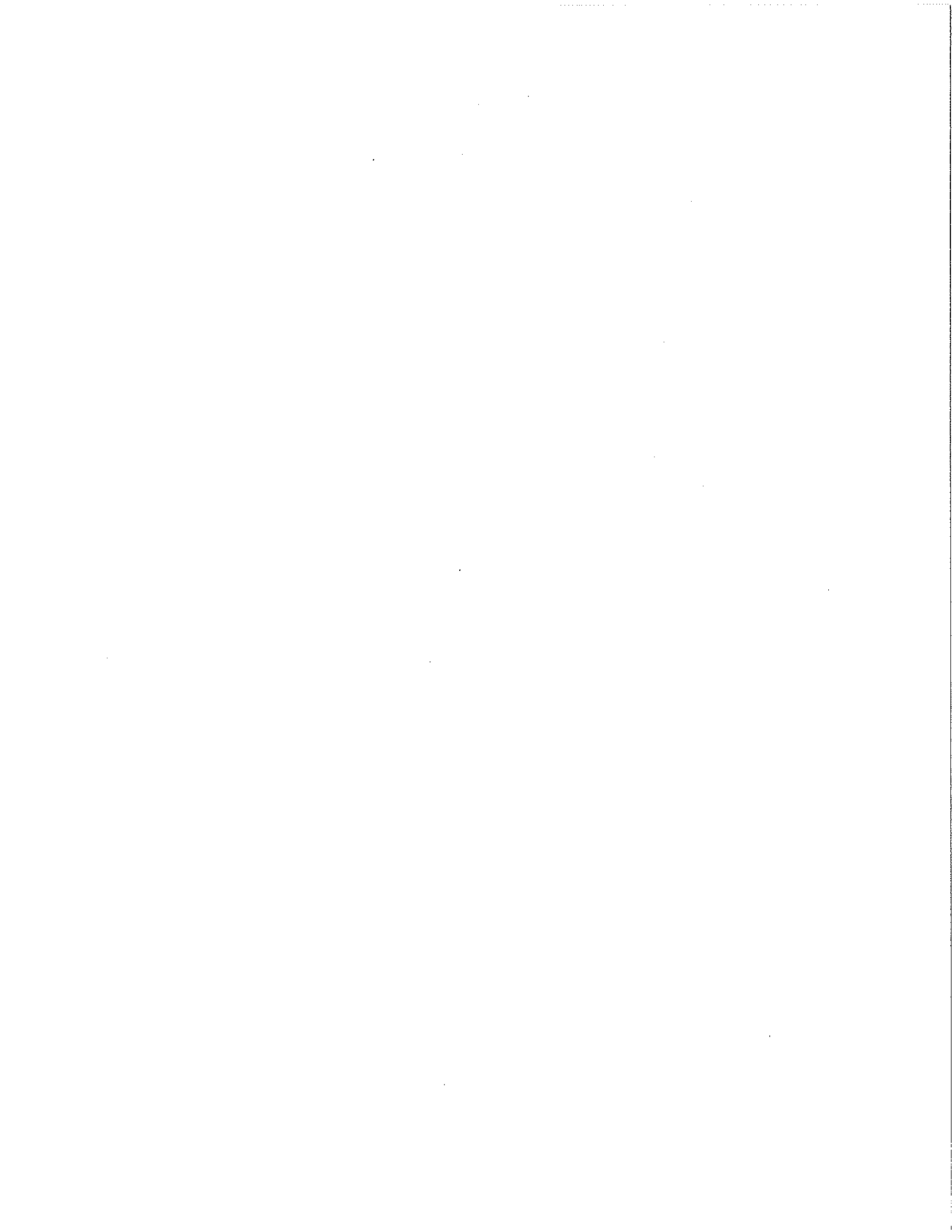
- Orders of Conditions SE20-989 issued 9/10/
 - Ammended 12/11/2005
- DEP Chp 91 Permit#10128 issued 2/8/2005
 - Ammended 10/24/2005
- DEP WQC T#W053604 issued 1/12/2005
- ACOE NAE-2004-114 issued 3/26/2006
- EOEAE#13263
- Dredged 2006

Katama Boat Ramp and Channel

- Orders of Conditions SE20-722 issued 6/30/1998
- DEP Chp 91 Permit#339 issued 10/01/08
- DEP WQC T#125429 issued 9/17/1998
- ACOE #200301586 issued 11/26/2003
- Dredged 1999, 2005,

Katama Bay

- Orders of Conditions SE20-949 issued 8/28/2003
- DEP Chp 91 Permit#9869 issued 1/28/2009
- DEP WQC T#W040597 issued 12/22/03
- ACOE 200301586 issued 11/26/2003
- EOEAE 12823
- Dredged 2005



**Town of Edgartown
10 Year Comprehensive Dredge and Beach Nourishment Permit
Permit List**

Norton Point Nourishment Site

- DEP Chp 91 Permit#9869 issued 1/28/20
- NHESP 02-10721

Private Beach Nourishment sites A-F

- DEP Chp 91 Permit#10128 issued 2/8/2005
Ammended issued 10/24/2005
- DEP Chp 91 Permit#383 issued 10/25/99
- DEP Chp 91 Permit#384 issued 2/24/2000

Fuller Beach Nourishment site

- DEP Chp 91 Permit#383 issued 10/25/99
- DEP Chp 91 Permit#358 issued 12-29-1998
- NHESP 98-3287

Eel Pond Nourishment

- DEP Chp 91 Permit#370 issued 1/21/1999
- NHESP 97-1667

Great Pond:

Great Pond Boat Ramp (Wilson's)

- Orders of Conditions SE20-868 issued 11/19/2001
- DEP Chp 91 Permit# 9534 issued 11/20/02
- DEP WQC T#W026369 issued 11/12/2002
- ACOE NAE-2005-407
- Not dredged

Great Pond Channel/Excavation

- Orders of Conditions SE20-809 issued 7/27/2000
SE20-818 issued 12/14/2000
- DEP Chp 91 Permit# 11751 issued 3/28/2007
- DEP WQC T#W012990 issued 10/3/2005
- ACOE 200001739 issued 12/29/2005
- EOE A 12265
- Dredged 2001,2002,2004

Great Pond Sluiceway Approach

- Orders of Conditions SE20-854 issued 8/10/2001
- DEP Chp 91 Permit# 9174 issued 1/24/02
- DEP WQC T#W21487 issued 11/17/06
- ACOE NAE-2005-40848 issued 12/19/2005
- Dredged 2001,2002,2004

Town of Edgartown
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Herring Creek Restoration

- Orders of Conditions SE20-911 issued 12/19/02
- DEP Chp 91 License# 9569 issued 2/27/03
- DEP WQC T#W031738 issued 12/17/02
- ACOE NAE-2005-4048 issued 12/19/2005
- NHESP 02-10618
- EOE A 12580
- CZM 2/25/03
- Dredged.2004

South Beach Nourishment Area

- DEP Chp 91 Permit# 9174 issued 1/24/02
- DEP Chp 91 License# 9569 issued 2/27/03
- DEP Chp 91 Permit# 11751 issued 3/28/2007
- NHESP 99-5501

Sengekontacket Pond:

Borrow Area #1

- Orders of Conditions SE20-1111 issued 4/27,2007
- DEP Chp 91 Permit# 11859 issued 7/30/2007
- revised issued 10/15/08
- DEP WQC T#W075131 issued 6/27/2007
- ACOE NAE-2006-3749 issued 5/29/2007
- Dredged 1997, 2008
- EOE A 6386

Borrow Area #2

- Orders of Conditions SE53-0520 issued 7/5/2007 Oak Bluffs
- Orders of Conditions SE20-1111 issued 4/27,2007
- DEP Chp 91 Permit# 11859 issued 7/30/2007
- revised issued 10/15/08
- DEP WQC T#W075131 issued 6/27/2007
- ACOE NAE-2006-3749 issued 5/29/2007
- EOE A 6386
- Dredged 1997



**Town of Edgartown
10 Year Comprehensive Dredge and Beach Nourishment Permit
Permit List**

Little Bridge

- Orders of Conditions SE53-0520 issued 7/5/2007 Oak Bluffs
- DEP Chp 91 Permit# 11859 issued 7/30/2007
- revised issued 10/15/08
- DEP WQC T#W075131 issued 6/27/2007
- ACOE NAE-2006-3749 issued 5/29/2007
- EOE A 6386
- Dredged Yearly

Sylvia State Beach

- Orders of Conditions SE53-0520 issued 7/5/2007 Oak Bluffs
- DEP Chp 91 Permit# 11859 issued 7/30/2007
- revised issued 10/15/08
- DEP WQC T#W075131 issued 6/27/2007
- ACOE NAE-2006-3749 issued 5/29/2007
- EOE A 6386
- NHESP 06-20947
- CZM 2/25/03
- Dredged.2004

Bend in the Road Beach

- DEP Chp 91 Permit# 12217 issued 8/27/08
- DEP WQC T# W075131 issued 8/22/08 Ammend #1
- ACOE NAE-2008-1616 issued 9/18/08
- NHESP 07-23113,06-20624
- EOE A 14138

Cow Bay Dune Restoration

- DEP Chp 91 Permit# 11859 issued 10/15/08 Upland only
- DEP WQC T# W075131 issued 11/28/2008 Ammend #2
- NHESP 07-23113
- EOE A 14138

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredging Plan	18 July 1995	Richard J. Barbini	Commission
Disposal Plan	15 Jan 1997		

Special Conditions:

1. This order permits the dredging of approximately 9,900 cubic yards of sand in the vicinity of the Cape Poge Gut and the disposal of the dredged material on adjacent beaches as shown in the above-captioned "Disposal Plan."
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th.
6. Dredge sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
7. Disposal of dredged sand on the Cape Poge Gut site may occur as late as April 1st as the area is not a nesting site for piping plovers or least terns.
8. Prior to any work - including the laying of pipe - on the Cape Poge Elbow site, the nesting sites of the snowy egret and the black-crowned night heron must be demarcated by qualified persons. No spoils shall be deposited within 10 feet of vegetation containing heron nests. Dredge pipes shall not run through or within 10 feet of any heron nests.
9. Prior to any work - including dredging - on the Cape Poge Gut site, the project manager shall notify the Gut property owners and hold a preconstruction meeting to work out the details of the dewatering and disposal procedures.

10. Prior to any work, siltation barriers shall be placed on the Cape Poge Gut site adjacent to the salt marsh and on the Elbow site adjacent to the existing beach vegetation. The siltation barriers shall be maintained in working order until the site is stabilized.

11. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.

12. Any vegetation disturbed by the placement of the dredge pipes shall be replanted. A replanting plan shall be submitted to the Conservation Commission for review and approval.

310 CHR 10.99

Edgartown, Mass
Town Clerk's Office

DEP File No.

SE70-655

(To be provided by DEP)

Form 5

April 7 1997
Rec'd For Record
AT/ 4:37M P.M

City/Town Edgartown 38-96

Applicant TOE

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Shell fish Dept. Town of Edgartown TOE/Comm of MA/Trustees of Reservations
(Name of Applicant) (Name of property owner)

Address PO Box 481 Edgartown MA 02539 Address c/o PO Box 1065 Edgartown MA 02539

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by registered mail, return receipt requested on 7 April 1997 (date)

This project is located at Cape Poge "Gut" Disposal sites: Map 15 Lots 2-4
and portions of Map 18
The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 23 Jan 1997 (date)

The public hearing was closed on 13 Feb 1997 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted: EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-655"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Issued By The Edgartown Conservation Commission

Signature(s) [Signature]
[Signature]
[Signature]
Edith W. Potter

This Order must be signed by a majority of the Conservation Commission.

On this 27th day of March 19 97, before me personally appeared Edith W. Potter, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public 5 June 1998
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

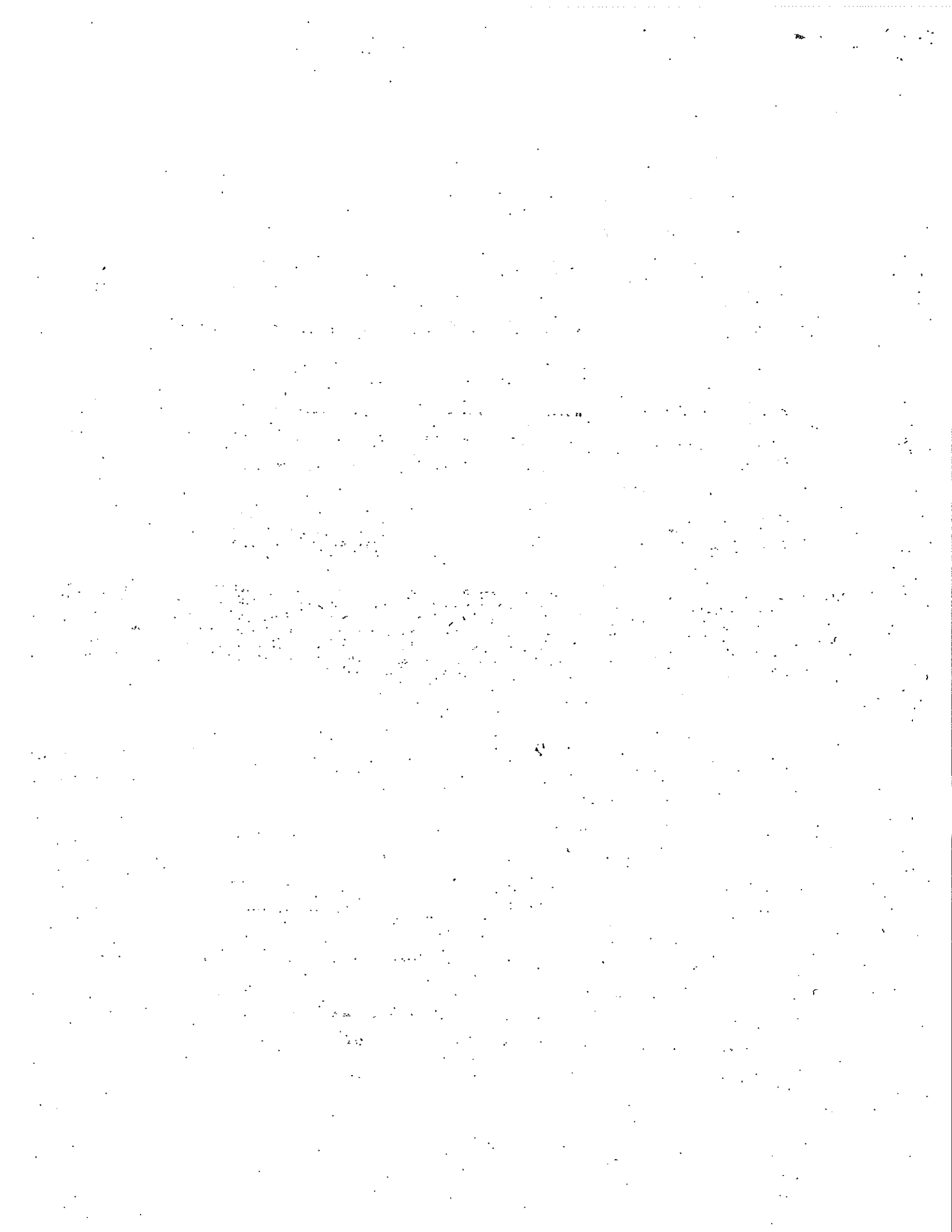
Please be advised that the Order of Conditions for the project at Gut / Cape Page
File Number SE20-655 has been recorded at the Registry of Dukes County and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____, 19 _____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant



Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredging Plan	July 18, 1995 rev'd June 18, 1996	Richard J. Barbini	Commission
Disposal Plan	Jan 27, 1997 rev'd Feb 13, 1997		

Special Conditions:

1. This order permits the dredging of approximately 2,100 cubic yards of sand in the area of Cape Poge known as "The Narrows" to be disposed of on adjacent property owned by the Trustees of Reservations.
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach and in the existing OSV trails. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th so as not to adversely impact the nesting habitat of the piping plover.
6. Prior to any work on site a siltation barrier shall be placed adjacent to the salt marsh so as to prevent siltation into the salt marsh. The silt barrier shall be maintained in working order until the site is stabilized. However, the silt barrier must be removed by April 15th so as not to interfere with foraging plovers.
7. An additional silt fence shall be placed between the OSV trail and the vegetated portion of the coastal beach. Placement shall be coordinated with the Conservation Agent.
8. Placement of the dredge pipes across the marsh shall be coordinated in order to cause the least amount of disturbance possible. Efforts made to minimize impacts should include: placing pipes within existing mosquito ditches, placing pipes by hand, limiting sites of pipes crossing the marsh, and/or any other methods deemed acceptable by the Conservation Commission.

9. If it becomes necessary to use heavy equipment to place pipes across the marsh, marsh mats shall be used to minimize the destruction of marsh vegetation and the substrate.

10. Care shall be taken to ensure that existing vegetation adjacent to the OSV trails is not adversely impacted by the placement of dredged sand. If necessary, a silt fence is to be installed on the borders of the OSV trail to prevent adverse impacts to the vegetation.

11. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach. Water run-off from the dewatering basin shall be directed away from the salt marsh.

11. Any vegetation disturbed by the placement of the dredge pipes shall be replanted. A replanting plan shall be submitted to the Conservation Commission for review and approval.

12. Efforts shall be made to minimize the impact of the dredge pipes on the beach vegetation. These methods shall include limiting the sites where the pipes cross vegetation and/or any other methods deemed acceptable by the Conservation Commission.

13. Dredge pipes that cross the dunes for the purpose of nourishing East Beach shall be placed in accordance with the previous condition. In addition, pipes shall not be placed on crests or steep slopes so as to avoid adverse impacts on the dune topography.

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-653"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

310 CHR 10.99

Edgartown, Mass
Town Clerk's Office

DEP File No.

SE20- 653

(To be provided by DEP)

Form 5

April 7 1997
Rec'd For Record
AT 11:38 AM

City/Town Edgartown 37-96

Applicant TOE

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Shellfish Dept. 3 TOE/Comm. of MA./ Trustees of Reservations
(Name of Applicant) (Name of property owner)

Address PO Box 481 572 Essex Street
Edgartown MA 02539 Beverly MA 01915

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~registered~~ mail, return receipt requested on 7 April 1997 (date)

This project is located at Cape Poge Bay "The Narrows" Disposal site: M32 I2

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 23 Jan 97 (date)

The public hearing was closed on 13 Feb 97 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

25 20 - 60.1
Dyke Bridge App

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredging Plan	July 18, 1995 rev'd June 18, 1996	Richard J. Barbini	Commission

Special Conditions:

- ① This order permits the dredging of approximately 1,800 cubic yards of sand in the vicinity of the Dyke Bridge approach and the disposal of the dredged material on existing Over-Sand Vehicle trails on adjacent property owned by the Trustees of Reservations.
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach and in the existing OSV trails. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th so as not to adversely impact the nesting habitat of the piping plover.
- ⑥ Prior to any work on site a siltation barrier shall be placed adjacent to the salt marsh so as to prevent siltation into the salt marsh. The silt barrier shall be maintained in working order until the site is stabilized. However, the silt barrier must be removed by April 15th so as not to interfere with foraging plovers.
- ⑦ Placement of the dredge pipes across the marsh shall be coordinated in order to cause the least amount of disturbance possible. Efforts made to minimize impacts should include: placing pipes within existing mosquito ditches, placing pipes by hand, limiting sites of pipes crossing the marsh, and/or any other methods deemed acceptable by the Conservation Commission.
- ⑧ If it becomes necessary to use heavy equipment to place pipes across the marsh, marsh mats shall be used to minimize the destruction of marsh vegetation and the substrate.

9. Care shall be taken to ensure that existing vegetation adjacent to the OSV trails is not adversely impacted by the placement of dredged sand. If necessary, a silt fence is to be installed on the borders of the OSV trail to prevent adverse impacts to the vegetation.

10. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach. Water run-off from the dewatering basin shall be directed away from the salt marsh.

11. Any vegetation disturbed by the placement of the dredge pipes shall be replanted. A replanting plan shall be submitted to the Conservation Commission for review and approval.

12. Efforts shall be made to minimize the impact of the dredge pipes on the beach vegetation. These methods shall include limiting the sites where the pipes cross vegetation and/or any other methods deemed acceptable by the Conservation Commission.



April 7 1997
Rec'd For Record
AT 11 35 A.M.

Form 5

City/Town Edgartown 39-96

Applicant TOE

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To TOE/ Shellfish Dept (Name of Applicant) TOE/Comm of MA/ Trustees of Reservations (Name of property owner)

Address PO Box 481, Edgartown MA 02539 Address 572 Essex Street Beverly MA 01915

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~registered~~ mail, ~~return receipt requested~~ on 7 April 1997 (date)

This project is located at Dyke Bridge Approach Disposal site: M32 L2

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 23 Jan 97 (date)

The public hearing was closed on 13 Feb 1997 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-651"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredging Plan	July 18, 1995 rev'd Feb 13, 1997	Richard J. Barbini	Commission

Special Conditions:

- ① This order permits the dredging of approximately 2,550 cubic yards of sand in the vicinity of the channel outside of Eel Pond, and 580 cubic yards in front of the boat ramp. Spoils will be used to nourish adjacent beach owned by the Sheriff's Meadow Foundation.
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th so as not to adversely impact nesting habitat.
6. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
7. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.

Issued By The Edgartown Conservation Commission

Signature(s) E. W. Potter
Richard I. Colter
Robert Ansel
Elett W. Potter

This Order must be signed by a majority of the Conservation Commission.

On this 27th day of March 1996, before me personally appeared Richard I Colter, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Linda C. Roman
Notary Public 5 June 1998
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Dredging - Eel Pond file number SE20-654 has been recorded at the Registry of Dukes County and has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____, 19_____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

310 CHR 10.99

Edgartown, Mass
Town Clerk's Office

DEP File No.

SE20-654

(To be provided by DEP)

Form 5

April 7 1997
Rec'd For Record
AT 4:36 P.M

City/Town Edgartown 40-96

Applicant Town of Edgartown

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown C/O Shellfish Dept. (Name of Applicant) TOE/Comm of MA/ Sheriff's Meadow (Name of property owner)

Address PO Box 481 Edgartown MA 02539 Address Wakeman Ctr., RR1 Box 319X Vineyard Haven MA 02568

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~certified~~ mail, ~~return receipt requested on~~ 7 April 1997 (date)

This project is located at Channel outside Eel Pond, Eel Pond Boat Ramp and disposal site Map 19A Lot 1.

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 23 Jan 97 (date)

The public hearing was closed on 13 Feb 97 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-654"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

SE 20-110

REVISED

Plan Title:
Dredging and
Disposal Plan

Date:
8 May 1998

Signed & stamped by:
CLE Engineering

On file with:
Commission

Special Conditions:

1. This order permits the hydraulic dredging of approximately 54,504 sq. ft. of Edgartown Harbor and the disposal of 8,529 cubic yards of dredged materials on portions of Lighthouse Beach as described in the Notice of Intent and as shown in the above-captioned Disposal and Dredging Plans.

2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.

3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.

4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.

5. Dredging is to occur only between October 1st and March 15th. Similarly, disposal of dredged materials is to occur only between October 1st and March 15th so as not to adversely impact nesting habitat.

6. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.

7. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.

8. Slope of the nourished areas on the beach may not be greater (steeper) than 10:1. This is to prevent any adverse effect on the nesting and feeding habitat of the piping plover.

9. Any vegetation disturbed by the placement of the dredge pipes shall be replanted. A replanting plan shall be submitted to the Conservation Commission for review and approval.

10. This permit does not allow for the planting of vegetation except where vegetation was disturbed due to the placement of the dredge piping. Nor does this permit allow for the placement of any sand fencing.

Issued By The Edgartown Conservation Commission

Signature(s) [Signature]

Edith W. Potter

Robert [Signature]

Michael J. [Signature]

This Order must be signed by a majority of the Conservation Commission.

On this 24th day of June 1998, before me personally appeared Edward W. Vincent, Jr., to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public 27 May 2005
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Edg Harbor/Lighthouse Beach

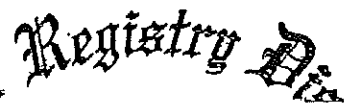
File Number SE20-123 has been recorded at the Registry of Dukes County and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____, 19____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant



310 CHR 10.99

DEP File No.

SEED- 723
(To be provided by DEP)

Form 5

Edgartown, Mass
Town Clerk's Office

JUNE 30 1998
Rec'd For Record
AT 11:21 AM

City/Town Edgartown

Applicant TOE 21-98

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown various (Name of property owner)

70 Main Street (Name of Applicant)
Address Edgartown MA 02539 Address _____

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~certified~~ mail, return receipt requested on 30 June 1998 (date)

This project is located at Edgartown Harbor/Lighthouse Beach

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 6 May 1998 (date)

The public hearing was closed on 24 June 1998 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____ (1/2 total)

DUKES COUNTY REGISTRY OF DEEDS
BOOK _____ PAGE _____
DOC.# 42682 CERT.# _____

A true copy attest 10-8-98

Diane P. Power

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within ^{one} ~~three~~ year from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number: SE30-723"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Mass Registry District



EDGARTOWN CONSERVATION COMMISSION
BOX 1065 EDGARTOWN, MASSACHUSETTS 02539

ADDENDUM TO AN ORDER OF CONDITIONS
ISSUED TO
THE TOWN OF EDGARTOWN
SHELLFISH DEPARTMENT

Edgartown, Mass
Town Clerk's Office
November 19 1998
Filed for Record
AT 11:49 AM

SE20-723
Edgartown 21-98

At a meeting of the Edgartown Conservation Commission held on 28 October 1998, the Commission voted to approve an amendment to the above-captioned order of conditions and permit the deepening of the dredging within Edgartown Harbor by one foot (from 6 feet below MLW to 7 feet below MLW) and to allow the resulting dredged material to be deposited on the amended nourishment site as shown on the plans dated 15 October 1998 (CLE Engineering, Inc.).

THE EDGARTOWN CONSERVATION COMMISSION

[Signature] [Signature]
Robert C. Cook Richard A. Cotto
Steve Ewing _____

On this 19th day of November 1998, before me personally appeared Steve Ewing
to me know to be the person described in and who executed the foregoing instrument and acknowledged that
he/she executed the same as his/her free act and deed.

[Signature]
Notary Public

My Commission expires 27-May 2005.

SE20-774
Inner Harbor

Plans:

Title: Dredging and Disposal Plan
Date: 15 June 99
Signed & stamped by: Bourne Coastal Engineering
On file with: Commission
Narrative and Exhibits A-L

Special Conditions:

1. This order permits the hydraulic dredging of approximately 9,960 cubic yards in the vicinity of the mooring field located in the inner harbor adjacent to Chappaquiddick Point as described in the above captioned documents and plans.
2. All work shall be as described in the Notice of Intent and supporting documents and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Dredged materials are to be disposed of at Lighthouse Beach, in the previously permitted approved disposal area (DEP File No: SE20-723).
5. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
6. Prior to any disposal on Lighthouse Beach, the site shall be reviewed and approved by the Commission's Agent.
7. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
8. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.

310 CHR 10:99

Edgartown, Mass
Town Clerk's Office
July 30 1999
Rec'd For Record
AT 1 H02MP M

DEP File No.

SE20-774
(To be provided by DEP)

Form 5

City/Town Edgartown 33-99
Applicant DE / Dredging - Inner Harbor

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown (Name of property owner)
90 Robert Fulton and A.S. (Name of Applicant)

Address 74 Colonial Rd Address _____
Marshfield MA 02050

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~certified~~ mail, return receipt requested on 30 July 1999 (date)

This project is located at Inner Harbor off Chappy Point

The/property is recorded at the Registry of Dukes County
Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 16 June 1999 (date)

The public hearing was closed on 7 July 1999 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within ^{one} year from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SEP-774".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredging and Disposal Plan	9 February 99	Bourne Coastal Engineering	Commission
Narrative and Exhibits A-M	28 April 99		
	12 May 99		

Special Conditions:

- 1 This order permits the hydraulic dredging of approximately 2,900 cubic yards in the vicinity of the Collins Beach boattramp and mooring area as described in the above captioned documents and plans.
- 2 All work shall be as described in the Notice of Intent and supporting documents and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
- 3 It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
- 4 Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
- 5 Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
- 6 Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.

Issued By The Edgartown Conservation Commission

Signature(s) [Handwritten Signature]
Richard J. Cote
Steven Curio
[Handwritten Signature]

This Order must be signed by a majority of the Conservation Commission.

On this 26th day of May, 1999, before me personally appeared Christina Brown to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lisa C. Morrison
Notary Public _____ My commission expires 27 May 2005

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superceding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Collis Beach Dredging

File Number SE20-770 has been recorded at the Registry of Dukes County and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

310 CMR 10.99

DEP File No.

SP20-770

(To be provided by DEP)

Form 5

Edgartown, Mass
Town Clerk's Office

May 27 1999
Rec'd For Record
AT 12:00 P.M.

City/Town Edgartown 32-99

Applicant Town of Edgartown

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, § 40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown (Name of Applicant) Town of Edgartown and various (Name of property owner)

c/o Robert L. Fultz Assoc.
Address 74 Colonial Road Marshfield MA 02050 Address

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by registered mail, return receipt requested on 26 May 1999 (date)

This project is located at off South Water Street - Collins Beach

The/property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 4 May 1999 (date)

The public hearing was closed on 12 May 1999 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share MUNICIPALITY

Total Refund Due \$ _____ City/Town Portion \$ _____ (1/2 total) State Portion \$ _____ (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. The order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within ^{one} year from the date of this order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this order.
5. This order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number: SEP-770".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a superseding order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Dredge Plan Sheets 3 to 12	21 Jan 04	CLE Engineering	Commission

Special Conditions:

1. This order permits the hydraulic dredging of approximately 8,400 cubic yards in the entrance channel to Caleb's Pond. Dredge spoils will be deposited on five beach areas over a total of 124,750 square feet - all as shown on above-captioned plans and as described in accompanying notice of intent.
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th.
6. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
7. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.
8. Prior to any work, siltation barriers shall be placed on the beach adjacent to the salt marsh vegetation. The siltation barriers shall be maintained in working order until the site is stabilized.
9. This permit is valid for one year from the date of issuance. Permit may be renewed at the Commission's discretion after a review of effects of the dredging on the flora and fauna of Caleb's Pond and any increase in boating.

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-989".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

SE20-989

(To be provided by DEP)

15

Town Clerk's Office
September 10 2004
Filed For Record
11:15 AM

City/Town Edgartown 29-04

Applicant TDE / Harbor Market

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Harbormarket / Charles Blair Town of Edgartown
(Name of Applicant) (Name of property owner)

Address P.O. Box 739, Edgartown MA 02539

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on 10 Sept 04 (date)

This project is located at entrance to Caleb's Pond

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 4 August 04 (date)

The public hearing was closed on 25 August 04 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted _____ State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Disposal Area F



EDGARTOWN CONSERVATION COMMISSION
BOX 1065 EDGARTOWN, MASSACHUSETTS 02539
TELEPHONE: (508) 627-6165

MODIFICATION OF ORDER OF CONDITIONS
ISSUED TO
EDGARTOWN HARBORMASTER

Edgartown File No.29-04
SE20-989

Edgartown, Mass
Town Clerk's Office
December 1, 2005
Filed for Record
A 1 16 P M

At a meeting of the Edgartown Conservation Commission held on 9 November 2005 the commission voted to permit a modification to the above-captioned order of conditions issued on 4 September 2004 to allow the following additional disposal sites: Map 30 Lot 50 (Meyer), Map 30 Lot 51 (Giordano), and Map 30 Lot 52.1 (Ebersol).

All conditions listed on the original permit (copy attached) shall likewise apply to these new disposal sites.

THE EDGARTOWN CONSERVATION COMMISSION

Stewart Pollock

Edith W. Pollock
Robert Pollock

On this 30 day of Nov 2005, before me personally appeared Robert Avakian to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/herself free act and deed. (Personal knowledge of identity)

Lisa C. Morrison

Lisa C. Morrison
Notary Public.

My Commission expires 11 May 2012.

100

115
120
125

130
135
140

145
150
155

Plans:

Title:
Dredging and
Disposal Plan

Date:
8 May 1998

Signed & stamped by:
CLE Engineering

On file with:
Commission

SE20 - 722

Katama Bay
Boat Ramp

Special Conditions:

1. This order permits the hydraulic dredging of approximately 97,740 sq. ft. of Katama Bay and the disposal of 9,390 cubic yards of dredged materials on portions of Norton Point Beach as described in the Notice of Intent and as shown in the above-captioned Disposal and Dredging Plans.
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th so as not to adversely impact nesting habitat.
6. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
7. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.
8. Slope of the nourished areas on the beach may not be greater (i.e., steeper) than 10:1. This is to prevent any adverse effect on the nesting and feeding habitat of the piping plover.
9. Any vegetation disturbed by the placement of the dredge pipes shall be replanted. A replanting plan shall be submitted to the Conservation Commission for review and approval.
10. This permit does not allow for the planting of vegetation except where vegetation was disturbed due to the placement of the dredge piping. Nor does this permit allow for the placement of sand fencing.

Issued By The Edgartown Conservation Commission

Signature(s) [Signature]
Evelyn W. Botta
Robert Arabian
Richard J. Colter

This Order must be signed by a majority of the Conservation Commission.

On this 24th day of June 19 98, before me personally appeared Richard Colter, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public 5.27.05
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within ^{one} ~~three~~ year from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipes, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SEA-722".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

310 CHR 10.99

Edgartown, Mass
Town Clerk's Office

DEP File No.

5630-722
(To be provided by DEP)

Form 5

JUNE 30 1998
Filed For Record
AT 11:21 A.M.

City/Town Edgartown 20-98

Applicant TOE

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown various
(Name of Applicant) (Name of property owner)
70 Main Street
Address Edgartown MA 02539 Address _____

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by ~~registered~~ mail, ~~return receipt requested~~ on June 30, 1998 (date)

This project is located at Katama Bay/Norton Point

The property is recorded at the Registry of Dukes County
Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 6 May 1998 (date)

The public hearing was closed on 6-24-98 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted EXEMPT State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ (1/2 total) State Portion \$ _____ (1/2 total)

DUKES COUNTY DEPARTMENT OF DEEDS
BOOK 42681 PAGE _____
DOC. # 42681 CERT. # _____
A true copy of this 10-8-98

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Project Plans and attachments	1 July 2003	Bourne Consulting	Commission

Special Conditions:

1. This order permits the dredging of a navigation channel in Katama Bay and the disposal of dredge spoils at Norton Point beach - all as described in the notice of intent, attachments, and as shown on above-captioned plans.
2. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Prior to disposal of dredge spoils, the site shall be staked and approved by the project engineer, who shall then inform the conservation agent.
5. Final on-site approval of dredge disposal area, pipe location, and equipment access must be reviewed and approved on-site by the county beach manager.
6. Project engineer shall be responsible for ensuring spoil compatibility prior to disposal.
7. This order shall be considered a maintenance permit and shall be in effect for a period of five years from the date of issue. At the end of this period, applicant may apply for renewal.

Issued By The Edgartown Conservation Commission

Signature(s) Lil Tronca
Stuart T. White
Robert L. Walsh
Edith W. Potts

This Order must be signed by a majority of the Conservation Commission.

On this 27th day of August 2003, before me personally appeared Robert Arakian, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lisa C. Morrison
Notary Public Lisa C. Morrison My commission expires 27 May 2005

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Katrina Navigation Channel

File Number SE20-949 has been recorded at the Registry of Dukes and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19_____
If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-949".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

SE20- 949

(To be provided by DEP)

Form 5

Edgartown, Ma
Town Clerk's Office
28 Aug 2003
Booked For Record
11 AM 2:00 AM

City/Town Edgartown 36-03

Applicant Dredge Advisory /
Harbormaster

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown / Harbormaster TOE %
(Name of Applicant) (Name of property owner)

Address PO Box 739 Edgartown MA 02539 Address Burt Bryan / 181 Winter St.
Norwell MA 02061

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on 28 August 2003 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Katama Bay / Norton Pt Beach

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 16 July 03 (date)

The public hearing was closed on 13 August 03 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

BK 822PG 188

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Sheets 1-4	26 September 2000	Bourne Consulting Engineering	Commission

Special Conditions:

- 1) This order permits the excavation of a channel, approximately 15 feet wide and 2 feet deep, for the periodic opening of the Great Pond to the Atlantic Ocean as described in the notice of intent and attachments, and as shown on above-captioned plans.
- 2) For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
- 3) It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
- 4) Applicant shall inform the Conservation Commission or its agent 48 hours in advance of the anticipated work dates.
- 5) Conditions outlined in the Water Quality Certification issued by the Department of Environmental Protection dated 21 September 2000 and attached hereto shall be considered part of this order.
- 6) This order shall be considered a maintenance permit and shall be in effect for a period of five years from the date of issue. At the end of this period, applicant may apply for renewal.

Issued By The Edgartown Conservation Commission

Signature(s) Lil Province
Chett W. Potts
Stuart Potts
Athena King

This Order must be signed by a majority of the Conservation Commission.

On this 14 day of December, 2000, before me personally appeared Lil Province, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lisa C. Morris
Notary Public 27 May 2005
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superceding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and

Edgartown, Mass. _____
at 2 o'clock and 55 minutes P M
received and entered with Dukes County Deeds
book 822 page 186

Attest:
Deanne C. Prewer Register

310 CMR 10.99

DEP File No.

SE20- 809

(To be provided by DEP)

Form 5

City/Town Edgartown 36-00

Applicant TCE

Commonwealth of Massachusetts

MASSACHUSETTS
Town Clerk's Office

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, § 40
and the Edgartown Wetlands Protection Act

July 27, 2000
Rec'd For Record
71 498A

from The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown %
(Name of Applicant) (Name of property owner)

Address Robert Fultz Assoc
74 Colonial Road
Marshfield MA 02050 Address _____

This order is issued and delivered as follows:

by hand delivery to applicant or representative on _____ (date)

by certified mail, return receipt requested on 7.27.00 (date)

This project is located at Edgartown Great Pond Barrier Beach

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 19 June 00 (date)

The public hearing was closed on 28 June 00 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee submitted exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect these interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within ^{one} year from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, pipe, cloth, paper, cardboard, pipes, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number: SP20 909".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

SE 20-818

Great Pond Channel

Plans.

Title:	Date:	Signed & stamped by:	On file with:
Locus Plan	May 00	Bourne Coastal Engineering	Commission
Dredge Plan			
Profile & Sections			
Disposal Plans (1-5)	March 99		
Narrative	June 00		

Special Conditions:

- ① This order permits the dredging of approximately 9,800 cubic yards in order to maintain a channel between the Great Pond and the Atlantic Ocean, as well as the disposal of the dredged materials on the adjacent coastal beach and dune - all as shown on above-captioned plans and as described in accompanying notice of intent
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal sites may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. Dredging is to occur only between November 1st and March 15th. Similarly, disposal of dredged materials is to occur only between November 1st and March 15th so as not to adversely impact nesting habitat.
6. Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
7. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.
8. Prior to any work, siltation barriers shall be placed on the beach adjacent to the salt marsh vegetation. The siltation barriers shall be maintained in working order until the site is stabilized.
9. This order shall be considered a maintenance permit and shall remain in effect for 10 years. It is understood that dredging in this area is proposed at five-year intervals.

Issued By The Edgartown Conservation Commission

Signature(s) [Handwritten Signatures]

This Order must be signed by a majority of the Conservation Commission.

On this 26 day of July 2000, before me personally appeared Stuart Lellis, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature] 27 May 2005
Notary Public Lisa C. Morrison My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority
Please be advised that the Order of Conditions for the project at Great Pond Basin Beach
file Number SE20-909 has been recorded at the Registry of Dukes and
has been noted in the chain of title of the affected property in accordance with General Condition B on

If recorded land, the instrument number which identifies this transaction is _____
If registered land, the document number which identifies this transaction is _____
Signature _____ Applicant

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-918"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

310 CMR 10.99

DEP File No.

SE20- 818

(To be provided by DEP)

Form 5

City/Town Edgartown 51-00

Applicant TOE/Shellfish Dept

Commonwealth of Massachusetts

Edgartown, Mass
Town Clerk's Office

December 14 2000
Rec'd For Record
AT 12:04 PM

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown/Charlie Blair Shirley Wilcox
(Name of Applicant) (Name of property owner)

Address PO Box 739 Edgartown MA 02539 Address RFD 477 Vineyard Haven MA 02568

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on 4 January 00 (date)

This project is located at Edgartown Great Pond

The property is recorded at the Registry of Dukes County

Book 78 804 Page 88 805

Certificate (if registered) _____

The Notice of Intent for this project was filed on 10.13.00 (date)

The public hearing was closed on 11.29.00 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Issued by The Edgartown Conservation Commission

Signature(s) [Signature]
Lil Province
[Signature]

When issued by the Conservation Commission this Extension Permit must be signed by a majority of its members.

On this 28 September day of 2005, before me personally appeared Lil Province to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/hers free act and deed. Personal knowledge of identity

Lisa C. Thomas 11 May 2012
Notary Public My commission expires

Detach on dotted line and submit to the Edgartown Conservation Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Extension Permit to the Order of Conditions for the project at _____

File Number SE 20-818 has been recorded at the Registry of Dukes and

has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original order of conditions on

_____ if recorded land, the instrument number which identifies this transaction is _____

_____ if registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Form 7



Commonwealth of Massachusetts

DEPARTMENT OF ENVIRONMENTAL MASSACHUSETTS
Planning Office
29 Sept 2005
Time For Record
11:59 AM

DEP File No. SE20-818
(To be provided by DEP)
City/Town Edgartown SI-00
Applicant TOE/Shellfish Dept

9744

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

From: The Edgartown Conservation Commission Issuing Authority

To: Lynne Fraker, Dredge Administrator (Name) Edgartown Town Hall (Address)

The Order of Conditions (or Extension Permit) issued on 14 December 2000 (date)
to Charlie Blair / Harbormaster (name) for work at Edgartown
Great Pond (address) is hereby extended for a period of five year(s) from the
date it expires.

This Extension Permit will expire on 14 December 2010 (date)

This document shall be recorded in accordance with General Condition 8 of the Order of Conditions.

(Leave Space Blank)

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Locus Plan	22 May 01	Bourne Coastal Engineering	Commission
Dredge Plan			
Profile & Sections			

Special Conditions:

1. This order permits the hydraulic dredging of approximately 9,800 cubic yards in the southeast corner of Edgartown Great Pond in order to improve sluiceway approach. Dredged materials will be used to nourish an adjacent portion of South Beach (SE20-809) - all as shown on above-captioned plans and as described in accompanying notice of intent
2. All work shall be as described in the Notice of Intent and as shown on above-captioned plans. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
4. Only materials compatible with those currently on the disposal site may be placed on the beach. Any unsuitable materials that are encountered shall be removed from the site and disposed of in accordance with all local, state, and federal requirements.
5. ^{Date?} Dredging is to begin mid-October and to continue for approximately one month. Applicants will inform the Commission should any change in this schedule occur.
6. Care is to be taken to ensure that existing vegetation is not disturbed by the placement of the dredge spoils. Dredge spoils are to be placed only in areas devoid of vegetation.
7. Applicant shall comply with all conditions outlined in a letter dated 19 July 2001 from the Natural Heritage and Endangered Species Program.

Issued By The Edgartown Conservation Commission

Signature(s) Bill Morvina
Steven Ewing
Chris Brown
ZW

This Order must be signed by a majority of the Conservation Commission.

On this 9th day of August 2001, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Lisa C. Morrison
Notary Public Lisa C. Morrison My commission expires 27 May 2005

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Great Pond - sluiceway

File Number SP20-854 has been recorded at the Registry of Dukes and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-864"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

SE20- 854

(To be provided by DEP)

Form 5

Edgartown, Mass.
Town Clerk's Office
August 10 2001
Paid For Record
11 49 MA

City/Town Edgartown 39-01

Applicant Town of Edgartown

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown % Robert L. Fultz Commonwealth of Mass.
(Name of Applicant) (Name of property owner)

Address 74 Colonial Road 02050 Address
Marshfield MA

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on 10 August 2001 (date)

This project is located at Edgartown Great Pond Map 53 Lot 7

The property is recorded at the Registry of Dukes County
Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 14 June 2001 (date)

The public hearing was closed on 26 July 2001 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____
(1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Plan title:	Date:	Signed & stamped by:	On file with:
Notice of Intent & Attachments	20 Sept 02	Robert L. Fultz & Assoc.	Commission

A. General Conditions:

1. This order permits the improvement of Herring Creek from Katama Bay to Crackatuxet Pond, and the restoration of the sluiceway and its control structures as shown on above-captioned plan and as described in the notice of intent.
2. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with.
4. Prior to any work the applicant shall meet with the contractor to specifically identify access routes and staging areas. Access and staging points shall be designed so as to minimize impact to existing vegetation.
5. The Commission and/or their agent shall review and approve access routes and staging areas prior to any work beginning on the project.
6. Prior to any work on site, a qualified botanist will identify all shad bush found in any work, staging, or access area. Due to the difficulty differentiating Nantucket shad from other shad species during their dormant period, all shad in these areas will be flagged and avoided.
7. Replication is not required as the removal of invasive cattails and phragmites will benefit both the Great Pond and Herring Creek environments.
8. Management plan for the sluiceway shall be reviewed and approved by both the Ponds Committee and the Edgartown Conservation Commission prior to implementation.

B. Channel from Sluiceway West to Pond.

1. The applicant shall submit a revegetation plan for the slopes of the channel and the staging and access routes to the Commission for review and approval.
2. After construction, any disturbed areas shall be promptly stabilized until revegetation is adequate to prevent erosion.

C. Channel from Sluiceway East to Cove.

1. The applicant shall submit a revegetation plan for the slopes of the channel and the staging and access routes to the Commission for review and approval.
2. After construction, any disturbed areas shall be promptly stabilized until revegetation is adequate to prevent erosion.
3. Phragmites excavated shall be disposed of in an upland location.
4. Materials not suitable for beach nourishment shall be disposed of in an upland location.
5. Additionally, all materials disposed of in an upland location shall be composted at Morning Glory Farm, Herring Creek Farm, or other compost operation. All invasive species will be composted and treated to prevent propagation in accordance with all applicable state and federal guidelines and regulations.

D. Crackatuxet Cove.

1. The applicant shall submit a revegetation plan for the staging and access routes to the Commission for review and approval.
2. After construction, any disturbed areas shall be promptly stabilized until revegetation is adequate to prevent erosion.
3. Cattails shall be excavated by hand for a width of twenty feet - equal to the he width of the creek.
4. Cattails and organic soils shall be disposed of in an upland location and composted according to Condition 5, Section C - above.

E. Herring Creek.

1. Prior to any vegetation removal from the creek bed or creek banks, the applicant shall review the vegetation to be removed with the Commission and their agent for the Commission's approval.
2. The applicant shall submit a revegetation plan for the staging and access routes to the Commission for review and approval.
3. After construction, any disturbed areas shall be promptly stabilized until revegetation is adequate to prevent erosion.

F. Beach Nourishment.

1. All materials placed on South Beach for nourishment shall be of compatible grain size.
2. Disposal may not occur Between April 1 and August 31.
3. Dredged materials shall be place on South Beach with as level a seaward slope as possible, but no steeper that 10 to 1. (Horizontal to vertical ratio.) Dredged materials shall not be planted with vegetation or have sand fencing place upon it.
4. The town, acting through the Park Commissioners shall monitor and protect any plovers or terns that may nest in the nourished area. The probability is low as this area was not deemed prime nesting habitat by the Federal Department of Fisheries and Wildlife during their survey of the beach.

Issued By The Edgartown Conservation Commission

Signature(s) [Handwritten Signature]
[Handwritten Signature] [Handwritten Signature]

This Order must be signed by a majority of the Conservation Commission.

On this 19 day of December 2002, before me personally appeared Lil Province, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature]
Notary Public Lisa C. Morrison My commission expires 27 May 2005

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at _____
file Number SE20-911 has been recorded at the Registry of Dukes and
has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19_____
If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable Federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-911".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Edgartown, ~~Mass~~
Town Clerk's Office
19 Dec 2002
Rec'd For Record
AT 10:32 AM

SE20- 911

(To be provided by DEP)

City/Town Edgartown 48-02

Applicant TOE - Harbor Master

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown/Harbor Master Town of Edgartown
(Name of Applicant) (Name of property owner)

Address PO Box 739 Edgartown MA 02539 Address _____

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on 19 Dec 2002 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at between Edgartown Great Pond and Katema Bay

The property is recorded at the Registry of Dukes County Assr. Map 53 Lot 11
Book 843 Page 202

Certificate (if registered) 48337

The Notice of Intent for this project was filed on 27 Sept 02 (date)

The public hearing was closed on 6 Nov 02 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____
(1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Great Pond - B R
(Wilson's Landing)

SE 20-868

Plans:

Title:	Date:	Signed & stamped by:	On file with:
Project Plans	1 October 2001	Bourne Consulting	Commission

Special Conditions:

- ① This order permits the maintenance dredging of the boat launch ramp at Wilson's Landing as described in the notice of intent and attachments, and as shown on above-captioned plans.
2. For any change in approved plans or work, the applicant shall file a new notice of intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant to ensure that all conditions of this order are complied with. The project manager and contractors are to be provided with copies of this order and referenced documents before any work begins on site.
- ④ Disposal may occur only when the pond is low. During periods of high water the shoreline is inundated. Disposal may not bury existing vegetation.
- ⑤ Prior to disposal, the landward limit of the shoreline shall be staked and approved by the commission's agent.
6. This order shall be considered a maintenance permit and shall be in effect for a period of five years from the date of issue. At the end of this period, applicant may apply for renewal.

Issued By The Edgartown Conservation Commission

Signature(s) _____
Elizabeth W. Potts
Robert Lualaba
Stuart Lollis _____
John J. ...
...

This Order must be signed by a majority of the Conservation Commission.

On this 15 day of November 2001, before me personally appeared Stuart Lollis, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public Lisa C. Morrison My commission expires 27 May 2005

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Wilson's Lndg - Dredge

File Number SE20-868 has been recorded at the Registry of Dukes and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

_____, 19____.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

310 CMR 10.99

DEP File No.

SE20-868

(To be provided by DEP)

Form 5

Edgartown, MA
Town Clerk's Office
Nov 19 2001
Rec'd For Record
AT 11 AM

City/Town Edgartown 60-01

Applicant TOE/ Harbormaster

Commonwealth
of Massachusetts

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority
To Town of Edgartown/Harbormaster Town of Edgartown
(Name of Applicant) (Name of property owner)

Address P.O. Box 739 Address _____
Edgartown MA 02539

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on 11.19.01 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Wilson's Landing Assr. Map 37 Lot 45

The property is recorded at the Registry of Dukes County
Book 11 Page 401

Certificate (if registered) _____

The Notice of Intent for this project was filed on 4 October 2001 (date)

The public hearing was closed on 1 November 2001 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____
(1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions:

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-868".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Serge-Sylvia Beach



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:
SE20-1111

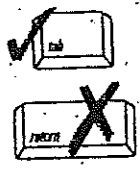
WPA Form 5 - Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Edgartown, Mass
Town Clerk's Office

APRIL 27 2007
Rec'd for Record
AT 2:21 PM

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From: The Edgartown
1. Conservation Commission

2. This issuance is for (check one): Order of Conditions Amended Order of Conditions

3. To: Applicant:

Dredge Committee Town of Edgartown
a. First Name b. Last Name c. Company
c/o Lynne Fraker
d. Mailing Address PO Box 739
Edgartown MA 02539
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Town of Edgartown / Town of Oak Bluffs, MA
a. First Name b. Last Name c. Company
Commonwealth of Massachusetts
d. Mailing Address
e. City/Town f. State g. Zip Code

5. Project Location:

Joseph Sylvia State Beach
a. Street Address b. City/Town
Sagekankacker Pond
c. Assessor's Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known (note: electronic filers will click for GIS locator):
e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Dukes
a. County b. Certificate (if registered land)
596 66
c. Book d. Page

7. Dates: 12 October 2006 8 November 2006
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
see NO1

a. Plan Title
b. Prepared By c. Signed and Stamped by
d. Final Revision Date e. Scale
f. Additional Plan or Document Title g. Date

9. Total WPA Fee Paid: Exempt
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE20-1111

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests; and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
3. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
4. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
5. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. cu.yd dredged	f. cu.yd dredged		



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE20-1111

B. Findings (cont.)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
6. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
7. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
8. <input type="checkbox"/> Riverfront area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet		
Sq ft between 100-200 ft	e. square feet	f. square feet		

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

9. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
10. <input checked="" type="checkbox"/> Land Under the Ocean	a. square feet <u>12,000</u>	b. square feet		
	c. cu.yd dredged <u>4000</u>	d. cu.yd dredged		
11. <input checked="" type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
12. <input checked="" type="checkbox"/> Coastal Beaches	a. square feet <u>29,1239</u>	b. square feet	c. c/y nourishmt. <u>43,500</u>	d. c/y nourishmt.
13. <input checked="" type="checkbox"/> Coastal Dunes	a. square feet <u>192,788</u>	b. square feet	c. c/y nourishmt. <u>12,500</u>	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
15. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
16. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
17. <input checked="" type="checkbox"/> Land Under Salt Ponds	a. square feet <u>867,814</u>	b. square feet		
	c. cu.yd dredged <u>69,500</u>	d. cu.yd dredged		
18. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
19. <input checked="" type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged <u>73,500</u>	b. cu.yd dredged		
20. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet <u>1072602</u>	b. square feet		



WPA Form 5 – Order of Conditions

SE20-1111

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number

SE20-1111"



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE20-1111

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions:

If you need more space for additional conditions, select box to attach a text document



D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Furthermore, the Edgartown Conservation Commission hereby finds (check one that applies):
2. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw _____ b. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

3. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Edgartown Wetlands Protection Bylaw _____

a. Municipal Ordinance or Bylaw _____ b. Citation _____

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

c. The special conditions relating to municipal ordinance or bylaw are as follows:

- ~~1. No work is to be done from March 15th until after Labor Day to avoid interference with anadromous fish run, nesting, and recreation.~~
2. This order shall be considered a maintenance order and shall remain in effect for a period of ten years from the date of issuance.

If you need more space for additional conditions, select box to attach a text document

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

1. Date of issuance 27 April 2007

Please indicate the number of members who will sign this form:

This Order must be signed by a majority of the Conservation Commission. 2. Number of Signers _____

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically (see Appendix A), and the property owner, if different from applicant.

Signatures

[Signature]
Paul Prince
[Signature]

[Signature]
Stuart Pollock



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE20-1111

E. Issuance (cont.)

Notary Acknowledgement

Commonwealth of Massachusetts County of Dukes

On this 25th of April 2007
 Day Month Year

Before me, the undersigned Notary Public, personally appeared

Lil Province
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

PERSONAL KNOWLEDGE OF IDENTITY

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Edgartown Conservation Commission
 City/Town

[Handwritten Signature]

Signature of Notary Public

Lisa C. Morrison

Printed Name of Notary Public

Place notary seal and/or any stamp above

11 May 2012
 My Commission Expires (Date)

This Order is issued to the applicant as follows:

by hand delivery on by certified mail, return receipt requested, on

27 April 2007
 Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



WPA Form 5 – Order of Conditions

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

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located; within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of this form shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line; have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

DEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

310 CHR 10.99

Form 5

Commonwealth of Massachusetts

Edgartown, Mass
Town Clerk's Office

JUNE 13 2008
Rec'd for Record
AT 11:09 AM

DEP File No.

SE20-1145
(To be provided by DEP)

City/Town Edgartown 11-08

Applicant Town of Edgartown
Dredge Committee

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown - Dredge Committee Attn: Lynne Traker
(Name of Applicant)

Address PO Box 139 Address Edgartown MA 02539

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on 13 June 2008 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Bed-in-the-road Beach

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 30 April 2008 (date)

The public hearing was closed on 21 May 2008 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act. (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE20-1145"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Issued By The Edgartown Conservation Commission

Signature(s) [Signature]
[Signature]
Lil Provinee
Edith W. Potter

This Order must be signed by a majority of the Conservation Commission.

On this 11th day of June 2008, before me personally appeared Lil Provinee, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public Lisa C. Morrison

PERSONAL KNOWLEDGE OF IDENTITY
11 May 2012
My commission expires

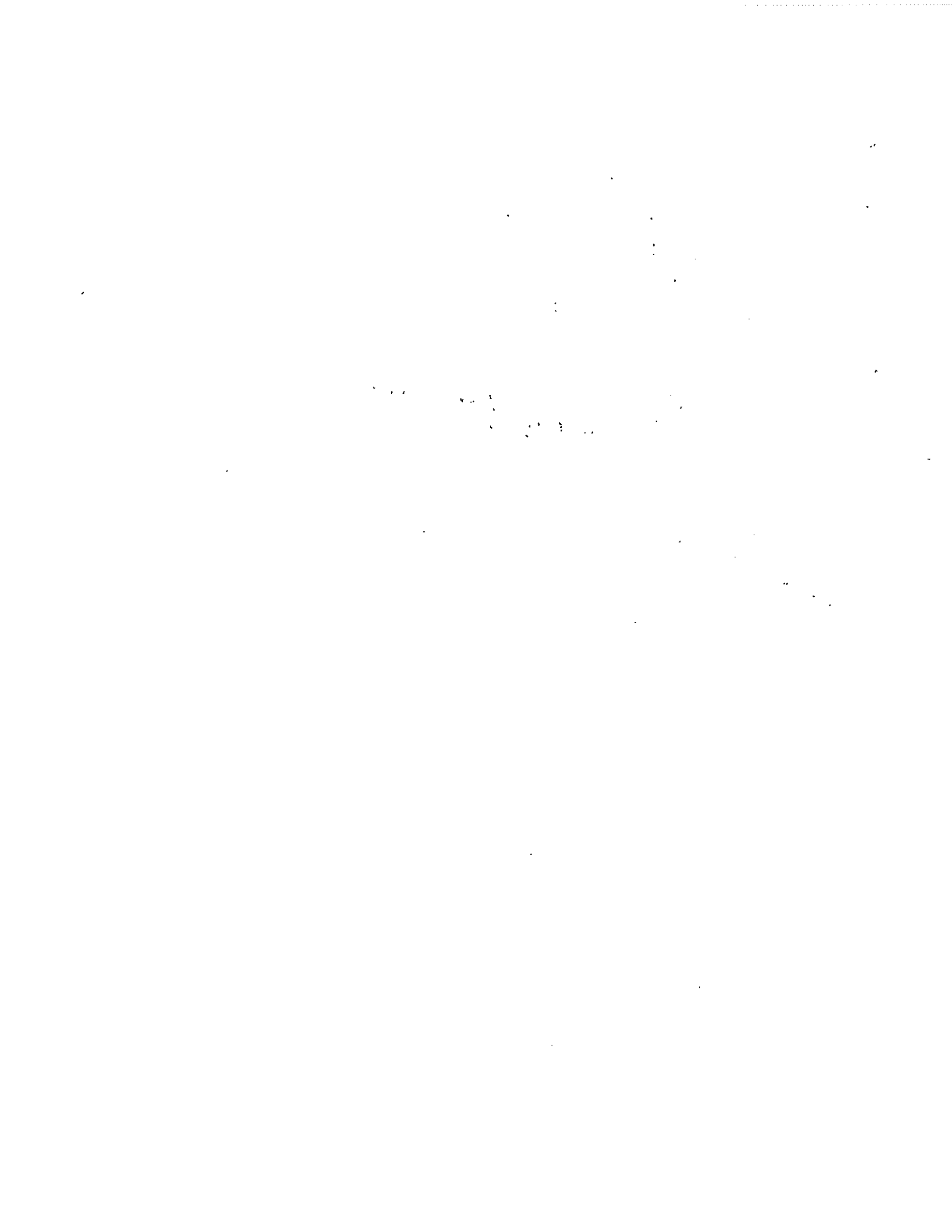
The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Bud-in-the-sand Beach and File Number SE20-1145 has been recorded at the Registry of Dukes and has been noted in the chain of title of the affected property in accordance with General Condition 8 on

 , 19
If recorded land, the instrument number which identifies this transaction is _____
If registered land, the document number which identifies this transaction is _____
Signature _____ Applicant



Plans:

| Title: | Date | Signed & Stamped by: | On file with: |
|---------------|--------|----------------------|---------------|
| Project Plans | 4.2008 | | Commission |

Conditions:

1. This order permits the dredging of approximately 9800 cy to enhance navigation. Dredge spoils will be placed along the Bend-in-the-road Beach -- all as described in the notice of intent and supporting documents.
2. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this order are complied with. Copies of this order should be supplied to all contractors and landscapers.
4. Conditions specified in the letters from the Division of Marine Fisheries dated 19 May 2008 and from the NHESP dated 28 May 2008 (both attached) shall be made part of this order.
5. No planting or fencing may be installed without prior on site approval from the conservation agent and the parks department.



310 CHR 10.99

Form 5

Commonwealth of Massachusetts

Edgartown, Mass
Town Clerk's Office

June 13 2008
Rec'd for Record
AT 11 H 09 M AM

DEP File No.

SE20- 1145
(To be provided by DEP)

City/Town Edgartown 11-08

Applicant Town of Edgartown
Dredge Committee

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40
and the Edgartown Wetlands Protection Act

From The Edgartown Conservation Commission Issuing Authority

To Town of Edgartown - Dredge Committee Attn: Lynne Fraker
(Name of Applicant)

Address PO Box 139 Address Edgartown MA 02539

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on 13 June 2008 (date)
- by certified mail, return receipt requested on _____ (date)

This project is located at Bud-in-the-road Beach

The property is recorded at the Registry of Dukes County

Book _____ Page _____

Certificate (if registered) _____

The Notice of Intent for this project was filed on 30 April 2008 (date)

The public hearing was closed on 21 May 2008 (date)

Findings

The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act. (check as appropriate):

- | | | |
|---|--|---|
| <input type="checkbox"/> Public water supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Land containing shellfish |
| <input type="checkbox"/> Private water supply | <input type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of Wildlife Habitat |

Total Filing Fee Submitted Exempt State Share _____ (1/2 fee in excess of \$25)

City/Town Share _____

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE20-1145"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

Plans:

| Title: | Date | Signed & Stamped by: | On file with: |
|---------------|--------|----------------------|---------------|
| Project Plans | 4.2008 | | Commission |

Conditions:

1. This order permits the dredging of approximately 9800 cy to enhance navigation. Dredge spoils will be placed along the Bend-in-the-road Beach – all as described in the notice of intent and supporting documents.
2. All work must comply with the conditions of this order. For any change in approved plans or work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Commission whether the change is substantial enough to require a new filing.
3. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this order are complied with. Copies of this order should be supplied to all contractors and landscapers.
4. Conditions specified in the letters from the Division of Marine Fisheries dated 19 May 2008 and from the NHESP dated 28 May 2008 (both attached) shall be made part of this order.
5. No planting or fencing may be installed without prior on site approval from the conservation agent and the parks department.

Issued By The Edgartown Conservation Commission

Signature(s) [Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

This order must be signed by a majority of the Conservation Commission.

On this 11th day of June 2008, before me personally appeared Lil Province, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten Signature]
Notary Public Lisa C. Morrison

PERSONAL KNOWLEDGE OF IDENTITY
11 May 2012
My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CHR 10.03(7), within ten days from the date of issuance of this determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Detach on dotted line and submit to the Commission prior to commencement of work.

To The Edgartown Conservation Commission Issuing Authority

Please be advised that the Order of Conditions for the project at Bud-in-the-road Beach

File Number SE20-1145 has been recorded at the Registry of Dukes and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on

19.

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant



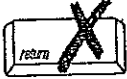
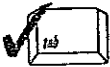
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Oak Bluffs Wetlands Bylaw

DEP File Number:

SE53-0520

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From: Oak Bluffs Conservation Commission
1. Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Town of Oak Bluffs
c. Company
a. First Name PO Box 1327
b. Last Name
d. Mailing Address
Oak Bluffs
e. City/Town
f. State MA
g. Zip Code 02557

4. Property Owner (if different from applicant):

Commonwealth of MA and Town/Oak Bluffs
c. Company
a. First Name Dept. Cons. & Rec.
b. Last Name
d. Mailing Address 251 Causeway Street
e. City/Town Boston
f. State MA
g. Zip Code 02114-2104

5. Project Location:

Oak Bluffs
b. City/Town
a. Street Address Sea View Avenue (also known as Beach Road)
c. Assessors Map/Plat Number 23 (amendment = Map 9, Lot 1)
d. Parcel/Lot Number 1 & 2
e. Latitude 4125.398200
f. Longitude 7033.143500

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Dukes
a. County
b. Certificate (if registered land)
596
c. Book
66
d. Page

7. Dates: a. Date Notice of Intent Filed 10/26/06 b. Date Public Hearing Closed 11/28/06 c. Date of Issuance 5/22/07; amend 8/29/07

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

a. Plan Title See Special Conditions #17 and #18 on page 6B.
b. Prepared By
c. Signed and Stamped by
d. Final Revision Date
e. Scale
f. Additional Plan or Document Title
g. Date

posted: 8/29/07
CC: Town Clerk



WPA Form 5 – Order of Conditions

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

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|------------------------------------|------------------------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways | a. square feet
e. cu.yd dredged | b. square feet
f. cu.yd dredged | c. square feet | d. square feet |



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE53-0520

B. Findings (cont.)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|--|--|---|---|
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | <u> </u>
a. square feet | <u> </u>
b. square feet | <u> </u>
c. square feet | <u> </u>
d. square feet |
| Cubic Feet Flood Storage | <u> </u>
e. cubic feet | <u> </u>
f. cubic feet | <u> </u>
g. cubic feet | <u> </u>
h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | <u> </u>
a. square feet | <u> </u>
b. square feet | | |
| Cubic Feet Flood Storage | <u> </u>
c. cubic feet | <u> </u>
d. cubic feet | <u> </u>
e. cubic feet | <u> </u>
f. cubic feet |
| 9. <input type="checkbox"/> Riverfront area | <u> </u>
a. total sq. feet | <u> </u>
b. total sq. feet | | |
| Sq ft within 100 ft | <u> </u>
c. square feet | <u> </u>
d. square feet | <u> </u>
e. square feet | <u> </u>
f. square feet |
| Sq ft between 100-200 ft | <u> </u>
g. square feet | <u> </u>
h. square feet | <u> </u>
i. square feet | <u> </u>
j. square feet |

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

| | | | | |
|---|---|---|---|---|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input checked="" type="checkbox"/> Land Under the Ocean | <u>12000</u>
a. square feet | <u>12000</u>
b. square feet | | |
| | <u>4000</u>
c. cu.yd dredged | <u>4000</u>
d. cu.yd dredged | | |
| 12. <input checked="" type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input checked="" type="checkbox"/> Coastal Beaches | <u>291239</u>
a. square feet | <u>291239</u>
b. square feet | <u>43500</u>
c. c/y nourishmt. | <u>43500</u>
d. c/y nourishmt. |
| 14. <input checked="" type="checkbox"/> Coastal Dunes | <u>192788</u>
a. square feet | <u>192788</u>
b. square feet | <u>12500</u>
c. c/y nourishmt. | <u>12500</u>
d. c/y nourishmt. |
| 15. <input type="checkbox"/> Coastal Banks | <u> </u>
a. linear feet | <u> </u>
b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | <u> </u>
a. square feet | <u> </u>
b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | <u> </u>
a. square feet | <u> </u>
b. square feet | <u> </u>
c. square feet | <u> </u>
d. square feet |
| 18. <input checked="" type="checkbox"/> Land Under Salt Ponds | <u>867814</u>
a. square feet | <u>867814</u>
b. square feet | | |
| | <u>69500</u>
c. cu.yd dredged | <u>69500</u>
d. cu.yd dredged | | |
| 19. <input checked="" type="checkbox"/> Land Containing Shellfish | <u> </u>
a. square feet | <u> </u>
b. square feet | <u> </u>
c. square feet | <u> </u>
d. square feet |
| 20. <input checked="" type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | <u>73500</u>
a. cu.yd dredged | <u>73500</u>
b. cu.yd dredged | | |
| 21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage | <u>1072602</u>
a. square feet | <u>1072602</u>
b. square feet | | |



WPA Form 5 - Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or; "MA DEP"]

"File Number SE53-0520"



WPA Form 5 – Order of Conditions

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

C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

Special Conditions:

N/A

If you need more space for additional conditions, select box to attach a text document



WPA Form 5 – Order of Conditions

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

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Oak Bluffs Conservation Commission hereby finds (check one that applies):
Conservation Commission
3. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Oak Bluffs General Wetlands Bylaw

a. Municipal Ordinance or Bylaw

b. Citation

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

See Special Conditions pages 6A, 6B, 6C, and 6D.

If you need more space for additional conditions, select box to attach a text document

Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6A

1. The applicant and the applicant's agent(s) shall adhere to General Conditions 1 through 18 of this permit.
2. Members and agents of the Conservation Commission shall have the right to enter and inspect the premises to evaluate and ensure compliance with the conditions and performance standards stated in this Order, the Act, 310 CMR 10.00 and the Oak Bluffs General Wetlands Bylaw and Regulations, and may acquire any information, measurements, photographs, observations, and/or materials or may require the submittal of any data or information deemed necessary by this Commission for that evaluation.
3. Any change made or intended to be made in the plans shall require the applicant to file a new Notice of Intent, or inquire of the Commission in writing whether the change is substantial enough to require a new filing.
4. The Conservation Commission reserves the right to impose additional conditions on portions of this project or this site to mitigate any actual or potential impacts resulting from the work herein permitted.
5. Pursuant to General Condition #8, the Order of Conditions must be registered in the Dukes County Registry of Deeds prior to the commencement of work. The Conservation Commission hereby orders that it be recorded in the Registry and notice filed with the Commission no later than four weeks from the date of this Order (5/24/07/8/29/07). Failure to comply with this Order shall be deemed cause to revoke this Order of Conditions.
6. The applicant shall inform the Commission in writing of the name, address, business and home telephone numbers of the project supervisor who will be responsible for insuring onsite compliance with this Order.
7. This Order shall apply to and be binding upon the applicant, its employees, and all successors and assigns in interest or control.
8. It is the responsibility of the applicant, owner, and/or successor(s) to ensure that all conditions of this Order are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before the start of construction.

ORDER OF CONDITIONS
Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6B

9. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The applicant shall assure that all contractors, subcontractors, and other personnel performing the permitted work are fully aware of the Order's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
10. During construction for this project, an onsite foreman, directing engineer, or other designated construction manager, shall have a copy of this Order at the site, shall familiarize him or herself with the conditions of this Order, and shall adhere to said conditions. Excavating subcontractors, if applicable, shall also have a copy of this Order at the site, shall familiarize themselves with the conditions of this Order, and shall adhere to said conditions.
11. Material of construction and equipment shall be stored in a manner and location that will minimize the compaction of soil and the concentration of runoff.
12. Each day's debris shall be cleaned up and taken away.
13. Prior to the start of any work, the Commission shall be notified in writing as to the approximate date of the commencement of work.
14. Accepted engineering standards and procedures shall be followed in the completion of this project.
15. The project manager shall make him or herself available for site visits at the request of the Commission.
16. **Plans:**
17. All work shall be carried out in accordance with the following plans: "Plans Accompanying Petition of the Massachusetts Highway Department for Waterways License, Sheets 1 through 8, dated August 1996; License Plan #6006, approved by Department of Environmental Protection 10/9/96, attached.
18. Borrow Area #2, located in Oak Bluffs, inside the pond near the Little Bridge, is permitted for dredging to a depth of -3.0 MLW, for 2,500cy. This permit also allows maintenance dredging of the Little Bridge Channel, outside the Pond, to a depth of -5.0 MLW for 4,000 cy. (Borrow Area #1 is in Edgartown.)

Order of Conditions Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6C

19. Dredge:

- 20. Dredging shall be coordinated with tides and weather to prevent turbidity.
- 21. No dredging or other work shall be done between March 15 and Labor Day, annually, to avoid interference with fisheries, wildlife habitat and recreation.

22. Beach Renourishment:

- 23. The Commission shall be notified, in writing, at least one month prior to the estimated start date of the renourishment project. The Commission shall be provided with the name, address, phone number and email address of the on-site project manager who is responsible for compliance with this Order.
- 24. Prior to the start of each renourishment project the Commission shall receive in writing a plan detailing the beach nourishment process. The plan shall include specific details of the dewatering process, the specific locations of the nourishment sites, how the sites will be accessed, how the material will be deposited and spread, and the timing of the project as it relates to protected species. All elevations and contours, as well as the actual nourishment sites, shall conform to the approved plans. No work shall begin until the Commission provides written approval of said plan.
- 25. Prior to approving a renourishment plan the Commission shall meet on site with the project supervisor to view the proposed access sites.
- 26. Access over the dune for trucks shall be angled.
- 27. Access points shall be restored to the same height as the surrounding dunes and snow fencing shall be placed at the water end and the road end of the access ways as soon as revegetation is completed and until the vegetation is well established, as determined by the Commission.
- 28. Protection and monitoring of protected species and their habitats shall conform to all federal, state and local requirements, including but not limited to those issued by the Natural Heritage and Endangered Species program of the MA Division of Fisheries and Wildlife. The Commission shall be provided a copy of all such requirements.
- 29. The grain size of the dredge material shall be compatible with the existing sediment.

SE53-0520
Town of Oak Bluffs – Order of Conditions SE53-0520 – page 6D

30. The dredge material shall be clean.
31. Any disturbed fencing shall be replaced.
32. The renourishment project shall comply with this Order and the approved plans.
33. The appropriate authority shall determine if a police detail is required during the project.
34. The Commission shall receive copies of all monitoring reports and project reports.
35. **Beach/Dune Revegetation:**
36. Prior to every renourishment project the Commission shall approve a revegetation plan for the disturbed areas. The plan shall include plant and grass species, quantities and spacing, and the name of the project supervisor. The renourishment project shall not begin until the Commission provides written approval of the revegetation plan.
37. The Commission shall determine the dates when revegetation shall be done.
38. The Commission shall monitor the planting process and must be notified 48 hours in advance of the commencement of work.
39. The Commission shall inspect the revegetated area twice yearly, in spring and fall for two years following the planting. The success rate shall be at least 75%; if it is lower, revegetation will be required.
40. **Expiration:**
41. Due to special circumstances, particularly the critical public safety aspect of this project this Order of Conditions shall be valid for ten years from the date of issuance. The expiration date is 5/24/17. An extension permit must be requested at least one month prior to the expiration date.

Amended Order of Conditions:

This amendment allows the area of Map 9, Lot 1, Sea View Avenue, known informally as the Inkwell Beach, to be included as a dredge disposal site for material dredged from Sengekontacket Pond under this Order of Conditions SE53-0520.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE53-0520

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

8/29/07
 1. Date of Issuance
 4

Please indicate the number of members who will sign this form:

2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Joan Hughes
Robert G. H.
John R. Bluffs
Richard A. ...

Notary Acknowledgement

Commonwealth of Massachusetts County of Dukes

On this 29th Day of August 2007 Year

Before me, the undersigned Notary Public, personally appeared Joan Hughes Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

Known Personally
 Description of evidence of Identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Oak Bluffs City/Town Conservation Commission

[Signature]
 Signature of Notary Public

Elizabeth Dolan Durkee
 Printed Name of Notary Public

10/19/12
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on 8/29/07
 Date

by certified mail, return receipt requested, on _____
 Date



WPA Form 5 – Order of Conditions

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

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.

MEMORANDUM FOR THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [REDACTED]

REF: [REDACTED]

NY 100-100000

DATE: [REDACTED]

CLASSIFICATION: [REDACTED]

100-100000

100-100000



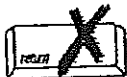
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

SE20-1156
Edg. 24-08

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. From: The Edgartown Conservation Commission

2. This issuance is for (check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name Edward b. Last Name Cerullo

c. Organization Cow Bay Corporation

d. Mailing Address 2 Montague Terrace

e. City/Town Brooklyn f. State NY g. Zip Code 11201

4. Property Owner (if different from applicant):

a. First Name Cow Bay Corporation b. Last Name _____

c. Organization % Marcia Cini, Clerk

d. Mailing Address P.O. Box 1929

e. City/Town Edgartown f. State MA g. Zip Code 12539

5. Project Location:

a. Street Address off Cow Bay Road b. City/Town Edgartown

c. Assessors Map/Plat Number Map 12 Lot 21, Map 13 Lots d. Parcel/Lot Number 1, 2, 3, 4.3, 4.1, 4.21

Latitude and Longitude, if known: e. Latitude _____ f. Longitude _____

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

a. County Dukes b. Certificate Number (if registered land) _____

c. Book See attached d. Page _____

7. Dates: a. Date Notice of Intent Filed 10 October 2008 b. Date Public Hearing Closed 29 November 2008 c. Date of Issuance _____

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

a. Plan Title Dune Design Pages 1-3

b. Prepared By Woods Hole Group c. Signed and Stamped by _____

d. Final Revision Date 2 October 2008 e. Scale 1" = 60'

f. Additional Plan or Document Title Cow Bay West / Cow Bay East g. Date 2 October 2008

Edgartown, Mass
Town Clerk's Office
Dec 8 2008
Rec'd for Record
AT / HJL M/P, M

Notice of Intent: Owners Information List

100 Cow Bay Road, Map 12 Parcel 21: Same as Applicant

Cow Bay Corporation
c/o Marcia Mulford Cini, Clerk
PO Box 1929
Edgartown, MA 02539

Phone Number: 508-627-1320

Deed Reference: Book 7 Page 369

139 Cow Bay Road, Map 13 Parcel 1:

Solar Properties LLC/C. Dean Metropoulos
67 Mason St.
Greenwich, CT 06830

Phone Number: 203-629-6603

Deed Reference: Book 66 Page 19

145 Cow Bay Road, Map 13 Parcel 2:

Solar Properties LLC/C. Dean Metropoulos
67 Mason St.
Greenwich, CT 06830

Phone Number: 203-629-6603

Deed Reference: Book 66 Page 21

153 Cow Bay Road, Map 13 Parcel 3:

Azur Properties LLC/C. Dean Metropoulos
67 Mason St.
Greenwich, CT 06830

Phone Number: 203-629-6603

Deed Reference: Book 66 Page 17

Owners Information List - Continued



WPA Form 5 – Order of Conditions

SE20-1156

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

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---------------------|----------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways | a. square feet | b. square feet | c. square feet | d. square feet |
| | e. c/y dredged | f. c/y dredged | | |

10 Golf Club Road, Map 13 Parcel 4.3:

Roger Strauch, Trs
KMV Realty Trust
c/o The Roda Group
918 Parker St.
Berkeley, CA 94710

Phone Number: 510-649-1900

Deed Reference: Book 57 Page 217

12 Golf Club Road, Map 13 Parcel 4.1:

Julie Kulhanjian, Trs
Trapps Pond Realty Trust
c/o The Roda Group
918 Parker St.
Berkeley, CA 94710

Phone Number: 510-649-1900

Deed Reference: Book 57 Page 215

14 Golf Club Road, Map 13 Parcel 4.21:

Joann Mettler
400 Sackett Point Rd.
North Haven, CT 06473

Phone Number: 203-281-6511

Deed Reference: Book 60 Page 147



Massachusetts Department of Environmental Protection
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MassDEP File Number:

SE20-1156

B. Findings (cont.)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---------------------|----------------------|----------------------|-----------------------|
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | a. square feet | b. square feet | c. square feet | d. square feet |
| Cubic Feet Flood Storage | e. cubic feet | f. cubic feet | g. cubic feet | h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | a. square feet | b. square feet | | |
| Cubic Feet Flood Storage | c. cubic feet | d. cubic feet | e. cubic feet | f. cubic feet |
| 9. <input type="checkbox"/> Riverfront area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

| | | | | |
|--|---|----------------|---------------------------------------|-------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | a. square feet | b. square feet | c. c/y nourishmt. | d. c/y nourishmt. |
| 14. <input checked="" type="checkbox"/> Coastal Dunes | <u>175,113 sf</u>
a. square feet | b. square feet | <u>27,000 cy</u>
c. c/y nourishmt. | d. c/y nourishmt. |
| 15. <input type="checkbox"/> Coastal Banks | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet | b. square feet | | |



WPA Form 5 – Order of Conditions

SE20-1156

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

C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]

"File Number" SE20-1156



C. General Conditions Under Massachusetts Wetlands Protection Act

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls if it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

18. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:
 - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMPs Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, and acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

see attached

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Edgartown Conservation Commission hereby finds (check one that applies):
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

ORDER OF CONDITIONS FOR
COW BAY CORPORATION
DEP #20-1156

Assessors Parcels: 12-21, 13-1, 2, 3, 4.3, 4.1, 4.21

This permit allows for beach and dune nourishment, the installation of sand fencing, and the planting of vegetation.

1. The Commission, its agents and employees, have the right of entry upon the property to inspect for compliance with this order.
2. The project must adhere to the conditions imposed in the November 12, 2008 letter from the Mass. Natural Heritage Endangered Species Program.
3. This order of conditions is contingent on Cow Bay tendering to the town the lease entitled, "Lease between Cow Bay Corporation and the town of Edgartown," filed with the town clerk and duly executed by Cow Bay.
4. Prior to any work on site the applicant shall review the access points from the beach to the road landward of the cabanas at the eastern end of the project, and from the road to the beach at the western end of the project with the Commission's agent for final approval.
5. The sand and gravel road located landward of the beach shall be delineated with symbolic fencing or some other physical barrier to prevent destruction of the pondside vegetation.
6. The applicant shall submit a revegetation plan for all of the affected areas for the Commission's review and approval. The plans shall include a sample planting schematic, plant list, plant size and spacing.
7. Prior to any work on site the applicant shall submit a timeline for completion of each phase of the project.

8. At the completion of the project the walking paths to the beach and the parking areas for the cabanas shall be physically delineated as per a previous order of conditions (SE20-1096, Edgartown 50-06) issued to Cow Bay Corporation.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number:

SE20-1156

E. Issuance

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance. Please indicate the number of members who will sign this form:

12/5/08
 1. Date of Issuance
4
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Signature]
[Signature]
Lillian Province

Notary Acknowledgement

Commonwealth of Massachusetts County of Dukes

On this 5th Day of December 2008

Month Year

Before me, the undersigned Notary Public, personally appeared

Edward W. Vincent, Jr.
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were
 PERSONAL KNOWLEDGE OF IDENTITY

Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of Edgartown City/Town Conservation Commission

[Signature]
 Signature of Notary Public

Lisa C. Morrison
 Printed Name of Notary Public

11 May 2012
 My Commission Expires (Date)

Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

MassDEP File Number:

SE 20 - 1156

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.



WPA Form 5 – Order of Conditions

SE20-1156

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

G. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

PERMIT NO. 320

Name and Address of Permittee:

Town of Edgartown
P.O. Box 481
Edgartown, MA 02539

ISSUED: OCT 17 1997
EXPIRES: OCT 17 2007

Permission is hereby given by the Department of Environmental Protection to maintenance dredge approximately 9,900 cubic yards of sediment from Cape Poge Bay, Edgartown. The sediments will be use as beach nourishment at two beaches along Cape Poge Bay and Edgartown Outer Harbor. ---

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: " Dredging Plan For "The Gut" - Cape Poge Pond Prepared For Town of Edgartown ", dated April 10, 1997 (2 Sheets). ---

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.

2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.

3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

PERMIT NO. 320

4. This permit 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 the dredge material shall be done under the supervision of the Department, and, when required, the permittee shall provide at his/her expense a dredge inspector approved by the Department. When said inspector is required, a report certified by the dredge inspector shall be submitted to the Department within 30 days after the completion of the dredging. The report shall include daily logs of the dredging operation indicating volume of dredge material, point of origin, point of destination and other appropriate information.

5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.

6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this permit, shall conform to all standards and conditions applied to the original dredging operation performed under this permit.

7. After completion of the work authorized, the permittee shall furnish, to the Department a suitable plan showing the depths at mean low water over the area dredged. The dredging under this permit shall be conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the permittee shall, at his expense remove the shoal areas. The permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the permittee shall pay all costs associated with such work. Nothing in this permit shall be construed as to impair the legal rights of any persons, or authorize dredging on land not owned by the permittee without consent of the owner(s) of such property.

8. The permittee 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, audits, damages, costs and expenses incurred by reason thereof.

9. The permittee shall, at least three days before commencing any dredging in the tide water, give written notice to the Department of the time, location and amount of the proposed work.

The Gut

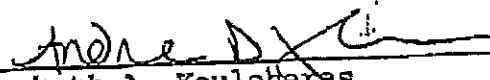
PERMIT NO. 320

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
2. Dredging shall be to a maximum depth of three and a half (3.5) feet below the Mean Sea Level (MSL) datum.
3. Dredging material shall used as beach nourishment and placed above the mean high water shoreline.
4. Dredging is to occur only between November 1st and January 15th.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION.


 Elizabeth A. Koulouheras
 Program Chief, Wetlands and Waterways Programs

tu-2011

The Narrows



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

PERMIT NO. 322

Name and Address of Permittee:

Town of Edgartown
P.O. Box 481
Edgartown, MA 02539

ISSUED: OCT 17 1997
EXPIRES: OCT 17 2007

Permission is hereby given by the Department of Environmental Protection to maintenance dredge approximately 3,100 cubic yards of sediment from an existing channel in Cape Poge Bay, Edgartown. The sediments will be use as beach nourishment in the East Beach area. --

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: " Dredging Plan For "The Narrows" Prepared For Town Of Edgartown ", dated April 10, 1997 (2 Sheets). ---

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

The Gut

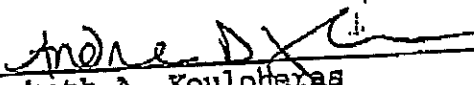
PERMIT NO. 320

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
2. Dredging shall be to a maximum depth of three and a half (3.5) feet below the Mean Sea Level (MSL) datum.
3. Dredging material shall be used as beach nourishment and placed above the mean high water shoreline.
4. Dredging is to occur only between November 1st and January 15th.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION.


Elizabeth A. Kouloheras
Program Chief, Wetlands and Waterways Programs

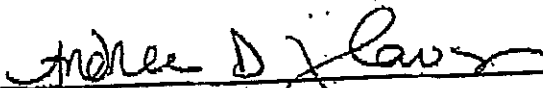
PERMIT NO. 322

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
 2. Dredging shall be to a maximum depth of four (4) feet below the Mean Sea Level (MSL) datum. ---
 3. Dredging material shall used as beach nourishment and placed above the mean high water shoreline.
 4. Dredging is to occur only between November 1st and March 15th.
 5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
-

DEPARTMENT OF ENVIRONMENTAL PROTECTION


for Elizabeth A. Kouloheras
Program Chief, Wetlands and Waterways Programs



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

PERMIT NO. 323

Name and Address of Permittee:

Town of Edgartown
P.O. Box 481
Edgartown, MA 02539

ISSUED: OCT 17 1997
EXPIRES: OCT 17 2007

Permission is hereby given by the Department of Environmental Protection to maintenance dredge approximately 1,800 cubic yards of sediment from an existing channel in Poucha Channel, Edgartown. The sediments will be use to raise an existing sand roadbed along an adjacent beach. --

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: " Dredging Plan For "The Dike Bridge Approach" Prepared For Town Of Edgartown ", dated April 10, 1997 (2 Sheets). ---

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.

2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.

3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

PERMIT NO. 323

10. Whosoever violates any provisions of this permit 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.

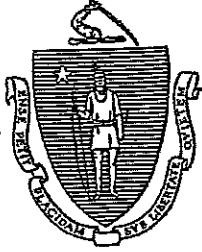
SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
2. Dredging shall be to a maximum depth of four (4) feet below the Mean Sea Level (MSL) datum. ---
3. Dredging material shall used as beach nourishment and placed above the mean high water shoreline.
4. Dredging is to occur only between November 1st and March 15th.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Andrea S. Law
 for Elizabeth A. Kouloheras
 Program Chief, Wetlands and Waterways Programs

Eel Pond



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI
Governor

BOB DURAND
Secretary

DAVID B. STRUHS
Commissioner

JANE SWIFT
Lieutenant Governor

PERMIT NO. 370

Name and Address of Permittee:

Town of Edgartown
P.O. Box 481
Edgartown, MA. 02539

ISSUED: 01-21-99
EXPIRES: 01-21-09

Permission is hereby given by the Department of Environmental Protection to maintenance dredge an additional 1,800 cubic yards of subaqueous material in conjunction with Permit No. 321 for a total of approximately 4,910 cubic yards of sediment from an existing channel in Nantucket Sound and Eel Pond, Edgartown. The additional sediments will be use as beach nourishment along a coastal beach. ---

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Dredging Plan For "Eel Pond Areas" Prepared For Town Of Edgartown.", dated April 10, 1997, last revised October 23, 1998 (2 Sheets) and "Repair Groins & Beach Nourishment, Robert Froelich" dated Oct. 98, (4 sheets). ---

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

PERMIT NO. 370

4. This permit 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 the dredge material shall be done under the supervision of the Department, and, when required, the permittee shall provide at his/her expense a dredge inspector approved by the Department. When said inspector is required, a report certified by the dredge inspector shall be submitted to the Department within 30 days after the completion of the dredging. The report shall include daily logs of the dredging operation indicating volume of dredge material, point of origin, point of destination and other appropriate information.
5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.
6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this permit, shall conform to all standards and conditions applied to the original dredging operation performed under this permit.
7. After completion of the work authorized, the permittee shall furnish, to the Department a suitable plan showing the depths at mean low water over the area dredged. The dredging under this permit shall be conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the permittee shall, at his expense remove the shoal areas. The permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged; the permittee shall pay all costs associated with such work. Nothing in this permit shall be construed as to impair the legal rights of any persons, or authorize dredging on land not owned by the permittee without consent of the owner(s) of such property.
8. The permittee 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, audits, damages, costs and expenses incurred by reason thereof.
9. The permittee shall, at least three days before commencing any dredging in the tide water, give written notice to the Department of the time, location and amount of the proposed work.

PERMIT NO. 370

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
2. Dredging shall be to a maximum depth of four (4) feet below the Mean Low Water (MLW) datum in Nantucket Sound and to a maximum depth of two and a half (2.5) feet below the MLW datum in Eel Pond. ---
3. Dredging material shall be used as beach nourishment and placed above the mean high water shoreline.
4. Dredging is to occur only between November 1st and March 15th.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
6. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured, by the permittee, for the placement of sands on private eroding beaches.
7. This permit is for dredging and beach nourishment only. A separate license is required for groin repair.

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth A. Kouloheras
Program Chief, Wetlands and Waterways Programs

Lighthouse



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

MARGO PAUL CELLUCCI
Governor

TRUDY COY
Secretary

DAVID B. STRUE
Commissioner

PERMIT NO. 358 (Amended)

Name and Address of Permittee:

Town of Edgartown
P.O. Box 5158
Edgartown, MA 02539

ISSUED: 12-29-98
EXPIRES: 12-29-08

Permission is hereby given by the Department of Environmental Protection to maintenance dredge 8,400 cubic yards of sediments from Edgartown Harbor, Edgartown. The initial permit, public noticed July 22, 1998, to dredge 8,500 cubic yards had the volumes reduced, at the request of the applicant, to 6,550 cubic yards. The amended permit revises the amount of maintenance dredging from the previously authorized 6,550 cubic yards to 8,400 cubic yards. The sediments will be use as beach nourishment along Lighthouse Beach.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Proposed Dredging Plan In Edgartown Harbor At: Edgartown Lighthouse", dated 5/27/98, last revised, 10/15/98 (6 Sheets).

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department for such notice and has afforded the permittee 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 permit void.

PERMIT NO. 358 (Amended)

4. This permit 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 the dredge material shall be done under the supervision of the Department, and, when required, the permittee shall provide at his/her expense a dredge inspector approved by the Department. When said inspector is required, a report certified by the dredge inspector shall be submitted to the Department within 30 days after the completion of the dredging. The report shall include daily logs of the dredging operation indicating volume of dredge material, point of origin, point of destination and other appropriate information.

5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Wetlands and Waterways.

6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this permit, shall conform to all standards and conditions applied to the original dredging operation performed under this permit.

7. After completion of the work authorized, the permittee shall furnish, to the Department a suitable plan showing the depths at mean low water over the area dredged. The dredging under this permit shall be conducted as to cause no unnecessary obstruction of the free passage of vessels. In doing the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the permittee shall, at his expense remove the shoal areas. The permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the permittee shall pay all costs associated with such work. Nothing in this permit shall be construed as to impair the legal rights of any persons, or authorize dredging on land not owned by the permittee without consent of the owner(s) of such property.

8. The permittee 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, audits, damages, costs and expenses incurred by reason thereof.

9. The permittee shall, at least three days before commencing any dredging in the tide water, give written notice to the Department of the time, location and amount of the proposed work.

Inner Harbor



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

PERMIT NO. 383

Name and Address of Permittee:

Town of Edgartown
Town Hall, P.O. Box 481
Edgartown, MA 02539

ISSUED: OCT 25 1999
EXPIRES: 10-25-09

Permission is hereby given by the Department of Environmental Protection to maintenance dredge approximately 8,500 cubic yards of subaqueous material from the Edgartown Inner Harbor mooring area off of Chappaquiddick, Edgartown. The sediments will be use as beach nourishment in the Lighthouse Beach area. ---

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Proposed Dredging Application By: The Town Of Edgartown In: Edgartown Harbor At: Inner Harbor", dated Sept. 98, revised Sept. 10, 99 (3 Sheets). ---

STANDARD WATERWAYS PERMIT CONDITIONS.

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.magnet.state.ma.us/dep>

PERMIT NO. 383

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

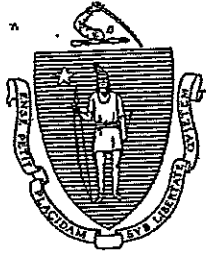
1. Dredging shall be performed by hydraulic means.
2. Dredging shall be to a maximum depth of six (6) feet below the Mean Low Water (MLW) datum.
3. Dredging material shall be used as beach nourishment and placed above the mean high water shoreline.
4. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
5. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured by the permittee for the placement of sands on private eroding beaches.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Elizabeth A. Kouloheras

Elizabeth A. Kouloheras
Program Chief, Wetlands and Waterways Programs

Collins Beach



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

ARGEO PAUL CELLUCCI
Governor

JANE SWIFT
Lieutenant Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

PERMIT NO. 384

Name and Address of Permittee:

Town of Edgartown
Town Hall
P.O. Box 481
Edgartown, MA 02539

ISSUED: 02-24-00
EXPIRES: 02-24-10

Permission is hereby given by the Department of Environmental Protection to: dredge approximately 2,150 cubic yards of sediment along Collins Beach and anchorage area of Edgartown Harbor, Edgartown.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Application By The Town of Edgartown, Dredging & Beach Nourishment In Edgartown Harbor, Collins Beach, Dukes County, MA" revised 01/04/00 (6 Sheets).

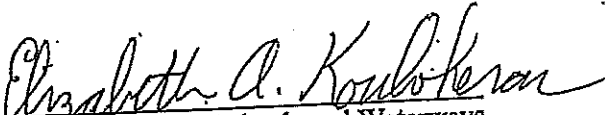
STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

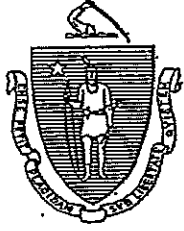
SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum of 6.0 feet below the mean low water (MLW) datum, which includes a one-foot, over-dredge allowance.
3. Dredge material shall be used as beach nourishment, along the adjacent private beaches, and placed above the mean low water mark.
4. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured, by the Permittee, for the placement of sands on private eroding beaches.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.

DEPARTMENT OF ENVIRONMENTAL PROTECTION


Program Chief, Wetlands and Waterways

Caleb's Pond



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

PERMIT NO. 10128

Name and Address of Permittee:

Town of Edgartown
Town Hall
P.O. Box 739
Edgartown, MA 02539

ISSUED: February 8, 2005
EXPIRES: February 8, 2015

Permission is hereby given by the Department of Environmental Protection to: dredge approximately 8,400 cubic yards of sediment from Caleb's Creek, Edgartown, for and creation of a navigational channel, with the spoils to be used as beach nourishment at five nearby beaches.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Proposed Dredging Plan In Caleb's Creek, Edgartown Harbor, At: Caleb's Pond, Edgartown, County Of: Dukes, Application By: The Town of Edgartown, MA, Dated: 5/29/98, Rev: 11/24/98, 3/17/99, 10/4/03, 1/21/04, (12 sheets)".

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

PERMIT NO. 10126

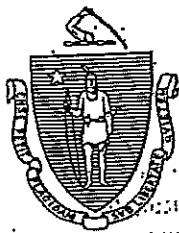
SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum of 4.0 feet below the mean low water (MLW) datum.
3. Dredge material shall be used as beach nourishment, as indicated on Permit Plan No. 10126, sheets 5 through 12.
4. No dredging shall occur between January 15th and May 30th any year for the protection of winter flounder.
5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
6. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured, by the permittee, for the placement of sands on private eroding beaches.
7. After completion of the work authorized the Permittee shall furnish the Department a suitable plan showing the depths at mean low water over the area dredged within 90 days of completion of dredging.

DEPARTMENT OF ENVIRONMENTAL PROTECTION


Program Chief, Wetlands and Waterways

Disposal Area F Caleb's Pond



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02847 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

STEPHEN R. FRITCHARD
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

October 24, 2005

Lynne Fraker, Dredge Administrator
P.O. Box 739
Edgartown, MA 02539

RE: Minor Project Modification to License Plan No. 10128
Caleb's Creek, Edgartown, Dukes County

Dear Ms. Fraker:

The Department has reviewed your request to include a disposal site, that site had been included in the original application, approved in the Order of Conditions and subsequently removed as a site prior to permitting. Department has determined that pursuant to 310 CMR 9.22 the activity constitutes a minor project modification which represents an insignificant deviation from the original specifications of the license and as such this activity does not require a license. Please note that other local, state and federal requirements may apply.

If you have any questions pertaining to this matter please do not hesitate to contact me at (508) 946-2734.

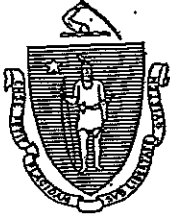
Sincerely;

A handwritten signature in cursive script, appearing to read "Mitch Ziencina".

Mitch Ziencina
Environmental Analyst
Wetlands and Waterways Program

Cc: Edgartown Conservation Commission
Charlie Blair, Harbormaster
File Copy

Katama Boat Ramp



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

ARGEO PAUL CELLUCCI
Governor

TRUDY COXE
Secretary

DAVID B. STRUHS
Commissioner

PERMIT NO. 359

Name and Address of Permittee:

Town of Edgartown
Town Hall - P.O. Box 5158
Edgartown, MA 02539

ISSUED: 10 01 98
EXPIRES: 10 01 08

Permission is hereby given by the Department of Environmental Protection to maintenance dredge approximately 9,390 cubic yards of sediment from Katama Bay, in the area of the Katama Boat Ramp, Edgartown. The sediments will be use as beach nourishment along Norton Point Beach --.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Proposed Dredging Plan In Katama Bay, Edgartown Harbor At: Katama Boat Ramp", dated 5/26/98, Rev: 7/8/98 (7 Sheets). --

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated herein.
2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement of any activity hereby authorized.
3. This permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This permit may be revoked after the Department has given written notice of the alleged noncompliance to the permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the permittee 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 permit void.

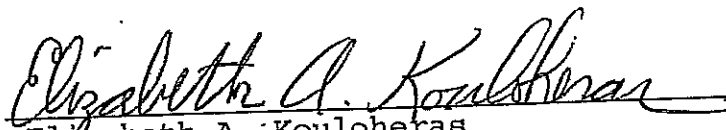
PERMIT NO.. 359

10. Whosoever violates any provisions of this permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic means.
 2. Dredging shall be to a maximum depth of five (5.0) feet below the Mean Low Water (MLW) datum.
 3. Dredging material shall used as beach nourishment and placed above the mean high water shoreline.
 4. No dredging is to occur between January 15 and May 30 of any year..
 5. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
-

DEPARTMENT OF ENVIRONMENTAL PROTECTION



Elizabeth A. Kouloheras
Program Chief, Wetlands and Waterways Programs

Katama Channel Bay



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

MITT ROMNEY
Governor

KERRY HEALEY
Lieutenant Governor

ELLEN ROY HERZFELDER
Secretary

ROBERT W. GOLLEDGE, Jr.
Commissioner

PERMIT NO. 9869

Name and Address of Permittee:
Town of Edgartown
Town Hall
P.O. Box 739
Edgartown, MA 02539

ISSUED: January 28, 2004
EXPIRES: January 28, 2009

Permission is hereby given by the Department of Environmental Protection to: dredge approximately 3,975 cubic yards of sediment from Katama Bay, Edgartown, to create a navigational channel, with the spoils to be used as beach nourishment at Norton Beach.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Application By: Town of Edgartown, In: Katama Bay, At: Edgartown, County: Dukes, State: MA, dated: February 02, (6 sheets)" for Navigational Improvement and "Application By: Town of Edgartown, In: Edgartown, At: Norton Beach, County: Dukes, State: MA; dated: April 4, 2002, for Beach Nourishment".

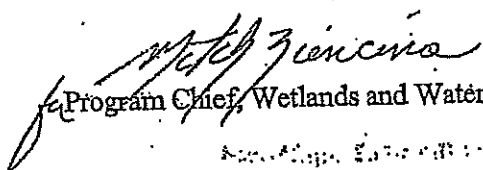
STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum of 4.0 feet below the mean low water (MLW) datum with an allowable 1 foot over dredge.
3. Dredge material shall be used as beach nourishment, at Norton Beach above the mean high water mark.
4. No dredging shall occur between January 15th and October 15th any year for the protection of winter flounder and spawning shellfish.
5. Maintenance dredging may be performed for a period of five (5) years subsequent to the date of issuance of this permit.
6. After completion of the work authorized the Permittee shall furnish the Department a suitable plan showing the depths at mean low water over the area dredged within 90 days of completion of dredging.

DEPARTMENT OF ENVIRONMENTAL PROTECTION


Program Chief, Wetlands and Waterways



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

ARLEEN O'DONNELL
Commissioner

PERMIT NO. 11751

Name and Address of Permittee:

Town of Edgartown
Lynn Fraker, Dredge Administrator
Town Hall, P.O. Box 11751
Edgartown, MA 02539

ISSUED: March 28, 2007
EXPIRES: March 28, 2017

Permission is hereby given by the Department of Environmental Protection to: maintenance dredge approximately 9,800 cubic yards of sediment to include channel enhancement and delta removal inside Edgartown Great Pond, in Edgartown. The sediments will be disposed of on adjacent private properties.

All work authorized herein shall be in the location shown and to the dimensions and depths indicated in the permit plan titled: "Proposed Dredge, Application By: Town of Edgartown, In: Edgartown Great Pond, At: South Beach, County: Dukes, State: MA", revised June 13, 2000, total of 8 sheets.

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.

Sluiceway Approach



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

PERMIT NO. 9174

Name and Address of Permittee:

Town of Edgartown
Town Hall
P.O. Box 739
Edgartown, MA 02539

ISSUED: *January 24, 2002*
EXPIRES: *January 24, 2007*

Permission is hereby given by the Department of Environmental Protection to: dredge approximately 9,800 cubic yards of sediment from Edgartown Great Pond, Edgartown, at the sluiceway approach, with the spoils to be used as beach nourishment at locations permitted under Permit No. 405 (South Beach).

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Application By: Town of Edgartown, In: Edgartown Great Pond, At: Herring Crk Sluiceway, County: Dukes, State: MA dated: 5/22/01, (3 sheets)".

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

This information is available in alternate format by calling our ADA Coordinator at (617) 574-6872.

DEP on the World Wide Web: <http://www.state.ma.us/dep>

Printed on Recycled Paper

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum of 4.0 feet below the mean low water (MLW) datum.
3. Dredge material shall be used as beach nourishment, along the adjacent private beaches, and placed above the mean low water mark.
4. Pursuant to 310 CMR 9.40(4)(a), easements for public access below the existing mean high water mark have been secured, by the Permittee, for the placement of sands on private eroding beaches.
5. No dredging shall occur between March 15th and June 15th of any year for the protection of fin fish
6. No dredging or the deposition of spoils shall occur between the period of April 1st and August 31st of any year for the protection of the shore birds.
7. Dredging and deposition of spoils shall be performed only between November 1st and March 15th of any year.
8. Maintenance dredging may be performed for a period of five (5) years subsequent to the date of issuance of this permit.
9. After completion of the work authorized the Permittee shall furnish the Department a suitable plan showing the depths at mean low water over the area dredged within 90 days of completion of dredging.



DEPARTMENT OF ENVIRONMENTAL PROTECTION

Program Chief, Wetlands and Waterways

The Commonwealth of Massachusetts



No. 9569

Whereas, Town of Edgartown

of -- Edgartown -- in the County of -- Dukes -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- reconstruct and maintain existing culverts and control structure, rip rap scour aprons and to maintenance 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 -- Edgartown. --

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

-- Town of Edgartown --, 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 existing culverts and control structure, rip rap scour aprons and to maintenance dredge --

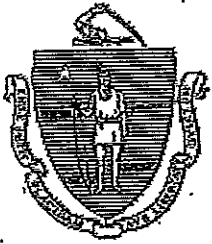
in and over the waters of -- Edgartown Great Pond, Crackatuxet Cove and Herring Creek -- in the -- Town -- of -- Edgartown -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 9569 (8 sheets).

Special Dredge Conditions

1. Dredging shall be performed by mechanical method.
2. Dredging shall be to a maximum depth of two (2) feet below the mean low water (MLW) datum, as indicated on License Plan 9569.
3. The dredge material shall be used as beach nourishment at South Beach.
4. Maintenance dredging may be performed for a period of five (5) years subsequent to the date of issuance of this license.

Please see page 4 and 5 for additional conditions to this license.

Boat Ramp



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347

JANE SWIFT
Governor

BOB DURAND
Secretary

LAUREN A. LISS
Commissioner

PERMIT NO. 9534

Name and Address of Permittee:

Town of Edgartown
Town Hall
P.O. Box 739
Edgartown, MA 02539

ISSUED: November 20, 2002
EXPIRES: November 20, 2007

Permission is hereby given by the Department of Environmental Protection to: dredge approximately 500 cubic yards of sediment from Edgartown Great Pond, Edgartown, at the town boat ramp at Meeting House Way, with the spoils to be used as beach nourishment at the adjacent public beach.

All work authorized herein shall be in the location shown and to the dimensions indicated in the permit plans titled: "Title: Great Pond Boat Launch Dredge/Disposal Plan, In: Edgartown Great Pond, At: Great Pond, County: Dukes, State: MA dated revised: October 01/01, (3sheets)".

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

License No. 9569

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 - Town of Edgartown -- 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. (0.0 cy = \$0.00)

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 27TH day of February in the year two thousand three.

Commissioner James G. Lin

Department of Environmental Protection

for Program Chief Mitch Zuccino

THE COMMONWEALTH OF MASSACHUSETTS

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

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.

Mitt Romney
Governor

PERMIT NO. 9534

3. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his/her agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the Permittee 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 Permit void.
4. This Waterways Permit 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 Permittee shall provide at his/her expense a dredge inspector approved by the Department.
5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.
6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this Permit, shall conform to all standards and conditions applied to the original dredging operation performed under this Permit.
7. After completion of the work authorized, the Permittee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged. Dredging under this Permit 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 Permittee shall, at his/her expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Permittee shall pay all costs associated with such work. Nothing in this Permit shall be construed to impair the legal rights of any persons, or to authorize dredging on land not owned by the Permittee without consent of the owner(s) of such property.
8. The Permittee 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, audits, damages, costs and expenses incurred by reason thereof.
9. The Permittee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the time, location and amount of the proposed work.
10. Whoever violates any provisions of this Permit 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.

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to a maximum of 4.0 feet below the mean low water (MLW) datum.
3. Dredge material shall be used as beach nourishment, along the adjacent public beach, and placed above the mean low water mark.
4. Maintenance dredging may be performed for a period of five (5) years subsequent to the date of issuance of this permit.
5. After completion of the work authorized the Permittee shall furnish the Department a suitable plan showing the depths at mean low water over the area dredged within 90 days of completion of dredging.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[Handwritten Signature]
Program Chief, Wetlands and Waterways

Sengekontacket



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

DEVAL L. PATRICK
Governor

IAN A. BOWLES
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

LAURIE BURT
Commissioner

PERMIT NO. 11859
REVISED October 15, 2008

Name and Address of Permittee:

Town of Edgartown, Town of Oak Bluffs
P.O. Box 739
Edgartown, MA 02539

ISSUED: July 30, 2007
EXPIRES: July 30, 2017

Permission is hereby given by the Department of Environmental Protection to: maintenance dredge approximately 73,500 cubic yards of sediment from the waters of Sengekontacket Pond and the north inlet channel, in the municipalities of Edgartown and Oak Bluffs. The spoils will be used as beach nourishment at Sylvia State Beach as well as Cow Bay Beach for dune nourishment.

All work authorized herein shall be in the location shown and to the dimensions indicated in the License and Permit plans titled: "Plan Accompanying Petition of the Massachusetts Highway Department for Waterways License, (License Plan No. 6006) & Sengekontacket Pond Dredging, Sengekontacket Pond Edgartown & Oak Bluffs, MA Dukes County, Application By: Town of Oak Bluffs, Edgartown & Mass Dept. of Environmental Management, now the Department of Conservation and Recreation, (Permit No 250)" Dated: April 5, 1993 (5 Sheets) and "Dune Design for Cow Bay Beach, Edgartown, MA", Dated: October 2, 2008 (9 Sheets).

STANDARD WATERWAYS PERMIT CONDITIONS

1. Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform to all terms and conditions stated herein.
2. This Waterways Permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity authorized pursuant to this Permit.

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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PERMIT NO. 11859

3. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his/her agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the Permittee 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 Permit void.
4. This Waterways Permit 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 Permittee shall provide at his/her expense a dredge inspector approved by the Department.
5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.
6. All subsequent maintenance dredging and transportation and disposal of this dredge material, during the term of this Permit, shall conform to all standards and conditions applied to the original dredging operation performed under this Permit.
7. After completion of the work authorized, the Permittee shall furnish to the Department a suitable plan showing the depths at mean low water over the area dredged. Dredging under this Permit 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 Permittee shall, at his/her expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Permittee shall pay all costs associated with such work. Nothing in this Permit shall be construed to impair the legal rights of any persons, or to authorize dredging on land not owned by the Permittee without consent of the owner(s) of such property.
8. The Permittee 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, audits, damages, costs and expenses incurred by reason thereof.
9. The Permittee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the time, location and amount of the proposed work.
10. Whosoever violates any provisions of this Permit 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.

PERMIT NO. 11859

SPECIAL WATERWAYS PERMIT CONDITIONS

1. Dredging shall be performed by hydraulic methods.
2. Dredging shall be to depths of minus 6.0 feet and minus 3.0 feet below the mean low water (MLW) datum as indicated on accompanying Permit Plan No. 11859.
3. Dredge material shall be used as beach nourishment at Sylvia State Beach as well as Cow Bay Beach for dune nourishment, which is to be placed above the mean high water shoreline above Chapter 91 jurisdiction.
4. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of this permit.
5. No dredging shall occur between January 15th and May 30th of any year in order to protect the spawning, larval and juvenile development of winter flounder.
6. After completion of the work authorized the Permittee shall furnish the Department a suitable plan showing the depths at mean low water over the areas dredged within 90 days of completion of each phase of the dredging.

DEPARTMENT OF ENVIRONMENTAL PROTECTION


Program Chief, Wetlands and Waterways



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
A) 20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

DEVAL L. PATRICK
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Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

LAURIE BURT
Commissioner

AUG 27 2008

Town of Edgartown
C/o Lynn Fraker, Dredge Administrator
Town Hall, P.O. Box 739
Edgartown, MA 02539

RE: Waterways Application No. W08-2332D/Permit No. 12217
Beach Nourishment at Bend in the Beach Road, Edgartown, Dukes County

Dear Ms. Fraker:

Following an in-depth review of the referenced file, the Department of Environmental Protection has approved the attached permit authorizing you to perform beach nourishment pursuant to G.L. chapter 91 and regulations 310 CMR 9.00.

This permit decision may be appealed by the Permittee within twenty-one (21) days of the date of permit issuance, pursuant to 310 CMR 9.17(1)(a) and 9.17(2).

Notice of Appeal Rights:

A) Appeal Rights and Time Limits

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit: (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth, pursuant to M.G.L. c.30A, §10A, who have submitted written comments within the public comment period; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; (e) CZM, for any project in the coastal zone, if it has filed a notice of participation within the public comment period; and (f) DCR, for any project in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period. To request an adjudicatory hearing, a Notice of Claim must be made in writing and sent by certified mail or hand delivery to the Department with the appropriate filing fee specified within 310 CMR 4.10 along with a DEP Fee Transmittal Form, within twenty-one (21) days of the date of issuance of this decision and addressed to:

Case Administrator
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the Notice of Claim must be sent at the same time by certified mail or hand delivery to the applicant, the municipal official of the city or town where the project is located, and the issuing office of the DEP at:

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 866-539-7622 or 617-574-6868.

DEP on the World Wide Web: <http://www.mass.gov/dep>

Printed on Recycled Paper

Department of Environmental Protection
Wetlands and Waterways Program
20 Riverside Drive
Lakeville, MA 02347

B) Contents of Hearing Request

Under 310 CMR 1.01(6)(b), the Notice of Claim must state clearly and concisely the facts that are the grounds for the request and the relief sought. Additionally, the request must state why the decision is not consistent with applicable laws and regulations.

Pursuant to 310 CMR 9.17(3), any Notice of Claim for an adjudicatory hearing must include the following information:

- (a) the DEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "person aggrieved" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the DEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

C) Filing Fee and Address

A copy of the Notice of Claim along with a DEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

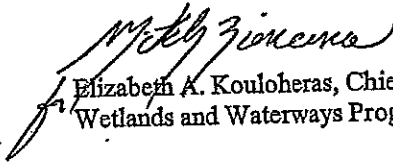
Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please note that any unauthorized project change 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.

If you have any questions concerning this permit, please contact Mitch Ziencina at (508) 946-2734.

Very truly yours,


Elizabeth A. Kouloheras, Chief
Wetlands and Waterways Program

Enclosure

Cc: w/enc. Ben Lynch, Section Chief, DEP Boston
Office of Coastal Zone Management
Charlie Blair, Harbormaster
File Copy

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