

# The Commonwealth of Massachusetts

No. 5536



Whereas, Frank G. Doelger

of -- Chatham, -- in the County of -- Barnstable -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- maintain an existing pier, ramp and pile-held float -----

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 -- Chatham; -----

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 -----

Frank G. Doelger -- 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 -- maintain an existing pier, ramp and pile-held float -----

in and over the waters of -- Little Mill Pond -- in the -- Town -- of -- Chatham -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 5536, (8 sheets).

MILL POND LANE, CHATHAM, MA. 02631  
BOOK 52A, PAGES 89-96

(5)

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The structures hereby authorized shall be limited to the following use: noncommercial docking and boating access to navigable waters.

This license is valid for 99 years from the date of license issuance.

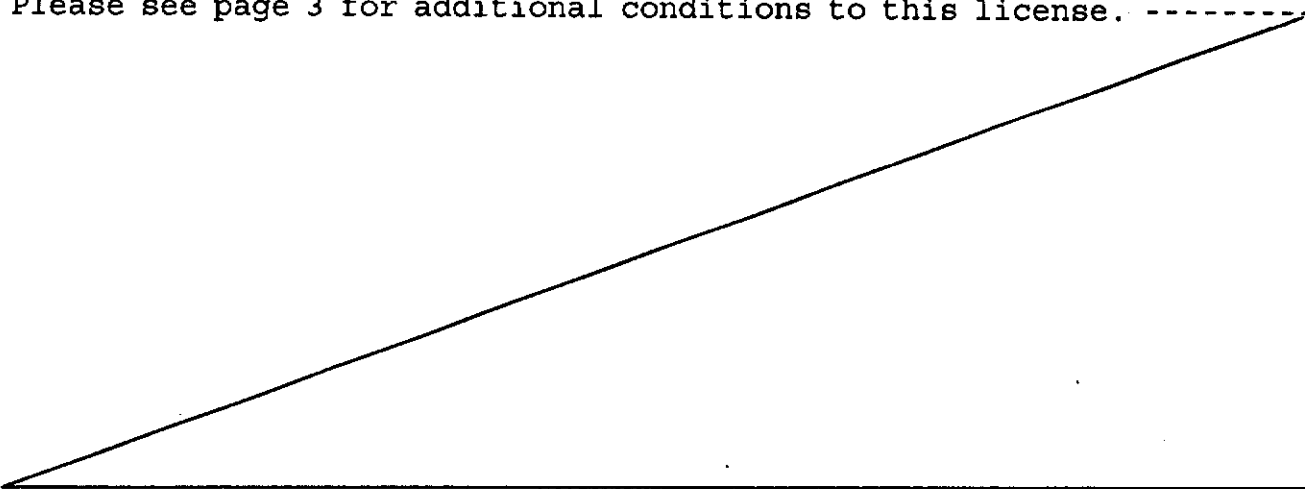
Special Waterways Conditions:

- 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.

Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on both the easterly/westerly sides of the pier authorized herein, adjacent to the mean high water shoreline. The signs shall include any statement and/or logo specified by the Department and shall otherwise conform to the "Signage Specifications of the Waterways Regulation Program", as may be amended hereafter. A Licensee's copy of such written specifications is provided with this license, and an additional copy shall be kept in the Department's permanent license file (No. 5536). Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structures or property not intended for lateral passage.

- 2.) The project authorized herein has been completed in conformance with the accompanying License Plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Please see page 3 for additional conditions to this license. -----



Duplicate of said plan, number 5536 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 DEP, Division of Water Pollution Control.
9. This License authorizes structure(s) and/or fill on:
  - X 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.
  - X 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.

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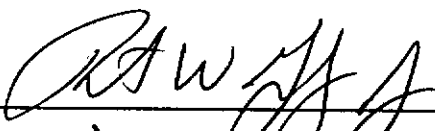

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Frank G. Doelger -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (0.0 cu.yds. = \$0.00).

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this seventh day of May in the year nineteen hundred and ninety-six.

Director  
Section Chief

  
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\_\_\_\_\_

Department of  
Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

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This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Frank G. Doelger --

of the further sum of -- five hundred ninety six dollars and zero cents (\$596.00) --

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

Approved by the Governor.



\_\_\_\_\_  
Governor

SIGNAGE SPECIFICATIONS OF THE WATERWAYS REGULATION PROGRAM  
Waterways License Application No. W95-4083  
Waterways License No. 5536

Unless otherwise expressly provided in a license or other written authorization of the Department, all required signage shall conform to the following specifications, as applicable:

1. all signs shall utilize durable materials and methods of construction;
2. the Licensee shall maintain and repair all signs in good condition at all times;
3. letter height shall be a minimum of 3/4-inch;
4. the signs to be placed on the subject pier shall state the following: "Upland passage is provided by the Licensee for public lateral access around this pier for the purposes of fishing, fowling, and navigation pursuant to Mass. Department of Environmental Protection, Waterways License No. 5536, issued

[date]"  
MAY 07 1996

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**Note to Licensee:** these specifications do not need to be recorded at your County Registry of Deeds.