

The Commonwealth of Massachusetts

No. 13420



Whereas, Town of Marshfield

of -- Marshfield -- in the County of -- Plymouth -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- to construct and maintain a bulkhead, pier extension and floats, maintain existing pier, ramp and floats, perform improvement dredging, and to establish a reconfiguration zone --

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 Marshfield --.

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 Marshfield --, 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 -- to construct and maintain a bulkhead, pier extension and floats, maintain existing pier, ramp and floats, perform improvement dredging, and to establish a reconfiguration zone --

in and over the waters of -- Green Harbor -- at -- Town Pier, Joseph Driebeek Way -- in the -- Town of Marshfield -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13420 (3 sheets).

The structures hereby authorized shall be limited to the following use(s): to provide public docking and boating access to navigable waters and shoreline stabilization for the protection of a water dependent use.

This license is issued for an unlimited term in accordance with 310 CMR 9.15(1)(c).

Future maintenance dredging is not authorized under this license.

Special Waterways Conditions:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.
2. The Licensee may, upon written approval by the Department but without further licensing action, reconfigure the existing licensed docking facilities within the Reconfiguration Zone described on the License Plan provided that:
 1. the Licensee submits to the Department a written request and plan for reconfiguration which does not extend beyond the delineation zone and which does not result in an increase in the area of the waterway occupied from that which was originally licensed;
 2. the Licensee submits to the Department a statement affirming that the material submitted to the Department has, at the time of such submittal, also been sent to the Conservation Commission and the Harbormaster of the affected municipality, and that said Conservation Commission and Harbormaster has been informed that they have 30 days to register, with the Department, any objections to the proposed reconfiguration; and
 3. all other applicable permits have been obtained, including any required approval under the Wetlands Protection Act.

At the expiration of this license, the public docking facility shall be maintained in the last approved configuration.

3. All work authorized herein shall be completed within five (5) years of the date of license issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

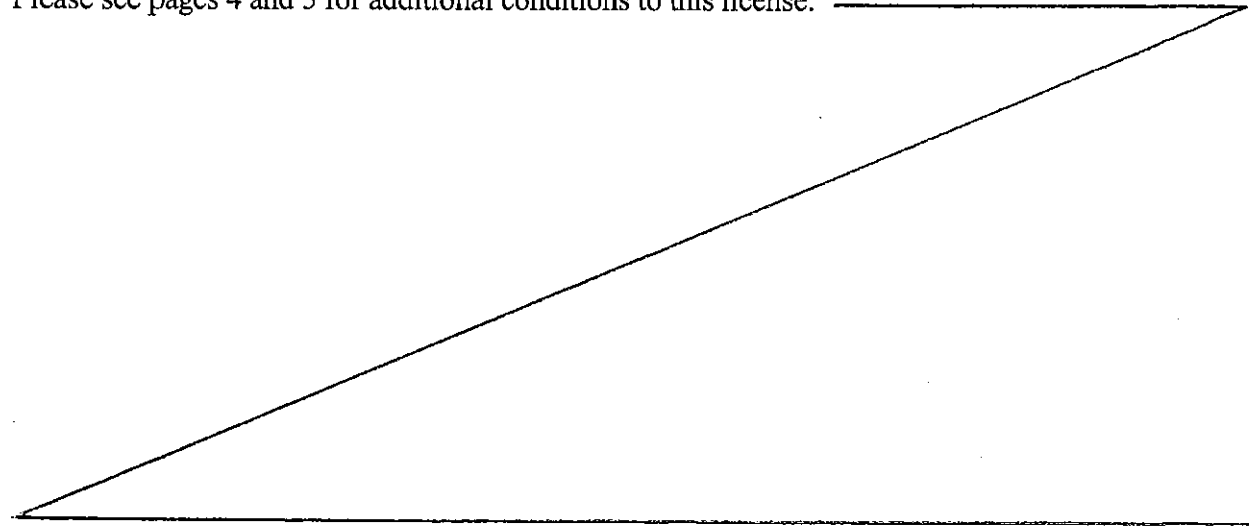
Special Waterways Conditions (continued):

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

Special Waterways Dredge Conditions:

1. Dredging shall be performed by mechanical methods.
2. Dredging shall be to a maximum depth of 2.0 feet above the mean low water (MLW) datum.
3. No dredging shall occur from February 1st to June 30th of any year.
4. Best Management Practices (BMPs) shall be utilized to minimize turbidity and protect sensitive wetland resource areas northerly of the Town Pier facility. At a minimum, silt curtains shall be deployed or dredging shall be scheduled to occur only on the ebb tide.
5. Dredge material shall be transported in water-tight trucks to the Town's Dredge Spoil Area (DSA) and beneficially reused as shaping material for the closure of the DSA.
6. Future maintenance dredging is not authorized under this license.
7. Within 30 days of completion of the dredging authorized herein, the Licensee shall furnish to the Department a suitable plan showing the depths at MLW over the area dredged.

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



Duplicate of said plan, number 13420 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the MassDEP.
9. This License authorizes structure(s) and/or fill on:
 - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

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

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

STANDARD WATERWAYS DREDGING CONDITIONS

1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of the Department, and, when required, the Licensee shall provide at his/her expense a dredge inspector approved by the Department.
2. This Waterways License is issued upon the express condition that the dredging, transport and/or disposal of dredged material shall be in strict conformance with the Water Quality Certificate issued by the Department.
3. All subsequent maintenance dredging, and transport and disposal of dredged material during the term of this License shall conform to the standards and conditions applied to the original dredging operation performed under this License.
4. After completion of the work hereby authorized, the Licensee shall furnish to the Department a suitable plan showing the depths at MLW over the area dredged. Dredging under this License shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee shall, at his/her expense, remove the shoal areas. The Licensee shall pay all costs associated with such work. Nothing in this License shall be construed to impair the legal rights of any person, or to authorize dredging on land not owned by the Licensee without consent of the owner(s) of such property.
5. The Licensee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, suits, damages, costs and expenses incurred by reason thereof.
6. The Licensee shall, at least three days prior to the commencement of any dredging in tide water, give written notice to the Department of the location and amount of the proposed work, and or the time at which work is expected to begin.
7. Whosoever violates any provision of this License shall be subject to a fine of \$25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed \$25,000 per day for each day such violation occurs or continues.

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

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 1st day of April in the year two thousand thirteen.

for Program Chief David E. Hill

Department of Environmental Protection

Commissioner [Signature]

THE COMMONWEALTH OF MASSACHUSETTS

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

of the further sum of -- zero dollars and zero cent (\$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.

Approved by the Governor,

BOSTON,
[Signature]
Governor

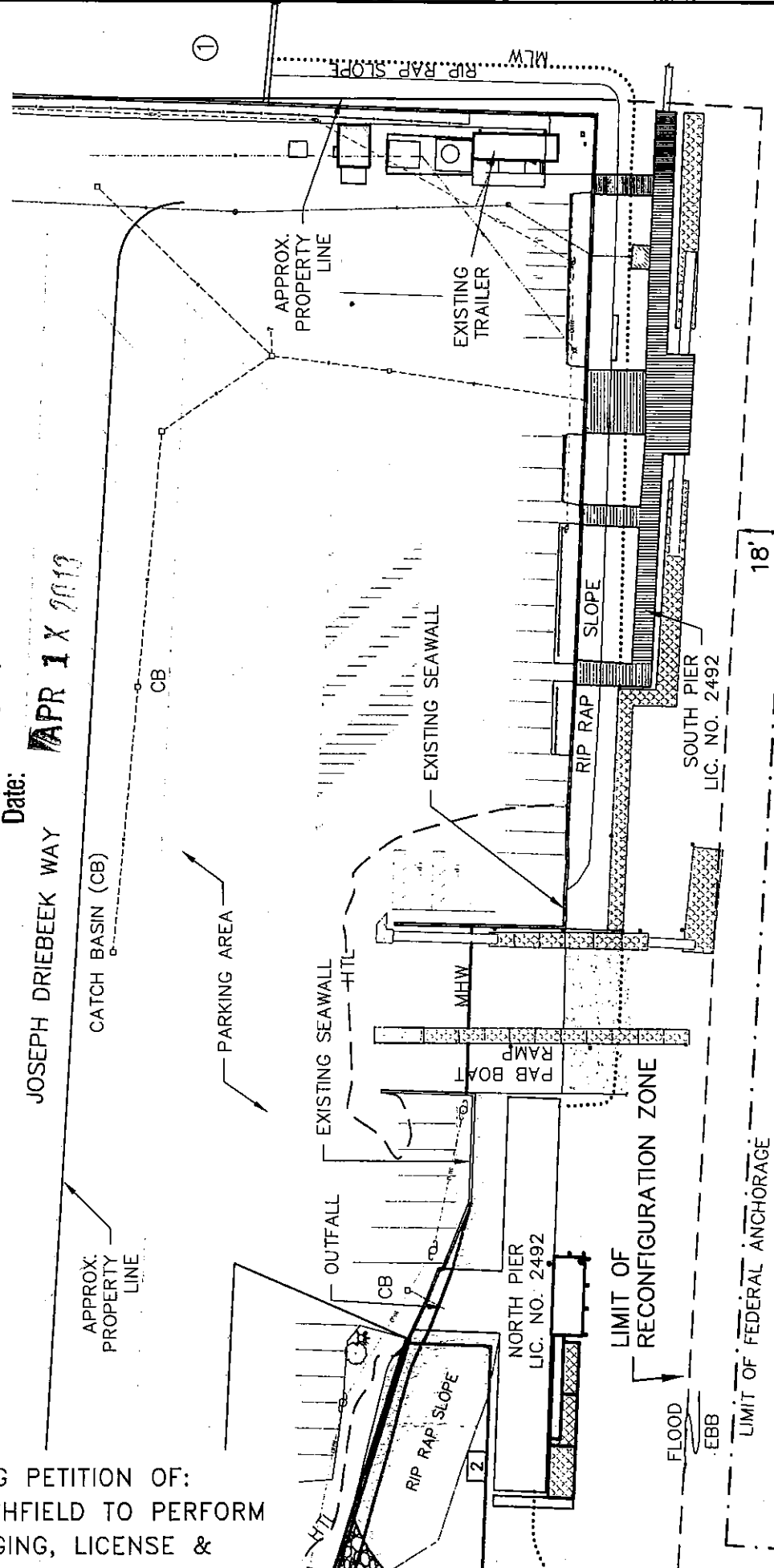


ABUTTERS:
 OLD ALLIE LLC.
 P.O. BOX 697
 BRANT ROCK, MA 02050

- GENERAL NOTES:**
- DATUM: MLW = 0.0 MHW = 9.5 HTL = 11.5. BASE FLOOD ELEVATION = 14.2 MLW (AE ZONE). BENCHMARK: NOS TIDAL BENCHMARK DISK (1972) "B.M. NO 1" SET IN THE CONCRETE SEAWALL AT THE WEST END OF THE TOWN PIER, ELEVATION 14.15 MLW.
 - ALL DREDGE SEDIMENTS TO BE DISPOSED AT THE TOWN OWNED DREDGE SPOILS AREA (DSA).
 - DISTANCE TO NEAREST OPPOSITE SHORE = 450'±
 - SEE DISCLAIMER SHEET 1.

LICENSE PLAN NO. 13420
 Approved by Department of Environmental Protection
 Date: **APR 1 X 2013**

JOSEPH DRIEBEEK WAY



RECONFIGURATION PLAN
 SCALE: 1"=60'

GREEN HARBOR
 0' 30' 60'

PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

Town of Marshfield-DPW
c/o Vine Associates, A Division of GZA
190 Old Derby Street, Suite 210
Hingham, MA 02043

APR 1 X 2013

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE
Waterways License Application No. W12-3654, License No. 13420
Town of Marshfield, Green Harbor, Town Pier-Joseph Driebeek Way, Marshfield

Dear Sir or Madam,

The Department of Environmental Protection hereby issues the above-referenced Waterways License, enclosed, authorizing you to perform certain activities pursuant to M.G.L. c. 91, the Public Waterfront Act and its regulations 310 CMR 9.00. Any change in use or alteration of any structure or fill not authorized by this license may render this license void.

This License is not final until all administrative appeal periods from this License have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the License has become final and 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

RECORDING OF THE LICENSE

This License must be recorded at the Registry of Deeds or, if registered land, with the Land Registration Office within sixty (60) days from the date of license issuance. In the case of recorded land, the License shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the project is located. In the case of the registered land, the License shall be noted on the Land Court Certificate of Title of the owner of the land upon which the project is located. Failure to record this license within sixty (60) days of the date of issuance will render this license void pursuant to 310 CMR 9.18.

A Waterways License Recordation Notice Form has been enclosed for your use in notifying the Department of the recording information for this License. Failure to notify the Department of the recording of this license is a violation of 310 CMR 9.00 and is subject to enforcement action by the Department.

Waterways License Application No. W12-3654, License No. 13420

Town of Marshfield, Green Harbor, Town Pier-Joseph Driebeek Way, Marshfield

REQUEST CERTIFICATE OF COMPLIANCE

Pursuant to 310 CMR 9.19, once the proposed project is completed you must file a Request for a Certificate of Compliance form, BRP WW05, within sixty (60) days of completion but in no event later than five (5) years from the License's issuance date. The license for any project for which such a request is not filed and certificate issued may be revoked pursuant to 310 CMR 9.26.

NOTICE OF APPEAL RIGHTS

Who has the right to appeal?

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, in accordance with 310 CMR 9.17(1): (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 who, pursuant to M.G.L. c. 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Transmittal Form and including the detail specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Fee Transmittal Form is available at the following website: <http://www.mass.gov/dep/service/adr/adjherfm.doc>. The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

Case Administrator
MassDEP
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

The MassDEP 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:

Mass. Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE

Page 3

Waterways License Application No. W12-3654, License No. 13420

Town of Marshfield, Green Harbor, Town Pier-Joseph Driebeek Way, Marshfield

What information must be included in the hearing request?

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

- (a) the MassDEP 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 "aggrieved person" 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 MassDEP'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.

Dismissal of request

The request for appeal 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 feel free to contact Lisa Ramos of the Waterways Regulation Program, (508) 946-2748, if you have any questions pertaining to the recording of your Waterways License or Certificate of Compliance.

Sincerely,



for Elizabeth A. Kouloheras, Chief
Wetlands and Waterways Program

cc: w/enc. Ben Lynch, Waterways Section Chief, DEP Boston
Office of Coastal Zone Management
Marshfield Harbormaster
Town of Marshfield-DPW, Attn: Rod Procaccino, P.E.

Lisa Ramos
Department of Environmental Protection
Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

RE: Waterways Application No. W12-3654, License No. 13420, Transmittal #X241794
Green Harbor, Marshfield, Plymouth County

Dear Ms. Ramos:

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

Date of Recordation: _____

County Registry of Deeds: _____

Book number _____ and page number(s) _____

Land Court: _____

Land Court Lot # _____ Plan # _____

Certificate Document Number _____

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

Sincerely,

_____, Chapter 91 Waterways Licensee

**LICENSE VOID
IF NOT RECORDED
WITHIN 60 DAYS
OF ISSUANCE**

LICENSE APPLICATION STATUS SHEET

(06) 15 YEAR _____ 12) 15 YEAR _____ (01) 30 YEAR

DISP NONE 2CY (between) ML-MH
 OCC \$1 SQ.YD x TERM/LIC

APPLICATION NO. W 12-3654 REVIEWER Dave N.

✓ TRANSMITTAL NO. X241794 DATE ASSIGNED _____

RECEIVED 7/9/2012 APPL. FEES CERTIFICATE OF COMPLIANCE _____ LIC# 13420

APPLICATION PROCESSING

LICENSING

1. NOTICE MAILED 8-2-2012
2. SE 12-2362 CONS. COMMISSION 8-8-2011
3. CLERK CERTIFICATION 8-27-12
4. PLAN BOARD NOTIF. 7/20/12
5. NEWS AD 9-12-12
6. WATER QUAL. CERT. 1/28/13
7. MEPA COMPLETE 5-11-2012
8. PROOF OF EXISTANCE PRIOR TO 1/1/84 _____

1. TO PROG. MGR. _____
2. GOV. N 2/19/13
3. NOTIFY FEE N/A
4. FEE REC'D _____
5. BACK FROM GOV. OFF _____

LICENSE ISSUED 4-1-13

9. LATERAL ACCESS	Y/N	10. ACEC	Y/N	11. OCEAN SANCT.	Y/N
12. ABUTTER APPROV.	Y/N	13. EPA	Y/N	14. HARBOR LINE	Y/N
15. GREAT POND	Y/N	16. RIVER/STREAM	Y/N	17. WELAND RESTR	Y/N
18. AMNESTY Y/N	Y/N	19. MYLARS	<input checked="" type="checkbox"/> Y/N	<u>mylar (1-22-13)</u>	

Comments

- dredge 247C-Y
- need lic 2492
- Zone of reconfiguration
- PN to MEPA (8/22 Mantos)
- see DMF comments TOY 2/1-6/30 (same as WRC & OOC)



Enter your transmittal number

X241794
Transmittal Number

Your unique Transmittal Number can be accessed online: <http://mass.gov/dep/service/online/trasmfrm.shtml>
Massachusetts Department of Environmental Protection
Transmittal Form for Permit Application and Payment

1. Please type or print. A separate Transmittal Form must be completed for each permit application.

2. Make your check payable to the Commonwealth of Massachusetts and mail it with a copy of this form to: DEP, P.O. Box 4062, Boston, MA 02211.

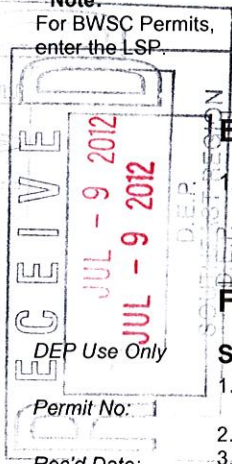
3. Three copies of this form will be needed.

Copy 1 - the original must accompany your permit application. Copy 2 must accompany your fee payment. Copy 3 should be retained for your records

4. Both fee-paying and exempt applicants must mail a copy of this transmittal form to:

MassDEP
P.O. Box 4062
Boston, MA
02211

* Note:
For BWSC Permits,
enter the LSP.



A. Permit Information

BRP WW-08-113
Minor Project Certification
1. Permit Code: 7 or 8 character code from permit instructions
2. Name of Permit Category
Construction of bulkhead, pier extension and improvement dredging
3. Type of Project or Activity

B. Applicant Information - Firm or Individual

Town of Marshfield - DPW
1. Name of Firm - Or, if party needing this approval is an individual enter name below:
2. Last Name of Individual
870 Moraine Street
3. First Name of Individual
4. MI
5. Street Address
Marshfield MA 02050 781-834-5561
6. City/Town 7. State 8. Zip Code 9. Telephone # 10. Ext. #
Rod Procaccino, P.E. rprocaccino@townofmarshfield.org
11. Contact Person 12. e-mail address (optional)

C. Facility, Site or Individual Requiring Approval

North Pier
1. Name of Facility, Site Or Individual
Marshfield Town Pier - Green Harbor
2. Street Address
Marshfield MA 02050
3. City/Town 4. State 5. Zip Code 6. Telephone # 7. Ext. #
8. DEP Facility Number (if Known) 9. Federal I.D. Number (if Known) 10. BWSC Tracking # (if Known)

D. Application Prepared by (if different from Section B)*

Vine Associates - A Division of GZA GeoEnvironmental
1. Name of Firm Or Individual
190 Old Derby Street - Suite 210
2. Address
Hingham MA 02043 781-278-4825
3. City/Town 4. State 5. Zip Code 6. Telephone # 7. Ext. #
Gregory Robbins, P.E.
8. Contact Person 9. LSP Number (BWSC Permits only)

E. Permit - Project Coordination

1. Is this project subject to MEPA review? yes no
If yes, enter the project's EOE file number - assigned when an Environmental Notification Form is submitted to the MEPA unit: 14885
EOEA File Number

F. Amount Due

Special Provisions:

- 1. Fee Exempt (city, town or municipal housing authority)(state agency if fee is \$100 or less).
There are no fee exemptions for BWSC permits, regardless of applicant status.
- 2. Hardship Request - payment extensions according to 310 CMR 4.04(3)(c).
- 3. Alternative Schedule Project (according to 310 CMR 4.05 and 4.10).
- 4. Homeowner (according to 310 CMR 4.02).

Reviewer:

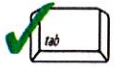
Check Number Dollar Amount Date



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
 Water-Dependent, Nonwater-Dependent, Amendment

X240700
 Transmittal No.

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



For assistance in completing this application, please see the "Instructions".

A. Application Information (Check one)

NOTE: For Chapter 91 Simplified License application form and information see the Self Licensing Package for BRP WW06.

Name (Complete Application Sections)	Check One	Fee	Application #
WATER-DEPENDENT -			
General (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$175.00	BRP WW01a
	<input checked="" type="checkbox"/> Other	\$270.00	BRP WW01b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW01c
Amendment (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$85.00	BRP WW03a
	<input type="checkbox"/> Other	\$105.00	BRP WW03b
NONWATER-DEPENDENT -			
Full (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$545.00	BRP WW15a
	<input type="checkbox"/> Other	\$1635.00	BRP WW15b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW15c
Partial (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$545.00	BRP WW14a
	<input type="checkbox"/> Other	\$1635.00	BRP WW14b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW14c
Municipal Harbor Plan (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$545.00	BRP WW16a
	<input type="checkbox"/> Other	\$1635.00	BRP WW16b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW16c
Joint MEPA/EIR (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$545.00	BRP WW17a
	<input type="checkbox"/> Other	\$1635.00	BRP WW17b
	<input type="checkbox"/> Extended Term	\$2730.00	BRP WW17c
Amendment (A-H)	<input type="checkbox"/> Residential with \leq 4 units	\$435.00	BRP WW03c
	<input type="checkbox"/> Other	\$815.00	BRP WW03d
	<input type="checkbox"/> Extended Term	\$1090.00	BRP WW03e

B. Applicant Information Proposed Project/Use Information

1. Applicant:

Note: Please refer to the "Instructions"

Town of Marshfield - DRW proaccin0@townofmarshfield.org
 Name E-mail Address
670 Moraine Street
 Mailing Address
Marshfield MA 02050
 City/Town State Zip Code
781-834-5589 781-857-7463
 Telephone Number Fax Number

2. Authorized Agent (if any):

Vine Associates, A Division of GZA gregory.robins@gza.com
 Name E-mail Address
190 Old Derby Street Suite 210
 Mailing Address
Birmingham MA 02045
 City/Town State Zip Code
781-278-4825 781-749-2751
 Telephone Number Fax Number

C. Proposed Project/Use Information

1. Property Information (all information must be provided):

[REDACTED]
 Owner Name (if different from applicant)
M0610903B 42-05-00 70-38-50
 Tax Assessor's Map and Parcel Numbers Latitude Longitude
Joseph Driebek Way Marshfield MA 02050
 Street Address and City/Town State Zip Code

2. Registered Land Yes No

3. Name of the water body where the project site is located:

Green Harbor

4. Description of the water body in which the project site is located (check all that apply):

<u>Type</u>	<u>Nature</u>	<u>Designation</u>
<input type="checkbox"/> Nontidal river/stream	<input type="checkbox"/> Natural	<input type="checkbox"/> Area of Critical Environmental Concern
<input checked="" type="checkbox"/> Flowed tidelands	<input type="checkbox"/> Enlarged/dammed	<input type="checkbox"/> Designated Port Area
<input type="checkbox"/> Filled tidelands	<input type="checkbox"/> Uncertain	<input type="checkbox"/> Ocean Sanctuary
<input type="checkbox"/> Great Pond		<input type="checkbox"/> Uncertain
<input type="checkbox"/> Uncertain		

C. Proposed Project/Use Information (cont.)

Select use(s) from Project Type Table on pg. 2 of the "Instructions"

5. Proposed Use/Activity description

Construct a concrete bulkhead, dredging of intertidal area, construction of an extension to an existing pier, construction of a rip rap slope, installation of a new gangway and licensing of existing unlicensed floats.

6. What is the estimated total cost of proposed work (including materials & labor)?

\$300,000

7. List the name & complete mailing address of each abutter (attach additional sheets, if necessary). An abutter is defined as the owner of land that shares a common boundary with the project site, as well as the owner of land that lies within 50' across a waterbody from the project.

Old Allie LLC.	PO Box 697 Brant Rock, MA 02050
_____ Name	_____ Address
_____ Name	_____ Address
_____ Name	_____ Address

D. Project Plans

1. I have attached plans for my project in accordance with the instructions contained in (check one):

- Appendix A (License plan) Appendix B (Permit plan)

2. Other State and Local Approvals/Certifications

- | | |
|---|---------------------------|
| <input checked="" type="checkbox"/> 401 Water Quality Certificate | Pending |
| | _____
Date of Issuance |
| <input checked="" type="checkbox"/> Wetlands | SE42-2362 |
| | _____
File Number |
| <input type="checkbox"/> Jurisdictional Determination | JD- |
| | _____
File Number |
| <input checked="" type="checkbox"/> MEPA | 14885 |
| | _____
File Number |
| <input checked="" type="checkbox"/> EOE Secretary Certificate | April 11, 2012 |
| | _____
Date |
| <input type="checkbox"/> 21E Waste Site Cleanup | _____
RTN Number |

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

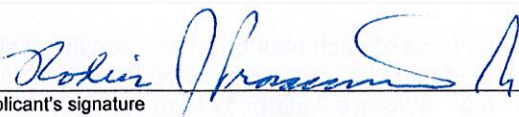
X240700
Transmittal No.

E. Certification

All applicants, property owners and authorized agents must sign this page. All future application correspondence may be signed by the authorized agent alone.

"I hereby make application for a permit or license to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representatives of the Massachusetts Department of Environmental Protection and the Massachusetts Coastal Zone Management Program to enter upon the premises of the project site at reasonable times for the purpose of inspection."

"I hereby certify that the information submitted in this application is true and accurate to the best of my knowledge."


Applicant's signature

Roderic J. Procaccino Jr.
Town Engineer, Marshfield

1-12-2012.
Date

Property Owner's signature (if different than applicant)

Date

Agent's signature (if applicable)

Date

F. Waterways Dredging Addendum

1. Provide a description of the dredging project

Maintenance Dredging (include last dredge date & permit no.) Improvement Dredging

To improve vessel access and use of the pier facility

Purpose of Dredging

2. What is the volume (cubic yards) of material to be dredged?

847

3. What method will be used to dredge?

Hydraulic

Mechanical

Other

4. Describe disposal method and provide disposal location (include separate disposal site location map)

Disposal will be at the Town owned Dredge Spoils Area (DSA) off Joseph Driebeek Way.

5. Provide copy of grain size analysis. If grain size is compatible for beach nourishment purposes, the Department recommends that the dredged material be used as beach nourishment for public beaches. **Note:** In the event beach nourishment is proposed for private property, pursuant to 310 CMR 9.40(4)(a)1, public access easements below the existing high water mark shall be secured by applicant and submitted to the Department.

G. Municipal Zoning Certificate

Town of Marshfield - DPW

Name of Applicant

Joseph Driebeek Way

Project street address

Green Harbor

Waterway

Marshfield

City/Town

Description of use or change in use:

Construct a concrete bulkhead, dredging of intertidal area, construction of an extension to an existing pier, construction of a rip rap slope, installation of a new gangway and licensing of existing unlicensed floats.

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans is not in violation of local zoning ordinances and bylaws."

Michael J. Clancy
Printed Name of Municipal Official

8-27-12
Date

Michael J. Clancy
Signature of Municipal Official

Building Commissioner
Title

Marshfield
City/Town

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Waterways Regulation Program
Chapter 91 Waterways License Application - 310 CMR 9.00
Water-Dependent, Nonwater-Dependent, Amendment

X240700
Transmittal No.

H. Municipal Planning Board Notification

Notice to
Applicant:

Section H should
be completed and
submitted along
with the original
application material.

Town of Marshfield - DPW

Name of Applicant

Joseph Driebeek Way

Project street address

Green Harbor

Waterway

Marshfield

City/Town

Description of use or change in use:

Construct a concrete bulkhead, dredging of intertidal area, construction of an extension to an existing pier, construction of a rip rap slope, installation of a new gangway and licensing of existing unlicensed floats.

To be completed by municipal clerk or appropriate municipal official:

"I hereby certify that the project described above and more fully detailed in the applicant's waterways license application and plans have been submitted by the applicant to the municipal planning board."

Paul Halkiotis

Printed Name of Municipal Official

7-20-12

Date

Paul Halkiotis

Signature of Municipal Official

Town Planner

Title

Marshfield

City/Town

Note: Any comments, including but not limited to written comments, by the general public, applicant, municipality, and/or an interested party submitted after the close of the public comment period pertaining to this Application shall not be considered, and shall not constitute a basis for standing in any further appeal pursuant to 310 CMR 9.13(4) and/or 310 CMR 9.17.



WPA Form 5 Order of Conditions

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

DEP File Number

SE42-2362

Watershed SOUTH COASTAL

Town MARSHFIELD

Applicant DPW - TOWN PIER

A Applicant Information

From: **Marshfield Conservation Commission**

To Town of Marshfield DPW Town of Marshfield
Applicant Name Property Owner Name

Address: 870 Moraine Street, Marshfield, MA 02050 Address: Same

This Order is issued to the applicant or representative as follows:

by hand delivery to applicant or representative on November 4, 2011 (date)

by certified mail, return receipt requested _____ (date)

The project site is located at: Marshfield Town Pier, Green Harbor, MA Assessors # M06-09-03

and the property is recorded at the Registry of Deeds: Plymouth County, Book 3781 Page 258

or if registered land as Land Court Certificate # _____

The Notice of Intent for this project was filed on August 8, 2011 (date)

The public hearing was closed on August 27, 2011 (date)

This Order expires on November 4, 2014 (date). (Extension must be requested 30 days prior.)

B Findings 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 area in which work is proposed is significant to the following interests of the Wetlands Protection Act:

- | | | |
|--|---|---|
| <input type="checkbox"/> Public Water Supply | <input type="checkbox"/> Flood Control | <input type="checkbox"/> Storm Damage Prevention |
| <input type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input checked="" type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Fisheries | <input type="checkbox"/> Protection of Wildlife Habitat |

Furthermore, the Marshfield Conservation Commission hereby finds that the project, as proposed, is Approved subject to the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the 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.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This 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.

Effective 3/11/99



WPA Form 5 Order of Conditions

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

B Findings (cont.)

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, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.

7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.

8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, 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", [or, "MA DEP"]

"File Number SE 42-2362."

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.

11. Upon completion of the work described herein, the applicant shall forthwith request in writing in the form of a Request for Certificate of Compliance (WPA 8A) submitted to the Conservation Commission that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

12. The work shall conform to the following plans and special conditions:

Final Approved Plans:

Title Dated Signed and Stamped by:

North Pier Improvement Project - Town Pier - Green Harbor,
Marshfield, MA prepared for the Town of Marshfield DPW by
Vine Associates, Hingham, MA dated August 2011. Signed and
Stamped by Peter J. Williams, RPE.

On File with:

Marshfield Conservation Commission

SPECIAL CONDITIONS:

13. Any changes 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 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.



WPA Form 5 Order of Conditions

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

B Findings (cont.)

SPECIAL CONDITIONS:

The Conservation Commission has determined that the proposed dredging project will impact the following resource areas: Land Under Ocean; Coastal Beach; Land Containing Shellfish; Banks or Land Under Fish Run; and Riverfront Area . The Conservation Commission incorporates the concerns and recommendations mentioned in the Division of Marine Fisheries comment letters dated 8/16/11 and 9/26/11 and imposes the following Special Conditions to eliminate or minimize impacts to resource areas and interests protected under the Act:

- A. All work shall be done in accordance with final approved plans dated August 4, 20011. There shall be no deviation from this plan without written approval from the Commission.
- B. The Conservation Administrator will be the overseer of all work on this project for the Conservation Commission.
- C. The applicant shall be responsible for informing the contractor of the conditions of this Order and ensuring compliance.
- D. Excavated material shall be removed from the site and disposed of in the town Dredge Spoil Area or other approved upland disposal site.
- E. All dredging shall be done by land-based excavator during the low half of the tidal cycle only when the dredge area is exposed and uncovered by water.
- F. There shall be no refueling, oiling, lubricating or repairs to any equipment within wetlands or within the 100- foot buffer zone of wetlands. Spill kits shall be readily available and on hand at all construction activities for the duration of the project. The occurrence of any hydraulic or petroleum leaks shall cause the operation of that equipment to immediately cease and repairs to be made.
- G. There shall be no further seaward encroachment of the extended bulkhead.
- H. Time of Year Restrictions are required to protect spawning winter flounder. There shall be no dredging from February 1 through June 30 of any year.
- I. Siltation curtains shall be installed at the limit of work or along the outside of the existing pier to minimize sediment movement in the water.
- J. The shellfish mitigation outlined in the Division of Marine Fisheries letter dated 9/26/11 shall be implemented as detailed and with consultation with DMF staff.
- K. The improvement dredge area may require periodic maintenance dredging in order to maintain the design depth. A letter notifying the Commission that dredging will be undertaken and that all work shall comply with these Orders shall be sent to the Commission at least 30-days prior to this maintenance work. This condition is perpetual and does not expire.
- L. All ongoing and future maintenance activities shall comply with each of these Special Conditions.
- M. All the above conditions must be met for the Commission to issue approval in the form of a Certificate of Compliance as is required in General Conditions.



WPA Form 5 Order of Conditions

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

B Findings (cont.) This Order is issued by the Marshfield Conservation Commission.

Signatures *A. Kwesell* Amy E. Kwesell, Chairman

_____ Walter Greaney

_____ Mark Stevenson *Susan Caron* Susan Caron

Jim O'Connell Jim O'Connell _____ Ann Marie Sacchetti

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

On this 1st day of November 2011 before me personally appeared the above persons 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.

Notary Public: *Lois E. Keenlside* My Commission expires: February 6, 2015

Lois E. Keenlside

C 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 town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection 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 for 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).

D 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 shall be submitted to the Marshfield Conservation Commission on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Marshfield Conservation Commission

To: Marshfield Conservation Commission

Please be advised that the Order of Conditions for the project at: Town Pier - Green Harbor, Marshfield, MA (location)

DEP File Number SE42-2362 has been recorded at the Plymouth Registry of Deeds

And has been noted in the chain of title of the affected property in Book _____ Page _____

In accordance with the Order of Conditions issued on _____ (date)

If recorded land, the instrument number which identifies this transaction is _____ (Instrument #)

If registered land, the document number which identifies this transaction is _____ (Document #)

Signature of Applicant _____ (S)



TOWN OF MARSHFIELD

COMMONWEALTH OF MASSACHUSETTS

Order of Conditions

SE42-2362	
Watershed	SOUTH COASTAL
Town	MARSHFIELD
Applicant	DPW - TOWN PIER

Marshfield Wetlands Protection By-law, General By-law, Art. 37
Approved Attorney General July, 1988

A Applicant Information

From: **Marshfield Conservation Commission**

To: Town of Marshfield DPW Same
Applicant Name *Property Owner Name*

Address: 870 Moraine St., Marshfield, MA 02050 Address: Same

This Order is issued to the applicant or representative as follows:

- by hand delivery to applicant or representative on November 4, 2011 (date)
- by certified mail, return receipt requested _____ (date)

The project site is located at: (Address) Town Pier, Green Harbor, Marshfield, MA, Assessors # M06-09-03

and the property is recorded at the Registry of Deeds: Plymouth County, Book 3781 Page 258

or if registered land as Land Court Certificate # _____

The Notice of Intent for this project was filed on: August 8, 2011 (date)

The public hearing was closed on: August 27, 2011 (date)

This Order expires on: November 4, 2014 (date). (Extension must be requested 30 days prior.)

B Findings

Findings pursuant to the Marshfield Wetlands Protection By-law:

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 area in which work is proposed is significant to the following interests of the Marshfield Wetlands Protection By-law:

- | | | |
|--|---|--|
| <input type="checkbox"/> Public Water Supply | <input type="checkbox"/> Flood Control | <input checked="" type="checkbox"/> Shellfish |
| <input type="checkbox"/> Private Water Supply | <input type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Fish |
| <input checked="" type="checkbox"/> Groundwater | <input checked="" type="checkbox"/> Prevention of Pollution | <input type="checkbox"/> Wildlife |
| <input type="checkbox"/> Erosion Control | <input type="checkbox"/> Recreation | <input type="checkbox"/> Sedimentation Control |
| <input type="checkbox"/> Aquaculture | <input checked="" type="checkbox"/> Public Safety | <input type="checkbox"/> Agriculture |
| <input checked="" type="checkbox"/> Fish Habitat | <input checked="" type="checkbox"/> Shellfish Habitat | <input type="checkbox"/> Wildlife Habitat |



TOWN OF MARSHFIELD
COMMONWEALTH OF MASSACHUSETTS
Order of Conditions

Marshfield Wetlands Protection By-law, General By-law, Art. 37
Approved Attorney General July, 1988

B Findings (cont.)

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

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the By-law; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Court have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection", [or, "MA DEP"] "File Number SE 42-2362".
10. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.



TOWN OF MARSHFIELD
COMMONWEALTH OF MASSACHUSETTS
Order of Conditions

SE42-2362

Marshfield Wetlands Protection By-law, General By-law, Art. 37
Approved Attorney General July, 1988

B Findings (cont.)

11. The work shall conform to the following plans and special conditions:

Plans:

Title Dated Signed and Stamped by:

North Pier Improvement Project – Town Pier – Green Harbor, Marshfield, MA
prepared for the Town of Marshfield DPW by Vine Associates, Hingham, MA dated
August 2011. Signed and Stamped by Peter J. Williams, RPE.

On File with:

Marshfield Conservation
Commission

SPECIAL CONDITIONS:

The Conservation Commission has determined that the proposed dredging project will impact the following resource areas: Land Under Ocean; Coastal Beach; Land Containing Shellfish; Banks or Land Under Fish Run; and Riverfront Area. The Conservation Commission incorporates the concerns and recommendations mentioned in the Division of Marine Fisheries comment letters dated 8/16/11 and 9/26/11 and imposes the following Special Conditions to eliminate or minimize impacts to resource areas and interests protected under the Act:

- A. All work shall be done in accordance with final approved plans dated August 4, 20011. There shall be no deviation from this plan without written approval from the Commission.
- B. The Conservation Administrator will be the overseer of all work on this project for the Conservation Commission.
- C. The applicant shall be responsible for informing the contractor of the conditions of this Order and ensuring compliance.
- D. Excavated material shall be removed from the site and disposed of in the town Dredge Spoil Area or other approved upland disposal site.
- E. All dredging shall be done by land-based excavator during the low half of the tidal cycle only when the dredge area is exposed and uncovered by water.
- F. There shall be no refueling, oiling, lubricating or repairs to any equipment within wetlands or within the 100- foot buffer zone of wetlands. Spill kits shall be readily available and on hand at all construction activities for the duration of the project. The occurrence of any hydraulic or petroleum leaks shall cause the operation of that equipment to immediately cease and repairs to be made.
- G. There shall be no further seaward encroachment of the extended bulkhead.
- H. Time of Year Restrictions are required to protect spawning winter flounder. There shall be no dredging from February 1 through June 30 of any year.
- I. Siltation curtains shall be installed at the limit of work or along the outside of the existing pier to minimize sediment movement in the water.
- J. The shellfish mitigation outlined in the Division of Marine Fisheries letter dated 9/26/11 shall be implemented as detailed and with consultation with DMF staff.
- K. The improvement dredge area may require periodic maintenance dredging in order to maintain the design depth. A letter notifying the Commission that dredging will be undertaken and that all work shall comply with these Orders shall be sent to the Commission at least 30-days prior to this maintenance work. This condition is perpetual and does not expire.
- L. All ongoing and future maintenance activities shall comply with each of these Special Conditions.
- M. All the above conditions must be met for the Commission to issue approval in the form of a Certificate of Compliance as is required in General Conditions.

TOWN OF MARSHFIELD

COMMONWEALTH OF MASSACHUSETTS

Order of Conditions



DEP File Number

SE42-2362

Marshfield Wetlands Protection By-law, General By-law, Art. 37
Approved Attorney General July, 1988

B Findings (cont.)

This Order is issued by the Marshfield Conservation Commission.

Signatures *Amy E. Kwesell* Amy E. Kwesell, Chairman

_____ Jean C. Stewart _____ Walter Greaney

_____ Mark Stevenson *Susan Caron* Susan Caron

Jim O'Connell Jim O'Connell *Ann Marie Sacchetti* Ann Marie Sacchetti

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

On this 1st day of November 2011 before me personally appeared the above persons 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.

Notary Public: *Lois E. Keenlside*
Lois E. Keenlside

My Commission expires: February 6, 2015

C Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the Town are hereby notified of their right to appeal to Superior Court within sixty days from the date of issuance of this Order. A copy of the appeal shall at the same time be sent by certified mail or hand delivered to the Conservation Commission and to the applicant.

Detach on dotted line and submit to the Marshfield Conservation Commission

To: Marshfield Conservation Commission

Please be advised that the Order of Conditions for the project at: Town Pier - Green Harbor, Marshfield, MA (location)

DEP File Number SE42-2362 has been recorded at the Plymouth Registry of Deeds

And has been noted in the chain of title of the affected property in Book _____ Page _____

In accordance with the Order of Conditions issued on _____ (date)

If recorded land, the instrument number which identifies this transaction is _____ (Instrument #)

If registered land, the document number which identifies this transaction is _____ (Document #)

Signature of Applicant _____ (T)

NORTH PIER IMPROVEMENT PROJECT
TOWN PIER – GREEN HARBOR
MARSHFIELD, MASSACHUSETTS

CHAPTER 91 WATERWAYS LICENSE APPLICATION

APPENDIX J

MEPA CERTIFICATE

FILE COPY



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Richard K. Sullivan Jr.
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

May 11, 2012

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : North Pier Improvement Project
PROJECT MUNICIPALITY : Marshfield
PROJECT WATERSHED : South Coastal
EEA NUMBER : 14885
PROJECT PROPONENT : Town of Marshfield -- Department of Public Works
DATE NOTICED IN MONITOR : April 11, 2012

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification form (ENF), the project consists of two separate, but related, activities to be undertaken by the Town of Marshfield: 1) the construction of a new 80-foot long bulkhead landward of the existing North Pier in Green Harbor, associated grading and paving of the upland parking area, and improvement dredging of the intertidal area between the new bulkhead and North Pier, and 2) the construction of a 12-foot by 30-foot timber extension along the seaward side of North Pier, installation of new floats adjacent to the pier extension, and placement of a new gangway connecting the pier extension to the floats. The project includes 847 cubic yards (cy) of improvement dredging of the sub/intertidal area, with a corresponding dredge footprint of 3,800 square feet (sf). Dredge material is proposed for disposal at the Town's upland Dredge Spoils Area (DSA) located near the project site on Joseph Driebeek Way. The project will permanently and temporarily impact a variety of coastal

wetland resource areas and their associated 100-foot buffer zones regulated under the Massachusetts Wetlands Protection Act (WPA).

The Town Pier Facility (Town Pier) consists of two pier structures: South Pier, a 220-foot long timber pier and North Pier, a 150-foot long timber pier with concrete deck. Both piers are oriented parallel to the shoreline and are separated by a 60-foot wide public boat ramp operated by the Town and maintained by the Massachusetts Office of Fishing and Boating Access. The public boat ramp is heavily used by recreational boaters, commercial boat haulers, and the local commercial fleet. Green Harbor serves as the homeport for an active commercial lobster fleet. The project's primary goal is to increase loading and offloading access at all tide ranges for commercial fishing vessels at North Pier in a safe and effective manner. The proposed bulkhead will increase space available for vessel tie-up by over 50 percent. Additionally, the proposed pier extension will allow the installation of a gangway to access the floats fronting the North Pier. Currently, the floats are accessed only by vertical ladders.

According to the Town, the southern portion of the Town Pier site (south of the existing boat ramp) was constructed circa 1959 by filling a Salt Marsh/coastal wetland area with dredge spoils. The northern portion of the Town Pier site (north of the existing boat ramp) was constructed circa 1964 in the same manner. The project area consists of historic fill placed during the construction period that was subsequently regraded and armored.

Jurisdiction

The project is undergoing review pursuant to 301 CMR Section 11.03(3)(b)(1)(a) and Section 11.03(3)(b)(6) of the MEPA regulations because it will require a State Agency Action and will alter a Coastal Bank and result in the expansion of an existing pile-supported structure by more than 2,000 sf in base area. The project requires a Chapter 91 (c.91) Waterways License and a Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project received an Order of Conditions from the Marshfield Conservation Commission, without appeal. The project will also require a Category II Programmatic General Permit from the United States Army Corps of Engineers.

Because the project requires a c.91 License for a portion of the site, subject matter jurisdiction is functionally equivalent to full scope jurisdiction, in accordance with 301 CMR 11.01(2)(a)(3).

Alternatives Analysis

The ENF identified two additional project alternatives that were dismissed by the Town. A No Dredge Alternative would not provide the necessary improvements to access, safety or capacity at the facility. A Deeper Dredge Alternative was considered that would dredge the area to an elevation of -6.0 Mean Low Water (MLW). This elevation would render the North Pier basin depths consistent with those dredged on the western side of the North Pier as part of the Marshfield Town Pier Project (EEA No. 14372). This alternative was dismissed by the Town, as it was determined that dredging to a depth lower than 2.0 MLW could potentially compromise the stability of the existing pile-supported concrete pier and would require additional structures

to accommodate low-water operations. The ENF also contemplated the use of hydraulic versus mechanical dredging. Hydraulic dredging would require a larger upland dewatering area and placement of a pipeline from the dredge area to the DSA that would result in additional impact to wetland resource areas. Therefore, mechanical dredging was selected as it will require a smaller dewatering area, will minimize mixing of sediments with water, and will result in fewer environmental impacts.

The ENF also included a discussion of options related to disposal of the dredge spoils. The preferred disposal alternative is use of the Town's DSA located approximately 0.25 miles northeast of the Town Pier facility. According to the ENF, this upland site has been historically utilized for the dewatering and placement of sediments removed from Green Harbor. Another alternative considered includes dewatering of dredge spoils at the DSA and then hauling the material off-site for re-use as daily cover at a permitted landfill. The ENF dismissed beach nourishment or nearshore disposal options as infeasible due to the composition of the dredge material.

Wetlands and Waterways

The project will directly impact a variety of coastal wetland resource areas. Estimated project impacts include: 1,618 sf of permanent impact to Coastal Beach, 95 linear feet of permanent impact to Coastal Bank, 3,748 sf of temporary impact to Land Containing Shellfish, 3,748 sf of temporary impact to Fish Runs, 7,317 sf of temporary impact to Land Subject to Coastal Storm Flowage (LSCSF), and 6,552 sf of temporary impact to Riverfront Area. Work will also occur within the 100-foot buffer zone to Coastal Bank and Beach. The ENF included a discussion of how the proposed work will minimize impacts to these wetland resource areas. The entire project site is located in a Federal Emergency Management Agency (FEMA) Flood Hazard Zone AE with a base flood elevation of 10 feet National Geodetic Vertical Datum (NGVD) (14.2 feet MLW). Wave action at the project site is considered minimal due to Green Harbor's geometry, limited fetch, and protection from the North Pier structure itself. According to the ENF, storm damage prevention will not be compromised by the replacement of the rip-rap slope with the bulkhead.

As noted previously, the proposed improvement dredge area consists of historic fill and is primarily a rip-rap slope. Some dredging in this area was performed in 1993 as part of the North Pier reconstruction project. This work consisted of the removal of material to provide a 4:1 side slope for the adjacent basin dredging. The proposed North Pier basin area is approximately 96 feet in total length and varies in width from 32 feet at the southern end (adjacent to the pier spur) to 89 feet on the northern end. A total area of 3,800 sf (0.13) acres will be dredged. The proposed dredging will be conducted to a uniform depth of 2.0 MLW throughout the basin footprint, with an additional one-foot allowable overdredge to 1.0 MLW.

The project includes the dredging of 847 cy of material, with disposal at the Town's nearby DSA. The ENF included sediment testing results prepared in accordance with 314 CMR 9.07 and in coordination with MassDEP. The ENF outlined the proposed disposal methodology. While the DSA was historically used for dewatering and placement of dredge material associated with the Town Pier and inner harbor dredging activities, in 2004 MassDEP determined that the

DSA could not be used for long-term placement of dredge material due to changes in the dredging regulations (314 CMR 9.00). However, MassDEP has approved the DSA for dewatering and re-use as part of a site closure activity, as the Town demonstrated the need to fill in this area for public health and safety purposes. The Town is proposing to continue closure activities by dewatering and placing the dredge material from the project within the DSA. If dewatering is necessary, it will be conducted within the existing DSA through staged placement of the sediments and will be achieved primarily through evaporation and percolation. The Town must obtain a 401 WQC from MassDEP prior to commencement of dredging and a copy of the 401 WQC Application should be forwarded to the Army Corps of Engineers for review.

The project will require a new c.91 License from MassDEP. MassDEP determined that the proposed work is classified as a water-dependent use pursuant to the Waterways Regulations at 310 CMR 9.12. MassDEP concurred with the characterization provided in the ENF that the dredging would be categorized as "improvement dredging" as defined at 310 CMR 9.02. MassDEP noted that based upon the information provided in the ENF and upon review of aerial photographs, the proposed work appears to meet the standards for dredging and dredge material disposal in accordance with 310 CMR 9.40. As part of the c.91 License for this project, the Town should address the comments submitted by MassDEP with regard to the size and configuration of the existing floats at Town Pier to ensure compliance with MassDEP c.91 License No. 2492.

The Division of Marine Fisheries (DMF) identified the project site as mapped habitat for soft-shelled clams (*Mya arenaria*) and blue mussels (*Mytilus edulis*). Mapped habitat is deemed significant to the interests of the Wetlands Protection Act and the protection of marine fisheries. Green Harbor and surrounding embayments are also identified as winter flounder (*Pseudopleuronectes americanus*) spawning habitat by DMF. DMF also identified Green Harbor River as an historic diadromous fish passage, migration and spawning habitat. Remnant populations of river herring (*Alosa spp.*), smelt (*Osmerus mordax*), and American eels (*Anguilla rostrata*) are present in the upper reaches of the system. To mitigate potential impacts to fisheries resources, the project will observe a time-of-year (TOY) restriction prohibiting dredging between February 1 and June 30th. Additionally, there will be no further seaward encroachment of the extended bulkhead allowed. As noted in the ENF and the DMF comment letter, the Town has agreed to implement a shellfish mitigation plan for soft-shell clams. The total number of soft-shell clams to mitigate the impacted shellfish resource is estimated at 133,000 juvenile clams. The Town will work with DMF and the Marshfield Shellfish Constable to determine where juvenile clams should be planted within the Conditionally Approved Shellfish Growing Areas of the North or South Rivers.

Construction Period

All dredging will be conducted by a land-based excavator during the low half of the tidal cycle when the dredge area is exposed and uncovered by water. It is anticipated that construction work will occur in the off-season to limit impacts to recreational activities on-site. Erosion and sedimentation control best management practices (BMPs) should be implemented to reduce impacts to adjacent wetland resource areas. Siltation curtains will be installed at the limit of work or along the outside of the existing pier to minimize sediment movement in the water. Staging areas should be located as far from wetland resource areas as feasible. The project must

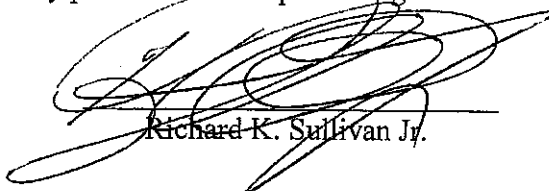
comply with MassDEP's Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54. The Town should implement measures to control dust and other construction-related air quality impacts. All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on review of the ENF and comments received, and in consultation with State Agencies, I have determined that no further MEPA review is required. The project may proceed to State permitting.

May 11, 2012

Date



Richard K. Sullivan Jr.

Comments received:

04/24/2012	Board of Underwater Archaeological Resources
04/26/2012	Division of Marine Fisheries
05/01/2012	Massachusetts Department of Environmental Protection
05/01/2012	Office of Coastal Zone Management

RKS/HSJ/hsj



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

January 28, 2013

Rod Procaccino
Department of Public Works
Town of Marshfield
870 Moraine Street
Marshfield, MA 02043

Re: **401 WATER QUALITY CERTIFICATION**
Application for BRP WW 08, Minor project dredging

At: Green Harbor, MARSHFIELD

401 WQC Transmittal No: X241794
Wetlands File No:
ACoE Application No:

Dear Mr. Procaccino:

The Department has reviewed your application for Water Quality Certification (WQC) referenced above. In accordance with the provisions of Section 401 of the Federal Clean Water Act as amended (33 U.S.C. §1251 et seq.), MGL c.21, §§ 26-53, and 314 CMR 9.00, the Department has determined there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law.

Waters of Green Harbor are designated in the Massachusetts Surface Water Quality Standards as Class SB. Such waters are intended "as excellent habitat for fish, other aquatic life and wildlife and for primary and secondary contact recreation." Anti-degradation provisions of these Standards require that "existing uses and the level of water quality necessary to protect the existing uses shall be maintained and protected."

Background: The Town Pier Facility is located on the eastern shore of Green Harbor at the intersection of Joseph Driebeck Way and Central Street at the Brant Rock section of the Town of Marshfield. It consists of two pier structures: South Pier, which is 220-foot long timber pier

and North Pier, which is 150-foot long timber pier with a concrete deck. A 60-foot wide public boat ramp operated by the Town separates the two piers.

Green Harbor is an active recreational and commercial boating center and serves as a homeport for an active lobster fleet. The commercial fishing fleet consists of approximately 75 to 80 vessels with lengths up to 50 feet and drafts up to 6 feet deep. The Town Pier Facility also supports the operation of several charter boat operations. The existing docks located at both Piers are used for loading and unloading of commercial catch, dinghy tie-ups and for embarkation and debarkation of passengers utilizing charter services.

Proposed project: The proposed project scope regulated under 314 CMR 9.00 entails conducting improvement dredging of approximately 847 yd³ of sediment during construction of a bulkhead at the Northern Pier. The sediment at this location is mainly historic fill that was previously disturbed during construction of the North Pier, and it included a layer of stones (i.e. riprap). The proposed dredge footprint is between the proposed bulkhead and the North Pier and is shown in Drawing 1, dated August 2011, prepared by Vine Associates, a Division of GZA GeoEnvironmental, Inc. The proposed dredge depth is 2 ft above Mean Low Water (MLW) and one foot over dredge allowance to 1ft above MLW.

According to the May 11, 2012 Environmental Notification Form (ENF) Certificate, dredging will be conducted by land-based conventional construction equipment such as an excavator during the outgoing tidal cycle where the dredge area is exposed. Siltation curtain will be installed at the limit of work or along the outside of the existing pier to minimize sediment movement in the water. The dredged material will be placed onto water-tight trucks to be transported to the Town's Dredge Spoil Area (DSA) to be used as shaping material for the closure of the DSA.

Alternatives Evaluation: The goal of the proposed project is to increase space available for vessel tie-up by over 50%. The proposed elevation of the bulkhead is set to allow loading and unloading operation of the commercial fishing vessels without the need for traversing gangway and/or ladders. Three alternatives were evaluated.

1. No Dredge
2. Dredging to elevation 6.0 ft below MLW
3. Dredging to elevation 2.0 ft above MLW

Alternative 1 was eliminated because it does not meet the goals of the project. Alternative 2 was deemed not viable because of the additional cost associated with greater volume of dredging and the potential to compromise the stability of the existing pile supported North Pier. Alternative 3 is the preferred alternative, as it is less costly and meets the project goal.

Dredged Material Dewatering: Extensive dewatering of the dredged material is not anticipated since dredging will be conducted during low tide. By using a water-tight truck to transport dredged material to the DSA, dewatering of dredged material if needed can take place at the DSA. Sediment will be placed in stages and dewatering will be achieved by means of evaporation and percolation into the ground surface.

Sediment sampling data: Two core samples were collected within the proposed dredge area for gradation and chemical analysis. Results of the gradation analysis showed that the sediment sample contained 18 percent and 1.8 percent of particles passing the No. 200 U.S. Standard Series Testing Sieve.

Chemical analysis detected the presence of metals in low concentrations. All detected concentrations were below the Reportable Concentration (RC) S-1 criteria of the Massachusetts Contingency Plan (MCP).

It should be noted the results of the Polychlorinated Biphenyls (PCB) congener analysis were reported as non-detect. However, the laboratory reporting limit for the analysis was 10 mg/kg, which is greater than the reportable limit of 0.01 mg/kg for PCB congeners per 314 CMR 9.07(2)(b)6.

Beneficial Reuse of sediments: The dredged material will be reused as shaping material for the closure of the DSA. As noted above, results of the PCB congener analysis were reported as non-detect (i.e. less than 10 mg/kg). Because of the high laboratory reporting limit of 10 mg/kg, there is a potential that the dredged material may contain PCB in concentrations less than 10 mg/kg. This is important because the Department's Comm-97-001 Policy, the maximum allowable reuse level for daily cover material at a lined or unlined landfill for total PCB is 2 mg/kg.

On March 19, 2009, the Department issued a 401 WQC (transmittal no. X225571) to the Town to conduct dredging at the Town Pier facility which is adjacent to this project. The Department reviewed the chemical data of the Town Pier Project to determine if the PCB data could be used as supplemental data. There were three PCB congeners detected in low concentrations, ranging from 0.00176 mg/kg to 0.00263 mg/kg.

Even though the 10 mg/kg laboratory reporting limit for PCB was high for this project, the Department believes there is sufficient evidence based on the supplemental data that the total PCB concentrations would not exceed 2 mg/kg. As such, the Department determined that the result will not affect the final disposition of the dredged material. Therefore, no further action triggered by the PCB reporting limit is required.

Rare Species and Rare Wildlife Habitat: The site is not located within the Priority Habitats of Rare Species, Estimated Habitats of Rare Wildlife, and Certified Vernal Pool in accordance with the Massachusetts Natural Heritage Atlas, 13th Edition.

Public Notice: The 401 WQC application public notice was published in the Marshfield Mariner on July 11, 2012 and the Department received no comment during the 21-day public comment period, which ended on August 1, 2012.

Section 61 Findings: Pursuant to M.G.L. Chapter 30, Sections 61 to 62H (M.E.P.A.) this project was reviewed as EOE No. 14885 and the Secretary's Certificate issued on May 11, 2012 found that an Environmental Impact Report (EIR) was not required.

Therefore, based on information currently in the record, the Department grants a 401 Water Quality Certification for this project subject to the following conditions to maintain water quality, to minimize impact on waters and wetlands, and to ensure compliance with appropriate state law. The Department further certifies in accordance with 314 CMR 9.00 that there is reasonable assurance the project or activity will be conducted in a manner which will not violate applicable water quality standards (314 CMR 4.00) and other applicable requirements of state law. Finally, the Department has determined that upon

satisfying the conditions and mitigation requirements of this approval, the project provides a level of water quality necessary to protect existing uses and accordingly finds that the project to be implemented satisfies the Surface Water Quality Standards at 314 CMR 4.00.

1. The Contractor shall take all steps necessary to assure that the proposed activities will be conducted in a manner that will avoid violations of the anti-degradation provisions of the Massachusetts Surface Water Quality Standards that protect all waters, including wetlands.
2. Prior to the start of work or any portion of the work thereafter, the Department shall be notified of any change(s) in the proposed project or plans that may affect waters or wetlands. The Department will determine whether the change(s) require a revision to this Certification.
3. Dredging in accord with this Certification may begin following the 21-day appeal period and once all other permits have been received.
4. Work in waters and wetlands shall conform to the Description of Proposed Dredging Site and plans, figures submitted in this application to the Department, four Drawings prepared by Vine Associates, A Division of GZA GeoEnvironmental, Inc. dated August 2011, signed and stamped by Peter Williams. The Department shall be notified if there are modifications and or deletions of work as specified in the plans. Depending on the nature and the scope of any change, approval by the Department may be required.
5. The Department shall be notified, attention Ken Chin 617-292-5893, one week prior to the start of in-water work so that Department staff may inspect the work for compliance with the terms and conditions of this Certification.
6. The Certification remains in effect for the same duration as the federal permit that requires it or five years from the date of issuance of this Certification whichever comes first.
7. **Future maintenance dredging is not authorized under this Certification** since the expected frequency of maintenance dredging of the project is 10 to 15 years.
8. Best Management Practices (BMPs) shall be deployed to minimize turbidity. At a minimum, a bottom-weighted silt curtain shall be used to surround the dredging area and placed at a location that would not bottom out during low tide. The silt curtain shall be of suitable material/grade appropriate with the velocity of the current at the site. Dredging shall be carried out using a closed, environmental bucket if the sediment does not consist solely of gravel/rock or densely compacted silt/clay.
9. No later than 21 days prior to commencement of dredging activity, a dredged material dewatering plan shall be submitted to the Department for review and approval. At a minimum, the dewatering plan shall include but not be limited to the type of containment, method of dewatering (i.e. mechanical or by gravity), method of collecting the dewatered effluent and method of disposal.
10. The Department shall be notified in writing of the name and location of the upland licensed facility accepting the dredged material for disposal or reuse as daily cover material. If the

receiving state in accordance with 314 CMR 9.07(13)(b). The dredged material shall not be transported to the facility without concurrence of the Department.

11. Material Shipping Record (MSR) shall be used to track the dredged material to the DSA facility. A fully executed copy of the MSR shall be provided to the Department within 30 days of final shipment to the reused location or facility.
12. Best Management Practices (BMPs) shall be implemented during transportation of the dredged material to the licensed receiving facility. At a minimum, when transported upon public roadways, all dredged material shall have no free liquid as determined by the Paint Filter Test or other suitably analogous methodology acceptable to the Department, and a tarpaulin or other means shall be used to cover the dredged material during transport.
13. Disposal of any volume of dredged material at any location in tidal waters is subject to approval by this Department and the Massachusetts Coastal Zone Management office.
14. Within 30 days of the completion of the dredging, a bathymetric survey of the dredged area in Green Harbor depicting post-dredge conditions shall be conducted. At a minimum, the survey shall include an overlay of the dredge footprint (i.e. top of slope) with sufficient coordinates in the Massachusetts State Plane (e.g. longitude and latitude) that clearly delineates the dredge footprint. The survey shall be sent within five working days after its completion to the Department and a copy shall be sent to the Massachusetts Coastal Zone Management office, attention: Robert Boeri.
15. In order to protect spawning, larval and juvenile development of winter flounder, no dredging shall occur between February 1st and June 30th.
16. The applicant, or its contractor, shall make every feasible effort to complete the project within the permitted timeframe. Should the applicant, or their contractor, fail to complete the project and wish to request an amendment to the Certification for incursion into the no-dredge period, the written request shall be received by the Department by January 15th. The following information shall be included in the request:
 - a. project location and transmittal number,
 - b. the date on which dredging started,
 - c. the number of days and hours per day the dredge operated,
 - d. expected daily average production rate and the actual daily average production rate,
 - e. an explanation of why the project failed to remain on schedule,
 - f. an account of efforts made to get the project back on schedule,
 - g. a plan depicting the areas that remain to be dredged,
 - h. the number of cubic yards that remain to be dredged,
 - i. an accurate estimate of the number of days required to complete the project,
 - j. an evaluation of the impact of continued dredging on the species of concern,
 - k. a description of any efforts that will be made to minimize the impacts of the project on the species of concern, and a realistic assessment of any societal/financial effects of a denial of permission to continue dredging.

The Department will share the information with other resource agencies and a decision to grant or deny the amendment shall be made by January 15th. Requests for amendment received after February 1st will be considered at the Department's discretion.

17. No later than four weeks after issuance of the Permit, the applicant shall submit a notification procedure outlining the reporting process to the Department for incidents, relating to the dredging activities, impacting surrounding resource areas and habitats such as, but not limited to, observed dead or distressed fish, or other aquatic organisms, observed oily sheen on surface water, sediment spill, turbidity plume beyond the deployed BMP's, and barging or equipment accident/spill. If at any time during implementation of the project, all site related activities impacting the water shall cease until the source of the problem is identified and adequate mitigating measures employed to the satisfaction of the Department.

This certification does not relieve the applicant of the obligation to comply with other applicable state or federal statutes or regulations. Any changes made to the project as described in the previously submitted Notice of Intent, 401 Water Quality Certification application, or supplemental documents will require further notification to the Department.

Certain persons shall have a right to request an adjudicatory hearing concerning certifications by the Department when an application is required:

- a. the applicant or property owner;
- b. any person aggrieved by the decision who has submitted written comments during the public comment period;
- c. any ten (10) persons of the Commonwealth pursuant to M.G.L. c.30A where a group member has submitted written comments during the public comment period; or
- d. any governmental body or private organization with a mandate to protect the environment, which has submitted written comments during the public comment period.

Any person aggrieved, any ten (10) persons of the Commonwealth, or a governmental body or private organization with a mandate to protect the environment may appeal without having submitted written comments during the public comment period only when the claim is based on new substantive issues arising from material changes to the scope or impact of the activity and not apparent at the time of public notice. To request an adjudicatory hearing pursuant to M.G.L. c.30A, § 10, a Notice of Claim must be made in writing, provided that the request is made 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 from the date of issuance of this Certificate, and addressed to:

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

A copy of the request shall at the same time be sent by certified mail or hand delivery to the issuing office of the Wetlands and Waterways Program at:

Department of Environmental Protection
One Winter Street, 5th Floor
Boston, MA 02108.

A Notice of Claim for Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6), and shall contain the following information pursuant to 314 CMR 9.10(3):

- a. the 401 Certification Transmittal Number and DEP Wetlands Protection Act File Number;
- b. the complete name of the applicant and address of the project;
- c. the complete name, address, and fax and telephone numbers of the party filing the request, and, if represented by counsel or other representative, the name, fax and telephone numbers, and address of the attorney;
- d. If claiming to be a party aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found at 314 CMR 9.02;
- e. a clear and concise statement that an adjudicatory hearing is being requested;
- f. a clear and concise statement of (1) the facts which are grounds for the proceedings, (2) the objections to this Certificate, including specifically the manner in which it is alleged to be inconsistent with the Department's Water Quality Regulations, 314 CMR 9.00, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written Certification; and
- g. a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant, the owner (if different from the applicant), the conservation commission of the city or town where the activity will occur, the Department of Environmental Management (when the certificate concerns projects in Areas of Critical Environmental Concern), the public or private water supplier where the project is located (when the certificate concerns projects in Outstanding Resource Waters), and any other entity with responsibility for the resource where the project is located.

The hearing request along with a DEP Fee Transmittal Form and a valid check or money order 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
Commonwealth Master Lockbox
P.O. Box 4062
Boston, MA 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or 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.

Failure to comply with this certification is grounds for enforcement, including civil and criminal penalties, under MGL c.21 §42, 314 CMR 9.00, MGL c. 21A §16, 310 CMR 5.00, or other possible actions/penalties as authorized by the General Laws of the Commonwealth.

If you have questions about this decision, please contact Ken Chin at 617-292-5893.

Sincerely



Beth Card
Assistant Commissioner
Bureau of Resource Protection

enclosure: Departmental Action Fee Transmittal Form
Material Shipment Record (MSR)

cc:

Karen Adams, Regulatory/Enforcement Division, U.S. Army Corps of Engineers, 696 Virginia
Road, Concord, MA 01742-2751
Robert Boeri, CZM, 251 Causeway Street, Suite 800, Boston, MA 02114
Eileen Feeney, DMF, 1213 Purchase St., 3rd floor, New Bedford, MA 02740-6694
Tay Evans, DMF, 30 Emerson Ave., Gloucester, MA 01930
Gregory DeCesare, David Hill, Liz Kouloheras, DEP SERO
Marshfield Conservation Commission, 870 Moraine Street, Marshfield, MA 02050
Gregory Robins, Vine Associates, Division of GZA GeoEnvironmental, Inc., 190 Derby St., Suite 210,
Hingham, MA 02043

KC/X241794

Legal Notices

Servicemembers' Civil Relief Act. If you object to a foreclosure of the above-mentioned property on that basis, then you or your attorney must file a written appearance and answer in this court at **Three Pemberton Square, Boston, MA 02108** on or before August 6, 2012 or you will be forever barred from claiming that you are entitled to the benefits of said Act.

Witness, **KARYN F. SCHEIER** Chief Justice of this Court on June 21, 2012

Attest:
Deborah J. Patterson
Recorder

AD#12776438
Marshfield Mariner
7/11/12

**7/31 ZBA HEARING
LEGAL NOTICE
Town of Marshfield**



**ZONING BOARD OF
APPEALS
NOTICE OF PUBLIC
HEARING**

A public hearing will be held by the **MARSHFIELD ZONING BOARD OF APPEALS** at Marshfield Town Hall 870 Moraine Street Marshfield, MA, Hearing Room 2, on **Tuesday July 31, 2012**, to consider the following:

7:30 p.m. Michael Paradis: Petitioner is seeking a

**TOWN OF
MARSHFIELD
CONSERVATION
COMMISSION
NOTICE OF PUBLIC
HEARING**

In compliance with the Regulations of Massachusetts General Laws, Chapter 131, Section 40, the "Wetlands Protection Act", and Article #37 of the Town of Marshfield General Bylaws, "Wetland Protection Bylaw", a public hearing will be held by the Marshfield Conservation Commission on **Tuesday, July 24, 2012, at 7:15 P.M.** in the Hearing Room, 2nd Floor, Town Hall, 870 Moraine St., Marshfield, to consider the Notice of Intent filed by:

MA Audubon, Winslow Cemetery Road, Marshfield, MA, to restore & enhance wetland functions by removing invasive weed, Phragmites, within a Riverfront Area along Green Harbor River and Daniel Webster Wildlife Sanctuary, Winslow Cemetery Road, Marshfield, MA (L07-02-01)(Mark).

Mark Stevenson,
Chairman
Walter Greaney
Chris Kenny
William Levin
Robert Conlon

AD#12776259
Marshfield Mariner
7/11/12

**MCGEARY ESTATE
LEGAL NOTICE**

Legal Notices

**7/11/12
NORTH PIER IMPROVEMENT PROJECT
LEGAL NOTICE
Public Notice**

Pursuant to 33 U.S.C. 1341 and M.G.L. c. 21 §43, notice is given of a 401 Water Quality Certification application for the North Pier Improvement Project by the Town of Marshfield Department of Public Works, 870 Moraine Street, Marshfield, MA 02050 at the Town Pier/Green Harbor in Marshfield for dredging as part of the installation of a new off-loading bulkhead. Additional information may be obtained from Vine Associates, A Division of GZA GeoEnvironmental, Inc., 190 Old Derby Street Suite 210, Hingham, MA 02050; (781) 278-4825. Written comments should be sent to: MassDEP - DWW, 1 Winter Street, Boston, MA 02108 within twenty-one days of this notice. Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.

AD#12775422
Marshfield Mariner
7/11/12

POLICE LOG

Monday, July 2, 2012
battery.
9:12 p.m. **Webster St.**, animal calls.
9:47 p.m. **Bay Point Path**, emergency medical services.

Tuesday, July 3
12:17 a.m. **The Village Apartments**, domestic disturbance.
2 a.m. **Ocean St.**, area checks.
2:23 a.m. **Homestead Avenue**, medical emergency.
6:22 a.m. **Old Plain St.**, animal calls.
6:45 a.m. **Joseph Driebek Way**, medical emergency.
6:57 a.m. **Plain St.**, warrant. Arrest of a 20-year-old Marshfield male on warrant charge.
7:20 a.m. **Marshview Drive**, domestic disturbance.
9:13 a.m. **Helena Road**, emergency medical services.
12:15 p.m. **Ocean and Webster streets**, motor vehicle accident.
12:24 p.m. **Old Plain and Plain streets**, motor vehicle accident.
2:10 p.m. **Hartford Road**, disturbance. Arrest: Tony A. Sinclair, 28, 111 Hartford Road, Marshfield. Charges: breaking and entering building daytime for felony; malicious wonton damage or defacement of property.
2:19 p.m. **Moraine St.**, emergency medical services.
2:58 p.m. **Waterman Avenue**, animal calls.
4:09 p.m. **Plain St.**, motor vehicle accident.
4:12 p.m. **Olympia Road**, complaint. Arrest of 20-year-old Marshfield male on charge of person under 21 possess liquor. Arrest of 18-year-old male from Marshfield on charge of person under 21 possess liquor.

Arrest.
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4:22 a.m. F
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4:31 a.m. C
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Charges: m
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WQC PN

ESTATE
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 a Systems, Inc., dated
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 purpose of foreclosing
 2012 at 47 Old Colony
 ises described in said
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 ed by the Grantor in
 laws, Chapter 183A by
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 which Unit is shown on
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 ony Lane, Marshfield,

anding Condominium,
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 or estate in the Unit,
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 ch they may receive
 le incomes to afford
 ue shall equal
 the Consumer Price
 the Boston area, if
 as published by the
 Such increase to be
 preceding the trans-
 then the condominium
 alent index:

**LEGAL NOTICE
 DEPARTMENT OF
 ENVIRONMENTAL
 PROTECTION
 WATERWAYS
 REGULATION
 PROGRAM**

Notice of License
 Application Pursuant to
 M.G.L. Chapter 91
 Waterways License
 Application Number
 W12-3654
 Town of Marshfield-DPW

**NOTIFICATION DATE:
 September 12, 2012**

Public notice is hereby
 given of the waterways
 application by the Town of
 Marshfield to perform
 improvement dredging,
 construct and maintain a
 bulkhead, pier extension
 and floats at the Town Pier,
 in the municipality of
 Marshfield, in and over
 flowed tidelands of Green
 Harbor. The proposed proj-
 ect has been determined to
 be water-dependent.

The Department will con-
 sider all written comments
 on this Waterways applica-
 tion received by within 30
 days subsequent to the
 "Notification Date".
 Failure of any aggrieved
 person or group of ten citi-
 zens or more, with at least
 five of the 10 residents
 residing in the municipali-
 ty(s) in which the license
 or permitted activity is
 located, to submit written
 comments to the
 Waterways Regulation
 Program by the Public
 Comments Deadline will
 result in the waiver of any
 right to an adjudicatory
 hearing in accordance with
 310 CMR 9.13(4)(c).

Additional information
 regarding this application
 may be obtained by con-
 tacting the Waterways
 Regulation Program at
 (508) 946-2748. Project
 plans and documents for
 this application are on file
 with the Waterways
 Regulation Program for
 public viewing, by appoint-
 ment only, at the address
 below.

Written comments must be
 addressed to: David E.
 Hill, Environmental
 Engineer, DEP Waterways
 Regulation Program, 20
 Riverside Drive, Lakeville,
 MA 02347.
 AD#12810012

Catherine P Sabaitis,
 First Justice of this
 Court.

Date: September 04, 2012
 Robert E. McCarthy
 Register of Probate

AD#12812527
 Marshfield Mariner
 9/12/12

**ZBA HEARING 9/25/12
 LEGAL NOTICE
 Town of Marshfield**



**ZONING BOARD OF
 APPEALS
 NOTICE OF PUBLIC
 HEARING**

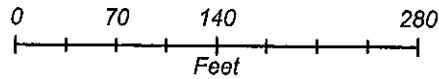
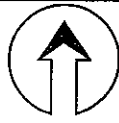
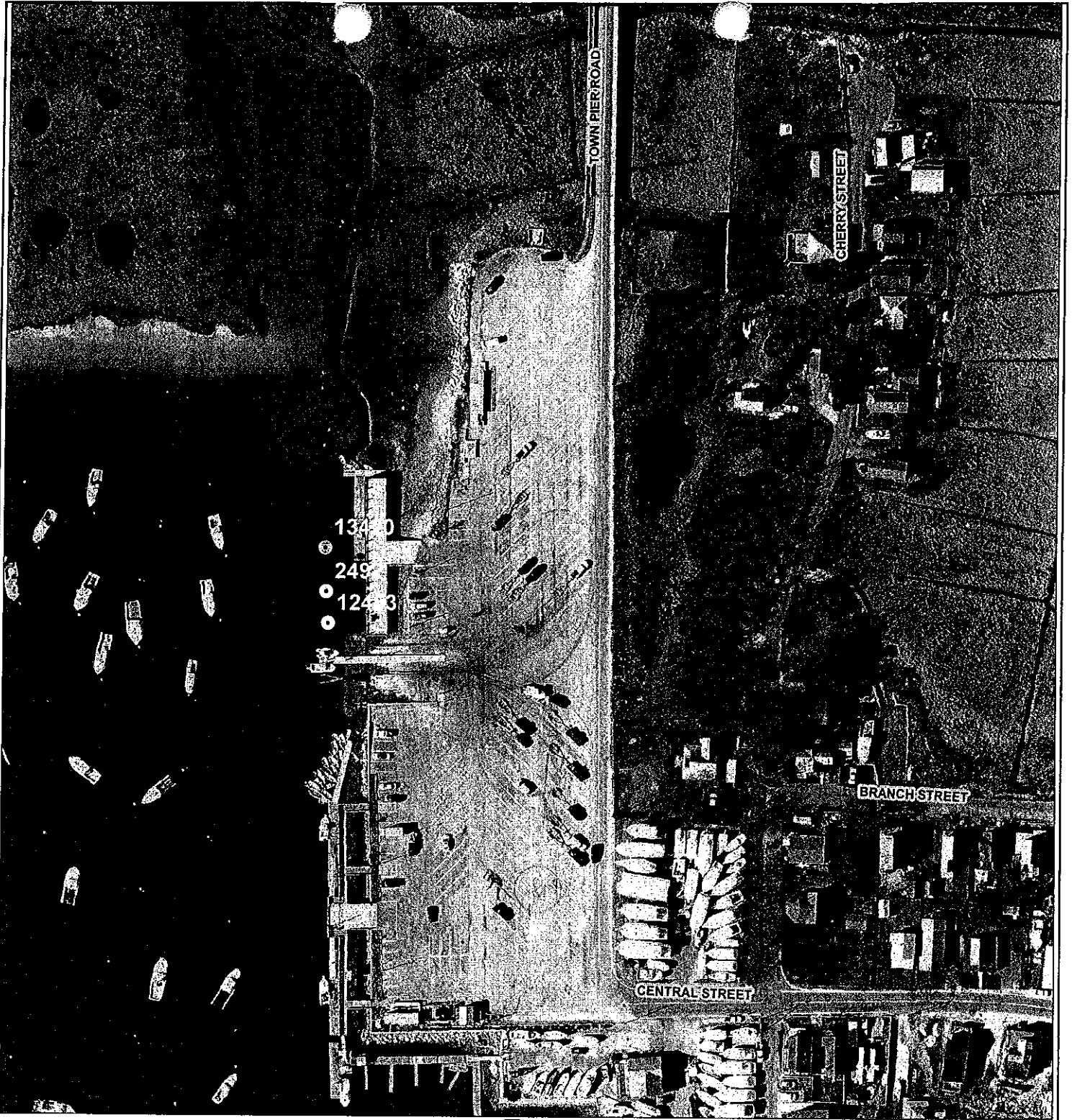
A public hearing will be
 held by the MARSH-
 FIELD ZONING BOARD
 OF APPEALS at
 Marshfield Town Hall 870
 Moraine Street Marshfield,
 MA, Hearing Room 2, on
 Tuesday, September 25,
 2012, to consider the fol-
 lowing:

7:30 p.m. LJV, LLC:
 Petitioner is seeking a
 negotiated settlement
 agreement of pending liti-
 gation in reference to the
 Marshfield Zoning Board
 of Appeals decision of
 April 27, 2001 concerning
 use and signage at the
 property known as 923 and
 955 Plain Street
 Marshfield, MA which is
 listed on the Assessor's
 Map as parcel C10-02-04A
 and is located in the I-1
 zone.

7:40 p.m. Old Allie LLC,
 dba Taylor Marine Corp.:
 Petitioner is seeking a
 Special Permit in accor-
 dance with Section
 13.02.3a of the Marshfield
 Zoning Bylaws for the
 construction of a Public
 Access Walkway and
 Service Deck measuring
 15' wide and 110' long at
 the Marina located at 93
 Central Street Marshfield,
 MA which is listed on the
 Assessor's Map as parcel
 M06-10-01 and is in the R-
 3 zone.

Michael P. Harrington,
 Chairman
 Joseph Kelleher, Vice
 Chairman
 Arthur Vercollone, Clerk
 Paul Younker

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License No. 13420

*"For Intra-Agency Policy
Deliberations Only"*

All data subject to revision

2008/2009 MassGIS Color Orthos

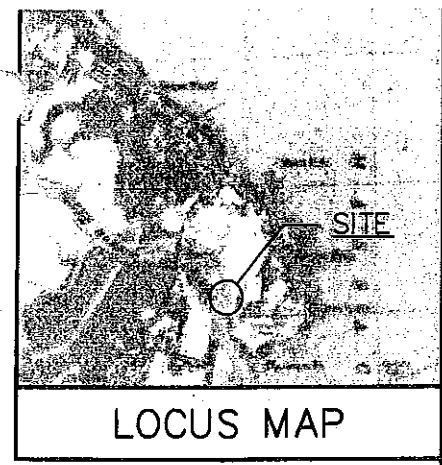
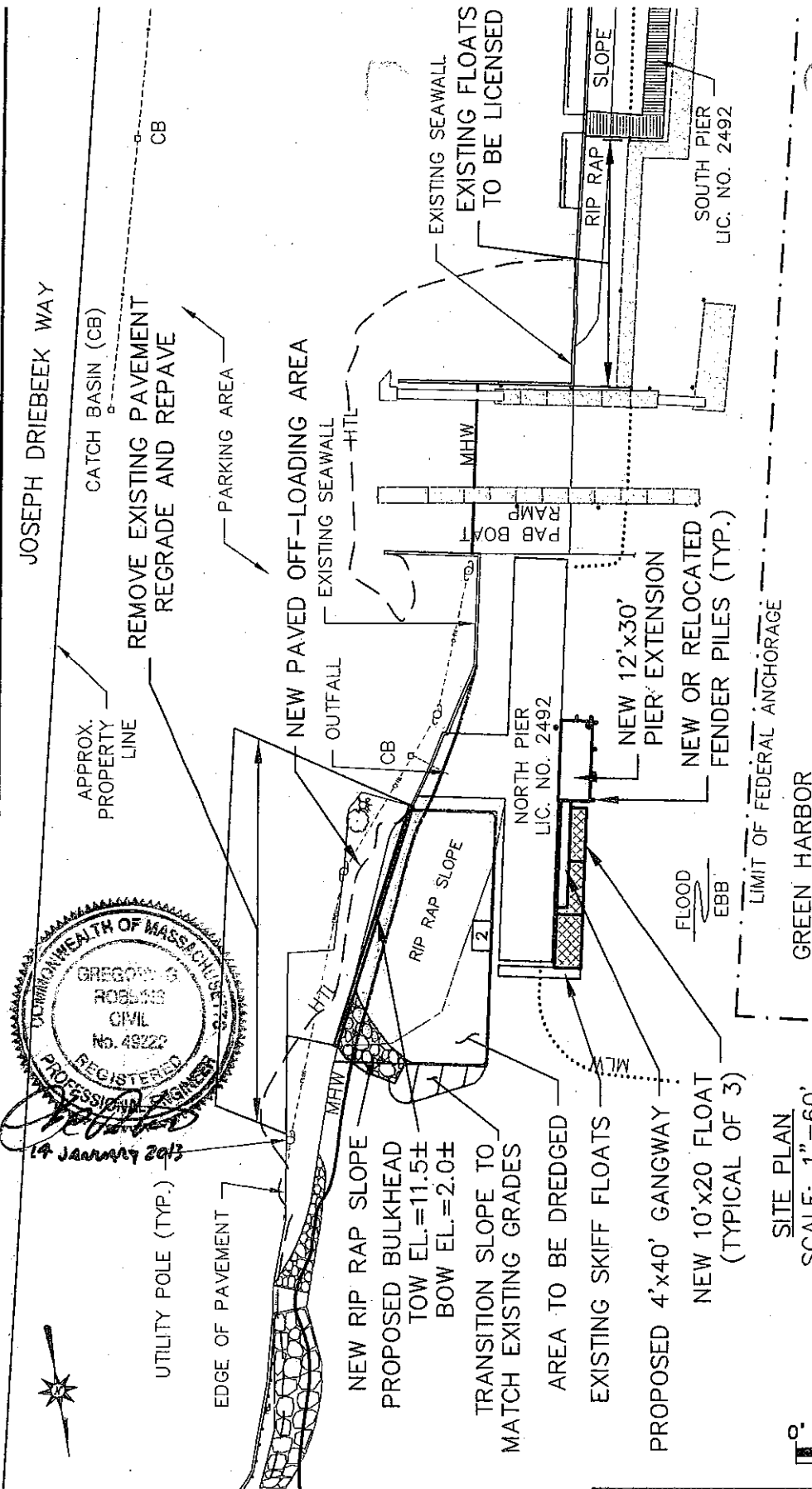
January 2013, DH



Legend

○ ch91 EDIT file





LOCUS MAP

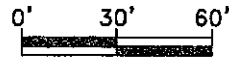
14 January 2013

GREGORY S. ROBLES
 CIVIL
 No. 49220
 REGISTERED PROFESSIONAL ENGINEER

DREDGING SUMMARY
 IMPROVEMENT DREDGE AREA = ±3,800 S.F.
 INTERTIDAL AREA IMPACTED BY DREDGING = ±3,800 S.F.
 TOTAL ESTIMATED DREDGE VOLUME
 (INCLUDING 1-FT ALLOWABLE OVERDREDGE) = ±847 CYDS

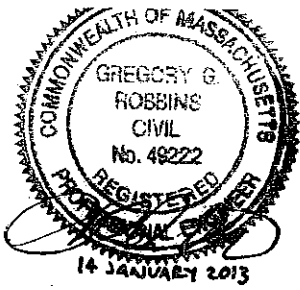
NOTES:
 1. SEE GENERAL NOTES SHEET 2.

UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOTECHNICAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.



PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &
 CONSTRUCT A BULKHEAD, PIER EXTENSION
 AND FLOATS IN GREEN HARBOR
 MARSHFIELD, MASSACHUSETTS

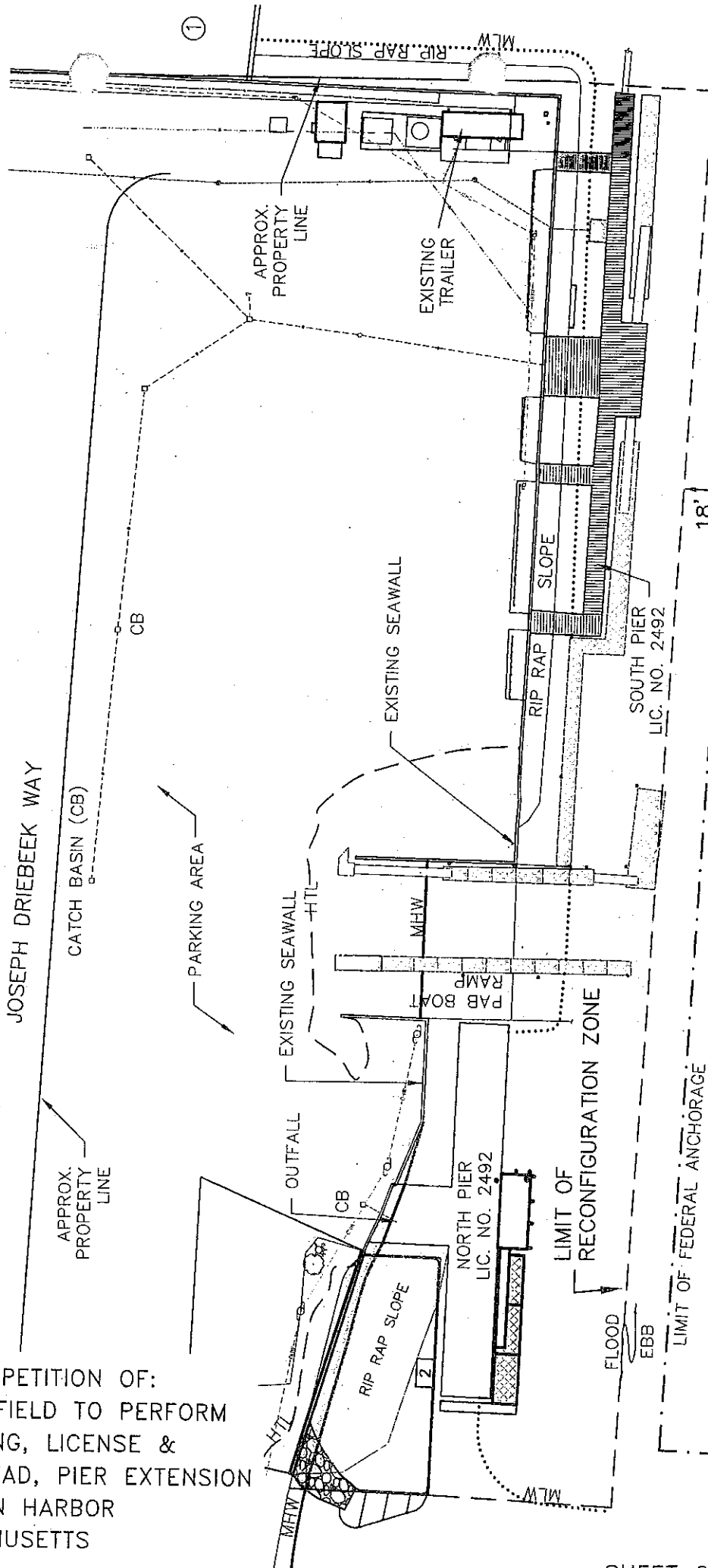
594-6107



ABUTTIERS:
 OLD ALLIE LLC.
 P.O. BOX 697
 BRANT ROCK, MA 02050

- GENERAL NOTES:
- DATUM: MLW = 0.0 MHW = 9.5 HTL = 11.5. BASE FLOOD ELEVATION = 14.2 MLW (AE ZONE). BENCHMARK: NOS TIDAL BENCHMARK DISK (1972) "B.M. NO 1" SET IN THE CONCRETE SEAWALL AT THE WEST END OF THE TOWN PIER, ELEVATION 14.15 MLW.
 - ALL DREDGE SEDIMENTS TO BE DISPOSED AT THE TOWN OWNED DREDGE SPOILS AREA (DSA).
 - DISTANCE TO NEAREST OPPOSITE SHORE = 450'±
 - SEE DISCLAIMER SHEET 1.

PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &
 CONSTRUCT A BULKHEAD, PIER EXTENSION
 AND FLOATS IN GREEN HARBOR
 MARSHFIELD, MASSACHUSETTS

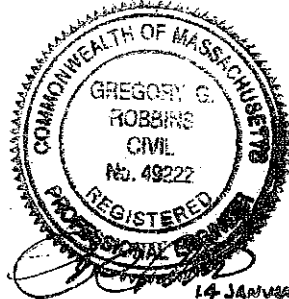


RECONFIGURATION PLAN
 SCALE: 1"=60'

0' 30' 60'

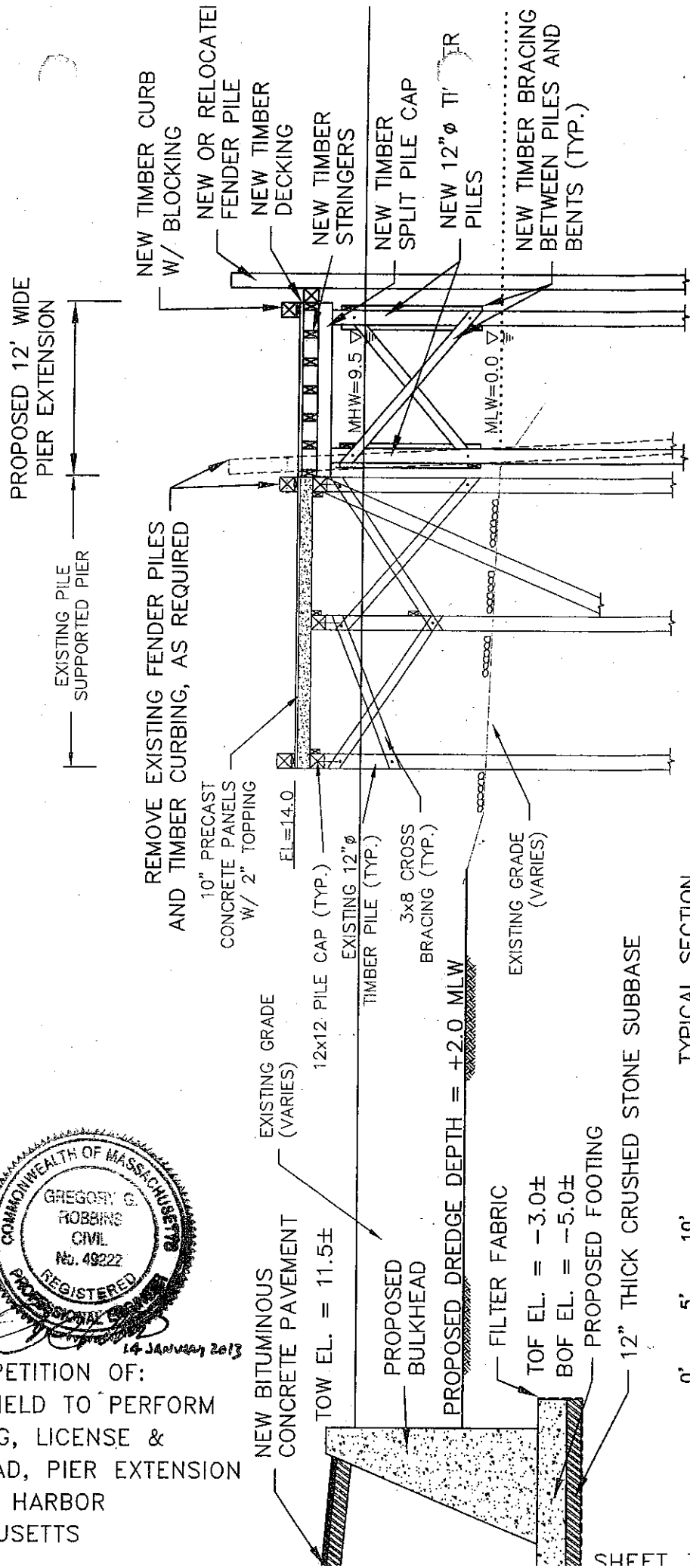
NOTES:

1. SEE DREDGING NOTES SHEET 1.
2. SEE GENERAL NOTES SHEET 2.
3. SEE DISCLAIMER SHEET 1.

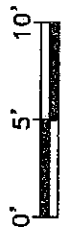


PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &
 CONSTRUCT A BULKHEAD, PIER EXTENSION
 AND FLOATS IN GREEN HARBOR
 MARSHFIELD, MASSACHUSETTS

JULY 2012



TYPICAL SECTION
 SCALE: 1"=10'



NOTE:
 ALL TIMBER TO BE 2.5 CCA TREATED



GZA
GeoEnvironmental, Inc.

Engineers and
Scientists

LETTER OF TRANSMITTAL

190 Old Derby Street, Suite 210
Hingham, MA 02043
t: 781-278-4820
f: 781-749-2751

Date: January 15, 2013	File No: 18.0170877
Attention: Dave Hill	
Re: Marshfield – Town Pier Improvement Project W12-3654	

To: XXXXXXXX

- We are sending you: Attached Under separate cover via _____ the following items:
- Shop Drawings Prints Plans Samples Specifications
- Copy of Letter Change Order _____

COPIES	DATE	NO.	DESCRIPTION
1		1	Stamped Mylar Chapter 91 Drawings

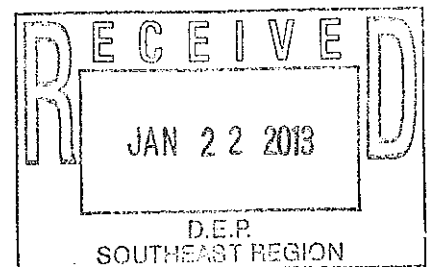
THESE ITEMS ARE TRANSMITTED as checked below:

- | | | |
|--|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input checked="" type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> _____ | |
| <input type="checkbox"/> FOR BID DUE _____ | | <input type="checkbox"/> PRINTS RETURNED AFTER LOAN TO US |

REMARKS: Dave-
Let me know if you need anything else.

COPY TO: _____

SIGNED: _____ G. Robbins





Paul J. Diodati
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

1213 Purchase St. 3rd Floor

New Bedford, MA 02740

(508)990-2860

fax (508)990-0449



Deval Patrick
Governor

Timothy P. Murray
Lt. Governor

Richard K. Sullivan, Jr.
Secretary

Mary B. Griffin
Commissioner

October 3, 2012

Mr. David Hill, Environmental Engineer
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02346

Re: W12-3654

Dear Mr. Hill:

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the Waterways License Application by the Town of Marshfield to construct a concrete bulkhead, improvement dredge an intertidal area landward of North Pier, construct an extension to an existing pier, and install a gangway on Green Harbor in the Town of Marshfield, with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for soft shelled clams (*Mya arenaria*) and blue mussels (*Mytilus edulis*). Mapped land containing shellfish is deemed significant to the interest of the Wetland Protection Act and the protection of marine fisheries. While the shellfish are not available for direct human consumption, the shellfish habitat which is land containing shellfish is still considered significant to the interest of the Act as the shellfish serve as forage for finfish and other species and broodstock for Green Harbor.

Marine Fisheries has identified Green Harbor and surrounding embayments as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from February through May, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern (HAPC). Every effort should be taken to protect flounder spawning habitat.

Green Harbor River has been identified by *Marine Fisheries* as a historic diadromous fish passage, migration and spawning habitat. Remnant populations of river herring (*Alosa spp.*), smelt (*Osmerus mordax*), and American eels (*Anguilla rostrata*) are present in the upper reaches of the system. *Marine Fisheries* has placed a statewide ban on the harvest of river herring (blueback and alewife) due to drastic declines in their populations. Every effort should be taken to protect river herring and American eel habitat.

Marine Fisheries has the following concerns and recommendations for this project:

- In an effort to protect spawning populations of winter flounder and diadromous fish, a no dredging time-of-year (TOY) restriction should be required from February 1 through June 30.
- Seaward encroachment of the bulkhead will result in the loss of intertidal and shellfish habitat.

- The town has agreed to add shellfish mitigation conditions into the Order of Conditions for the unavoidable loss of shellfish resource and/or habitat, and to work with the local shellfish constable/*Marine Fisheries* for the purchase and placement of soft shell clam seed.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 990-2860 ext. 117.

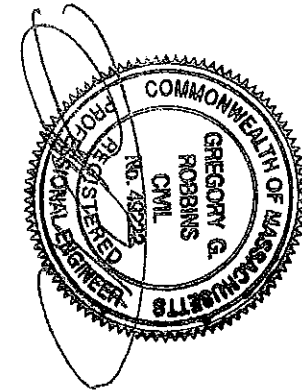
Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

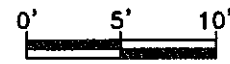
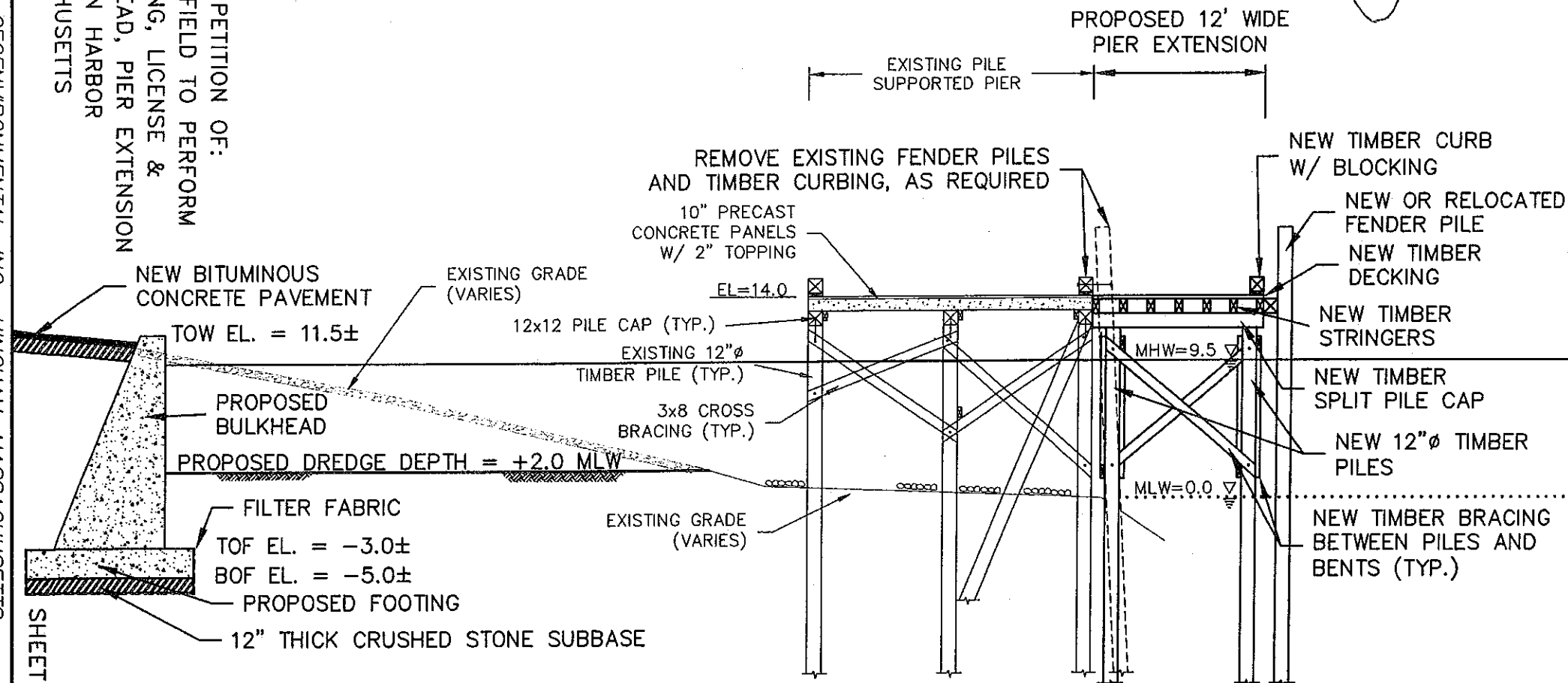
cc: Marshfield Conservation Commission
Gregory Robbins, Vine Associates, Inc.
Michael DiMeo, Shellfish Constable
Ken Chin, DEP
John Sheppard, DMF
Ross Kessler, DMF
Christian Petitpas, DMF

EF/cp



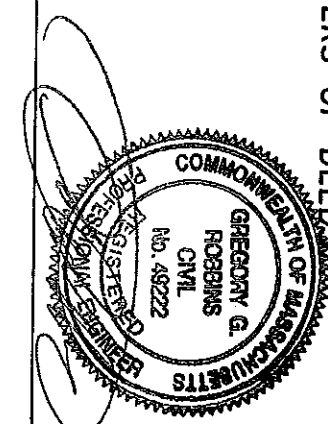
- NOTES:**
1. SEE DREDGING NOTES SHEET 1.
 2. SEE GENERAL NOTES SHEET 2.
 3. SEE DISCLAIMER SHEET 1.

PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &
 CONSTRUCT A BULKHEAD, PIER EXTENSION
 AND FLOATS IN GREEN HARBOR
 MARSHFIELD, MASSACHUSETTS
 JULY 2012



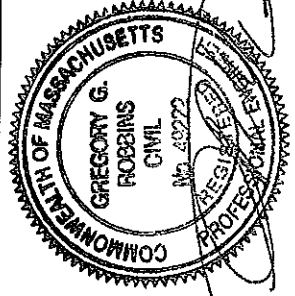
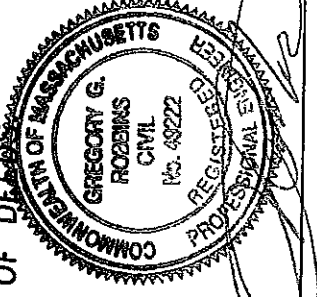
TYPICAL SECTION
 SCALE: 1"=10'

NOTE:
 ALL TIMBER TO BE 2.5 CCA TREATED



I CERTIFY THAT THIS PLAN, AS PREPARED,
 CONFORMS TO THE RULES AND REGULATIONS
 OF THE REGISTERS OF DEEDS

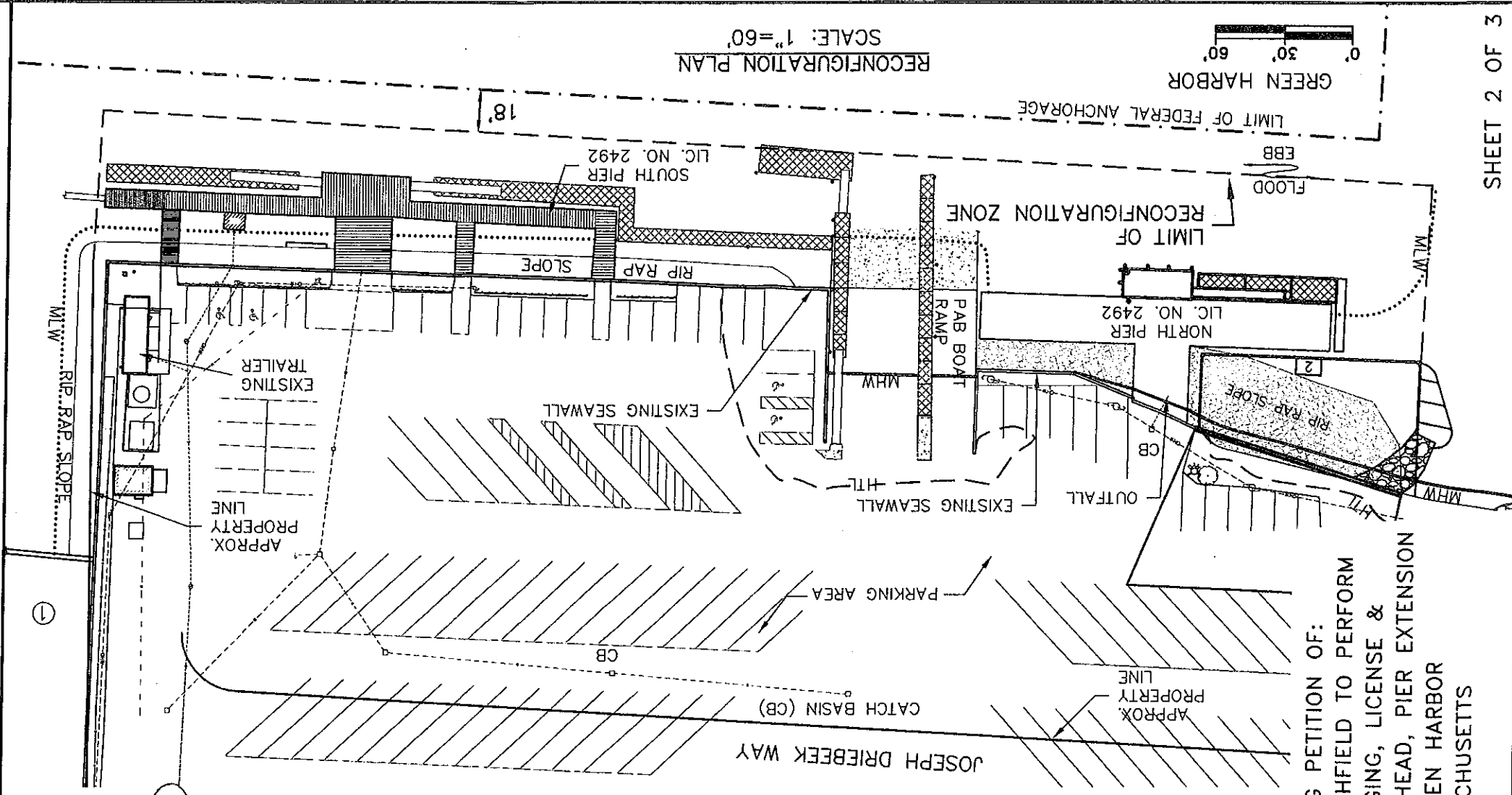
I CERTIFY THAT THIS PLAN, AS PREPARED,
 CONFORMS TO THE RULES AND REGULATIONS
 OF THE REGISTERS OF DEEDS



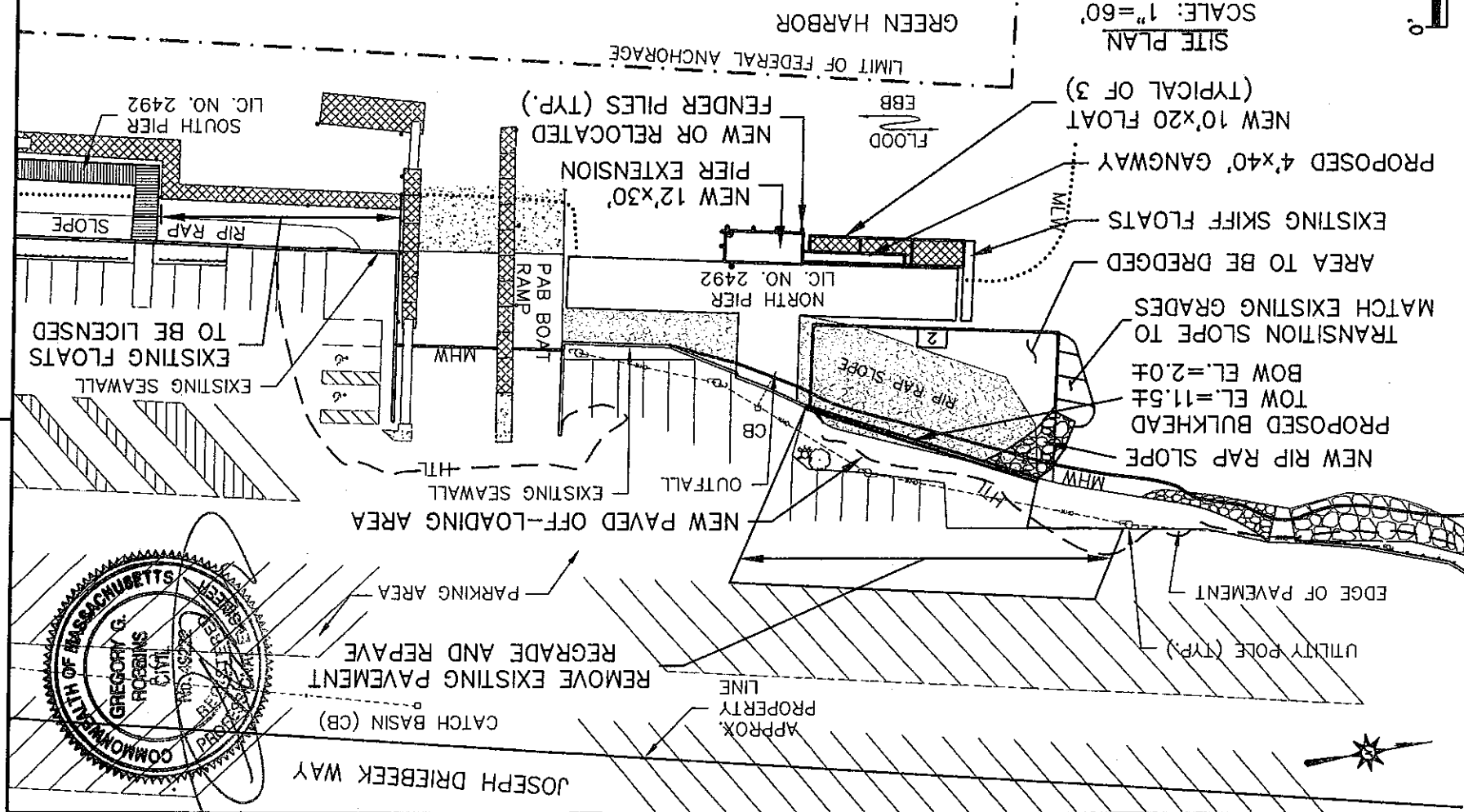
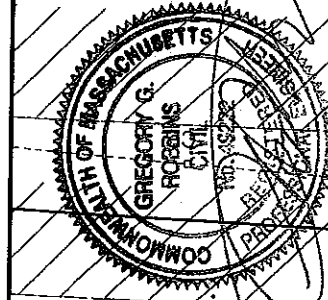
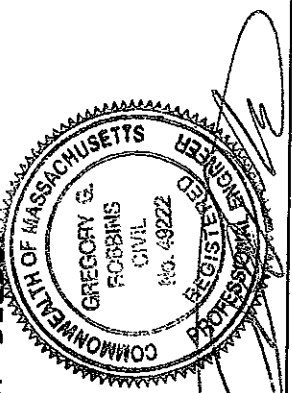
ABUTTERS:
 ① OLD ALLIE LLC,
 P.O. BOX 697
 BRANT ROCK, MA 02050

- GENERAL NOTES:
1. DATUM: MLW = 0.0 MHW = 9.5 HTL = 11.5. BASE FLOOD ELEVATION = 14.2 MLW (AE ZONE). BENCHMARK: NOS TIDAL BENCHMARK DISK (1972) "B.M. NO 1" SET IN THE CONCRETE SEAWALL AT THE WEST END OF THE TOWN PIER, ELEVATION 14.15 MLW.
 2. ALL DREDGE SEDIMENTS TO BE DISPOSED AT THE TOWN OWNED DREDGE SPOILS AREA (DSA).
 3. DISTANCE TO NEAREST OPPOSITE SHORE = 450'±.
 4. SEE DISCLAIMER SHEET 1.

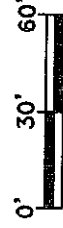
PLAN ACCOMPANYING PETITION OF:
 THE TOWN OF MARSHFIELD TO PERFORM
 IMPROVEMENT DREDGING, LICENSE &
 CONSTRUCT A BULKHEAD, PIER EXTENSION
 AND FLOATS IN GREEN HARBOR
 MARSHFIELD, MASSACHUSETTS
 MAY 2012



I CERTIFY THAT THIS PLAN, AS PREPARED,
CONFORMS TO THE RULES AND REGULATIONS
OF THE REGISTERS OF DEEDS.

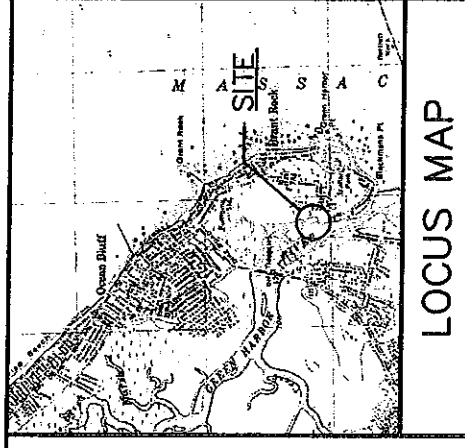


SITE PLAN
SCALE: 1"=60'



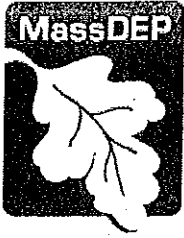
DREDGING SUMMARY
IMPROVEMENT DREDGE AREA = ±3,800 S.F.
INTERTIDAL AREA IMPACTED BY DREDGING = ±3,800 S.F.
TOTAL ESTIMATED DREDGE VOLUME
(INCLUDING 1-FT ALLOWABLE OVERDREDGE) = ±847 CYDS

NOTES:
1. SEE GENERAL NOTES SHEET 2.
UNLESS SPECIFICALLY STATED BY WRITTEN AGREEMENT, THIS DRAWING IS THE SOLE PROPERTY OF GZA GEOTECHNICAL, INC. (GZA). THE INFORMATION SHOWN ON THE DRAWING IS SOLELY FOR USE BY GZA'S CLIENT OR THE CLIENT'S DESIGNATED REPRESENTATIVE FOR THE SPECIFIC PROJECT AND LOCATION IDENTIFIED ON THE DRAWING. THE DRAWING SHALL NOT BE TRANSFERRED, REUSED, COPIED, OR ALTERED IN ANY MANNER FOR USE AT ANY OTHER LOCATION OR FOR ANY OTHER PURPOSE WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA. ANY TRANSFER, REUSE, OR MODIFICATION TO THE DRAWING BY THE CLIENT OR OTHERS, WITHOUT THE PRIOR WRITTEN EXPRESS CONSENT OF GZA, WILL BE AT THE USER'S SOLE RISK AND WITHOUT ANY RISK OR LIABILITY TO GZA.



LOCUS MAP

PLAN ACCOMPANYING PETITION OF:
THE TOWN OF MARSHFIELD TO PERFORM
IMPROVEMENT DREDGING, LICENSE &
CONSTRUCT A BULKHEAD, PIER EXTENSION
AND FLOATS IN GREEN HARBOR
MARSHFIELD, MASSACHUSETTS
JULY 2012



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIVMELL
Commissioner

August 2, 2012

Town of Marshfield-DPW
c/o Vine Associates – A Division of GZA Geoenvironmental
190 Old Derby Street – Suite 210
Hingham, MA 02043

Re: PUBLIC NOTICE OF WATERWAYS APPLICATION NO. W12-3654
Green Harbor, Marshfield, Plymouth County

Dear Sir or Madam:

The Waterways Regulation Program (WRP) has received the referenced application requesting authorization to perform certain activities in state waterways pursuant to M.G.L. Chapter 91, the Public Waterfront Act and its regulations at 310 CMR 9.0 etc. The WRP has assigned this application filing with the above-referenced Waterways License application number. IT IS IMPERATIVE THAT YOU REFER TO THIS APPLICATION NUMBER WHENEVER YOU SUBMIT OR REQUEST INFORMATION FOR THIS FILE. Upon review of this application, the WRP has made a determination that this project is a water-dependent use project.

Attached is the WRP's Public Notice form for this application. The Applicant is required to publish this notice, at his/her expense, in one or more newspapers having circulation in the area affected by the proposed activity. This notice must be published in the local newspaper(s) for at least one day on or before the Notification Date. The required public comment period shall begin on this designated Notification Date. The Applicant is required to submit proof of publication to the WRP by sending a copy of the newspaper notice showing the date of publication or a copy of the newspaper notice and a letter from the newspaper indicating the date the public notice was published.

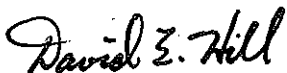
Pursuant to 310CMR 9.13(1)(a), the Applicant is also required to concurrently provide this notification, along with a copy of the project site plans submitted with the Waterways License Application, to the appropriate municipal officials, regulatory agencies and abutters to the project for their review and comment, by Certified mail, (see Notification mailing list attached). The WRP will publish the Public Notice in The Environmental Monitor, if required.

Lastly, the WRP cannot complete its review of this application until the following information/document(s) checked below have been submitted:

- Proof of publication of the Public Notice
- Receipt of the Municipal Zoning Certification
- Receipt of the Municipal Planning Board Notification Form
- Receipt of a valid Wetlands Order of Conditions or DOA
- Receipt of a valid DEP Water Quality Certification
- Completion of the MEPA review process
- Plans according to the specifications of Appendix A of the Waterways Application.
NOTE: Final Mylar Project Site Plans will be required upon notice from the Department and prior to issuance of the Chapter 91 License.
- Consent letter from abutter(s) for structure less than 25 feet from property line
- Application signed by the Applicant /Owner
- Copies of previously issued Chapter 91 License/Permits for the site.
- Other:

Should you have any questions, please contact me at (508) 946-2730. Thank you.

Sincerely,



David E. Hill
Environmental Engineer
Waterways Regulation Program

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91
Waterways License Application Number W12-3654
Town of Marshfield-DPW**

NOTIFICATION DATE: August 22, 2012

Public notice is hereby given of the waterways application by the Town of Marshfield to perform improvement dredging, construct and maintain a bulkhead, pier extension and floats at the Town Pier, in the municipality of Marshfield, in and over flowed tidelands of Green Harbor. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received by within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more, with at least five of the 10 residents residing in the municipality(s) in which the license or permitted activity is located, to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2748. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: David E. Hill, Environmental Engineer, DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

Mailing List: Notice of License Application pursuant to M. G. L. Chapter 91

**Marshfield Board of Selectmen
Marshfield Planning Board
Marshfield Zoning Board
Marshfield Conservation Commission
Marshfield Harbormaster**

**Coastal Zone Management
251 Causeway Street, Suite 800
Boston, MA 02114**

**Jon Regosin, Ph.D.
Division of Fish & Wildlife and Law Enforcement
Field Headquarters
1 Rabbit Hill Road
Westboro, MA 01581**

**Division of Marine Fisheries
1213 Purchase Street, 3rd Fl.
New Bedford, MA 02740
Attn: Environmental Reviewer**

**Massachusetts Historical Commission
220 Morrissey Blvd., Columbia Point
Boston, MA 02125**

Abutters – For Chapter 91 purposes, an abutter is defined as the owner of land that shares, along the waters edge, a common boundary or corner with a project site, as well as the owner of land that lies within 50' across a waterbody from such site. See 310 CMR 9.02.

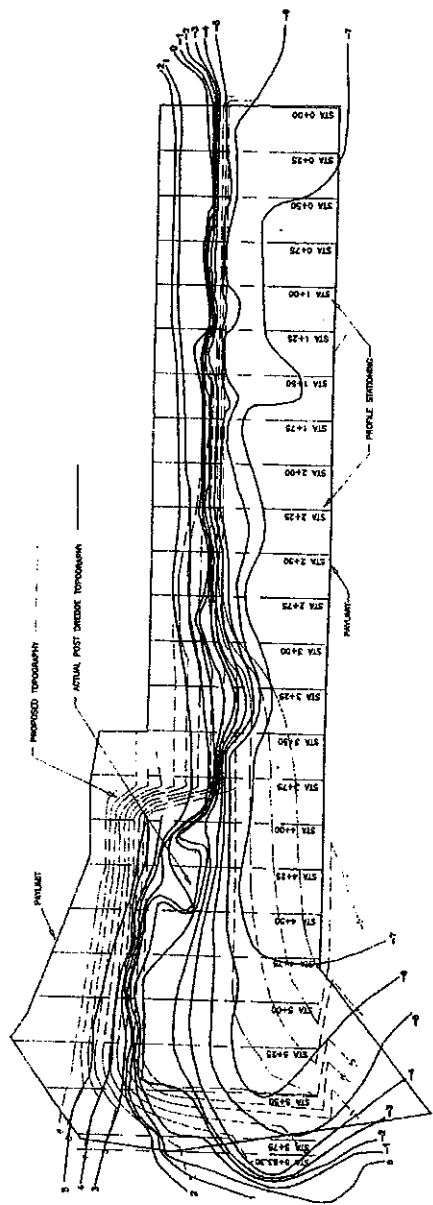


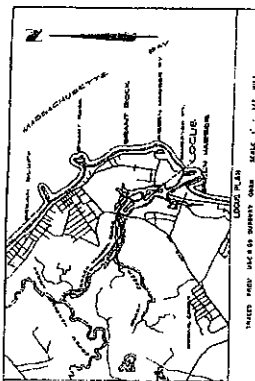
Fig. 3027

**TOWN OF MARSHFIELD
DEPARTMENT OF PUBLIC WORKS**

**ACTUAL DREDGE SURVEY
TOWN PIER DREDGING**

Checked By: E.D.	Date: 7/17/08	No. 1	Date: 7/17/08	Rev. 0000
Checked By: S.D.				
Approved By:				
Sheet of		1 3		

**MA DPW Contract Nos. 1917 and 1944
Construction Plan & After-Dredge Survey**



THIRD TRAP DREDGE BATTERY AREA SCALE 1" = 100' H.M.L.

PROPOSED DREDGING
ENTRANCE CHANNEL AND BASIN
GREEN HARBOR
MARSHFIELD

PREPARED FOR THE DIVISION OF WATERWAYS
MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS

DESIGNED BY
WALTER E. HODLEY, CONSULTING ENGINEER
WEST WENDELL, MASS.

CONTRACT NO. 1917
ACC. NO. 03871-A

NOTE: ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO BE MEASURED FROM THE CENTERLINE OF THE CHANNEL UNLESS OTHERWISE SPECIFIED.

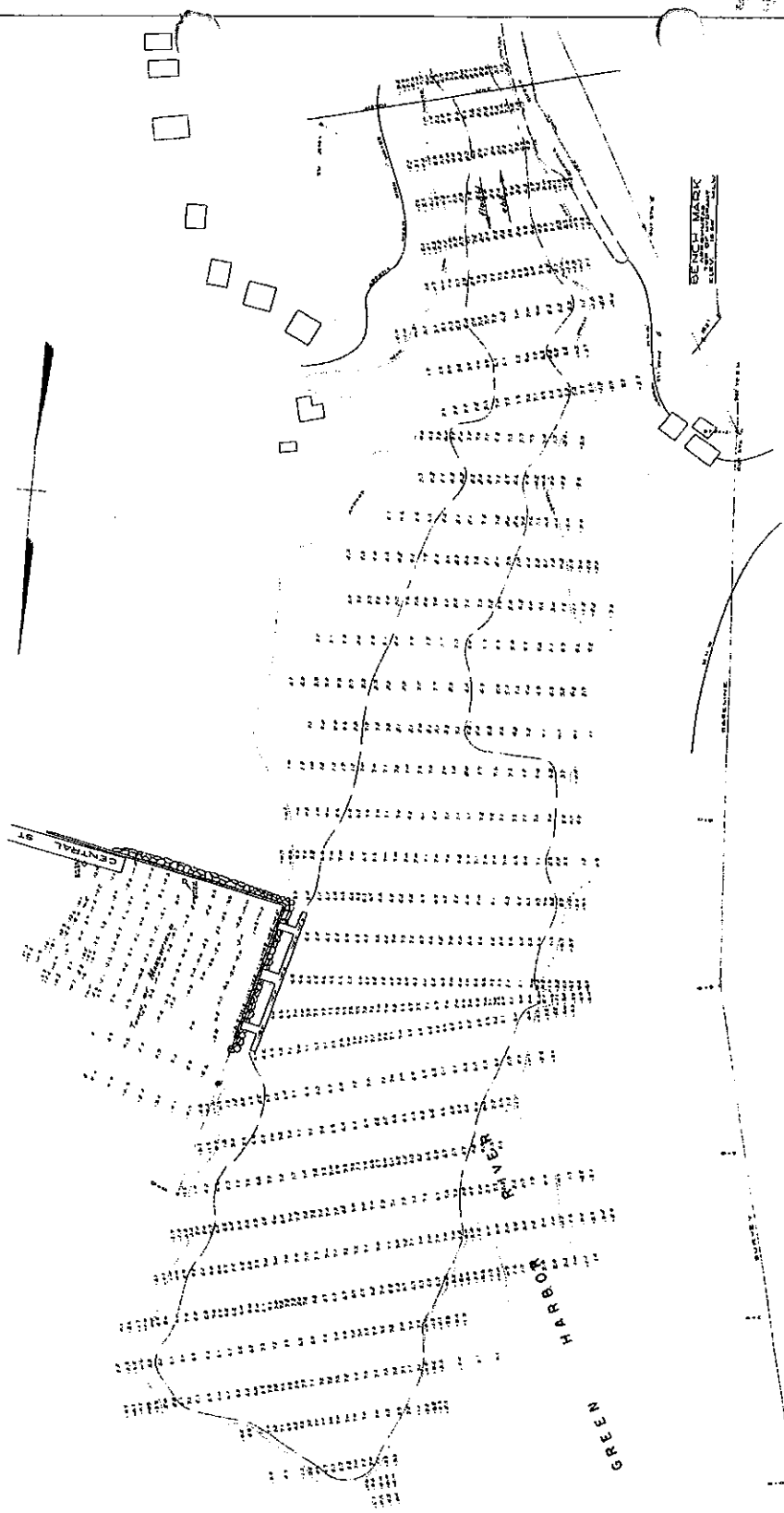
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NOTE: ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS ARE TO BE MEASURED FROM THE CENTERLINE OF THE CHANNEL UNLESS OTHERWISE SPECIFIED.

TO BE DREDGED TO SIX (6) FEET AT MEAN LOW WATER

PLAN
SCALE 1" = 100'



SURVEY AFTER DREDGING
 (CONTRACT NO. 1017 & 1044)
 ENTRANCE CHANNEL & BASIN
GREEN HARBOR
MARSHFIELD
 DEPARTMENT OF PUBLIC WORKS OF MASSACHUSETTS
 BUREAU OF WATERWAYS
 SEPTEMBER, 1939
 H. H. HARRIS, Chief Engineer

This map is based on field notes and refers to the plans of R. L. W.
 and is subject to the same conditions as the same plans.
 Planning Book No. 743

NORTH PIER IMPROVEMENT PROJECT
TOWN PIER – GREEN HARBOR
MARSHFIELD, MASSACHUSETTS

CHAPTER 91 WATERWAYS LICENSE APPLICATION

Submitted to:

**Massachusetts Department of Environmental Protection
Southeast Regional Office**
20 Riverside Drive
Lakeville, MA 02347

Applicant:

Town of Marshfield - DPW
870 Moraine Street
Marshfield, MA 02050

Prepared by:

Vine Associates
A Division of GZA GeoEnvironmental, Inc.
190 Old Derby Street - Suite 210
Hingham, MA 02043



July 2012

July 3, 2012
File No. 18.0170877



MA DEP, Southeast Regional Office
Division of Waterways
20 Riverside Drive
Lakeville, MA 02347

**Re: Chapter 91 Waterways License Application
North Pier Improvement Project
Town Pier – Green Harbor
Marshfield, Massachusetts**

190 Old Derby Street
Suite 210
Hingham, MA
02043
T 781-278-4820
F 781-749-2751

Dear Chapter 91 Reviewer:

On behalf of the Town of Marshfield Department of Public Works, Vine Associates, A Division of GZA GeoEnvironmental, Inc. is hereby submitting the enclosed Chapter 91 Waterways License Application for improvements of the North Pier located in Green Harbor in Marshfield, MA. The proposed project involves the construction of a concrete bulkhead, improvement dredging in intertidal area, construction of an extension to an existing pier and installation of a new gangway. The project also includes licensing of previously unlicensed floats, as shown on the attached license plans. Additional information on the proposed work, including wetland impacts and mitigation, is presented in the Project Narrative included within the Chapter 91 permit application.

Copies of both the Orders of Conditions and MEPA Certificate issued for this project are included within the application package. Copies of the Municipal Planning Board Notification and Municipal Zoning Certificate will be sent to you as they become available.

Should you have any questions or comments regarding this submittal, or if you require any additional information, please contact me at (781) 278-4825 or gregory.robbins@gza.com.

Sincerely,

**VINE ASSOCIATES
A DIVISION OF GZA GEOENVIRONMENTAL**

Gregory G. Robbins, PE
Project Manager

cc: R. Procaccino, Town Engineer

**NORTH PIER IMPROVEMENT PROJECT
TOWN PIER – GREEN HARBOR
MARSHFIELD, MASSACHUSETTS**

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PROJECT NARRATIVE

NORTH PIER IMPROVEMENT PROJECT TOWN PIER - GREEN HARBOR MARSHFIELD, MASSACHUSETTS

A. INTRODUCTION

The project site is the North Pier portion of the Town Pier Facility located on the eastern shore of Green Harbor at the intersection of Joseph Driebeek Way (formerly Town Pier Road) and Central Street in the Brant Rock section of the Town of Marshfield, Massachusetts, as illustrated in Figure 1. The project will consist of improvement dredging of the intertidal area landward of the North Pier, construction of a bulkhead, construction of an extension to an existing pier, and associated grading and paving of the upland parking area.

The entire project site is located in Federal Emergency Management Agency (FEMA) Flood Hazard Zone AE with a base flood elevation of 10 feet NGVD (14.2 feet MLW). Using Mean Low Water as a reference datum (MLW = 0.0), the Mean High Water (MHW) elevation is 9.5 feet and the Annual High Tide (HTL) elevation is 11.5 feet.

B. EXISTING CONDITIONS

Located near the southern end of the Town of Marshfield (Town), Green Harbor is an active recreational and commercial boating center serving as the homeport for an active lobster fleet. The Town Pier Facility (Town Pier) is situated on the eastern shore of the harbor and consists of two pier structures: South Pier, which is a 220-foot long timber pier and North Pier, which is 150-foot long timber pier with concrete deck. Both piers are oriented parallel to the shoreline and are separated by a 60-foot wide public boat ramp operated by the Town and maintained by the MA Office of Fishing and Boating Access. The public boat ramp is heavily used by recreational boaters, commercial boat haulers and the local commercial fleet. The site also includes parking areas for vehicles and boat trailers and is the location of the Marshfield Harbormaster's office. In addition, a seasonal vessel pump-out facility operates from May 15th through October 15th at the South Pier. The shoreline abutting the Town Pier Facility consists primarily of salt marsh to the north and a stone revetment and seawall to the south.

Commercial operations occur year-round at the Town Pier while the recreational boating season within the harbor typically lasts from May to October. The commercial fishing fleet consists of approximately 80 vessels with lengths up to 50 feet and drafts up to 6 feet. The Town Pier also supports several charter boat operations. Existing floats located at the North and South Piers are used for loading/unloading of commercial catch, dinghy tie-ups and for

boarding/unboarding of passengers utilizing charter services. Occasionally, the floats are utilized for overnight tie-ups from transient boaters.

C. PROPOSED WORK

The work for this project consists of two separate but related activities. One activity involves construction of a new 80-foot long bulkhead landward of the North Pier, associated grading and paving of the upland parking area and improvement dredging of the intertidal area between the new bulkhead and the North Pier. The second activity involves the construction of a 12 foot x 30 foot timber extension along the seaward side of the North Pier, installation of new floats adjacent to the pier extension and a new gangway connecting the pier extension to the floats. These site improvements will substantially increase loading and off loading access for commercial vessels at the North Pier.

The proposed bulkhead will increase the space available for vessel tie-up by over 50%. In addition, the elevation of the bulkhead was selected at the request of commercial fisherman to allow loading and unloading directly to/from vessels at high tides without the need for traversing gangways and/or ladders. Limiting the dredging between the bulkhead and the North Pier to elevation 2.0 MLW will allow vessels to access the bulkhead during the intended tides without impacting the piles supporting the North Pier and minimizes the amount of dredging which is required.

The proposed pier extension will allow the installation of a gangway to access the floats fronting the North Pier. Currently, the floats are accessed only by vertical ladders and the proposed gangway will substantially improve the safety and usability of the North Pier. These floats will continue to be utilized during all tides.

Grade adjustments in the upland parking area are required allow vehicular access to the bulkhead to facilitate loading and unloading of vessels. The number of parking spaces at the Town Pier site cannot be reduced as the parking area was constructed with funds from the Office of Fishing and Boating Access. Therefore, existing parking spaces in the area of the new bulkhead will be relocated nearby to the northern end of the site.

D. PRIOR DREDGING

Available record plan information indicates that dredging of the basin area located at the Town Pier Facility has been previously conducted by the Commonwealth, through the Massachusetts Department of Public Works (MA DPW) and by the Town. In 1958, the MA DPW dredged the basin area to -6.0 MLW under Contract Nos. 1917 and 1944. In 1961, maintenance dredging of the basin area was proposed under MA DPW Contract No. 2226; however, no after-dredge survey records have been located to confirm that this work was ever implemented. In 1993-94, the Town constructed the North Pier and made improvements to the South Pier. As part of this work, the Town basin was dredged to -3.0 MLW directly in front of North Pier and to -6.0 MLW throughout the remaining basin

footprint area, with a 1-foot allowable overdredge to -4.0 MLW and -7.0 MLW, respectively. In 2010, the Town basin between the North and South Piers and the Federal Anchorage was dredged to -6.0 MLW by the Town under Contract No. 2010-14.

Access to/from the Town Pier Facility is provided by the Green Harbor Federal Navigation Project (FNP) which was originally constructed by the USACE in 1967 and 1968 under the authority of Section 107 of the Rivers and Harbors Act of 1960. The authorized FNP consists of a 100-foot wide entrance channel that is 6 and 8 feet in depth. The remainder of the project above the "Narrows" area was re-designated as a 6-foot deep anchorage area as part of the Water Resource Development Act of 1999. The most easterly limit of the 6-foot deep federal anchorage area abuts the Town Pier Facility basin. The USACE completed the maintenance dredging of the federal entrance channel in 2007. The 6-foot deep inner harbor anchorage was last dredged by the USACE in 2010.

E. SPILL/SOURCE DISCHARGE INFORMATION

Town officials report that the project site has not been impacted by any known major spills, NPDES discharges, or leaking underground storage tanks.

F. AVAILABLE TOPOGRAPHIC INFORMATION

Vine Associates, A Division of GZA GeoEnvironmental, Inc. (VA) performed topographic surveys of the proposed North Pier dredge area in August 2004 and February 2006. This information has been utilized to establish existing topographic conditions, identify wetland resource areas and estimate dredge quantities for the proposed Town project.

G. PROPOSED DREDGE FOOTPRINT

The proposed North Pier basin area is approximately ± 96 feet in total length and varies in width from ± 32 feet at the southern end (adjacent to the pier spur) to ± 89 feet on the northern end. The proposed dredging will be conducted to a uniform depth of 2.0 MLW throughout the proposed basin footprint, with an additional 1-foot allowable overdredge to 1.0 MLW.

Under the proposed Town project, a total area of approximately $\pm 3,800$ SF (0.13 acres) will be dredged. The entire dredge basin is by definition "improvement" dredging since this area has never been dredged and will now be dredged to a depth of 2.0 MLW. However, the entire Town Pier facility consists of historic fill, the majority of the proposed dredge area consists of a rip-rap slope and the proposed dredge area was previously disturbed as part of the construction of the North Pier.

Increasing the basin depth landward of the North Pier will allow vessels to safely utilize the new bulkhead at the North Pier.

H. ESTIMATED DREDGE QUANTITIES

It is estimated that a total of ±847 CY of material, including a 1-foot allowable overdredge, will be removed under the proposed dredge plan for the North Pier. All of the total anticipated dredge volume is considered improvement dredging.

I. PROPOSED DISPOSAL

The Town is currently pursuing upland disposal alternatives. Upland options include the placement of dredge material at the existing Dredge Spoils Area (DSA) located on Joseph Driebeek Way as part of a site closure activity or re-use as daily cover at a permitted landfill facility.

The DSA is located approximately 0.25 miles northeast of the Town Pier Facility. This upland site has been historically utilized for the dewatering and placement of sediments removed from the inner harbor in 1968 and 1983 by the USACE and was used for the dewatering and placement of dredge material removed at the Town Pier Facility in 1992 as part of the Town Pier expansion project. In the late 1990's, previously dredged/dewatered sediments were removed from the DSA and placed within the Town's landfill prior to its closure to allow the DSA to be used for future dredging projects. In 2004, permitting efforts were initiated by the Town and USACE to utilize the DSA for the federal inner harbor dredging project and potential piggyback projects. At that time, it was determined by MA Department of Environmental Protection (DEP) that the DSA could not be used for the long-term placement of dredge material as previously allowed due to changes in the dredging regulations (314 CMR 9.00). However, DEP approved using the DSA for dewatering and re-use as part of a site closure activity as the Town demonstrated a need to fill in this area for public health and safety reasons.

A portion of the DSA was successfully graded with dredge material generated during a Town dredging project completed in 2010 under Contract No. 2010-14. The Town is proposing to continue closure activities by dewatering and placing dredge material from Town Pier Improvement Project within the DSA. The Town is also requesting that the DSA be approved for the purposes of dewatering should the need arise to haul sediments to a permitted landfill facility.

Below is a general description of the work proposed for each upland disposal option the Town is requesting approval for the Town Pier Dredging Project.

1. Upland Placement at DSA (as part of a Site Closure Activity)

Dredging will be conducted from land during periods of low water using mechanical methods, thus maximizing the amount of dredging that can be performed under dry conditions. Sediments will be placed into water-tight trucks and transported to the DSA

for dewatering and final placement. Minimal dewatering of sediments is anticipated to be required as a result of the methods noted above.

Should it be necessary, dewatering will be conducted within the existing DSA through staged placement of the sediments. Dewatering will be achieved primarily through evaporation and percolation into the existing ground surface.

In the unlikely event that odors are generated during placement, they will be managed through the addition/blending of lime into dewatering sediments as deemed necessary by the on-site resident engineer. The addition of lime will reduce/eliminate odors, help stabilize dredge sediments and accelerate the dewatering process. Once sediments are suitable for final placement they will be re-worked and graded into the southwest corner of the DSA and compacted to an elevation of one (1) foot below the perimeter berm as part of the site closure. Sediments will then be capped with an 8-inch layer of clean sand cover, loamed and seeded.

2. Re-Use as Daily Cover at Permitted Landfill Facility

Dredging and dewatering operations will be conducted as described above. Once the dredge material is capable of passing the paint filter test, it will be loaded into trucks and hauled off-site for re-use as daily cover at a permitted landfill facility

J. SEDIMENT ANALYSES

Sediment sampling and analysis was performed by the Town on February 3, 2012 in accordance with 314 CMR 9.07. The sampling and testing program was coordinated with MA DEP prior to its implementation. The program was developed to allow for a determination to be made for the upland disposal of sediments at the DSA as part of a site closure activity and for as re-use as daily cover at a permitted landfill.

The sampling program consisted of two (2) core samples (S-1 and S-2) taken at the locations shown in Attachment F along with the analytical results (the two cores were analyzed separately). Also included for comparison are the test results from the sampling program performed as part of the 2010 dredging project which also utilized the DSA for disposal. The 2010 program consisted of five (5) core samples (S-1 through S-5) taken at the locations shown. Cores were composited into two (2) representative samples: "Composite A" (core samples S-1 and S-2) and "Composite B" (core samples S-3, S-4 and S-5). A summary of the analyses conducted is presented in Table 1 below:

Table 1: 2009 and 2012 Sediment Analyses

Parameter	2009 Testing		2012 Testing		
	Sample S-3	Composite		Sample S-1	Sample S-2
		A	B		
Grain Size		√	√	√	√
Metals		√	√	√	√
PAHs			√	√	√
PCBs			√	√	√
EPHs		√	√	√	√
VOCs	√			√	√
TOC		√	√	√	√
Conductivity		√	√	√	√

A summary of the test results and a copy of the associated laboratory reports are presented in Attachment F.

K. WETLANDS PROTECTION ACT AND OTHER RESOURCE AREAS

This project has been designed and will be constructed using the best available measures to minimize adverse impacts to the resource areas as defined by the Wetlands Protection Act, as well as other defined resource areas. The following paragraphs will provide definitions of the resource areas, potential impacts and proposed mitigation measures.

1. Coastal Beach (310 CMR 10.27)

A coastal beach is defined as an area of “unconsolidated sediment subject to wave, tidal and coastal storm action, which forms the gently sloping shore of a body of salt water and includes tidal flats”. This area will be impacted by the construction of the bulkhead and dredging operations. This work will not adversely impact the beach’s ability to respond to wave action.

Mitigation Measures to minimize adverse impacts to this resource area include the following:

- Work shall be coordinated during periods of low water.
- The Contractor shall not leave equipment, materials debris, or any other item within the work area that will be affected by rising water. Work areas shall be left in a condition such that the rising water shall not cause any damage to on going work and adjacent existing areas.

- The Contractor shall promptly remove and properly dispose of any debris or other excess materials from within the designated work area.

2. *Land Subject To Coastal Storm Flowage (310 CMR 10.27)*

Land Subject to Coastal Storm Flowage (LSCSF) is defined as "land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater." The entire project site is within LSCSF, which will be temporarily impacted by the parking area grading improvements. This area is significant to storm damage prevention and flood control. The proposed work will not significantly alter existing grades. The proposed bulkhead will not impact the land's ability to buffer storm waves, nor will it impact drainage patterns. The proposed work will provide increased prevention of storm damage.

3. *100 Foot Buffer Zone*

The Buffer Zone is defined as that area of land extending 100 feet horizontally outward from the boundary of any resource area defined by the Wetlands Protection Act. Work to be performed in this area includes staging of construction equipment, material storage and excavation as required to construct the bulkhead. All areas disturbed will be restored to their pre-construction conditions.

4. *Riverfront Area (310 CMR 10.58)*

Riverfront area is defined as "an area of land between a river's mean annual high water line and a parallel line measured horizontally". All of the proposed work will occur within the riverfront area. The riverfront area has been previously disturbed by the historic use of the site and the development of the Town Pier Facility and no new alterations outside the previously impacted area are proposed.

The proposed project will alter previously disturbed Riverfront area. However, this project is exempt from the Rivers Protection Act as this project is subject to Chapter 91 jurisdiction (310 CMR 10.58(6)(i)). Additionally, this area consists of structures, utility lines and parking lot owned by a political subdivision and in existence on August 7, 1996 (310 CMR 10.58(6)(a)). This project will not adversely affect any potential to protect the public water supply, protect the groundwater, to provide flood control, to prevent storm damage, to prevent pollution, to protect land containing shellfish or to protect wildlife habitat and fisheries. The current use of the land is not being changed for this project.

5. *Land Containing Shellfish (310 CMR 10.34)*

Land Containing Shellfish is defined as "land under the ocean...when any such land contains shellfish." Land Containing Shellfish shall be found significant when

it is has been identified and mapped as follows: by the Conservation Commission or the Department in consultation with DMF and based upon maps and designations of DMF; or by the conservation commission or the Department based on maps and written documentation of the shellfish constable or the Department. In making such identification and maps, the following factors shall be taken into account and documented: the density of shellfish, the size of the area and the historical and current importance of the area to recreational or commercial shellfishing.

According to available MA GIS data, the intertidal area to be impacted during dredging is indicated as suitable for, but may not currently support, blue mussel (*Mytilus edulus*) and soft-shell clam (*Mya arenaria*) habitat. The areas covered by these maps include sites where shellfish have historically been sighted, but may not currently support any shellfish. The shellfish suitability areas were not verified in the field and the boundaries were not surveyed. For these reasons, the areas should be used only as guides to the approximate locations of potential habitats. Visual observations indicated very low/trace densities of blue mussels and no soft-shell clams throughout the project area.

Currently, no maps exist which identify these intertidal areas proposed to be dredged as significant shellfish areas. The Harbormaster, who also acts as the Town shellfish constable, has indicated that there has been no recreational or commercial harvesting of this area in a very long time. In addition, the shellfish constable has confirmed that only trace amounts of blue mussels and no observable populations of soft-shell clams presently exist at the Town Pier Facility (see Harbormaster's Correspondence Letter, attached).

As part of the review process during the Notice of Intent (NOI) filing, representatives from the Massachusetts Division of Marine Fisheries (DMF) reviewed the NOI filing materials and performed a site visit and inspection. As part of mitigation for impacts to a potential shellfish resource area from the project, DMF recommended that a shellfish seeding program be implemented in the area (see DMF correspondence letter, attached). DMF indicated that they would work with the Town officials to determine the seed area and would provide additional technical assistance, as necessary.

6. *Banks or Land Under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run") (310 CMR 10.35)*

The land under the ocean that underlies an anadromous/catadromous fish run is defined as "that area within...rivers...which is a spawning or feeding ground or passageway for anadromous or catadromous fish and which is identified by the Massachusetts Division of Marine Fisheries (DMF) or has been mapped on the Coastal Atlas of the Coastal Zone Management Program." According to the 2004 draft Environmental Assessment (EA) prepared by the USACE for the adjacent federal anchorage dredging project, DMF has determined that anadromous fish,

particularly smelt (*Osmera mordax*) and American shad (*Alosa sapidissima*) are present in Green Harbor.

The proposed project will temporarily alter approximately ±96 linear feet of a Fish Run. The dredging portion of the project will be conducted during the fall and winter months, in order to avoid passage of anadromous fish. Therefore, this project will not adversely affect the Fish Run by impeding or obstructing the migration of fish, changing the volume or rate of flow of water, or impairing the capacity of spawning or nursing habitats necessary to sustain the various life stages of the fish.

7. *Coastal Bank (310 CMR 10.30)*

A Coastal Bank is defined as “the seaward face or side of any elevated landform, other than coastal dune, which lies at the landward edge of coastal beach, land subject to tidal action or other wetland”. A Coastal Bank is determined to be significant to storm damage prevention and flood control as it supplies sediment to coastal beaches, dunes or barrier beaches.

The Coastal Bank within the limits of the project area has been previously armored with rip rap stone. As such, the man made coastal bank is not an active sediment source to adjacent coastal beach or dunes. Construction of the bulkhead will improve the bank’s ability buffer waves and provide storm damage protection.

8. *Essential Fish Habitat*

In 1996, amendments to the Magnuson-Stevens Fishery Conservation and Management Act required that an Essential Fish Habitat (EFH) consultation be conducted for activities that may adversely affect important habitats of federally managed marine and anadromous fish species. EFH includes “waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”. Green Harbor falls into this category and therefore has the potential to provide habitat for fish species.

In 2004, the USACE prepared an EFH assessment for the maintenance dredging of the Green Harbor Federal Dredging Project. The findings of this assessment concluded that although there is potential for project activities to impact EFH species which may occur in the dredging area, any impacts are expected to be short-term and limited to the immediate project area.

The dredge area impacted under the proposed Town project is considered similar to those of the federal project; therefore, it is reasonable to assume that the findings presented under the USACE EFH assessment are applicable to the Town project. As with the federal project, impacts will be minimized by application of a dredging window that would avoid the most sensitive times of the year in order to

Hydraulic Dredging

Dredging by hydraulic methods involves underwater use of a suction cutter blade that is able to mix sediment with additional water to transport the material effectively through a pipeline to a disposal location or a dewatering site. One drawback of this method is that it adds considerable water to the sediment as it is excavated. This requires a large upland dewatering area. This method is not practical for offshore disposal, but is the preferred method for upland disposal when a large dewatering area is available. However, installation of a pipeline to the DSA would require impacts to additional resource areas and result in additional costs. In addition, it prevents any dredging from occurring during periods of low water and therefore during dry conditions. Hydraulic dredging is not considered a viable option by the Town.

Mechanical Dredging

Dredging by mechanical methods involves a bucket mounted on the end of a crane or excavator that is positioned on top of a barge, or in the case of this project positioned on land. The bucket will be able to transfer the dredge spoils into a truck, which will in turn transport the material to an upland dewatering/disposal site. This process involves considerably less mixing of the sediments with water and keeps the volume of dredge spoils to a minimum. In addition, use of land-based mechanical methods will maximize the amount of dredging that can be performed during periods of low water. Mechanical dredging is the preferred alternative as it offers the greatest public benefit while minimizing costs and environmental impacts.

Upland Disposal

Historically, the Town of Marshfield has used the Town's existing Dredge Spoils Area (DSA) on Joseph Driebeek Way (formerly Town Pier Road) for dredge material disposal. Due to its proximity to the dredge basin, its designation as a site suitable for disposal of appropriate dredge material and the cost benefits of utilizing this site, disposal within the DSA as part of the site closure activities is considered the preferred alternative.

Beach Nourishment

This alternative would involve the placement of the dredge material onto a nearby beach. The dredge material associated with this project is not considered suitable material for beach nourishment. Beach nourishment is not considered a viable option by the Town.

Nearshore Disposal

This alternative would involve the placement of dredge material in nearshore areas from which it can be moved by littoral processes onto beach systems. The dredge material associated with this project are not considered suitable material for nearshore disposal. In addition, the need to utilize barges for transportation of the dredge material would increase the project costs significantly. Nearshore disposal is not considered a viable option by the Town.



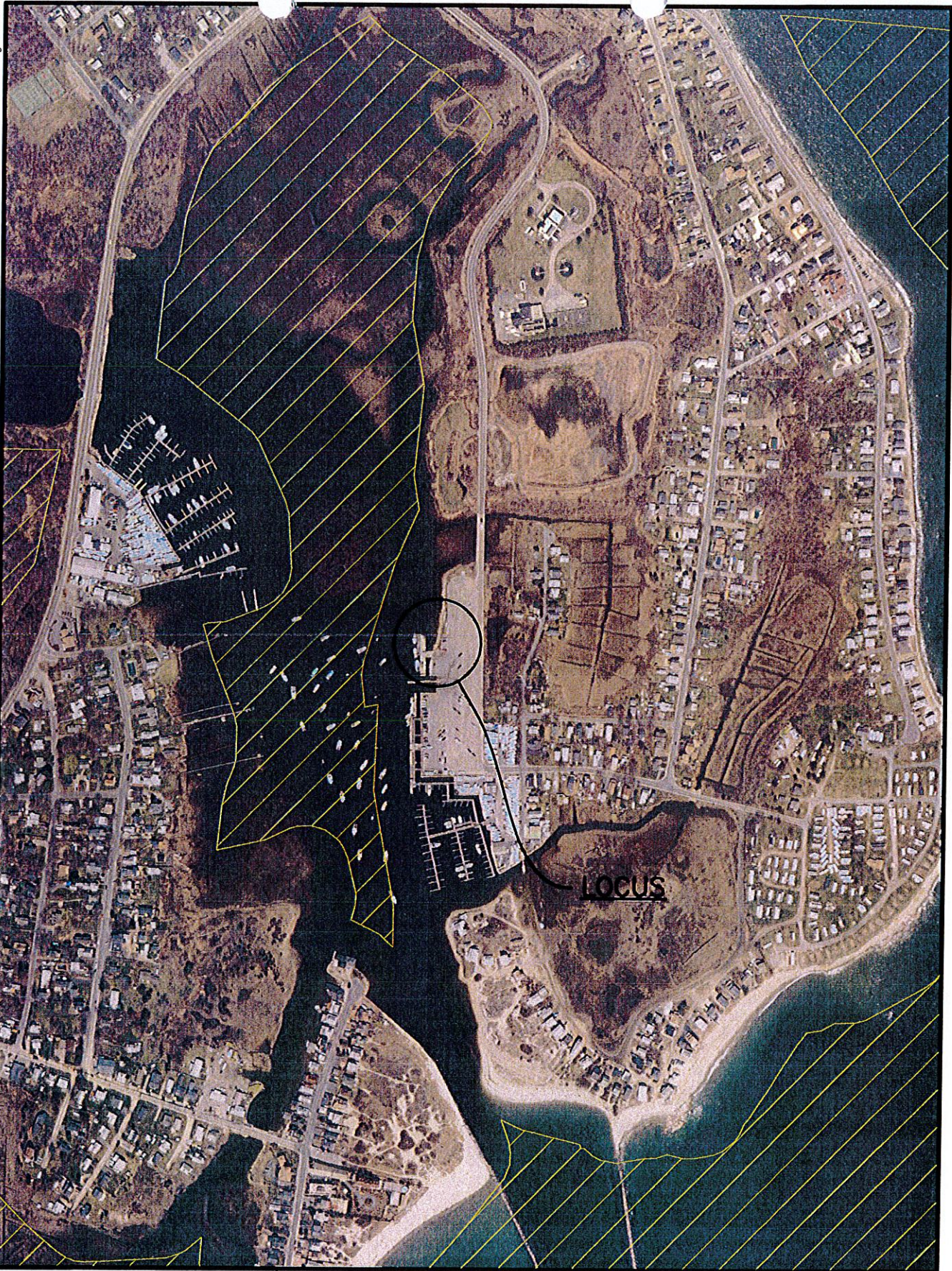
Vine Associates
A Division of GZA GeoEnvironmental
190 Old Derby Street - Suite 311
Hingham, MA 02382

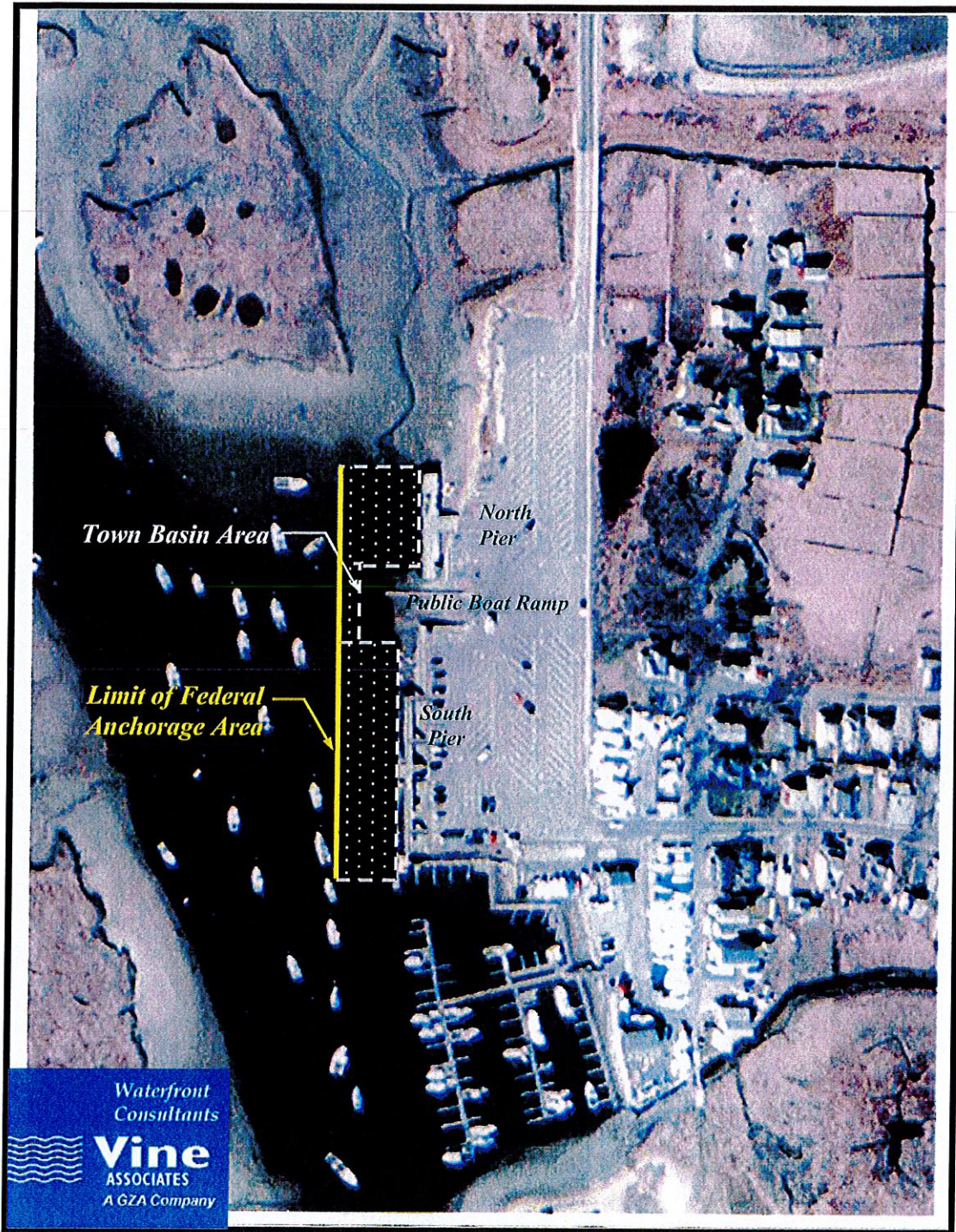
Locus Plan

**Figure
1**



© 2011 - GZA GeoEnvironmental, Inc. GZA-\\gzahingham1\Jobs\18.0170877 - Marshfield Town Pier\Drawings\401 WOC\Figure 2 & 3 - Priority Maps.dwg [PRIORITY] March 23, 2012 - 10:08am matthew.grosschedl





**FIGURE 4 –Existing Town Anchorage Basin Area (not to scale)
Green Harbor Town Pier Facility
Marshfield, MA**

National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'



NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0016E

FIRM
FLOOD INSURANCE RATE MAP

TOWN OF
 MARSHFIELD,
 MASSACHUSETTS
 PLYMOUTH COUNTY

PANEL 16 OF 17

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
MARSHFIELD, TOWN OF	250273	0016	E

-NOTE-

THIS MAP INCLUDES COASTAL BARRIER RESOURCES SYSTEM BOUNDARIES ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT LEGISLATION.

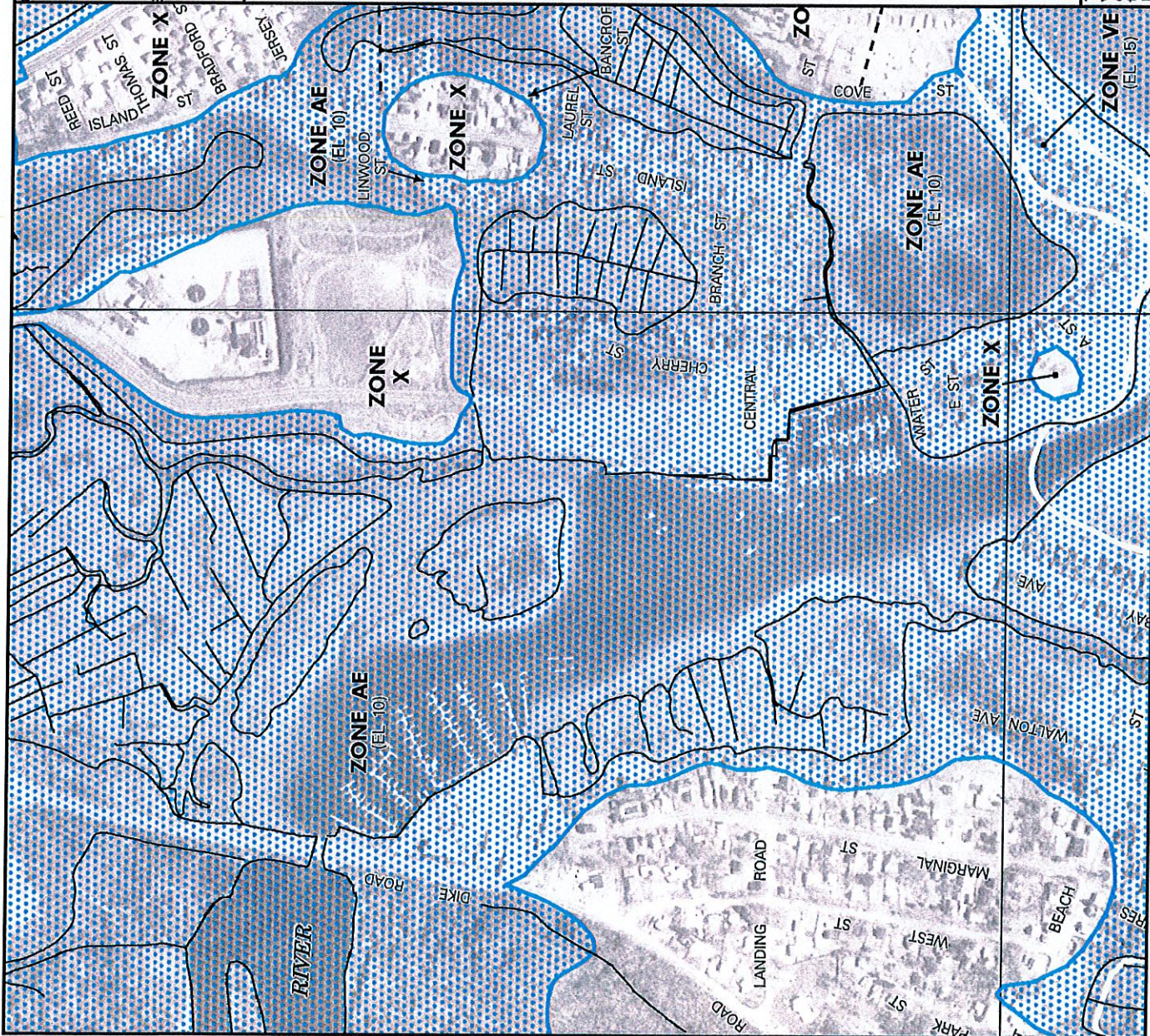
Notes to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

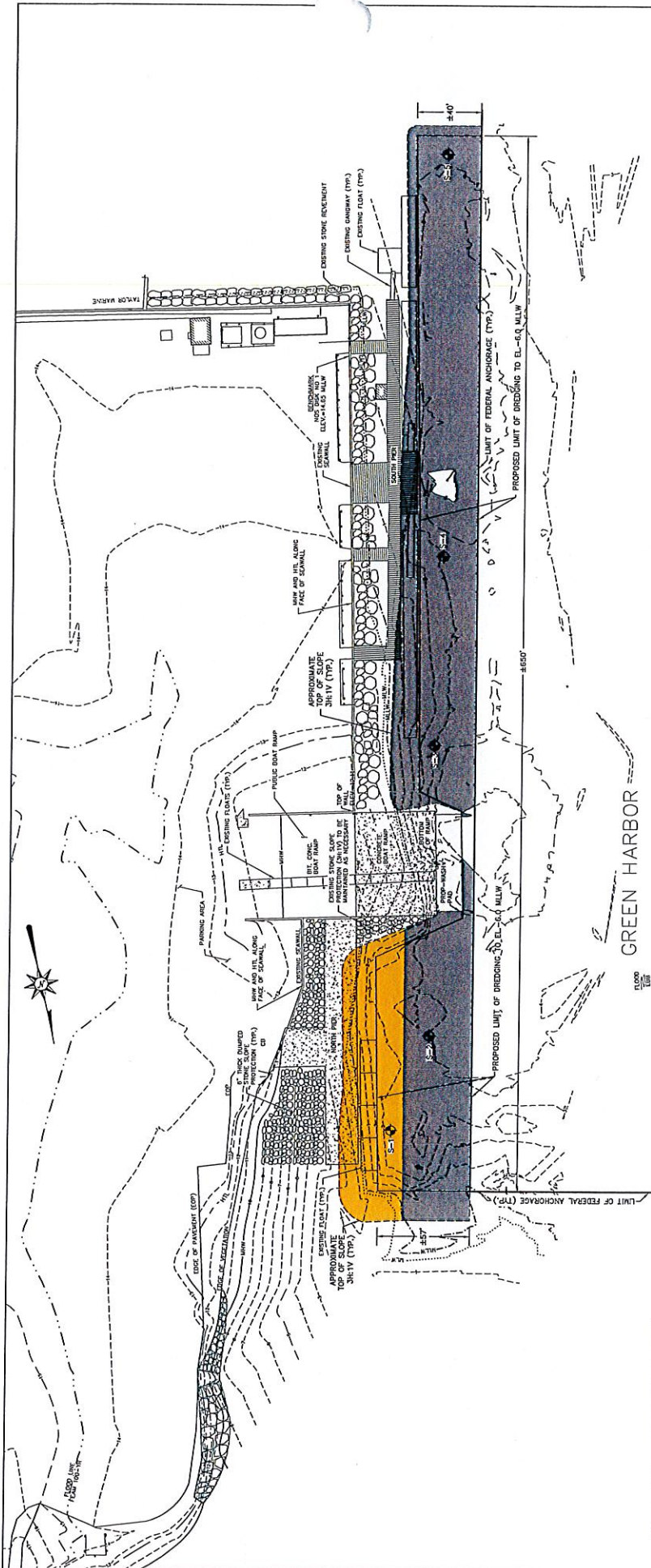


MAP NUMBER
 2502730016E
 MAP REVISED
 JUNE 16, 2006

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov





LEGEND

- MLW 0.0
- TOP OF DREDGE SLOPE
- TOP OF DREDGE SLOPE
- APPROX. SHORELINE
- 6' DREDGE DEPTH CONTOUR
- PROPOSED MAINTENANCE DREDGE AREA
- PROPOSED IMPROVEMENT DREDGE AREA
- SPOT ELEVATION

SITE PLAN
SCALE: 1"=60'

LOCATION	MA STATE PLANE COORDINATES	LAT./LONG.	APPROX. SAMPLING DEPTH (FT.)
S-1	N 306097.97 E 831594.37	47° 50.026' 70° 38.7796'	4'
S-2	N 305201.78 E 831591.48	47° 5.0711' 70° 38.7948'	3'
S-3	N 304461.48 E 831570.20	47° 36.7250' 70° 37.7857'	3'
S-4	N 302713.03 E 831565.94	47° 4.8724' 70° 37.7857'	3'
S-5	N 305467.61 E 831565.31	47° 4.9318' 70° 37.7873'	2'

2009 SEDIMENT SAMPLING PLAN

TOWN PIER FACILITY
GREEN HARBOR
MARSHFIELD, MASSACHUSETTS

Vine
ASSOCIATES, INC.

DES. CMP CHK. DR. MAG

SCALE AS SHOWN

DATE: AUGUST 2009

PROJECT NO. 966

0 30 60
SCALE IN FEET

GENERAL NOTES:

- RESULTS OF PHOTOGRAPHY FROM SURVEY OF 08/14/01 PERFORMED BY CLE ENGINEERING, INC.
- SOUNDINGS ARE IN FEET AND TENTHS, AND REFER TO DEPTHS BELOW MLW REF. ELEV. 0.0.
- BENCHMARK PIER IS A NOS DISK LABELED B.M. NOT SET AT THE TOP OF BULKHEAD OF THE TOWN PIER. ELEVATION = +14.03' MLW AND 14.29' MLLW.
- COORDINATES ARE BASED ON THE 1927 STATE PLANE SYSTEM FOR THE STATE OF MASSACHUSETTS.
- CONTROL WAS PROVIDED BY THE DCR WATERWAYS AND THE US ARMY CORPS OF ENGINEERS AND WAS INDEPENDENTLY VERIFIED.
- THE INFORMATION DERIVED ON THIS MAP REPRESENTS THE BEST AVAILABLE DATA AND SHOULD BE CONSIDERED AS INDICATING THE CONDITIONS PRESENT AT THE TIME THE DATA WAS OBTAINED. SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS.
- SHORELINE TOPOGRAPHY WAS TAKEN FROM EXISTING PLANS AND INDEPENDENTLY VERIFIED.

SAMPLING NOTES:

- ALL SEDIMENT SAMPLES SHALL BE TAKEN TO EL. -7.0' MLW.
- CONTRACTOR SHALL RECORD ALL SAMPLING LOCATIONS IN THE FIELD USING GPS.

Summary of Sediment Test Results
September 2012

Town Pier Improvement Project
North Pier - Green Harbor
Marshfield, MA

Units	2009 Results			2012 Results		
	COMPOSITE A	COMPOSITE B	S-3	S-1	S-2	
General Chemistry						
Conductivity	umbos	5100	8800	NT	5491	4111
Solids, Total	%	54.2	50.3	48.6	76.7	84.6
Total Organic Carbon						
Total Organic Carbon (Rep1)	%	1.7	1.35	NT	0.77	0.17
Total Organic Carbon (Rep2)	%	1.82	1.26	NT		
Grain Size Analysis						
Sieve, #4	%	99.8	100	NT	77.1	76.7
Sieve, #10	%	97.3	99.4	NT	74.2	71
Sieve, #40	%	83.3	91.6	NT	71	55.9
Sieve, #60	%	74.5	84.8	NT	65.7	33.1
Sieve, #200	%	37.9	48	NT	18	1.8
Total Metals						
Arsenic, Total	mg/kg	8.56	6.07	NT	6.0	1.9
Cadmium, Total	mg/kg	0.681	0.749	NT	0.43	0.38
Chromium, Total	mg/kg	22.5	37.7	NT	11.3	3.0
Copper, Total	mg/kg	27.7	30	NT	5.9	1.9
Lead, Total	mg/kg	24.4	25.4	NT	6.1	3.7
Mercury, Total	mg/kg	0.126	0.143	NT	0.02	0.018
Nickel, Total	mg/kg	7.63	14.1	NT	7.6	1.9
Zinc, Total	mg/kg	78	84.7	NT	18.4	8.4
Volatile Organics by GC/MS-5035 Low						
1,1,1,2-Tetrachloroethane	mg/kg	NT	NT	NT	0.0037 U	0.004 U
1,1,1-Trichloroethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,1,2,2-Tetrachloroethane	mg/kg	NT	NT	NT	0.0015 U	0.0016 U
1,1,2-Trichloroethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,1-Dichloroethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,1-Dichloroethene	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,1-Dichloropropene	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2,3-Trichlorobenzene	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2,3-Trichloropropane	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2,4-Trichlorobenzene	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2,4-Trimethylbenzene	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2-Dibromo-3-Chloropropane	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2-Dibromoethane	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2-Dichlorobenzene	mg/kg	NT	NT	NT	0.0037 U	0.0037 U
1,2-Dichloroethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,2-Dichloropropane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
1,3,5-Trimethylbenzene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
1,3-Dichlorobenzene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
1,3-Dichloropropane	mg/kg	NT	NT	NT	0.0037 U	0.004 U
1,4-Dichlorobenzene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
1,4-Dioxane	mg/kg	NT	NT	NT	0.0037 U	0.004 U
2,2-Dichloropropane	mg/kg	NT	NT	NT	0.0037 U	0.004 U
2-Butanone	mg/kg	NT	NT	0.106	0.0074 U	0.008 U
2-Chlorotoluene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
2-Hexanone	mg/kg	NT	NT	0.0405 U	0.0074 U	0.008 U
4-Chlorotoluene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
4-Isopropyltoluene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
4-Methyl-2-pentanone	mg/kg	NT	NT	0.0405 U	0.0074 U	0.008 U
Acetone	mg/kg	NT	NT	0.515	0.008	0.008 U
Benzene	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Bromobenzene	mg/kg	NT	NT	NT	0.0037 U	0.004 U
Bromochloromethane	mg/kg	NT	NT	NT	0.0037 U	0.004 U
Bromodichloromethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Bromoform	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Bromomethane	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Carbon disulfide	mg/kg	NT	NT	0.0738	0.0037 U	0.004 U
Carbon tetrachloride	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Chlorobenzene	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Chloroethane	mg/kg	NT	NT	0.0162 U	0.0074 U	0.008 U
Chloroform	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U
Chloromethane	mg/kg	NT	NT	0.0162 U	0.0074 U	0.008 U
cis-1,2-Dichloroethene	mg/kg	NT	NT	0.0162 U	0.0037 U	0.004 U

Summary of Sediment Test Results
September 2012

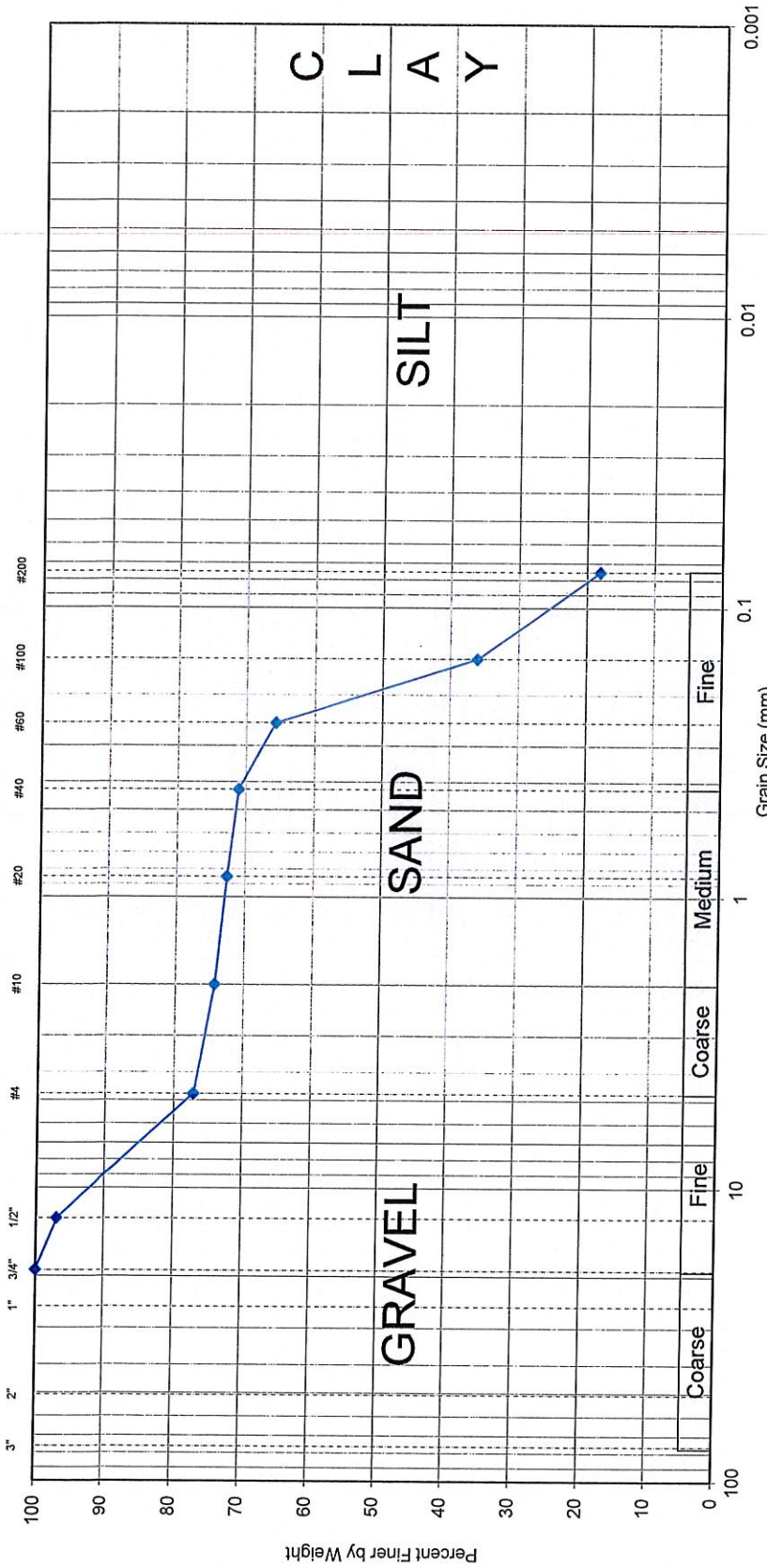
Town Pier Improvement Project
North Pier - Green Harbor
Marshfield, MA

Units	2009 Results			2012 Results		
	COMPOSITE A	COMPOSITE B	S-3	S-1	S-2	
PAHs/PCB Congeners by GC/MS						
2-Methylnaphthalene	mg/kg	NT	0.0138 U	NT	0.024 U	0.019 U
Acenaphthene	mg/kg	NT	0.0138 U	NT	0.024 U	0.019 U
Acenaphthylene	mg/kg	NT	0.0223	NT	0.024 U	0.019 U
Anthracene	mg/kg	NT	0.0294	NT	0.024 U	0.019 U
Benz(a)anthracene	mg/kg	NT	0.137	NT	0.024 U	0.019 U
Benzo(a)pyrene	mg/kg	NT	0.1	NT	0.024 U	0.019 U
Benzo(b)fluoranthene	mg/kg	NT	0.145	NT	0.024 U	0.019 U
Benzo(ghi)perylene	mg/kg	NT	0.0905	NT	0.024 U	0.019 U
Benzo(k)fluoranthene	mg/kg	NT	0.1	NT	0.024 U	0.019 U
Chrysene	mg/kg	NT	0.103	NT	0.024 U	0.019 U
C10-BZ#209	mg/kg	NT	0.00138 U	NT	<10	<10
C12-BZ#8	mg/kg	NT	0.00138 U	NT	<10	<10
C13-BZ#18	mg/kg	NT	0.00138 U	NT	<10	<10
C13-BZ#28	mg/kg	NT	0.00138 U	NT	<10	<10
C14-BZ#44	mg/kg	NT	0.00138 U	NT	<10	<10
C14-BZ#49	mg/kg	NT	0.00138 U	NT	<10	<10
C14-BZ#52	mg/kg	NT	0.00138 U	NT	<10	<10
C14-BZ#66	mg/kg	NT	0.00138 U	NT	<10	<10
C15-BZ#101	mg/kg	NT	0.00138 U	NT	<10	<10
C15-BZ#105	mg/kg	NT	0.00138 U	NT	<10	<10
C15-BZ#118	mg/kg	NT	0.00176	NT	<10	<10
C15-BZ#87	mg/kg	NT	0.00138 U	NT	<10	<10
C16-BZ#128	mg/kg	NT	0.00138 U	NT	<10	<10
C16-BZ#138	mg/kg	NT	0.00263	NT	<10	<10
C16-BZ#153	mg/kg	NT	0.00177	NT	<10	<10
C17-BZ#170	mg/kg	NT	0.00138 U	NT	<10	<10
C17-BZ#180	mg/kg	NT	0.00138 U	NT	<10	<10
C17-BZ#183	mg/kg	NT	0.00138 U	NT	<10	<10
C17-BZ#184	mg/kg	NT	0.00138 U	NT	<10	<10
C17-BZ#187	mg/kg	NT	0.00138 U	NT	<10	<10
C18-BZ#195	mg/kg	NT	0.00138 U	NT	<10	<10
C19-BZ#206	mg/kg	NT	0.00138 U	NT	<10	<10
Dibenz(a,h)anthracene	mg/kg	NT	0.0231	NT	0.024 U	0.019 U
Fluoranthene	mg/kg	NT	0.305	NT	0.024 U	0.019 U
Fluorene	mg/kg	NT	0.016	NT	0.024 U	0.019 U
Indeno(1,2,3-cd)Pyrene	mg/kg	NT	0.0821	NT	0.024 U	0.019 U
Naphthalene	mg/kg	NT	0.0138 U	NT	0.024 U	0.019 U
Phenanthrene	mg/kg	NT	0.116	NT	0.024 U	0.019 U
Pyrene	mg/kg	NT	0.244	NT	0.024 U	0.019 U
Extractable Petroleum Hydrocarbons						
C11-C22 Aromatics, Adjusted	mg/kg	18.5	13.2 U	NT	<6.5	<5.9
C11-C22 Aromatics, Unadjusted	mg/kg	18.5	13.2 U	NT	<6.5	<5.9
C19-C36 Aliphatics	mg/kg	48	13.2 U	NT	<6.5	<5.9
C9-C18 Aliphatics	mg/kg	12.3 U	13.2 U	NT	<6.5	<5.9

Notes:

- 1.) Composite A = S-1 + S-2; Composite B = S-3 + S-4 + S-5 done in 2009.
- 2.) Sample Results Comparison with MCP SI/GW-1 Criteria.
- 3.) NT = analyte not tested U = analyte not detected/below target detection limit; target detection limit reported

U.S. STANDARD SIEVE AND HYDROMETER



Gravel
22.9%

Sand
59.1%

Fines
18.0%

Lab #	Sample Date	Sample	Depth	Description	WC	LL	PL	PI
1	2/3/12	S-1		Gray f-m SAND, some fine Gravel, little Silt	29.7			

Sieve Size	% Passing
3/4"	100.0
1/2"	97.0
#4	77.1
#10	74.2
#20	72.6
#40	71.0
#60	65.7
#100	36.0
#200	18.0

CTS-74-12-0003
Marshfield, MA Sediment Testing
Marshfield, MA

GZA File # 18.0170877.00

Tested by: AS Date: 2/8/12
Reviewed by: MBP Date: 2/9/12



Town of Marshfield Massachusetts

HARBORMASTER DEPARTMENT



January 26 2009

Vine Associates, Inc.
190 Old Derby Street
Hingham, Ma. 02043

Re: Shellfish Determination

Dear Mrs. Player:

Per our conversation regarding the proposed dredging of Green Harbor; I am also the shellfish constable for the Town of Marshfield. In the area of the South pier there are trace amounts of broken blue mussels (*Mytilus edulis*) along the seawall area with a minimal blue mussel population. The North pier area also has trace amounts of blue mussels and no signs of other shellfish habitat, softshell or otherwise. If you have any further questions please feel free to contact my office.

Sincerely,

Officer Michael DiMeo
Harbormaster/Shellfish Constable

cc: Town Administrator, Rocco Longo
Engineering, Rod Proccacino
COTP, Chief William Sullivan

100 Central Street / Town Pier, Brant Rock, Massachusetts 02020
Mailing Address: 1639 Ocean Street Marshfield, Massachusetts 02050

Telephone (781) 834-5541



Paul J. Diodati
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

1213 Purchase St. 3rd Floor

New Bedford, MA 02740

(508)990-2860

fax (508)990-0449



Deval Patrick
Governor

Timothy P. Murray
Lt. Governor

Richard K. Sullivan, Jr.
Secretary

Mary B. Griffin
Commissioner

September 26, 2011

Marshfield Conservation Commission
Town Hall
870 Moraine Street
Marshfield, MA 02050

Re: Marshfield Town Pier Dredging Project

Dear Commissioners,

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the Notice of Intent by Town of Marshfield to construct a concrete bulkhead, improvement dredge an intertidal area landward of North Pier, construct an extension to an existing pier and install a gangway on Green Harbor in the Town of Marshfield, with respect to potential impacts to marine fisheries resources and habitat. Eileen Feeney, Fisheries Habitat Specialist within our New Bedford office outlined *Marine Fisheries* concerns and recommendations for the project in her August 16th letter to your Commission.

Our agency's role and standard policy regarding review of coastal operation projects is to review projects as to their potential impacts to marine fisheries resources and habitats and to provide resource information to federal, state and local regulatory entities in order to enable them to make reasoned, informed decisions. It is not our agency's role, or intention, to provide opinions on the projects we review. It is our intent to provide information that can be used by regulators and applicants to avoid and/or minimize impacts to marine fisheries resources and their habitats from these proposed projects.

Following an on-site visit with Jay Wennemer (Marshfield Conservation Agent) on September 20th and conversations with Mike DiMeo (Marshfield Harbormaster and Shellfish Constable) it is clear that the proposed installation of a concrete bulkhead and associated improvement dredging of 3,800 square feet of intertidal and subtidal sediment can not be avoided or minimized. In the event that impacts to a shellfish resource and/or habitat are unavoidable as the result of a coastal alteration project, *Marine Fisheries* recommends that mitigation for the impacted resource and permanent loss of habitat be carried out.

The project site lies within mapped shellfish habitat for soft shell clams (*Mya Arenaria*) and blue mussels (*Mytilus edulis*). Mapped land containing shellfish is deemed significant to the interest of the Wetland Protection Act and the protection of marine fisheries. While the shellfish are not available for direct human consumption, the shellfish habitat, which is land containing shellfish, is still considered significant to the interest of the Act as shellfish serve as forage for finfish and other species and broodstock for Green Harbor.

The nature of the shellfish suitability maps that identify this area as soft shell clam and mussel habitat are not of sufficient scale and resolution to make project-specific mitigation decisions. Nor are they appropriate for detailed resource distribution assessments. In their Notice of Intent submission on behalf of the Town of Marshfield -- DPW, Vine Associates stated that the project area has very low/trace densities of blue mussels and no soft shell clams. However, that does not necessarily mean that it is no longer shellfish habitat and that shellfish species may re-colonize the area at some point in the future.

PHOTOGRAPHS



Photograph 1 – Proposed location of new bulkhead/dredging at low tide



Photograph 2 – Typical area to be dredged, looking shoreward

NORTH PIER IMPROVEMENT PROJECT
TOWN PIER – GREEN HARBOR
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APPENDIX C

FIGURES