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& PLANS

The Commonwealth of Massachusetts

No. 13946



Whereas, United States Coast Guard and
Massachusetts Electric Company d/b/a National Grid

of -- Gloucester -- in the County of -- Essex -- and of -- Waltham -- in the County of -- Middlesex -- and Commonwealth aforesaid, respectively, has applied to the Department of Environmental Protection for license to -- perform environmental remediation actions and install and maintain a Dense Non-Aqueous Phase Liquid (DNAPL) Recovery System pursuant to the Massachusetts Contingency Plan (MCP) remediation project Release Tracking Number (RTN) 3-25126 and Tier IA Permit Number W092029, repairs and improvements to the existing United States Coast Guard (USCG) Pier 2 structure (as shown on Sheet 3 of 5 from License Plan No. 13946) to accommodate the installation of an approximately 1,800 square foot interim floating dock system consisting of a new timber pile supported landing and float and the relocation of a gangway and float from the existing southern floating dock system, the installation of a 10-foot wide concrete stability wedge and 8-foot wide rip-rap wedge adjacent to an 80-foot section of existing granite seawall, and the installation of a sub-aqueous porewater cap abutting the stability wedge (as shown on Sheet 5 of 5 from said plan) ----

and has submitted plans of the same; and whereas due notice of said application has been given as required by law to the -- Mayor and City Council -- of the -- City -- of -- Gloucester -----

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 -----

-- United States Coast Guard and Massachusetts Electric Company d/b/a National Grid -- 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, perform environmental remediation actions and install and

maintain a DNAPL Recovery System pursuant to the MCP remediation project RTN 3-25126 and Tier IA Permit Number W092029, repairs and improvements to the existing USCG Pier 2 structure (as shown on Sheet 3 of 5 of said plan) to accommodate the installation of an approximately 1,800 square foot interim floating dock system consisting of a new timber pile supported landing and float and the relocation of a gangway and float from the existing southern floating dock system, the installation of a 10-foot wide concrete stability wedge and 8-foot wide rip-rap wedge adjacent to an 80-foot section of existing granite seawall, and the installation of a sub-aqueous porewater cap abutting the stability wedge (as shown on Sheet 5 of 5 of said plan) -----

in and on filled and flowed tidelands of -- Gloucester Inner Harbor -- at 17 Harbor Loop -- in the -- Gloucester Inner Harbor Designated Port Area -- in the-- City -- of -- Gloucester -- and in accordance with the locations shown and details indicated on the accompanying License Plan No. 13946 (Sheets 1-5, dated May 2015).

The structures authorized hereby shall be limited to the following uses: remedial structures, shoreline stabilization for the protection of existing structures, and temporary public safety/law enforcement docking and boating access to navigable waters.

Specific Legislative Authorizations and Licenses issued previously at the project site include: Harbor & Lands Commission License 735 issued in 1883.

This License is valid for an unlimited term pursuant to 310 CMR 9.15(1)(c).

This License is subject to the following Special Conditions and Standard Conditions:

Special Condition #1: This License is issued pursuant to the Consolidated Written Determination (CWD) for Waterways File Number W14-4278, and is incorporated by reference herein. The structures and uses as licensed and conditioned herein are substantially compliant with the CWD.

Special Condition #2: The Licensee shall install a habitat layer at least 18-inches thick on top of the stability wedge, consisting of composition and granular size similar to that of the surrounding coastal beach.

Special Condition #3: Prior to installation of the temporary breakwater, which extends into a portion of the Federal Anchorage Area and over the Gloucester Harbor Line, the Licensee shall obtain approval from the United States Army Corps of Engineers, obtain a 10A Permit from the Gloucester

Harbormaster, and submit a copy of both authorizations to the Department.

Special Condition #4: Following the completion of said remediation project, the interim floating docking system shall be removed from USCG Pier 2 and the components from the southern floating dock system shall be reinstalled in their original location.

Special Condition #5: Pursuant to 310 CMR 9.22, the Licensee may undertake minor project modifications upon written notice to, and approval by, the Department.

Special Condition #6: 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 Licensee submits to the Department no later than 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 Condition #7: The Licensee shall allow agents of the Department to enter the project site to verify compliance with the conditions of this License prior to completion of any portion of the project.

Special Condition #8: The Licensee shall request in writing that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19, for each License issued under this CWD. The requests shall be accompanied by a certification by a registered professional engineer licensed to do business in the Commonwealth that the project was completed in accordance with the License.

Please see Page 4 for additional conditions to this License

Duplicate of License Plan No. 13946 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 to 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. The Licensee stated that the United States Coast Guard was the property owner at the time the application was submitted.
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, M.G.L. Chapter 131, § 40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP.
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.
 - Navigable River or Stream. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
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.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- United States Coast Guard and Massachusetts Electric Company d/b/a National Grid -- by paying into the treasury of the Commonwealth -- two dollars (\$2.00) for each cubic yard so displaced, being the amount hereby assessed by said Department (\$0.00, exempt pursuant to 310 CMR 9.16(2)(c) and 310 CMR 9.16(4)(a)).

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 Southern District of the Registry of Deeds for the County of -- Essex --

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 19 day of August in the year two thousand and fifteen.

Program Chief 

Program Director 

Commissioner 


*Department of
Environmental Protection*

THE COMMONWEALTH OF MASSACHUSETTS

This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- United States Coast Guard and Massachusetts Electric Company d/b/a National Grid and the -- the further sum of -- zero dollars (\$0.00, exempt pursuant to 310 CMR 9.16(4)(a)) -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.



 Governor