Cape Pogue:

The Gut and Nourishment area NSELB:

| • | Order of Cond | ditions 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 |
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Dredged 1999

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| Inner Harbor |
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| • | 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 |
| | NITITION OF ACEA | |

• 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 |
| • | EOEA#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 |
| | D 1 11000 0005 | |

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 |

EOEA 12823

• Dredged 2005

| 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 (Wilsons)

| • | 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

| - | I OHG CHAIRIED DILECTOR | | |
|---|-------------------------|----------|-------------------|
| • | 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#W0129 | 990 | issued 10/3/2005 |
| • | ACOE 200001739 | | issued 12/29/2005 |
| | DODA 10075 | | |

• EOEA 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 | |

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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
- EOEA 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 |
| 8 | 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 | |

EOEA 6386

| Borro | w Area #2 | |
|-------|--------------------------------|-------------------------|
| • | Orders of Conditions SE53-0520 | issued 7/5/2007 Oak Blu |
| • | 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 |

• EOEA 6386

Dredged 1997

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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

EOEA 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

EOEA 6386

NHESP 06-20947

• CZM 2/25/03

• Dredged.2004

Bend in the Road Beach

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

EOEA 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

EOEA 14138

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Plans:

Title:

Date:

Signed & stamped by:

On file with:

Dredging Plan Disposal Plan 18 July 1995 15 Jan 1997 Richard J. Barbini

Commission

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.
- 56 Dredge sand shall be dewatered within a temporary dewatering basin prior to final placement on the beach.
 - 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 terms.
- 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.
- Prior to any work including dredging on the Cape Poge Gut site, the project manager shall notify the Gut property owners and hold a a preconstruction meeting to work out the details of the dewatering and disposal procedures.

- 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 | DEP Pile No. | SE20-655 |
|--|---|--|---|
| | Town Clerk's Office | <u>, </u> | (To be provided by DEP) |
| Form 5 | Aec'd For Record | City/Town Edd | gartown 38-96 |
| | AT/ "37M P. M | ApplicatTO | E |
| Commonwealth of Hassachusetts | | جوين ت | |
| • | Order of Condi | tions | |
| Mass | achuetts Wetlands 1 | Protection Act | |
| and | G.L. c. 131, the Edgartown Wetlands | Protection Act | |
| From The Edgartown Con | | | Issuing Authority |
| | | /Commof MA/Traist | ees of Reservations perty owner) |
| PO Box 481 Address Edgartown MA 02 | 539 Address | Édgartown MA (|)2539 |
| This order is issued a | nd delivered as follow | S 1 | |
| ☐ by hand delivery to | applicant or represen | ntative on | (date) |
| by maximized mail, | ISPURSTANTORSPRANTIN T | ted on 7 April | 1997 (date) |
| This project is locate | d at Cape Poge "Gut" D | isposal sites: 1 | <u>Map 15 Lots 2-4</u> |
| The property is record | • | 200 000 | FIGUS DE MADES |
| | | Page | · · · · · · · · · · · · · · · · · · · |
| • | , | ٠. | |
| Certificate (if regist | | | |
| The Notice of Intent f | • | | |
| The public hearing was | closed on 13 F | で 1997 | (date) |
| Findings | | | • |
| The <u>Commission</u> held a public hearing on the pr time; the <u>Commission</u> significant to the following in regulations for each Area Subj | has determined that the are | ion available to the salon which the propose a Presumptions of Signi | Commission at this divork is to be done is ficance set forth in the |
| Public water supply. Private water supply Ground water supply | Flood Control Storm damage prevention Prevention of pollution | Land containing a Fisheries Protection of Wil | • |
| Total Filing Fee Submitted | • | - | . |
| • | EXEMPT State Share | 44.17.4 | of \$25) |
| | EXEMPT State Share | (1/2 fee in excess | of \$25) |
| City/Town Share | EXEMPT State Share | (1/2 fee in excess | s of \$25) |

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

- railure 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.
- 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.
- This Order does not relieve the permittee or any other person of the nacessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
- 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

- (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.
- 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.
- 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.
- 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 informatin shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
- 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, SE20-655 File Number___
- 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.

| raued By The Edgartown | _Conservation Commission |
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| Elett W. Potter | |
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| his Order must be signed by | a majority of the Conservation Commission. |
| n this 27thday of_ | March 19 97 , before me |
| , Flihl | N. Poffer to me known to be the |
| ersonally appeared 1 octions | instrument and acknowledge |
| amenn described in and who s | Xecated the totadorna |
| the balaba avaduted the same | as his/her free act and deed. |
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| Lord And | 5 June 1998 My commission expires |
| otary Public | ny commune a sa |
| the proposed work is to take the requestion of their right to requestion to request is made by appropriate filing fee and Fee Transmit | rrieved by this Order, any owner of land abutting the land upon whiten residents of the city or town in which such land is located; a st the Department of Environmental Protection to issue a Superseding certified mail or hand delivery to the Department, with the talform as provided in 310 CMR 10.03(7), within ten days, from the account of the request shall at the same time be sent by certified |
| the proposed work is to the triple to requestereby notified of their right to request is made by the providing the request is made by the proposition of the second reasons. | st the Department of Environmental Protection with the certified mail or hand delivery to the Department, with the tall form as provided in 310 CMR 10.03(7), within ten days, from the tall form as provided in 310 CMR 10.03(7), within ten days, from the |
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| he proposed work is to reque- lereby notified of their right to reque- lerer, providing the request is made by propropriate filing fee and Fee Transmit mate of issuance of this determination. I have been added to the Conservation of the Conservation. | st the Department of Environmental Protection with the certified mail or hand delivery to the Department, with the tall form as provided in 310 CMR 10.03(7), within ten days, from the A copy of the request shall at the same time be sent by certified on Commission and the applicant. |
| he proposed work is to reque- lereby notified of their right to reque- lerer, providing the request is made by propropriate filing fee and Fee Transmit mate of issuance of this determination. I have been added to the Conservation of the Conservation. | st the Department of Environmental Protection with the certified mail or hand delivery to the Department, with the tall form as provided in 310 CMR 10.03(7), within ten days, from the A copy of the request shall at the same time be sent by certified on Commission and the applicant. |
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Plans:

Title:

Date:

Signed & stamped by:

On file with:

Dredging Plan

July 18, 1995

Richard J. Barbini

Commission

rev'd June 18, 1996

Disposal Plan

Jan 27, 1997

rev'd Feb 13, 1997

Special Conditions:

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.

- 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.
- 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.
- Care shall be taken to ensure that existing vegetation adjacent to the OSV trials 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.

_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.
- 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.
- 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.
- 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

- (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.
- 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.
- 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.
- 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 informatin shall be on the form at the end of this Order submitted to the Commission 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, <u>se20-653</u> File Number_
- 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.

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| To Shellfish Dept. (Name of App | TOE | /Comm. of MA./ Tr | <u>istees of Reservations</u> |
| (Name of App | licant) | (Name of prope 572 Essex Street | erty owner) |
| PO Box 481 Address Edgartown MA (| 12530 Address | Beverly MA 01915 | |
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Plans:

Title:

Date: July 18, 1995 Signed & stamped by: Richard J. Barbini On file with: Commission

Dredging Plan

rev'd

June 18, 1996

Special Conditions:

- 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 complicated 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.
- 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.
- 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 trials 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.

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| 310 CMR 10.99 | Town Clerk's Office | DIT File No. | SE20-651 | |
| Form 5 | Rec'd For Record AT / H 35 M P. M | •• | (To be provided by gartown 39-96 | |
| | · · | ApplicantTO | <u> </u> | |
| Commonwealth of Hassachusetts | · | e e e e e e e e e e e e e e e e e e e | • | |
| | order of Condit | | | |
| Massachu | etts Wetlands Pi | otection Act | | |
| and the F | G.L. c. 131, dgartown Wetlands F | rotection Act | | |
| From The Edgartown Conserv | ration Commission | | Issuing Author | city . |
| To TOE/ Shellfish Dept. (Name of Applica | <u>∴T⊙E/(</u> nt) | Comm of MA/ Tru (Name of pro | stees of Reser certy owner) eet | <u>va</u> tions |
| Address | Mddress | <u> </u> | | |
| This Order is issued and de | livered as follows: | 1 | | • |
| by hand delivery to app | licant or represent | ative on | (d | ate) . |
| D by Kexkiting mail, goth | 9.1.9.9.1.2.1.9.1.9.9.1. | dxen 7 April | 1997 (d | ate) |
| This project is located at | Dyke Bridge Approac | <u>ch Dispoal sit</u> | e: M32 L2 | |
| The property is recorded a | | | | |
| Book | | Page | | _ `. |
| | | | | |

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 appullations for any time to protection leader the data (sheek as appropriate). regulations for each Area Subject to Protection Under the Act (check as appropriate): Land containing shelifish Flood Control Public water supply Fisheries Storm damage prevention Private water supply Protection of Wildlife Habitat Prevention of pollution Ground water supply EXEMPT Total Filing Fee Submitted _

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

The Notice of Intent for this project was filed on

The public hearing was closed on_

Findings

State Portion\$ (1/2 total)

(1/2 fee in excess of \$25)

(date)

at this

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

- 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.
- 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.
- 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.
- 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

- (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.
- 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.
- 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.
- 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 informatin shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
- 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

Richard J. Barbini

Commission

rev'd Feb 13, 1997

Special Conditions:

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 |
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| Signature(s) | |
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| Elett W. Sotter | |
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| his Order must be signed by a majority of the | e Conservation Commission. |
| on this 27 to day of March | 19 96 , before me |
| personally appeared Richard I Coller | , to me known to be the |
| person described in and who executed the fore | going instrument and acknowledge |
| | |
| that he/she executed the same as his/her free | act and deed. |
| | |
| Notary Public My com | 5 June 1998 |
| Notary Public My com | mission expires |
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Espartown, Mess DUP Pile No. 310 CHR 10.99 SE20-664 Town Clark's Office (To be provided by DEP) Form 5 Edgartown 40-96 City/Town_ AT/ H36MP M Applicat Town of Edgartown Commonwealth of Hassachusetts Order of Conditions Massachuetts Wetlands Protection Act and the Edgartown Wetlands Protection Act _Issuing Authority From The Edgartown Conservation Commission To Town of Edgartown C/O Shellfish Dept. TOE/Comm of MA/ Sheriff's Meadow (Name of property owner) Wakeman Ctr., RR1 Box 319X (Name of Applicant) PO Box 481 Vinevard Haven MA 02568 Address_ Edgartown MA 02539 Address This Order is issued and delivered as follows: by hand delivery to applicant or representative on D by Kentitted mail, Return Feeter Resident Secureted This project is located at Channel outside Fel Pond, Eel Pond Boat Ramo and disposal site Map 19A Lot 1. The property is recorded at the Registry of Dukes County Book_ Certificate (if registered) The Notice of Intent for this project was filed on 23 Jan 97 The public hearing was closed on Findings 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): .

Flood Control

Storm damage prevention

Land containing shellfish

Fisheries

Protection of Wildlife Habitat Prevention of pollution Ground water supply Exempt: State Share Total Filing Fee Submitted _ (1/2 fee in excess of \$25) City/Town Share State PortionS _City/Town Portion \$_ Total Refund Due \$ (1/2 total) (1/2 total)

Public water supply . .

Private water supply

hereby finds that the following conditions Therefore, the Commission 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.
- 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.
- 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

- (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.
- 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.
- 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.
- 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.
- 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 informatin shall be submitted to the Commission on the form at the end of this order prior to commencement of the work.
- 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, "Hassachusetts 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.

REVISED

Plan Title:

Date:

Signed & stamped by:

On file with:

Dredging and Disposal Plan 8 May 1998

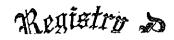
CLE Engineering

Commission

Special Conditions:

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 |
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| Signature(S) | , |
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| This Order must be signed by a major. | the of the Conservation Commission. |
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| on this 29 day or | La |
| personally appeared Edward W. Vinc | ut, W. 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. |
| that he/she executed the same as many | |
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| Lisi C. In | 27 May 2005 Hy commission expires |
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| | this Order, any owner of land abutting the land upon which |
| hereby notified of their right to request the Depai Order, providing the request is made by certified a appropriate filing fee and Fee Transmittal Form as date of issuance of this determination. A copy of mail or hand delivery to the Conservation Commission | the request shall at the same time be sent by certified |
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| Detach on dotted line and subsit to theCounty | ssion prior to commencement of work. |
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| To The Edgartown Conservation Commi | 551111 |
| Please be advised that the Order of Conditions for | the project of Edg Habor/Lighthouse Beach |
| File Number SF20-123 has been recorded at | the Registry of Dukes County and |
| has been poted in the chain of title of the affect | ed property in accordance with General Condition 8 on |
| | T. |
| , 19 | olding this transaction is |
| If recorded land, the instrument number which ident | tilles this simmerial in |
| If registered land, the document number which ident | |
| Signature | Applicant |

REGISTERED LAND DOCUMENT NO. 42672

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| and the | Edgartown Wetlands | LOTECTION Y | Issuing Authority |
| From The Edgartown Conse | rvation Commission | | |
| To Town of Edgartown | vari | OUS Of I | roperty owner) |
| (Name of Appil | cant) | (Neme or) | Loponog |
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| Certificate (if register | ed) | | |
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| significant to the following inter regulations for each Area Subject | to Protection Under the Act | Check as appropr | 18187: |
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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

- 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.
- 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.
- 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.
- The work authorized hereunder shall be completed within 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
 - (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.
- This Order ray 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.
- No work shall be undertaken until all administrative appeal periods from this Order have elapsed of, if such an appeal has been filed, until all proceedings before the Department have been completed.
- No work shall be undertaken until the rinal 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 informatin shall be on the form at the end of this Order submitted to the Counission 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, more than three square of Invironmental Protection, and the work The control of the special state of the second 711e Number SE20- 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.





EDGARTOWN CONSERVATION COMMISSION BOX 1065 EDGARTOWN, MASSACHUSETTS 02539

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

Edgardon, blaca Torm Clerk's Office Urranker 19 198 Fred Hor History ATI/ Hught A.M.

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.).

| Policy Chah Dielef & Cette |
|--|
| Steve Carry |
| |
| On this A day of November 1998, before me personally appeared Steve Fung 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. |
| My Commission expires 27 May 2005. |
| Notary Public |

THE EDGARTOWN CONSERVATION COMMISSION

(a) Fig. (b) Supply that the control of the cont

Title:

Date:

Signed & stamped by:

On file with:

Dredging and

15 June 99

Bourne Coastal Engineering Commission

Disposal Plan

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.
 - Dredged sand shall be dewatered within a temporary dewatering basin prior to final placement "我只是你就是看得这样""这样就是这么 on the beach.
 - 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.

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| • • | This Order must be signed by a majority of the | Coussiastion Commission. |
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| | on this 28th day of July | 19 9g before me |
| • | on this 29th day of July personally appeared Edith W. Petty | - lunum de he the |
| | personally appeared to W. Yallow | , to me known to be the |
| 5 | person described in and who executed the foreg | oing instrument and acknowledged |
| | | |
| | that he/she executed the same as his/her free | act and deed. |
| • | | |
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| • • | high C. I lev | 27 May 2005 ussion expires |
| · . | Notary Public My comm | ussion expires |
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| 1 | The applicant, the owner, any person agrieved by this Order, an the proposed work is to be done, or any ten residents of the cit hereby notified of their right to request the Department of Envi Order, providing the request is made by certified mail or hend of appropriate filing fee and Fee Transmittal Form as provided in 3 | remmental Pretection to issue a Superseding bilivery to the Department, with the |
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SEZO. 774 Rec'd For Record (I'm be provided by DEP) AT | HOZMP M Edgartown 33-99 Form 5 Dredging - Inner Hal Commonwealth of Hassachusetts Order of Conditions Hassachustts Wetlands Protection Act and the Edgartown Wetlands Protection Act Issuing Authority From The Edgartown Conservation Commission To Journol Edgartown (Name of property owner) 90 Robert Fulty and Ass. Address_ Marshfield MA 02050 This order is issued and delivered as follows: by hand delivery to applicant or representative on W by maxisted mail, weture reselet respected on 30 July 1999 This project is located at Thiner Harbor off Chaper The/property is recorded at the Registry of . certificate (if registered). The Notice of Intent for this project was filed on 16 The public hearing was closed on Findings The Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Eased on the information available to the Commission at this regulations for each Area Subject to Protection Under the Act (check as appropriate): Land containing shellfish Flood Control Public water supply ... Storm damage prevention : Fisheries
Prevention of pollution : Protection Private water supply Protection of Wildlife Habitat Ground water supply Total filling fee Subaltted EXEMP (1/2 fee in excess of \$25) State Portions

Edgertown, Masa Town Clark's Office Tuly 30 197

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310 CHR 10.99

Therefore, the <u>Commission</u> 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 <u>Commission</u> 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

- 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 things 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
 - (b) the time for completion has been extended to a special of issuance 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 Yinal order has been recorded in the Registry of beeds 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 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 informatin shall be submitted to the Countssion 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, "Hassachusetts Department of Environmental Protection, File Number SP20-774
- 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.

Title:

Date:

Signed & stamped by:

On file with:

Dredging and

9 February 99

Bourne Coastal Engineering Commission

Disposal Plan

Narrative and

28 April 99

Exibits A-M

12 May 99

Special Conditions:

This order permits the hydraulic dredging of approximately 2,900 cubic yards in the vicinity of the Collins Beach boatramp 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.

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| | Issued ByT | he Edgartown | | Conservatio | n Cossion |
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Therefore, the Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards ast 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

- 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.
- 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 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
 - (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, subhish 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 the land upon which the proposed work is to be noted on the Land of registered land, the Final order shall also be noted on the Land Court Cartificate of Title of the owner of the land upon which the proposed work is to be done. The recording informatin shall be submitted to the Courtission on the form at the end of this Order prior to commencement of the work.
- 5. 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, "Hassachusetts Department of Environmental Protection, File Number CEDA- 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.

Title:

Date: 21 Jan 04

Signed & stamped by:

On file with:

Dredge Plan Sheets 3 to 12 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.
- Prior to any work, siltation barriers shall be placed on the beach adjacent to the salt marsh regetation. The siltation barriers shall be maintained in working order until the site is stabilized.
- 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.

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| the proposed work is to be done, the proposed work is to be done, the request the Department of hereby notified of their right to request the Department of Order, providing the request is made by certified mail or he order and fee Transmittal form as provided appropriate filing fee and fee Transmittal form as provided date of issuance of this determination. A dopy of the request of hand delivery to the Conservation Commission and the mail or hand delivery to the Conservation Commission and the | lest shall at the same time of the | ent by centified |
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| 10 The Edgartown Conservation Commission | Clar Prod de | dee |
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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.

Ganaral Conditions

- Failure to comply with all conditions stated herein, and with all related statutas 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
- 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.
- 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

- (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.
- 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.
- 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.
- 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 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 informatin shall be on the form at the end of this order submitted to the Commission prior to commencement of the work.
- 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.

) CHR 10.99

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SE20- 989
(To be provided by DEP)

Gty/Town Edgartown 29-04

applicant TOE/Hurbermarker

Order of Conditions
Massachuetts Wetlands Protection Act
G.L. c. 131, 540
and the Edgartown Wetlands Protection Act

| and the Edgartown wetlands FlotestionIssuing Authority |
|---|
| From The Edgartown Conservation Continues Section 1 |
| To Harbormarker Charles Blair Town of Edgerthun (Name of property owner) |
| (Name of Applicant) |
| Address P.O. Box 739 Edgartium 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 of (date) |
| This project is located at entrance to Calebs Pand |
| The property is recorded at the Registry of |
| |
| BookPage |
| Certificate (if.registered) |
| The Notice of Intent for this project was filed on 4 Avgust of (date) |
| The Notice of Intend for this project of (date) |
| The public hearing was closed on 25 Argust of (date) |
| windings. |
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| held a public hearing on the project. Sesed on the intornation and the proposed work is to be done is |
| time, the Commission has determined the Presumptions of Significance set forth in the |
| regulations for each Area Subject to Protection Under the Act (check as appropriate): |
| Land containing shellfish |
| Public water supply Storm damage prevention Fisheries |
| Ground water supply . Prevention of potiution Protection of Wildlife Habitat |
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| Total Filing Fee Submitted State Share (1/2 fee in excess of S25) |
| |
| City/Town Share |
| Total Refund Due 3 City/Town Portion S State PortionS (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

Town Clarks Office

December 1 20 or

Edgartown File No.29-04 SE20-989 AT HIS NO MECONS

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.

On this 30 day of Nov 2005, before me personally appeared Cosult Avaluation 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. (Personal knowledge of identity)

List C Morrison

Notary Public.

Title:

Date:

8 May 1998

Signed & stamped by:

On file with:

Katama Bay Boat Ramio

Dredging and Disposal Plan CLE Engineering

Commission

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
 - 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.
 - 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.
 - 7 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.
 - This permit does not allow for the planting of vegetation except where vegetation was isturbed due to the placement of the dredge piping. Nor does this permit allow for the placement of sand fencing.

| - cl-oriam | CONSERVATION COMMITTEE |
|---|---------------------------------|
| Issued By The Edgartown | |
| Signature(s) | |
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| Palmi Quarian | |
| Khaf I Coll | |
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| This order must be signed by a majority, | of the Conservation Commission. |
| This Order must be signed by a majority | |
| on this 24th day of three | 19 98 before me |
| on this 24 day of the personally appeared Richard Colter | to me known to be the |
| personally appeared Kichard Com | de instrument and acknowledge |
| person described in and who executed the | foregoing institutes and and |
| person described in and who executed the that he/she executed the same as his/her | free act and deed. |
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| fin Cilla | My commission expires |
| Notary Public | |

The applicant, the owner, any person agrrieved 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 as (I or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 DM 10:03(7), within ten days from the appropriate filing fee and Fee Transmittal Form as provided in 310 DM 10:03(7), within ten days from the appropriate of this determination. A copy of the request shall at the same time be sent by certified sail or hand delivery to the Conservation Commission and the applicant.

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. "" 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.
- The work authorized hereunder shall be completed within 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

(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.

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, pips, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- No work shall be undertaken until all administrative appeal periods from this Order have elapsed of, if such an appeal has been filed, until all proceedings before the Department have been completed.
- 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 rinal 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 informatin shall be submitted to the Commission on the form at the end of this Additional Country of the land of this Additional Country of the end of this Additional Country of the country of the end of this Additional Country of the country of the end of this Additional Country of the count submitted to the Commission prior to commencement of the work.
- 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, *Hassachusetts Department of Environmental Protection, File Number SE20- 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.

REGISTERED LAND DOCUMENT NO.-4268/

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| | Order of Condit | ions | | |
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| and the I | G.L. c. 131 Edgartown Wetlands | rotection Act | _Issuing Au | thority |
| rrom The Edgartown Conser | vation Commission | | TERRING VO | |
| To Town of Edgartown | • | | perty owner | r) |
| 70 Main Street | | (Name of pro | | · · · |
| Address Edgartown MA 02539 | | · ** | | |
| This Order is issued and d | elivered as follows: | ta de la composição de la La composição de la compo | | _(date) |
| I husband delivery to app | licant or represert | ative on | 2.1664 | (date) |
| Dy Kwattatand mail. | \$. | dign June 31 | - 1778 | (~~~) |
| This project is located at | Katama Bay/Norton | Point | | |
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| Book | · · · · · · · · · · · · · · · · · · · | Page | | |
| Certificate (if registered | | 4 | | |
| The Notice of Intent for t | | | 998 | (date) |
| The public hearing was clo | med on 6-24- | 18 | 21 1 | (date) |
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| rindings | has reviewed the above-re | ferenced Yatics of | Intent and plan | u and has |
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| significant to the following interes regulations for each Area Subject to | Protection under the ACT (| minute an above she said | | |
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| The State of the S | • | VVCA | L com | á |

11/20/92

Title:

Date:

Signed & stamped by:

On file with:

Project Plans and attachments

1 July 2003

Bourne Consulting

Commission

Special Conditions:

- 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.
- 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.

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| | Issued By The Edgartown Conservation Commission | |
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| | This Order must be signed by a majority of the Conservation Commission. | |
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| | on this 27th day of Avaust 2003, before me | ٠. |
| | personally appeared Robert Avakiun , to me known to be the | • |
| | person described in and who executed the foregoing instrument and acknowledged | |
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| | that he/she executed the same as his/her free act and deed. | • |
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| | Lish C. 1/win 27 May 2005 | ·· |
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| | Notary Public Lisa C. Morrison | |
| | Lisa C. Morrison The applicant, the owner, any person agrrieved by this Order, any owner of land abutting the land upon which. The applicant, the owner, any person agrrieved 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 the proposed work is to be done, or any ten residents of the city or town in which such land is superseding hereby notified of their right to request the Department of Environmental Protection to issue a Superseding hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Drder, providing the request is made by certified mail or hand delivery to the Department, with the | |
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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

- 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.
- 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.
- 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.
- 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

- (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.
- 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.
- 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 informatin shall be _on the form at the end of this order submitted to the <u>Commission</u> on prior to commencement of the work.
- 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.

DEP File No.

SE20- 949
(To be provided by DEP)

Form 5

TONUE OF RECORD

City/Town Edgartown 36-63

Applicant Wedge Havicory
Itarbornaster

Commonwealth of Massachusetts

Order of Conditions
Massachuetts Wetlands Protection Act
G.L. c. 131, 540
and the Edgartown Wetlands Protection Act

| 73 | | Tad | uing Authority |
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| From The Edgartown Cons | ervation Commission | | |
| To Town of Edgartiun / | tarbornarta To | E. 70 | 1 |
| (Name of Appl | icant) | (Name of proper | |
| Address PO Box 739 Edgar | on M Address B | urt Bran / 181 W | nter St. |
| This Order is issued and | 02839 delivered as follow | Norwell Norwell | MA 02061 |
| | applicant or represen | | gust 2013 (date) |
| by certified mail, r | eturn receipt request | ed on | (date) |
| This project is located | at Katama Bay [| Nortan Pt Braid | <u> </u> |
| The property is recorded | l at the Registry of | Dukes County | |
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| Book | | Page | |
| Certificate (if register | | | · · · · · · · · · · · · · · · · · · · |
| The Notice of Intent for | this project was fi | led on 6 W/10 | <u>3</u> (date)' |
| The public hearing was o | | | (date) |
| Findings | | | |
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| The <u>Commission</u> held a public hearing on the pro | has reviewed the above- | on available to the ca- | at this |
| time the Commission | hee determined that the are | A DU AUTCU ING DIODORES NO | ILY IN CO.DE GOILE 19 |
| significant to the following inte regulations for each Area Subject | resta in accordance with tire | Liebnibelorg of algerities | nice acc tat the try the |
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| Public water supply | Flood Control | Land containing shell | lfish : |
| Private water supply | Storm demage prevention | fisheries | |
| . ☐ Ground water supply ☐ . | Prevention of pollution L | ☐ Protection of Wildli | a naditat |
| | | | • |
| Total Filing Fee Submitted XX | State Share | (1/2 fee in excess of | \$251 |
| | | (IVE ISE III EXCESS OF | , |
| City/Town Share | ······································ | | |
| Total Refund Due \$ | City/Town Portion \$ | State Portion | \$ <u> </u> |
| 1 March 2 19 M 2 market march 20 | (1/2 total) | (1/2 total) | ٠. |

-8K822PG188

Great Pond Excavation

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.

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.

8K822PG189

| | Issued By The Education | AND THE RESERVE OF THE PARTY OF | Conserva | tion Commi | |
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| • | This order must be signed by a majorit | A DI FUE CO. | | , | |
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| 310 CHR 10,99 | • | DEP File No. | SE20- 809 |
| | • | • | (To be provided by DEP) |
| Form 5 | | City/Town E | dgartown 36-60 |
| | | Applican(T(| |
| Commonwealth | | Appearat. | eagartain Reso |
| of Hassachusetts | | | Town Clarica Conce |
| <i>,</i> | Order of Cond | itions | July 2720 |
| Kassach | uetts Wetlands | | t Hac'd For Record |
| | G.L. o. 131 Edgartown Wetland | | |
| From The Edgartown Conser | | | |
| • | | | , |
| To Jour of Education (Hame of Applica | int) | (Name of pro | operty owner) |
| Address 74 Colonial Road | | • | |
| Marshield MA C | 2050 Address_ | | |
| This Order is issued and d | elivered as follo | 481 | • |
| by hand delivery to app | olicant or represe | ntative on | (date) |
| | • | • | 7.60 (days) |
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| This project is located at | Edgartoun gree | - Pond Barne | - beach |
| The property is recorded a | t the Registry of | Dukes Coun | ty |
| | | Dana | |
| Book | | | |
| Certificate (if registered | • | | |
| The Notice of Intent for t | his project was f | iled on 19 ilu | re. 00. (date) |
| The public hearing was clo | | | |
| | , seq. 0.1 | | |
| Findings | | | |
| the Commission hald a public hearing on the project time, the Commission ha significant to the following interes regulations for each Area Subject to | . Based on the informat a determined that the ar its in accordance with th | lon available to the ea on which the propos e Presumptions of Sign | red work is to be done is ' nificance set forth in the |
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| Privote water supply . St | cod Control | Land containing Fisheries | • - |
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| Total Filing Fee Substitted Com | PT State Shera | (1/2 fee in exce | ss of \$25) |
| Pitulian Chara | | | • |
| City/Iown Share | | | |

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 chacked 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

- Pailure 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 the 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 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 clear fill, containing no trash, refuse; rubbish or debris, including but not limited to lumber, bricks, plaster, wige, lath, paper, cardboard, pipe, tires; ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- 7. Howork shall be undertaken until alluadministrative appeal periods from this order have elapsed or, if Euch an appeal has been filled, wintil all proceedings before the Department have been completed.
- An work shall be undertaken until the Tinal order has been recorded in the Registry of peeds 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 Yinal order shall also be noted on the Land of registered land, the Yinal order shall also be noted on the Land Court Certificate of mittle of the owner of the land upon which the proposed work is to be done. The recording informatin shall be submitted to the Courts:

 On the form at the end of this Order prior to commencement of the work.
- P. 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 CF20- 909
- ID. 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.

SE20-818

Great Pana Channe

Plans.

On file with: Title: Date: Signed & stamped by: Bourne Coastal Engineering Commission Locus Plan May 00

Dredge Plan

Profile & Sections

Disposal Plans (1-5) March 99

Narrative

June 00

Special Conditions:

I 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
- 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.

| Signature (s) Will durch This order must be signed by a majority of the Conservation Commission. On this 26 day of bly 2000 , before me personally appeared Struct Lally , 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. Will applicant, the owner, any person agricated 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 received work is to be done, or any ten residents of the city or town in which such land is located, are received work is to be done, or any ten residents of the city or town in which such land is located, are received work is to be done, or any ten residents of the city or town in which such land is located, are received work is to be done, or any ten residents of the content Protection to issue a Supersoing Protection of the proposed work is to be done, or any ten residents of the content of the proposed work is to be done, or any ten residents of the content of the proposed work is to be done, or any ten residents of the content of the proposed work is to be done, or any ten residents of inversor to the proposed work is to be done, or any ten resident of the content of the proposed work is to be done, or any ten resident of the content of the proposed work is to be proposed work in the proposed work is to be done, or any ten resident of the sport to the sport to content on the proposed work is to be proposed work in the proposed work is to be proposed work in the sport to content on the sport town in which such land is located, and the sport town in which such land abutting the lan | Issued by The Edgartown | n ' | Conser | vation Commission |
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| person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed. C. U.C. 27 May 2005 | personally appeared Sh | eart loll.s | , t | o me known to be the |
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| Notary Public Lisa C. Morrison | | | | |
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| Detach on dotted line and subsit to the | •• | | | |
| Detach on dotted line and subsit to the | when he inclined of this determinat | tion. A CODY Of the fi | MONSEL BURILL BY THE A | same time be sent by certified |
| To The Edgartown Conservation Commission | | | • | c |
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| To The Edgartown Conservation Commission | • | | • | |
| To The Edgartown Conservation Commission | | • | | |
| To The Edgartown Conservation Commission | | | 4 . | |
| Please be advised that the Order of Conditions for the project at Great Paul Barrin Beach File Number SEZO 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 8-on. If recorded land, the instrument number which identifies this transaction is If registered land, the document number which identifies this transaction is | Detach on dotted line and subsit to | o the | 20 | nrior to commencement of Work. |
| Please be advised that the Order of Conditions for the project at Great Paul Barrin Beach File Number SEZO 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 8-on. If recorded land, the instrument number which identifies this transaction is If registered land, the document number which identifies this transaction is | | | • | prior to commencement of work. |
| has been noted in the chain of title of the affected property in accordance with General Condition 8-on. If recorded land, the instrument number which identifies this transaction is If registered land, the document number which identifies this transaction is | ********************** | | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, |
| has been noted in the chain of title of the affected property in accordance with General Condition 8-on. If recorded land, the instrument number which identifies this transaction is If registered land, the document number which identifies this transaction is | 10 The Edgartown Conser | rvation Commission | on | tasuing Authority |
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BK822PG187

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

- 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.
- 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. .
- 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.
- 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

- (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.
- 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 informatin shall be on the form at the end of this Order submitted to the <u>Commission</u> on 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, rile Number SE20- VIX
- 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.

SF20- 818
(To be provided by DEP)

Form 5

City/Town Edgartown 61-00

Applicant TOE/Shellfich

Edgeleren, Mesen Tourn Clerk's Cilica

Commonwealth of Hassachusetts

Order of Conditions
Massachuetts Wetlands Protection Act
G.L. c. 131, 540
and the Edgartown Wetlands Protection Act

Rec'd For Record

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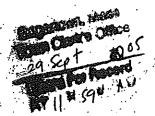
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|--|--|--|---------------------------------------|
| From The Edgartown Cons | ervation Commission | Isauing | Authority |
| To Town of Edgartown | Charlie Blair | Shirley Wilcox | |
| \Mame bf Appli | icant) | (Name of property ow | |
| Address POBOX 739 Edg | atm M Address R | FD 477 Vineyerd Ha. | rec 1/4 |
| - This Order is issued and | delivered as follows | • | |
| | applicant or represent | | (date) |
| | | ed on 4 January co | (date) |
| This project is located | at Edgertrus great | - Pond | · |
| The property is recorded | at the Registry of _ | Dukes County | · · · · · · · · · · · · · · · · · · · |
| >6 4×1/ | | | - |
| Book 75 069 | | | |
| Certificate (if register | ed) | | |
| The Notice of Intent for | this project was fil | ed on 10.13.00 | <u>· (date)</u> (|
| The public hearing was c | • | 1 | (date) |
| Findings | | enderen i de la companya de la comp La companya de la co | |
| The <u>Commission</u> held a public hearing on the projectime, the <u>Commission</u> significant to the following interegulations for each Area Subject | ect. Based on the information has determined that the area treats in accordance with the | Presumptions of Significance set | o be done is |
| ☐ Public water supply ☐ | Flood Control | Land containing shellfish | · . |
| Private water supply Ground water supply | Storm damage prevention Prevention of pollution | Fisheries Protection of Wildlife Habi | tat . |
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| City/Town Share | | | • |
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| Total Refund Due 3 | City/Town Portion S (1/2 total) | (1/2 total) | |
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| hen issued by the Conservation Commissi | ion this Exte | nsion Permit must | be signed by a | majority of its |
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| n this 28 September day of 20 | 205 | | | efore me |
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| erson described in and who executed the latest and deed. Per ne same as his/hep/free act and deed. | rsonal K | nonledge of | fidering | |
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310 CMR 10.99

Form 7





| DEP File N | a. FSE | 20- | 818 | ٠, |
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| City Town | Edga | town | · <u>51</u> | -00 |
| Applicant | TOE/ | Shellf | 75h] | Dept |
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Extension Permit Massachusetts Wetlands Protection Act G.L. c. 131, §40

| From: The Edgartown Conse | vation (| Commission | iss | uing Authority |
|--|-----------------|----------------|---|----------------|
| To: Lynne Fraker, Dredge A | elminis tra | For Educat | During Town H | 211 |
| To: Lynne (Name) | | | (Address) | |
| The Order of Conditions for Extension Programme Condition Programme Conditio | ermit) issued o | 14 Decemb | c .2000 | (date |
| / ' - / - / - / - K / - / - L F L - O | 3 | (name) for wor | (A) | ar(s) from the |
| date it expires. | | | | |
| This Extension Permit will expire on | 4 Decen | er 2010 | (date) | : |
| This document shall be recorded in acco | | | the Order of Cond | itions |
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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.
- 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.
 - Applicant shall comply with all conditions outlined in a letter dated 19 July 2001 form the Natural Heritage and Endangered Species Program.

| Issued By The Edgartown | Conservation Commission |
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| signature(8) Lil Myince | • |
| Steven Civing | • |
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| This Order must be signed by a majority of the | he Conservation Commission. |
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| on this | , before me |
| | |
| person described in and who executed the for | egoing instrument and acknowledged |
| that he/she executed the same as his/her fre | e act and deed. |
| | |
| haic. | 27 May 2005 |
| Notary Public Lisa C. Morrison My co | mmission expires |
| hereby notified of their right to request the Department of E Order, providing the request is made by certified mail or han appropriate filing fee and Fee Transmittal Form as provided i date of issuance of this determination. A copy of the reques mail or hand delivery to the Conservation Commission and the | n 310 CMR 10.03(7), within ten days from the it shall at the same time be sent by centified |
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| Detach on dotted line and submit to theCommission | prior to commencement of work. |
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| 10 The Edgartown Conservation Commission | Issuing Authority |
| Please be advised that the Order of Conditions for the project | et at great Pind - stoiceway |
| File Number SE20 854 has been recorded at the Regis | try of <u>Dukes</u> and |
| has been noted in the chain of title of the affected property | y in accordance with General Condition 8 on |
| | • |
| If recorded land, the instrument number which identifies this | s transaction is |
| If registered land, the document number which identifies this | |
| Signature | Applicant |

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

- 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.
- 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.
- 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
 - (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.
- 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.
- 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 rinal 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 informatin shall be on the form at the end of this Order submitted to the Commission prior to commencement of the work.
- 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- 854
- 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

Commonwealth of Massachusetts

Form 5

Experience, was Contra Contra Contra DEP File No.

854

(To be provided by DEP)

Cay/Town_Edgartown 39-01

Order of Conditions Massachuetts Wetlands Protection Act G.I. c. 131, \$40 and the Edgartown Wetlands Protection Act

| From The Edgartown Conservation Commission | nIssuing Authority |
|--|--|
| To Town of Edgartium % Robert L. Fultz | Commonwealth of Mass. |
| (Name of Applicant) | (Name of property owner) |
| Address Hashfield MA 02050 Address | |
| This Order is issued and delivered as foll | |
| ☐ by hand delivery to applicant or repres | sentative on(date) |
| ⊠ by certified mail, return receipt reque | ested on 10 Arguit 2001 (date) |
| This project is located at Edgartown gree | + Pond Map 53 Lot 7 |
| The property is recorded at the Registry o | f <u>Dukes County</u> |
| Book | Page |
| Certificate (if registered) | |
| The Notice of Intent for this project was | filed on 14 wne 2001 (date) |
| The public hearing was closed on 26 July | 12001 (date) |
| Findings | |
| The <u>Commission</u> has reviewed the above held a public hearing on the project. Based on the informatime, the <u>Commission</u> has determined that the a significant to the following interests in accordance with regulations for each Area Subject to Protection Under the Area Subject to Protect to Protect to Protec | area on which the proposed work is to be done is the Presumptions of Significance set forth in the |
| | APPLICATION OF THE PROPERTY OF |
| Public water supply Flood Control Private water supply Storm damage prevention Ground water supply Prevention of pollution | Land containing shellfish fisheries Protection of Wildlife Habitat |
| diodic sates apply — — Prevaleton of pottation | |
| Total Filing Fee Submitted Exempt State Share | |
| | (1/2 fee in excess of \$25) |
| City/Town Share | |
| Total Refund Due 3City/Town Portion \$ | State PortionS |

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.

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| 1.0 | day of Decen | Ler 2002 | , before me |
| n this 19 | day or never | | to me known to be the |
| ersonally appeared_ | LIT (18VIACE | · · · · · · · · · · · · · · · · · · · | • |
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| lin O. M | | 27 Ma | 2005 |
| Notary Public Lie | a C. Morrison | Hy commission | qxbrres |
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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

- 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.
- 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.
- 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.
- 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
 - (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, to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
- 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.
- 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 informatin shall be _on the form at the end of this Order submitted to the <u>Commission</u> on prior to commencement of the work.
- 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, "Hassachusetts Department of Environmental Protection, Fils 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.

310 CMR 10.99

Form 5

Town Clerk's Office

19 Dec 2002

Reo'd For Record

AT 10 H32 M AM

DEP File No.

SEZO- 91L

(To be provided by DEP)

Chy/Town Edgartown 49-02

Applicant TOE - Harbor Martel

Commonwealth
of Hassachusetts

Order of Conditions Massachuetts Wetlands Protection Act

| and the Edgartown Wetlan | |
|--|---|
| From The Edgartown Conservation Commission | nIssuing Authority |
| TO Town of Edgetswn/Harbor Master | |
| Address Edgerhun Wt 02539 Address | |
| This Order is issued and delivered as foll | t BWO. |
| by hand delivery to applicant or repre | |
| D by certified mail, return receipt requ | ested on(date) |
| This project is located at between Education | n Great Pond and Katzma Bay |
| The property is recorded at the Registry of | of Dukes County Amr. Map 53 Lot |
| 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 <u>Commission</u> has reviewed the about time, the <u>Commission</u> has determined that the significant to the following interests in accordance with regulations for each Area Subject to Protection Under the | area on which the proposed Work is to be done is the Presumptions of Significance set forth in the |
| Public water supply Flood Control Private water supply Storm damage prevention Ground water supply Prevention of pollution | Land containing shellfish Fisheries Protection of Wildlife Habitat |
| Total filing Fee Submitted Exempt State Share | (1/2 fee in excess of \$25) |
| City/Town Share | |
| | Marke Nambland |
| Total Refund Due \$ City/Town Portion 5 | State PortionS |

Wreat Foundates K (wilsovis 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.

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.

| Issue | • | | | | | | |
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| Issue | | 7 L | | · : | ή. | • | |
| Issue | | | | | | | |
| Issue | | | | | . Conset | vation Co | nmission |
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| | 7000 110 | <u>, </u> | | | | | |
| This | Order must | be signed by | , a major | ity of the | e Conserva | ation Com | nission. |
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| on th | nis <u>(5</u> | day of | E(V Ø 🗸 ' | cmto. | 200,1 | | Derore are |
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| иота | ry Public | Lisa C. Mo: | rrison | | • | | |
| hereby Order, approp | y notified of t , providing the oriste filing f | exmer, any person a to be done, or an their right to reque request is made to fee and fee Transmi this determination to the Conservat | oy certified ittal Form as | mail or hand s provided in f the request | delivery to 310 CMR 10.0 shall at the | the Department | nt, with the ten days from t |
| mailo | or hand deliver | y to the conserva- | CION COMMISS | 10,1 21~ 1114 - | , | • | • |
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| Detac | th on dotted lie | ne and submit to t | he <u>Cou</u> | mission | | _ prior to c | |
| To | The Edgar | rtown Conserva | ation Com | mission | | | Issuing Auth |
| To | The Edgar | rtown Conserva | ation Com | mission | t at Wilson | | Issuing Auth |
| To Pleas File | The Edgar se be advised t | ctown Conserve that the Order of C | ation Corr Conditions for en recorded a | mission or the projec | ry of <u>Dark</u> | 's Lndg- | Issuing Auth Dredge |
| To Pleas File | The Edgar se be advised t | rtown Conserva | ation Corr Conditions for en recorded a | mission or the projec | ry of <u>Dark</u> | 's Lndg- | Issuing Auth Dredge |
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| To Pleas File has b | The Edgar se be advised t Number_SE20- men noted in t | that the Order of C - 868 has been the chain of title | ation Corrections for the affect | mission or the project at the Regist cted property | ry of <u>Dark</u> | is Lndg- | Issuing Auth Dredge |

310 CHR 10.99

Town Clark's C...
Nov 19 2001

TRec'd For Record

AF (1 H) Apr

DEP File No.

SF20-868
(To be provided by DEP)

rorm 5

Applicant TOE/Harbermarker

Commonwealth of Hassachusetts

Order of Conditions
Massachuetts Wetlands Protection Act
G.L. c. 131, \$40

| and the Edgartown Wetlands Protection Act |
|---|
| The Edgartown Conservation CommissionIssuing Authority |
| Tour of Edgartown Hubermaiter Tour of Edgartown (Name of Applicant) (Name of property owner) |
| Address P.O. Box: 739 Edgartum MA 02539 This order is issued and delivered as follows: |
| Dy 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 |
| Book Page Hul |
| Certificate (if registered) |
| The Notice of Intent for this project was filed on 4 October 2001 (date) |
| The public hearing was closed on November 2001 (date) |
| Findings |
| has reviewed the above-referenced Notice of Intent and plans and has need a public hearing on the project. Based on the information available to the <u>Commission</u> at this time, the <u>Commission</u> 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): |
| Public water supply Flood Control Land containing shellfish Private water supply Storm demage prevention Fisheries Ground water supply Prevention of pollution Protection of Wildlife Habitat |
| Total Filling Fee Submitted Exempt State Share (1/2 fee in excess of \$25) |
| (1/2 fee in excess of \$25) |
| City/Town Share |
| Total Refund Due 3 City/Town Portion S State Portions |

_heraby 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

- 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.
- 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.
- 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.
- 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
 - (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.
- 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.
- 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 informatin shall be _on the form at the end of this Order submitted to the Commission prior to commencement of the work.
- 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, rile 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.



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

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

DEP File Number.

WPA Form 5 – Order of Conditions

SE20-111

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

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| . General Information | Rec'd for Record | |
| | AT 2 H2MPM | |
| om: The Edga Hown 1. Conservation Commission | N 21/11 · | |
| and the second control of the second control | Conditions | onditions |
| This issuance is for (check one): \ \X\ Order of (| Conditions Afficiated Citation of | |
| The state of the s | | |
| To: Applicant: | · · · · · · · · · · · · · · · · · · · | • • • |
| D. L. C. Hee | Town of Edgatown. c. Company PO Box 739 | |
| Dredge Committee a. First Name b. Last Name c/o Lynne Traker d. Mailing Address | c. Company | <i>.</i> * . |
| a, First Name | PO BOX 739 | ·· <u>·</u> |
| yo cynne i rake | | ea . |
| d. Mailing Address | WA 0253 | |
| Edgartown | f. State g. Zip Cod | le : |
| e. City/Town | | |
| Property Owner (if different from applicant): | 1 | |
| Town of Edgatumn / From of a. First Name b. Last Name | · Oak Bloffs. 5 | <u> </u> |
| h Last Name | c. Company | |
| a, First Name | FC Company of the Com | |
| Commonwealth of Massachuset | | |
| d. Mailing Address | | <u> </u> |
| | f. State g. Zip Co | de |
| e. City/Town | | |
| 5. Project Location: | | |
| Floject Location. | | |
| Joseph Sylvia State Beach | b. City/Town | |
| a. Street Address | | · · · · · |
| a. Street Address Suckentricket Pond c. Assessor's Map/Plat Number | d. Parcel/Lot Number | <i>j</i> : |
| c. Assessors Map/Plat Number | | |
| I attude and I onditude, if Known (note. | e. Latitude f. Longitu | ıde |
| | | on one narcel): |
| District regarded at the Registry of Deeds for | (attach additional information if more tri | all one parcery |
| 6. Property recorded at the region? | _ | |
| Duces | b. Certificate (if registered land) | |
| a. County | .66 | |
| 596 | d. Page | • |
| e Rook | a New Cac 2006 | |
| 12 october 2006 | Date Bublic Hearing Closed C, Date of Ist | uance |
| 7. Dates: a. Date Notice of Intent Filed b | -useb additional plan or document refer | ences as |
| 7. Dates: a. Date Notice of Intent Filed b. 8. Final Approved Plans and Other Documents (| attach additional plant of document | |
| needed): | | |
| See No! | | |
| a, Plan Title | | ericing the artificial and the |
| | c. Signed and Stamped by | 464 NELWEY |
| b. Prepared By | G. Gigitor and attained of | 心。在多數條 |
| | o Socie | |
| d. Final Revision Date | e. Scale | |
| | | g. Date |
| f Additional Plan or Document Title | | |



SEZO-IIII

DEP File Number:

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

| B. Findings | | | and the second | |
|--|--|---|---|---|
| 1. Findings pursuant to the Massach | usetts Wetlands Pr | otection Act | | A Section 1 |
| Following the review of the above in this application and presented a work is proposed is significant to tapply: | t the public hearing | g, this Commissions of the Wetland | on finds that the a is Protection Act. | reas in which Check all that |
| a. Public Water Supply b. d. Private Water Supply e. | Fisheries | f. | Protection of Habitat | A 1 |
| g. Groundwater Supply h. | Storm Dama | ge Prevention t. | Flood Contr | ol |
| This Commission hereby finds the p Approved subject to: | oroject, as proposed | l, is: (check one of | the following box | es) . |
| the following conditions which are in the wetlands regulations. This conditions attached to this Order. plans, specifications, or other procentrol. Denied because: The proposed work cannot be conregulations. Therefore, work on this possibilities which provides measures we conditions is issued. A description of meet is attached to this Order. The information submitted by the of the work on the interests identified not go forward unless and until a reviend includes measures which are additions. | Commission orders of above, the follow To the extent that cosals submitted with the posals submitted with the performance of th | that all work shating General Conting General Contine following contine the Notice of least and a reasonable standards while submitted while Act's interests, | Il be performed in ditions, and any oditions modify or intent, these conditions and ards set forth dinterests, and a find the proposed of the site, the work on the provides sufficient and a final Order | in accordance other special differ from the littons shall in the wetland ice of Intent is nal Order of work cannot is project may be intinformation of Conditions |
| is issued. A description of the spec attached to this Order as per 310 C | ific information w MR 10.05(6)(c). | hich is lacking a | ind why it is nec | essary is |
| Inland Resource Area Impacts: Che | | | | Darmittad' |
| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Replacement |
| 3. | a, linear feet | b. linear feet b. square feet | c. linear feet. | d. linear feet |
| 5. Land Under Waterbodies and Waterways | a. square feet | b. square feet f. cu.yd dredged | c. square feet | d, square feet |



DEP File Number

SE20-1111

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

B. Findings (cont.) .Permitted Proposed Permitted Proposed Replacement Replacement Alteration Resource Area. Alteration Bordering Land Subject d. square feet c. square feet b. square feet a, square feet to Flooding h. cubic feet Cubic Feet Flood g. cubic feet f. cubic feet e, cubic feet Storage Isolated Land Subject b. square feet a, square feet to Flooding f. cubic feet Cubic Feet Flood e. cubic feet d. cubic feet. c: cubic feet . Storage b. total sq. feet ☐ Riverfront area a, total sq. feet d. square feet Sq ft within 100 ft c. square feet Sq ft between 100-200 ft f. square feet e. square feet -Check all that apply below. (For Approvals Only) Coastal Resource Area Impacts: Indicate size under Land Under the Ocean, below ☐ Designated Port Areas 2,000 Land Under the b. square feet a, square feet 4000 d, cu.yd dredged c. cu.yd dredged Indicate size under Coastal Beaches and/or Coastal Dunes below 11. D Barrier Beaches 43,500 29 1239 d. c/y nourishmt. c. c/y nourishmt., 12. W Coastal Beaches b. square feel a. square feet 1.92,788 d. c/y riourishmt c. c/y nourishmt. b. square feet Coastal Dunes a. square feet 14: Coastal Banks b. linear feet a. linear feet 15. Rocky Intertidal b. square feet a. square feet Shores d. square feet c. square feet b. square feet Salt Marshes a. square feet 867,81 Land Under Salt b. square feet a. square feet Ponds 69,500 d, cu.yd dredged c. cu.yd dredged Land Containing c. square feet b. square feet a: square feet Indicate size under Coastal Banks, inland Bank, Land Under the Fish Runs Ocean, and/or inland Land Under Waterbodies and Waterways, above 73. 500 b. cu.yd dredged a. cu.yd dredged 1072602 Land Subject to

b. square feet

a. square feet

Coastal Storm Flowage



DEP File Number

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.
- 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.
- A sign shall be displayed at the site not less then 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-IIII

Page 4 of 8



SE 20-1111

DEP File Number

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 control any erosion problems that occur at the site and shall-also immediately notify the Conservation controls 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 | | | | : | |
| additional conditions, select box to select | · · | ; . | | | |
| attach a text | : | · | | | |
| | <u>· </u> | | : | | |

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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 D. Findings 11

| | D. Findings Under Municipal Wetlands Bylaw or Ordinance |
|---|---|
| | 1. Furthermore, the Edgation hereby finds (check one that applies): |
| | Conservation Commission. |
| | 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: |
| | Escartin 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. |
| If you need more space for | c. The special conditions relating to municipal ordinance or bylaw are as follows: |
| additional conditions, select box to attach a text | 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. 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 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 |
| | MM Strart Solls |
| en e | A Lil Prince |
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WPA Form 5 – Order of Conditions

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

| Issuance (cont.) | |
|---|---|
| Notary Acknowledgement | Pukes |
| Commonwealth of Massachusetts County of | tail 2007 |
| On this Day of Mo | nth Year |
| Before me, the undersigned Notary Public, personally an | ppeared |
| Name of Document Signer | tick weakward |
| proved to me through satisfactory evidence of identifical PERSONAL KNOWLEDGE OF IDENTITY | tion, which was/were |
| | |
| Description of evidence of identification to be the person whose name is signed on the preceding me that he/she signed it voluntarily for its stated purpos | g or attached document, and additionages e. Conservation Commission |
| As member of City/Town | Conservation Commission |
| | men |
| | gnature of Notary Public ICA C. Mow.s.n Inted Name of Notary Public |
| | nnted Maine of Motal y Fuolio |
| | 11 May 2012 |
| 1,1000 (10,101) | y Commission Expires (Date) |
| This Order is issued to the applicant as follows: | |
| by hand delivery on | by certified mail, return receipt requested, on |
| 27 Apr. 1 2007 | 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

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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 |
|-------------|---|
| Deta | ach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission |
| To: | |
| • | |
| | Conservation Commission |
| Plea | ase be advised that the Order of Conditions for the Project at: |
| | Project Location DEP File Number |
| e }} 75 | |
| Has | s been recorded at the Registry of Deeds of: |
| | County Book Page |
| for: | |
| | Property Owner |
| ane. | d has been noted in the chain of title of the affected property in: |
| anc | That been moted in the second of the second |
| | Book |
| in a | accordance with the Order of Conditions issued on: |
| | Date |
| | A double in this transportion is: |
| JFT Test | ecorded land, the instrument number identifying this transaction is: |
| 物.1 | Instrument Number |
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| | Document Number |
| 133.5 2 | |
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| 310 CHR 10.99 | Edgartown, Mass | DEP File No. | SE20-1145 |
| ٠. | Town Clerk's Office | | (To be provided by DEP) |
| Form 5 | JUNE : 13 2048 | - | Edgartown 11-08 |
| | Rec'd for Record | . Ctd\ row1_ | |
| | AT //HOMAM | Applicant | Town of Edgartoun Dredge Committee |
| Commonwealth of Hassachusetts | ., ., . | , | Dredge Committee |
| OT VERRECHINESCE | | | |
| | Order of Condituetts Wetlands P: | ions | Act |
| Massach | G.L. c. 131, Edgartown Wetlands | 540 | |
| and the | Edgartown Wetlands | Protection A | ct Issuing Authority |
| From The Edgartown Conser | Varion Commission | λıĹ | Luna Balaar |
| To Town of Edgartawn - (Name of Applica | Wedge Committee | - AM: | MUNICITARE! |
| Address PO Box 139 | Address E | dyartour | MA 02539 |
| This Order is issued and d | delivered as follows | : | • |
| ★ by hand delivery to appropriate to appr | plicant or represent | tative on 13 | June 2008 (date) |
| by certified mail, ret | urn receipt request | ed on | (date) |
| | Bui handa aran | 1. Ruch | |
| This project is located at | BULL IN- INC - 100 | d ocac- | |
| | t the Registry of | Dukes Cr | ty |
| This project is located at | at the Registry of _ | Dukes Co | ounty . |
| The property is recorded at Book | at the Registry of _ | Dukes Co | ounty . |
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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

- 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.
- 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.
- 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.
- 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
 - (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.
- 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.
- 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.
- 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 informatin shall be on the form at the end of this Order submitted to the Commission prior to commencement of the work.
- 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.

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| | Conservation Commission |
| • | Issued By The Edgartown Conservation |
| • | signature(8) |
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| ٠. | DI At 10 Porter |
| | Courte W. Co |
| | This Order must be signed by a majority of the Conservation Commission. |
| , | day of the 2008, before me |
| • | personally appeared Li Romac , to me known to be the |
| | personally appeared On Who executed the foregoing instrument and acknowledged person described in and who executed the foregoing instrument and acknowledged |
| | person described in and who exacuted the rotagement |
| • | that he/she executed the same as his/her free act and deed. |
| | PERSONAL KNOWLEDGE OF IDENTITY |
| • • • • • • | My Commission expires |
| | Notary Public Lisa C. Morrison |
| , | The applicant, the owner, any person agrrieved by this Order, any owner of land abutting the land upon which the applicant, the owner, any person agrrieved by this Order, any owner of land abutting the land is located, are the proposed work is to be done, or any ten residents of the city or town in which such land is located, are the proposed work is to be done, or any ten residents of Environmental Protection to issue a Superseding hereby notified of their right to request the Department, with the |
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| | The applicant, the owner, any person agrrieved 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 the proposed work is to be done, or any ten residents of the city or town in which such land is located, are the proposed work is to be done, or any ten residents of the city or town in which such land is located, are the proposed of their city to the Department, with the Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filling fee and fee Transmittat form as provided in 310 CRR 10.03(7), within ten days from the appropriate filling fee and fee Transmittat form as provided in 310 CRR 10.03(7), within ten days from the appropriate 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. To The Edgartown Conservation Commission |
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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 ton site approval from the conservation agent and the parks department.

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| 310 CMR 10.99 | Edgartown, Mass | SE20- 1145 | |
|-----------------------------------|---|--|------------------|
| * , | Town Clerk's Office | (To be provided by D |)EP) |
| Form 5 | JUNE: 13 2008 | Gly/Town Edgartown 11-09 | 8, _ |
| | Rec'd for Record | City/Iown Zagazza | |
| | AT // HOSMALM | Applicant Town of Edgartou Dredge Committee | <u>-/)</u> |
| Commonwealth | 77 67 44 | Dredge Committee | |
| of Hassachusetts | | | |
| • •• | Order of Conditation | lons otection Act | |
| Hass | G.L. c. 131, S he Edgartown Wetlands P | 40 | |
| | | TRBUTING TECHNICAL | ity . |
| From The Edgartown Cor | servation Commission | Ather lunne Fraker | |
| To Town of Edgartzus (Name of App | n - Viedy Committee Licenti | Altn: Lynne Fraker | |
| Address PD Box 139 | Address Ed | lyartoun MA 02539 | - |
| and the second second second | ad delivered as follows: | · | |
| M by hand delivery to | applicant or represent | ative on 13 June 2008 (da | ate) . |
| The cortified mail. | return receipt requeste | d on(d: | ate) |
| Li by cercarae in locate | d at Bud-in-the -roz | d. Beach | |
| This brolect is rocace | ed at the Registry of _ | Dukes County | |
| The property is record | | | |
| Book | | Page | |
| Cértificate (if regist | ered) | | |
| The Notice of Intent f | or this project was fill | ed on 30 April 2008 (dat | :e) |
| The public hearing was | closed on 21 May | 2009 (dat | :e} |
| rindings | , | • | |
| The Complesion | has reviewed the above-r | eferenced Notice of Intent and plans and | i has at this |
| the baseless on the b | LUISCE" RESECTOR FILE STREET | The form | ne 15 |
| time, the COMMISSION | | bearing the of Significance set IVI'll | iu ma |
| regulations for each Area Subj | nterests in accordance with the ect to Protection Under the Act. | Content on other 3 | |
| Public water supply | Flood Control | Land containing shellfish | |
| private water supply | Storm damage prevention Prevention of pollution | Fisheries Protection of Wildlife Habitat | |
| Ground water supply L | 1 bi diameters at became | • | |
| Total Filing Fee Submitted | Exempt State Share | (1/2 fee in excess of \$25) | |
| City/Town Share | | , | |
| Tabel Bodied Die 4 | City/Town Portion \$ | State Portion\$ (1/2 total) | |
| Idial valors nos - | (1/2 total) | (IVe enemy | |

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

- 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.
- 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.
- 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.
- 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
 - (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.
- 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.
- 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 informatin shall be on the form at the end of this Order submitted to the Commission prior to commencement of the work.
- 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, "Hassachusetts 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 ton site approval from the conservation agent and the parks department.

| mile . The section is | , Cous | ervation Commission | |
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| Issued By The Edgartown | | | |
| Signature(s) | | | |
| Stolle | | | |
| Gil Trovinel | | | |
| Elist W. Potter | | | |
| (NIX W. D. | | | |
| This Order must be signed by a majority | of the Conser | vation Commission. | • |
| on thisday of | 2008 | , before me | . |
| personally appeared Lil Pronnec | · | to me known to be t | he |
| person described in and who executed th | se foregoing in | istrument and acknowl | Ledged |
| that he/she executed the same as his/he | er free act and | i deed. | • |
| that he/she executed the same as has/he | | • | • |
| . / | PERSONAL | KNOWLEDGE OF IDENTITY | |
| Mu Ch | 11 May 2 My commission | 012 | . |
| Notary Public Lisa C. Morrison | WA COMMITTABLE | - Carpana | |
| Order, providing the request is made by certified mai appropriate filing fee and fee Transmittal form as produce of issuance of this determination. A copy of the mail or hand delivery to the Conservation Commission | | the same time be sent by cen | Pairit |
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| Detach on dotted line and submit to the . Commis | sion | prior to commencement o | of work. |
| Detach on dotted line and submit to theCommis | • | prior to commencement o | of work. |
| *************************************** | , | prior to commencement o | |
| The Edgartown Conservation Commis | sion | lssuing A | |
| To The Edgartown Conservation Commis Please be advised that the Order of Conditions for the | ssion he project at Bue | -in-te-roud Brach | |
| To The Edgartown Conservation Commis Please be advised that the Order of Conditions for the File Number SE20-1145 has been recorded at the Conditions for the Condit | ssion he project at Bue he Registry of | -in-the-road Brach | uthorityand |
| To The Edgartown Conservation Commis Please be advised that the Order of Conditions for the | ssion he project at Bue he Registry of | -in-the-road Brach | uthority |
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SE53-0520

DEP File Number:



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

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.





| Oak Bluffs Conservation Commission 1. Conservation Commission | | |
|--|-------------------------------------|---|
| | Conditions b X | Amended Order of Condition |
| is issuance is for (check one): a. 🔲 Order of | Conditions, or Ear. | • |
| No the state of | · . | |
| : Applicant: | | • |
| | Town of Oak Bluffs | |
| a. First Name b. Last Name | c. Company | |
| PO Box 1327 | <u> </u> | |
| d. Mailing Address | | 00557 |
| Oak Bluffs | <u> MA</u> | . <u>02557</u> |
| e. City/Town | f. State | g, Zip Code |
| | , | |
| roperty Owner (if different from applicant): | | |
| Dept. Cons. & Rec. | | MA and Town/Oak Bluffs |
| a, First Name b. Last Name | c, Company | |
| a, I hat rame | . , | |
| 251 Causeway Street | • - | |
| d. Malling Address | MA | 02114-2104 |
| Boston | . f. State | g. Zip Code |
| e. City/Town | | • |
| Project Location: | • | |
| | Oak Bluffs | • |
| Sea View Avenue (also known as Beach Road) | b. City/Town | |
| a. Street Address | • | • • • |
| 23 (amendment = Map 9, Lot 1) | d. Parcel/Lot Number | · . |
| c. Assessors Map/Plat Number | | 7033.143500 |
| Latitude and Longitude, if known (note: | 4125.398200 | f. Longitude |
| electronic filers will click for GIS locator): | e. Latitude | |
| Property recorded at the Registry of Deeds for | (attach additional inform | nation if more than one parce |
| Property recorded at the Registry of Deeds for | (andon dadiner | • |
| Dukes | | 31 |
| a. County | b. Certificate (if regist | ered land) . |
| 596 | · <u>66</u> | <u> </u> |
| c. Book | d, Page | |
| 10/26/06 1* | 1/28/06 | 5/22/07; amend 8/29/07 |
| Dates' Put Nation of Intent Filled h | Date Public Hearing Closed | c. Date of Issuance |
| Final Approved Plans and Other Documents (a | attach additional plan or | document references as |
| | winners and an arrange for the con- | |
| needed): | AR . | |
| See Special Conditions #17 and #18 on page | <u> </u> | |
| a. Plan Title | | |
| | c. Signed and Stamp | ed by |
| | c, orgined and claimp | |
| b. Prepared By | | |
| b. Prepared By d. Final Revision Date | e, Scale | |

posted: 8/29/07 CC: Town Clerk



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

SE53-0520

| 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. A Land Containing Shellfish c. Protection of Pollution d. Private Water Supply c. Fisheries f. Protection of Wildlife Habitat g. Groundwater Supply h. Storm Damage Prevention 1. Flood Control This Commission hereby finds the project, as proposed, is: (check one of the following boxes) Approved subject to: a. It he 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 | В. | Findings | | ٠ | | | | | |
|--|--------|--|---|--|--|--|--|--|--|
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| 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 | | in this applicatio work is propose | n and present | ed at th | e public hearl | ng, this Commi | ission fir | nds that the | areas in which |
| Berivate water supply e. ☑ Fisheries Habitat By Groundwater Supply h. ☑ Storm Damage Prevention I. ☑ Flood Control 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 pleans, 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: Alteration Alteration Replacement | a. | ☐ Public Wate | r Supply | b. 🛛 | Land Conta | ining Shellfish | c. 🔯 | Prevention | of Pollution |
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| b. | a. | forth in the wette accordance with other special co- differ from the pl | inds regulation the Notice of iditions attach ans, specifica | ns. This Intent re ned to th | Commission eferenced about is Order. To t | orders that all vove, the following the extent that the | work sha ng Gene he follo | all be perfor eral Condition wing condition | med in ns, and any ons modify or |
| 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. | De | nied because: | ાં જો, કોલ્પિસ્ટ્રિય | j. | | | •. • | ., | |
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| 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) Resource Area Proposed Permitted Proposed Replacement 4. Bank a. linear feet b. linear feet c. linear feet d. linear feet 5. Bordering Vegetated Wetland a. square feet b. square feet c. square feet d. square feet 6. Land Under Waterbodies a. square feet b. square feet c. square feet d. square feet | . c. | effect of the wor project may not sufficient informa- final Order of Co | k on the intere go forward un ation and inclu anditions is iss | ests ider less and ides me ued. A | ntified in the V d until a revise easures which description o | Vetlands Protected Notice of Into are adequate of the specific | ction Act ent is su to protec informa | t. Therefore, Ibmitted whi of the Act's i ation which | , work on this ch provides nterests, and a |
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| Resource Area: Proposed Alteration Alteration Replacement Replacement 4. Bank a. linear feet b. linear feet c. linear feet d. linear feet Wetland a. square feet b. square feet c. square feet d. sq | 3. | | | | tance betwee | n limit of projec | t disturb | pance and | a. linear feet |
| 5. Bordering Vegetated Wetland a. square feet b. square feet c. square feet d. square feet | Re | | | Pro | | | | | Permitted |
| Wetland a. square feet b. square feet c. square feet d. square feet 6. Land Under Waterbodies a. square feet b. square feet c. square feet d. square feet | :4. | Bank | or the flow that The first of the first of t | a. lin | ear feet | b. linear feet | c. lir | near feet | d. linear feet |
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WPA Form 5 – Order of Conditions Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

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| B. Findings (cont.) | | | | - |
|--|--|---|---|----------------|
| | Proposed | Permitted | Proposed | Permitted - |
| Resource Area | Alteration | Alteration | Replacement | Replacement |
| 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 |
| 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. 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 appl | y below. (For Ap | provais Only) | |
| 10. Designated Port Areas | Indicate size un | der Land Under ti | ne Ocean, below | • |
| 11. 🛛 Land Under the Ocean | 12000 a. square feet | b, square feet. | | |
| | 4000 c. cu.yd dredged | d. cu.yd dredged | <u> </u> | • |
| | | • | hes and/or Coast | al Dunes below |
| 12. A Barrier Beaches | | · | 43500 | 43500 |
| 13. 🛛 Coastal Beaches | 291239 | b. square feet | c. c/y nourishmt. | |
| 13. M Obdotal Bodotice | a, square feet | 192788 · | 12500 | 12500 |
| 14. 🛛 Coastal Dunes | 192788 a. square feet | b. square feet | c. c/y nourishmt. | |
| 15. Coastal Banks | a. linear feet | b. linear feet | | |
| 16. Rocky Intertidal Shores | a, square feet. | b. square feet | ing services | |
| 17. Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| : | 867814 | 867814 | | • |
| 18. 🛛 Land Under Salt Ponds | a, square feet | b. square feet | . · | |
| | 69500 | 69500 | | • |
| | c. cu.yd dredged | d. cu.yd dredged | · · · | |
| 19. X Land Containing | • | • | · | |
| | | | | d. square feet |
| Shelifish | a. square feet | b. square feet | c. square feet | · |
| | Indicate size u Ocean, and/or | nder Coastal Ban | c. square leet ks, inland Bank, l er Waterbodies ar | and Under the |
| Shelifish | Indicate size !! | nder Coastal Ban inland Land Und | ks. inland Bank, I | and Under the |
| Shellfish | Indicate size u Ocean, and/or | nder Coastal Ban inland Land Und 73500 | ks, inland Bank, l er Waterbodies ar — | and Under the |
| Shellfish | Indicate size u Ocean, and/or above | nder Coastal Ban inland Land Und 73500 b. cu.yd dredge | ks, inland Bank, l er Waterbodies ar — | and Under the |
| Shellfish | Indicate size u Ocean, and/or above 73500 | nder Coastal Ban inland Land Und 73500 | ks, inland Bank, l er Waterbodies ar — | and Under the |



WPA Form 5 - Order of Conditions

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

DEP File Number

SE53-0520

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.
- 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.
- A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

| "Massac | husetts | Department of Environmental Protection' | ' [or, "MA D | EP"] |
|---------|---------|---|--------------|------|
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| "File Number | SE53-0520 | ." | | /: | : | : | , | | |
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WPA Form 5 - Order of Conditions

DEP File Number

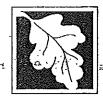
SE53-0520

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: | | | | ٠. | | · .·· | |
|------------------------------|---------|-------------|--|----------|------|----|--------------|-------|---|
| f you need more | · N/A | • | | <u>*</u> | | | _ | | _ |
| 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

DEP File Number:

.SE53-05201

| | The Control of the State of the |
|---|--|
| | . Findings Under Municipal Wetlands Bylaw or Ordinance |
| 1. | ls a municipal wetlands bylaw or ordinance applicable? √ ⊠ Yes · · · □ · No · · · · · |
| 2. | The Oak Bluffs Conservation Commission - hereby finds (check one that applies): |
| · 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. |
| If you need more space for additional | c. The special conditions relating to municipal ordinance or bylaw are as follows: See Special Conditions pages 6A, 6B, 6C, and 6D. |
| 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.

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.

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- 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:

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- 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.)

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 and shall be provided with the name, address, plione 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.

No area note.

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.
- To the und aftermittee their for the common of 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

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|---------------|----|----|----|---|
| F. | SS | ua | no | e |

| 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: | |
| Fledge indicate that the fledge of the Commission | |

8/29/07 1. Date of Issuance

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 filling electronically, and the property owner, if different

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|---|---|
| Signatures: Aughs — | |
| (100 to 10 | |
| MR Blfe. | |
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| | |
| Notary Acknowledgement | |
| Commonwealth of Massachusetts County of $\frac{D}{D}$ | Dukes |
| | August 2007 |
| On this $\frac{29 \text{th}}{\text{Day}}$ of | Month Year |
| Before me, the undersigned Notary Public, | Joan Hughes |
| personally appeared | Name of Document Signer |
| proved to me through satisfactory evidence of ider | ntification, which was/were |
| Known Personally | |
| Eld-Wendler | |
| to be the person whose name is signed on the pre | eceding or attached document, and acknowledged to |
| me that he/she signed it voluntarily for its stated p Oak Bluffs | urpose. |
| As member of City/Town | Conservation Commission |
| | |
| | |
| • | · / // / |
| | |
| | Signature of Notary Public |
| | Elizabeth Dolan Durkee |
| | Printed Name of Notary Public |
| Place notary seal and/or any stamp above | 10/19/12 My Commission Expires (Date) |
| Place notary sear and/or any stamp above | My Commission Expires (Date) |
| This Order is issued to the applicant as follows: | |
| by hand delivery on | by certified mail, return receipt requested, on |
| 8/29/07 | |
| 0/29/07 | Date |



WPA Form 5 – Order of Conditions

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

DEP File Number

SE53-0520⁻

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.



WPA Form 5 – Order of Conditions

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

DEP File Number:

SE53-0520

| $\overline{}$ | | | | |
|---------------|------|-------|---------|------|
| G. | Reco | rding | Informa | tion |

| | | d Court for the district in |
|--|--|---|
| This Order of Conditions must be recorded in the Regis which the land is located, within the chain of title of the Final Order shall also be noted in the Registry's Granto subject to the Order. In the case of registered land, this Certificate of Title of the owner of the land subject to the Order 7 of this form shall be submitted to the Conser Oak Bluffs Conservation Commission | arrected property. In the ir-Index under the name order shall also be no e Order of Conditions. | e case of recorded tank, the e of the owner of the land ted on the Land Court The recording information |
| Conservation Commission | • | |
| Detach on dotted line, have stamped by the Registry of | Deeds and submit to the | Conservation Commission. |
| | | |
| To: | • | • |
| Oak Bluffs Conservation Commission | | |
| Conservation Commission | | |
| Please be advised that the Order of Conditions for the | | |
| Sea View Ave. (32/1&2) (9/1) | SE53-0520 | • |
| Project Location | DEP File Number | |
| | • | · · |
| | · · · | • |
| Has been recorded at the Registry of Deeds of: | , | |
| Dukes | | |
| County | Book | Page |
| £ | • | |
| for: | according/Town of Oak | Rluffs |
| Commonwealth of MA, Dept. of Conservation & R | ecreation/Town of Oak | Diulio |
| 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: | • | • |
| 5/24/07, amendment issued 8/29/07 | <u> </u> | · . |
| Date | • | |
| | | • |
| | | |
| If recorded land, the instrument number identifying thi | is transaction is: | • |
| | | |
| Instrument Number | • | |
| If registered land, the document number identifying th | ils transaction is: | |
| | <u> </u> | |
| Document Number | | |

यायायात्रेतः प्रोत्तः क्षणान्त्रे क्षणात्राक्षणः हित्ता प्राप्तक्षणः स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थान इति अध्युत्तरस्थ वर्षा स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस्थ स्थानस

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HE50-0501



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

MassDEP File Number:

SE20-115L Edg. 24-08

| | | | - |
|---|---|--|---------------|
| | A. General Information | | |
| Important: | The Edgatiun | | - |
| When filling | 1. From: Conservation Jommission | nditions b. Amended Order of Conditions | 3 |
| out forms on the computer, use only the | 2. This issuance is for (check one): a. | nditions b. Managed Order of Servan | |
| tab key to | 3. To: Applicant: | A 11 | |
| move your cursor - do not | Edward | b. Last Name | |
| use the return | a. First Name | D, Last Hallo | _ |
| key. | a. First Name Cow Bay Corporation c. Organization Montague Terrace | | |
| A lui | 2 Marta ave Terrace | | |
| | d. Mailing Address | NY | |
| | Brooklyn | f. State g. Zip Code | |
| HEALTH E | e. City/Town | , and the second se | |
| | Property Owner (if different from applicant): | | |
| | Cow Bay Corporation | b. Last Name | |
| | a. First Name | | |
| | c. Organization | | |
| | P.O. Box 1929 | | . |
| | d. Mailing Address | 12539 | |
| 40 . | e. City/Town f. State | g. Zip Code | |
| m 0 | | | |
| Nass Soffice 200 Record MP, M | 5. Project Location: | Ediatown | |
| M See OR | a, Street Address | b. City/Town | |
| D D T | Map 12 Lot 21, Map 13 Lots | 1 2 3 4.3 4.1 3 4.21 | |
| E SOUPE T | c. Assessors Map/Plat Number | d. Parcaytor Number | |
| Edgartown, Mass own Clerk's Office own Clerk's Office SO CO Record for Record AT / HII MP M | Latitude and Longitude, if known: | e. Latitude f. Longitude | |
| M EUL & | Edition and a for lo | attach additional information if more than one parce | el): |
| • | 6. Property recorded at the Registry of Deeds for (a | Allacii additoriat ii | |
| | Dukes | b. Certificate Number (if registered land) | |
| | see attached | | |
| | c Book | d. Page Vovender 2008 | |
| | | Le Dublic Hearing Closed C. Date of Issuance | |
| | 7. Dates: a. Date Notice of Intent Filed b. D B. Final Approved Plans and Other Documents (at | tach additional plan or document references as | |
| | 8. Final Approved Plans and Other Bestiment, needed): | | |
| | Dune Design Pages 1-3 | | |
| | a. Plan Title | | |
| | b. Prepared By | c. Signed and Stamped by | |
| • | 2 October 2008 | 1" = 60' | |
| | d. Final Revision Date / A > C | e. Scale | 200 |
| | Con Bay West / Cow Bay Eus | g. Date | |
| | f. Additional Plan or Document Title | | |

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

MassDEP File Number:

SE20-1156

| В. | Findings | | | | | |
|----------|--|---|--|--|---|-----------------------------|
| 1. | Findings pursuant to the Massa | chusetts | s Wetlands Pro | tection Act: | | |
| | Following the review of the abo in this application and presente work is proposed is significant t apply: | ve-refer | enced Notice o | f Intent and bas | ds Protection Act. C | heck all that |
| _ | | ь. 🏻 | Land Containii | ng Shellfish c. | ☐ Prevention of | |
| a. d. | | e. 🗌 | Fisheries | f. | Protection of \ Habitat | Mildlife |
| g. | ☐ Groundwater Supply | | Storm Damag | | Flood Control | |
| 2. | This Commission hereby finds t | he proje | ct, as proposed | , is: (check one c | of the following boxes | s) |
| Αı | proved subject to: | | | | | قمم جانب ال |
| a. | I the following conditions where forth in the wetlands regulation accordance with the Notice of other special conditions attact differ from the plans, specification conditions shall control. | ns, mis Intent r | eferenced abov | e, the following | General Conditions | s, and any as modify or |
| D | enied because: | | | | | 11. !- 15. a |
| b. | wetland regulations. Therefor of Intent is submitted which p final Order of Conditions is is proposed work cannot mee | e, work rovides sued. A et is atta | measures which description on the discrete the discrete t | ch are adequate f the performat Order. | to protect these int nce standards whi | erests, and a ch the |
| | 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). | | | | | |
| 1 | nland Resource Area Impacts | : Check | all that apply b | elow. (For Appl | rovals Only) | |
| | B. Buffer Zone Impacts: Sh wetland boundary (if ava | ortest d ailable) | istance betwee | en limit of projec | t disturbance and Proposed | a, linear feet Permitted |
| 1 | Resource Area | P | roposed Iteration | Permitted Alteration | Replacement | Replacement |
| į | 4. 🗌 Bank | a. | linear feet | b. linear feet | c. linear feet | d. linear feet |
| | Bordering Vegetated Wetland | a. | square feet | b. square feet | c. square feet | d. square feet |
| | 6. Land Under Waterbodie | es a. | square feet | b. square feet | c. square feet | d. square feet |
| | and Waterways | | 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



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

MassDEP File Number:

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| B. Findings (cont.) | | | | |
|---|--|--------------------------------------|---|-------------------------------|
| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
| 7. 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. 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. 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 app | ly below. (For A | pprovals Only) | |
| 10. Designated Port Areas | | | the Ocean, below | |
| 11. Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. Barrier Beaches | Indicate size u | nder Coastal Bea | aches and/or Coas | tal Dunes below |
| 13. Coastal Beaches | a. square feet | b. square feet | c. c/y nourishmt | d. c/y nourishmt. |
| 14. X Coastal Dunes | 17 5, 113 5 f a. square feet | b. square feet | 2.7,660 (y c. c/y nourishm | . d. c/y nourishmt. |
| 15. Coastal Banks | a. linear feet | b. linear feet | marine. | |
| 16. Rocky Intertidal Shores | a, square feet | b. square feet | _ | |
| 17. Sait Marshes | a, square feet | b. square feet | c. square feet | d. square feet |
| 18. Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. Land Containing Shellfish | a, square feet | b, square feet | | d. square feet |
| 20. Tish Runs | Indicate size t Ocean, and/o above | under Coastal Ba r inland Land Ur | anks, inland Bank, der Waterbodies a | Land Under the and Waterways, |
| | a, c/y dredged | b. c/y dredge | d | |
| 21. Land Subject to Coastal Storm Flowage | a. square feet | b. square fee | it . | |



MassDEP File Number.

SE 20-1156

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.
- 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 then two square feet or more than three square feet in size bearing the words,

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

"File Number <u>5E20 -1156</u>



SE20-1156

MassDEP File Number:

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 MassDEP.
- 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.

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.



MassDEP File Number:

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WPA Form 5 – Order of Conditions

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

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 BMPsOperation 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.
- 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.



WPA Form 5 – Order of Conditions

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

MassDEP File Number:

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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.
- Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- 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. Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing

| | Access for maintenance, repair, and/or replacement of BMPs shall not be with constructed around stormwater BMPs shall include access gates and shall be at least the constructed around stormwater BMPs shall include access gates and shall be at least the constructed around stormwater BMPs shall include access gates and shall be at least the constructed around stormwater BMPs shall include access gates and shall be at least the constructed around the co | east six inches |
|----|---|-----------------------|
| | above grade to allow for wilding passage. | |
| | Special Conditions (if you need more space for additional conditions, please attack | n a text document): |
| | See attached | |
| | | |
| | | |
| | | |
| | | |
| | | |
| D | D. Findings Under Municipal Wetlands Bylaw or Ordinan | ce |
| | | |
| 1. | hereby finds (check one | that applies): |
| 2. | | |
| | Conservation Commission a. that the proposed work cannot be conditioned to meet the standards set ordinance or bylaw specifically: | JOHN IN A MANAGEMENT |
| | | 2. Citation |
| | 1. Municipal Ordinance or Bylaw | d Natice of Intent is |
| | Therefore, work on this project may not go forward unless and until a revise submitted which provides measures which are adequate to meet these stan Order of Conditions is issued. | dards, and a final |



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

MassDEP File Number:

SE20-1156

| D. | Findings Under Municipal Wetlands Bylaw or Ordinance (cont.) |
|----|--|
| • | b. A that the following additional conditions are necessary to comply with a municipal ordinance or bylaw: Lacataun Wetlands Protectin Bylaw 1. Municipal Ordinance or Bylaw 2. Citation 2. Citation |
| 3. | The Commission orders that all work shall be performed in above that the following conditions modify or 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. The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document): |
| | See attached |
| | |

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.
- 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.
- 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.



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

MassDEP File Number:

SE20-1156

| IVIASSACITUSCIAS TYCIAITUS | |
|---|--|
| E. Issuance | |
| This Order is valid for three years, unless otherwise spectondition pursuant to General Conditions #4, from the date Please indicate the number of members who will sign this Order must be signed by a majority of the Conserva The Order must be mailed by certified mail (return receipt copy also must be mailed or hand delivered at the same Environmental Protection Regional Office, if not filing elegrom applicant. | s form: 2. Number of Signers of requested) or hand delivered to the applicant. A |
| Lillian Province | |
| Notary Acknowledgement | Dokas |
| Commonwealth of Massachusetts County of | 3 |
| On this Day of | Month Year |
| Before me, the undersigned Notary Public, personally appeared | Name of Document Signer |
| proved to me through satisfactory evidence of iden PERSONAL KNOWLEDGE OF IDENTITY | tification, which was/were Y |
| | ceding or attached document, and acknowledged to |
| Place notary seal and/or any stamp above | Signature of Notary Public LISA C. MINISON Printed Name of Notary Public May 2012 My Commission Expires (Date) |
| | Mix Cottinueston Expines (Care) |
| This Order is issued to the applicant as follows: | |
| by hand delivery on | by certified mail, return receipt requested, on |
| Date | Date |



· ·

MassDEP File Number:

SE20-1156

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

MassDEP File Number:

5=20-1156

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.

| table of dotted into, have demped | by the Registry of Deeds and submit to | THE COURSE TARGET CONTRACTOR |
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|); | | |
| Conservation Commission | | |
| lease be advised that the Order of | Conditions for the Project at: | |
| • | MassDEP File Number | |
| Project Location | MassDEP File Numbe | er |
| as been recorded at the Registry o | of Deeds of: | |
| County | Book | Page |
| | | • |
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Dec. 27. 2007 10:41AM

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

ARGED PAUL CELLUCCI GOVERNOT TRUDY COXE
Scorenzy

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 permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, Department deems necessary a survey or surveys of the area dredged, the permittee shall pay all costs associated with such work. Nothing 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.
- B. 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

Page 3

10. Whoseever 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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

M Elizabeth A. Kouloheras

Program Chief, Wetlands and Waterways Programs

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ARGEO PAUL CELLUCCI

COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

TRUDY COXE

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:

- 1. Acceptance of this Waterways Permit shall constitute an agreement by the permittee to conform to all terms and conditions stated berein
- 2. This permit is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions other applicable authorizations necessitated due to the commencement of 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, those persons who have filed a written request, with the Department, those persons who have filed a written request, with the Department, opportunity to correct said noncompliance. Failure to correct said 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 Got

PERMIT NO. 320

Page 3

10. Whoseever 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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

LE Elizabeth A. Kouloheras

Program Chief, Wetlands and Waterways Programs

The Narrows

PERMIT NO. 322

Page 3

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.
- 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.
- 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

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

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. 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.
- 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.
- 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

Page 3

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

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

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EdPond



ARGEO PAUL CELLUCCI Governor . JANE SWIFT

Lieutenant Governor

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

BOB DURAND Secretary

DAVID B. STRUHS
Commissioner

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 <u>prior</u> 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, 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.

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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

- 5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be dredging and transportation and applicable requirements and 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 permittee shall pay all costs of supervision, and if at any time the permittee shall pay all costs associated with such work. Nothing the permittee shall be construed as to impair the legal rights of 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.

Page 3 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.

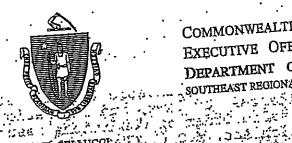
SPECIAL WATERWAYS PERMIT CONDITIONS

- Dredging shall be performed by hydraulic means.
- Dredging shall be to a maximum depth of four (4) feet below the 1. 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 2. Pond. ---
- Dredging material shall used as beach nourishment and placed above the mean high water shoreline. з.
- Dredging is to occur only between November 1st and March 15th. 4.
- Maintenance dredging may be persormed 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.
- This permit is for dredging and beach nourishment only. separate license is required for groin repair. 7.

DEPARTMENT OF ENVIRONMENTAL PROTECTION.

El/zabeth A. Kouloheras

Program Chief, Wetlands and Waterways Programs



ARGEO PAUE CELLUCCE AND Governor Governor

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

TRUDY CO Secretal

DAVID B. STRUE Commission

PERMIT NO. 358" (Amended)

Name and Address of Permittee:

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

ISSUED 12 - 29 9.8

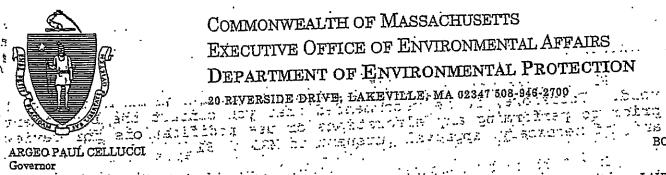
Permission is hereby given by the Department of Environmental Protection to maintenance dredge 8,400 cubic yards of sediments from Edgartown Harbor, Edgartown. The initial permit, public noticed July 22, 1.98, to dredge 8,500 cubic yards had the volumes reduced, at the request of the applicant, to 6,550 cubic yards. The amended permit revises the amount of maintenance dreading from the previously authorized 6,550 cubic yards to 8,400 cubic yards 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)..--

- Acceptance of this Waterways Permit shall constitute an agreemer by the permittee to conform to all terms and conditions stated
- This permit is issued upon the express condition that any and a herein. other applicable authorizations necessitated due to the provisions hereof shall be secured by the permittee prior to the commencement any activity hereby authorized.
- 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 Departmen for such notice and has afforded the permittee a reasonable opportunity to correct said noncompliance. Failure to correct sai noncompliance after the issuance of a written notice by the Department shall render this permit void.

11.20

- 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.
 - 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.
 - 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.
 - 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 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. 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. 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.
 - 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.
 - 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.



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

BOB DURAND Secretary

Lieutenant Governor

LAUREN A. LISS Commissioner

PERMIT NO. 383

Name and Address of Permittee:

y mis in the second Town of Edgartown Town Hall, P.O. Box 481 Edgartown, MA 02539

ISSUED: OCT 2 5 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).

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

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

- Dredging shall be performed by hydraulic means.
- Dredging shall be to a maximum depth of six (6) feet below the .2. Mean Low Water (MLW) datum . ---.
- Dredging material shall used as beach nourishment and placed above the mean high water shoreline.
- Maintenance dredging may be performed for a period of ten years subsequent to the date of issuance of this permit
- 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. station for a paragraph fra for another

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Elazabeth A. Kouloheras...

Program Chief, Wetlands and Waterways Programs



ARGEO PAUL CELLUCCI Governor

JANE SWIFT Lieutenant Governor

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

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

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).

- 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

- 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



MITT ROMNEY Governor

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

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)".

- 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.
- 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 permitee, 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

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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. PRITCHARD
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 form 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;

Mitch/Ziencina

Environmental Analyst

Wetlands and Waterways Program

Cc: Edgartown Conservation Commission Charlie Blair, Harbormaster File Copy



ARGEO PAUL CELLUCCI Governor COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE

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

Protection 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). --

- 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 <u>prior</u> 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, 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.

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Elizabeth A. Kouloheras

Program Chief, Wetlands and Waterways Programs



Katama Channel

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".

- 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 diedging 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

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DEVAL L. PATRICK Governor

TIMOTHY P. MURRAY Lieutenant Governor COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

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.



JANE SWIFT Governor

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

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, (3sheets)".

- 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.
- 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 preformed 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



Mherens,

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. —

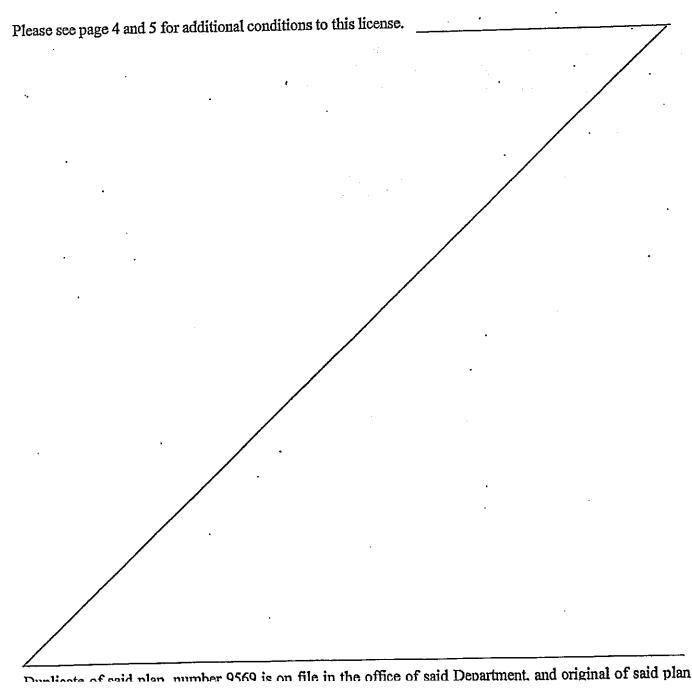
NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said

- 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 preformed 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 preformed for a period of five (5) years subsequent to the date of issuance of this license.





JANE SWIFT Governor COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

20 RIVERSIDE DRIVE, LAKEVILLE, MA 02847

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)".

- 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.

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

Commissioner

Department of Environmental Protection

Program Chief

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.

Governor

PERMIT NO. 9534 Page 2

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.

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

Program Chief, Wetlands and Waterways



DEVAL L. PATRICK Governor

TIMOTHY P. MURRAY Lieutenant Governor 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

IAN A. BOWLES Secretary

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).

- 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 <u>prior</u> to the commencement of any activity authorized pursuant to this Permit.

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Page 2
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.

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 preformed for a period of ten (10) years subsequent to the date of issuance of this permit.
- 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.
- 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

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DEVAL L. PATRICK Governor

TIMOTHY P. MURRAY Lieutenant Governor

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

IAN A. BOWLES Secretary

> 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 Permitee 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.

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,

Very truly yours,

જારા કહેલા જાય જાયા છે. જેમારા કરિયાનો કેટ પ્રતિકૃતિ - જાયા છે. જેમાં લોકો જ

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Plizabeth 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

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD Service - 1-800-298-2207.

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