PERMIT NO. 13967

Name and Address of Permittee:

Town of Sandwich
Attn: George H. Dunham, Town Manager
130 Main Street
Sandwich, MA 02563

ISSUED: July 29, 2015
Amended August 14, 2015
EXPIRES: July 29, 2020

Permission is hereby given by the Department of Environmental Protection to: place and grade approximately 388,000 cubic yards of sand for the purpose of beach and dune nourishment at Town Neck Beach and the shoreline fronting Freeman Avenue and Town Neck Road, in flowed tidelands of Cape Cod Bay, Sandwich.

All work authorized herein shall be in the location shown and to the dimensions and elevations indicated in the permit plans titled: “Proposed Dune & Beach Reconstruction at Town Neck Beach & Vicinity in Cape Cod Bay, Sandwich, MA.”, Woods Hole Group, Inc., dated March 12, 2015 (12 sheets) and “Maintenance Dredging and Beach and Dune Restoration” Department of the Army, New England District Corps of Engineers, dated March 16, 2015 (6 sheets).

STANDARD WATERWAYS PERMIT CONDITIONS

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

3. This Waterways Permit shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Department has given written notice of the alleged noncompliance to the Permittee, or his/her agent, and those persons who have filed a written request, with the Department, for such notice and has afforded the Permittee a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways Permit void.

4. This Waterways Permit is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance is subject to the provisions of Sections 52 to 56, inclusive of Chapter 91 of the General Law and its Regulations 310 CMR 9.40(5), which provides, in part, that the transportation and dumping of dredge material shall be done under the supervision of the Department, and, when required, the Permittee shall provide at his/her expense a dredge inspector approved by the Department.

5. This Waterways Permit is issued upon the express condition that dredging and transportation and disposal of dredge material shall be in strict conformance with the Water Quality Certification issued by the Department of Environmental Protection.

6. All subsequent beach nourishment activities performed during the term of this Permit, shall conform to all standards and conditions applied to the original beach nourishment operation approved under this Permit.

7. After completion of the initial beach nourishment activities authorized herein, the Permittee shall furnish to the Department a suitable plan showing the elevations at NAVD 1988 vertical datum over the area nourished. Beach nourishment authorized under this Permit shall be conducted so as to cause no unnecessary obstruction of the free passage of vessels, and care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Permittee shall, at his/her expense, remove the shoal areas. The Permittee shall pay all costs of supervision, and if at any time the Department deems necessary a survey or surveys of the area dredged, the Permittee shall pay all costs associated with such work. Nothing in this Permit shall be construed to impair the legal rights of any persons, or to authorize dredging on land not owned by the Permittee without consent of the owner(s) of such property.

8. The Permittee shall assume and pay all claims and demands arising in any manner from the work authorized herein, and shall save harmless and indemnify the Commonwealth of Massachusetts, its officers, employees, and agents from all claims, audits, damages, costs and expenses incurred by reason thereof.

9. The Permittee shall, at least three days prior to the commencement of any beach nourishment activities in tide water, give written notice to the Department of the time, location and amount of the proposed work.

10. Whosoever violates any provisions of this Permit shall be subject to a fine of $25,000 per day for each day such violation occurs or continues, or by imprisonment for not more than one year, or both such fine and imprisonment; or shall be subject to civil penalty not to exceed $25,000 per day for each day such violation occurs or continues.
SPECIAL WATERWAYS PERMIT CONDITIONS

1. Up to 388,000 cubic yards of clean, compatible sand may be placed annually for the purpose of beach and dune nourishment. Sand shall be placed and graded in accordance with the location and elevations shown on Permit Plan No. 13967. The source of beach nourishment material may come from marine dredge projects or from upland sites.

2. Beach nourishment below the mean high water line shall not be performed from May 1st to November 1st of any year.

3. Prior to the commencement of nourishment activities in the vicinity of the stone groin near the Wood Avenue Extension (adjacent to Parcel ID No. 89-106), the Permittee shall perform an eelgrass survey. The survey shall be performed in an area at least 100' on either side of the groin and at least 50' beyond the seaward limit of proposed beach nourishment footprint. Results of the eelgrass survey shall be forwarded to the Sandwich Conservation Commission and MassDEP-Wetlands & Waterways Program, Southeast Regional Office. If eelgrass is found in this area, the limits shall be clearly marked with buoys or other suitable marking methods. No nourishment material shall be placed within 50' of eelgrass.

4. Prior to the commencement of nourishment activities at any privately-owned beach site authorized herein, where the source of the material is from a publicly-funded dredging project, the Permittee shall provide suitable documentation to the Department showing that easements, pursuant to the Waterways Regulations at 310 CMR 9.40(4)(a) for public access below the existing mean high water mark, have been secured by the Permittee from the owner of the beach to be nourished.

5. All subsequent nourishment activities, including transportation and storage of nourishment material during the term of this Permit, shall conform to all standards and conditions applied to the original operations performed under this Permit.

6. This Permit shall be valid for period of five (5) years subsequent to the date of issuance. Future beach nourishment activities shall require a new permit in accordance with 310 CMR 9.05(2).

7. Within thirty (30) days following the initial placement and grading of beach sand, the Permittee shall furnish to the Department a suitable plan showing pre & post construction beach profiles over the work area.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[Signature]
Program Chief, Wetlands and Waterways
DATUM:
ELEVATIONS BASED ON NAVD 1988 VERTICAL DATUM (IN FEET)
MLW ELEVATION APPROXIMATELY -4.88 FEET NAVD88
MHW ELEVATION APPROXIMATELY 3.88 FEET NAVD88

SURVEY NOTES:
2. WETLAND DELINEATION BY WOODS HOLE GROUP.

NOTE:
VOLUME OF PROPOSED SAND NOURISHMENT = 388,000 CUBIC YARDS & 41± ACRES

PERMIT NO. 13967
Approved by: Department of Environmental Protection
Date: JUL 2 9 2015

SCALE: 1” = 600’
PERMIT NO. 13967
Approved by: Department of Environmental Protection
Date: JUL 29 2015

APPLICATION BY: TOWN OF SANDWICH
PROPOSED DUNE & BEACH RECONSTRUCTION
AT TOWN NECK BEACH & VICINITY IN
CAPE COD BAY, SANDWICH, MA

DATE: MARCH 12, 2015

PLAN BY: WOODS HOLE GROUP
81 TECHNOLOGY PARK DRIVE  EAST FALMOUTH, MA 02536
TELEPHONE: (508) 540-8080  FAX: (508) 540-1001

1998-114A_SANDWICH_CH01.DWG
PERMIT NO. 13947
Approved by: Department of Environmental Protection
Date: JUL 29 2015
PERMIT NO. 13967
Approved by: Department of Environmental Protection
Date: JUL 29 2015

CROSS-SHORE DISTANCE (FEET)

CROSS-SECTION/TRANSECT 8

SCALE:
HORIZONTAL: 1" = 100'
VERTICAL: 1" = 10'

NOTES:
1. PLANTS & ROOTS MUST BE KEPT MOIST BEFORE AND DURING PLANTING.
2. PLANT 2 - 18"/24" STEMS IN A HOLE, APPROXIMATELY 7"/8" DEEP.
3. COMPACT THE SAND FIRMLY AROUND THE PLANTS.

BEACH GRASS PLANTING DETAIL
NOT TO SCALE

PLAN BY: WOODS HOLE GROUP
APPLICATION BY: TOWN OF SANDWICH
81 TECHNOLOGY PARK DRIVE EAST FALMOUTH, MA 02536
TELEPHONE: (508) 540-8080 FAX: (508) 540-1001
DATE: MARCH 12, 2015

1998-114A_SANDWICH_CH91.DWG SHEET: 12 OF 12
PERMIT NO. 13967
Approved by: Department of Environmental Protection
Date: AUG 14 2015

DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT
CORPS OF ENGINEERS
CONCORD, MASSACHUSETTS

MAINTENANCE DREDGING AND
BEACH AND DUNE RESTORATION
BEACH TRANSECT NO. 3 AND NO. 4
16 MARCH 2015