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# The Commonwealth of Massachusetts

No. 8621



Town of Provincetown

**Whereas,**

of -- Provincetown -- in the County of -- Barnstable -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- reconstruct and maintain MacMillan Pier including: major pier expansion; fender piles, commercial floating docks, two handicapped access ramps, one at the southeastern terminus of MacMillan Pier and a non-mechanical access ramp at the courtesy dock located along the southeastern edge of the bulkhead, gangways, recreational courtesy dock, finger pier extension; stormwater treatment facility, new headwalls, outfall pipes, tidegates, utilities, public handicapped accessible restrooms subject to completion of the Town's proposed sewer system, and a pile held barge; construct and maintain a temporary pile supported bridge; relocate and maintain a roadway, utilities and portion of a pier; establish a reconfiguration zone; dredge; and provide beach nourishment --

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 -- Provincetown. --

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 Provincetown --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- reconstruct and maintain MacMillan Pier including: major pier expansion; fender piles, commercial floating docks, two handicapped access ramps, one at the southeastern terminus of MacMillan Pier and a non-mechanical ramp at the courtesy dock located along the southeastern edge of the bulkhead, gangways, recreational courtesy dock, finger pier extension; stormwater treatment facility, new headwalls, outfall pipes, tidegates, utilities, public handicapped accessible restrooms subject to completion of the Town's proposed sewer system, and a pile held barge; construct and maintain a temporary pile supported bridge; relocate a roadway, utilities and portion of a pier; establish a reconfiguration zone; dredge; and provide beach nourishment --

in and over the waters of the -- Provincetown Harbor -- in the -- Town -- of -- Provincetown -- and in accordance with the locations shown and details indicated on the accompanying DEP Plan No. 8621 (22 sheets).

The structures hereby authorized shall be limited to the following uses: to provide for commercial and public recreational docking and boating access to navigable waters; to provide a waterborne passenger transportation facility; commercial fishing and fish processing facilities and related support services; the conveyance of water and waste water; to control water levels; transmission of electricity and telecommunications; public access to waterfront open space for passive recreational purposes; public access to waterfront open space for recreational purposes; and shoreline stabilization for the protection of water-dependent uses.

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

Structures at MacMillan Pier have been previously authorized by:

MacMillan Wharf as it exists today was constructed by the Commonwealth of Massachusetts, Department of Public Works, Division of Waterways in 1955 in accordance with State Contract No. 1461. The base of MacMillan Wharf, consist in part of the town of Provincetown Municipal Wharf parking lot, was authorized by D.P.W. Waterways License No.'s 4055 and 4460, and by legislative action under Chapter 588 of the Acts of 1961. A number of additional Waterways licenses have been issued for activities and structures on the project site. A complete list is on file with the Department. Fill and structures authorized by said licenses shall be maintained in conformance with the terms and conditions of said authorizations.

#### SPECIAL WATERWAYS CONDITIONS:

1. The Licensee shall continue to allow public water transportation and commercial fishing docking facility ("the facility") on the easterly and westerly sides of MacMillian Pier, as shown on sheet 3 of 22 of the license plan as 11 existing ramps and floats. Said docking facility shall be maintained by and shall only be available for passenger pickup and drop off and the delivery of supplies by and to the water transportation providers and commercial fisherman (the "operators") identified in Special Condition 6; such limitations shall not apply to any floats or docking facilities which the Town might later choose to add to MacMillan Pier in locations other than those shown on the above mentioned plan. In the event that MacMillan Pier is physically reorganized, the location of the facility shall be subject to the provisions of Special Condition 8.
2. The facility shall be available to the operators from April 1 through and including November 30 each year.
3. The facility shall be maintained in part by the Licensee and in part by the Operators. The Operators shall maintain in good repair all berthing floats placed in the waterways and all gangways connecting the floats to MacMillian Pier. All other structures authorized herein shall be maintained by the licensee, unless otherwise stipulated in a lease agreement with the Operators.
4. Maintenance, insurance and other direct costs of the gangways and berthing floats shall be borne by the Operators. The Town may set reasonable fees for the use of gangways and floats.
5. The operators of the facility specified in Special Condition 6 shall provide a wide range of water transportation services to the public passengers for hire. At a minimum, such services may include; whale-watching excursions, sailing charters, sport-fishing excursions, and commercial fishing tours. All uses at the MacMillan Pier shall also be consistent with this license and the approved Provincetown Harbor Plan, dated May 4, 1999 and Harbor Regulations.
6. The operators of the facility specified in Special Condition 1 shall be the following businesses which are the businesses grandfathered and recognized by the Town of Provincetown as in good standing in accordance with Provincetown General by-laws, section 7-1-3. These businesses, as of the date of the license are:

Edward J. Salvador  
 Dolphin Fleet of Provincetown, Inc.  
 Ranger Fleet, Inc.  
 Louigis Lobster Float, Inc.  
 Peter Pannoni & Sons  
 Shady Lady, Inc./Cape Cod Bay Sails, Inc.

John R. Henrique, Inc.  
 John R. Woods, Inc.  
 Portuguese Princess Excursions, Inc.  
 Cee Jay Corporation  
 Schooner Hindu, Inc.

7. The Special Conditions are further conditioned upon the following: No ownership interest by an operator shall be transferred, and no stock in a corporate operator shall be transferred, pledged or issued without first obtaining the permission of the board of Selectmen. The word "transferred" shall mean any conveyance of use, control, ownership, or beneficial interest by sale, assignment, gift, pledge, lease or contract. Within fourteen days after receipt of any such application, the Board of Selectmen shall cause a notice thereon to be published at the expense of the applicant. The notice shall set forth the name of the applicant, and specify the nature of the transfer. The Board of Selectmen may deny the application only if either the transferor or transferee has been convicted of a felony or if either party owes state or local taxes, fees or assessments. Approval of any such transfer by the Board shall transfer to the resulting operator all of the rights, duties, obligations and privileges of its transferor under this license.
8. It is hereby acknowledged that the purpose of the MacMillan Pier license (reconfiguration zone) is to allow the Town maximum flexibility in dealing with future harbor needs. Should MacMillan Pier be physically reorganized, the businesses or entities identified in Special Condition 1 shall be reassigned space in accordance with the directives of the Marine Superintendent, who shall attempt to locate the public water transportation and commercial fishing docking facility described in special Condition 1 as proximate to the land as feasible and as consistent with maintenance of vehicular, pedestrian and boating safety.
9. Any business or entity either specifically described in the Special Conditions, or which uses the facility subject to this license, shall defend, indemnify and hold harmless the Town of Provincetown from liability for events or circumstances occurring on floats and gangways arising out of its use of such areas, including but not limited to, any injuries to persons or property, or discharges of pollution or harmful substances.
10. The Department may approve, on an individual basis, modifications to construction activities, temporary structures, and fill which represent an insignificant deviation from the original specifications of the License, in terms of size, configuration, materials, or other relevant design or fabrication parameters as determined by the Department within all areas delineated as "Limits of Construction" on license plans. Such approval shall be in accordance with the following procedure:
  - a. the Licensee shall submit a written request describing the proposed modifications to the work accompanied by plans, for prior review and approval of the Department; and
  - b. the Licensee shall concurrently provide copies of the request and plans to the Provincetown Board of Selectmen and Conservation Commission. The Department will consider comments submitted within ten (10) days of DEP's receipt of the request.
11. The Licensee shall ensure, to the greatest extent possible, that existing utility services serving existing water-dependent users are not disrupted during construction activities. In the event a shutdown is necessary, the Licensee shall alert all affected property owners, no less than 24 hours in advance of the time and duration of said shutdown.
12. The Licensee shall maintain pedestrian access to and along the waterfront and vehicular access to water-dependent users throughout construction.
13. The Licensee shall submit to the Department as a modification to this license, final design plans for the final construction and maintenance of the water transportation docking facility and terminal. The water transportation docking facility and terminal shall be located to accommodate a number of different types of vessels, passengers throughway and comply with state and federal laws for handicap accessibility, including future exterior shelter and enclosed waiting areas with adequate seating, public amenities, restrooms, pedestrian walkways, bicycle access and parking, safety railings, appropriate lighting, and trash receptacles. In the mean time this area shall be made available to the public for passive recreational purposes.
14. The Licensee shall construct and maintain an expanded public walkway on the westside of the pier as located and described on sheets 3 and 4 of 22 of the license plans. All kiosks, tickets booths, and other structures located on the pedestrian walkways shall be located as close to the western edge of the pier as is safe and practicable so as not to impede the free flow of pedestrian access along said walkway. The proposed walkway on the eastside is being considered pending funding.
15. The Licensee shall construct and maintain, in good repair, a courtesy dock, to be used by noncommercial vessels. Said dock shall be open free of charge, to the general public on a first come first serve basis with appropriate signage. Signage shall indicate "Public Courtesy Dock", for a maximum time limit of 15 minutes or as determined by the Department.

16. The Licensee shall remove and properly dispose of approximately 140 piles. All piles shall be removed in their entirety when feasible, at a minimum piles are to be removed to the mud line. All removal activities and disposal of said piles shall be in strict conformance with federal, state and local statutes.
17. The Licensee shall temporarily relocate the roadway, bridge and utilities. The temporary relocation, use and operation of said structures are authorized through the period of reconstruction of MacMillan Pier.
18. The Licensee shall remove and properly dispose of all temporary structures no later than six (6) months after completion of construction or after such time as the structures are no longer required to support construction activities. Temporary structures are defined as those structures, which will be used to aid in the construction of permanent structures and will be used for an interim duration until such time as final construction has been completed. The structures to be removed in their entirety shall include but not be limited to such temporary structures as: erosion and sedimentation control systems; temporary bridge, roadway, utilities and support systems for the pier.
19. The public open spaces and pedestrian walkways associated with the water transportation facility specified in Special Conditions 13 and 14 shall be available to the general public, free of charge subject to reasonable rules as described in Special Condition 20. These facilities shall be accessible 24 hour a day unless the Department approves other hours of operation in accordance with Special Condition 21.
20. The Licensee may adopt rules governing the publicly accessible areas of the site, subject to review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment.
21. The Licensee shall place and maintain in good repair appropriate signage of an adequate size to be clearly visible to pedestrians. Said signage shall be placed to encourage public patronage of the facilities, state the hours of public access and any reasonable rules for their use in accordance with Special Conditions 20, the Waterways license number and location within the municipality where a copy of the license may be inspected by the public.
22. Any reconfiguration authorized under this license may proceed upon written approval by the Department, but without further licensing action if:
  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 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 plan; and
  3. all other applicable permits have been obtained, including any required approval under the Wetlands Protection Act.

At the expiration of this license, MacMillan Pier shall be maintained in the last approved configuration.

23. The "floating docks" as indicated on sheets 2 and 11 of 23, located on the eastern side of the pier shall be used for "small-boat commercial fishery" vessels. The northern most floats of the "floating docks" shall be maintained for the exclusive use of the small boat fisheries. Any commercial berth authorized herein shall be assigned in a fair and equitable manner, via a waiting list or other appropriate unbiased means. Any contract or other agreement for the exclusive use of berths authorized herein shall have a maximum term of one year and may be renewable upon expiration on an annual basis. In event the "small-boat commercial fishery" does not occupy the complete facility those vacant slips may be assigned via waiting list or other appropriate unbiased means to recreational vessels. The "small-boat commercial fishery" in no case shall occupy less than 75% of the facility, anything less will require prior review and approval by the Department.

24. Vehicle parking as located and described on sheet 3 of 22 of the license plans shall be restricted to commercial vehicles only for: loading, unloading, servicing and maintenance of vessels, or accessory uses to commercial operations. Noncommercial vehicles are prohibited from parking on MacMillan Pier, except as required by the Architectural Access Board (AAB) compliance.
25. During construction activities a resident engineer, contractor or designee shall be available 24 hours per day to address pedestrian access, vehicular access to water dependent users, and resolve emergency situations which may arise. A twenty-four hour phone number shall be posted at the construction site.
26. The License shall store and maintain, in accordance with the United States Coast Guard Guidelines, absorbent materials and spill control booms to immediately respond to inadvertent discharge of petrochemicals within the confines of the facility.
27. In partial compensation for private use of structures on trustlands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.
28. 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 to extend the period and provides an adequate justification for said extension.
29. The Licensee shall request in writing that the Department issues 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 DREDGE CONDITIONS:

1. Dredging, approximately 12,400 cubic yards, shall be performed by mechanical methods in the area to the west of the pier "the fairway".
2. Dredging shall be to a maximum of 10 feet below mean low water (MLW) datum with an allowable one (1) foot over dredge in "the fairway".
3. Sediments from the west of the pier "the fairway" shall be de-watered and trucked to the Bourne Landfill.
4. Dredging, approximately 11,000 cubic yards, shall be performed by hydraulic methods on the east side of the pier.
5. Dredging shall be to a maximum of 6 feet below MLW datum, with an allowable one (1) foot over dredge on the eastside.
6. Dredge material from the eastside of the pier shall be used as beach nourishment along Commercial Street, opposite the Holiday Inn, and conveyed via pipeline from the dredge.
7. Maintenance dredging may be performed for a period of ten (10) years subsequent to the date of issuance of license.

Any future dredging beyond that which is specifically authorized under License Plan No. 8621, as indicated on sheets 15 and 16 of 22, shall require the submittal of a new permit application.

Please see pages 6 and 7 for additional conditions to this license.

Duplicate of said plan, number 8621 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 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:
    - 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

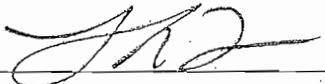
1. This Waterways License is issued subject to all applicable federal, state, county, and municipal laws, ordinances, by-laws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, s.40. In particular, this issuance 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 DEP, Waterways Regulation Program.
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 mean low water 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 s. . Department, and compensation thereof has been made by the said -- Town of Provincetown -- 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 cy = \$0.00)

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

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

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 16<sup>th</sup> day of October in the year two thousand.

Commissioner  Department of

Program Chief  Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

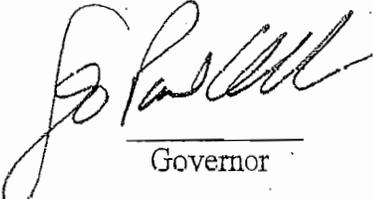
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said Town of Provincetown --

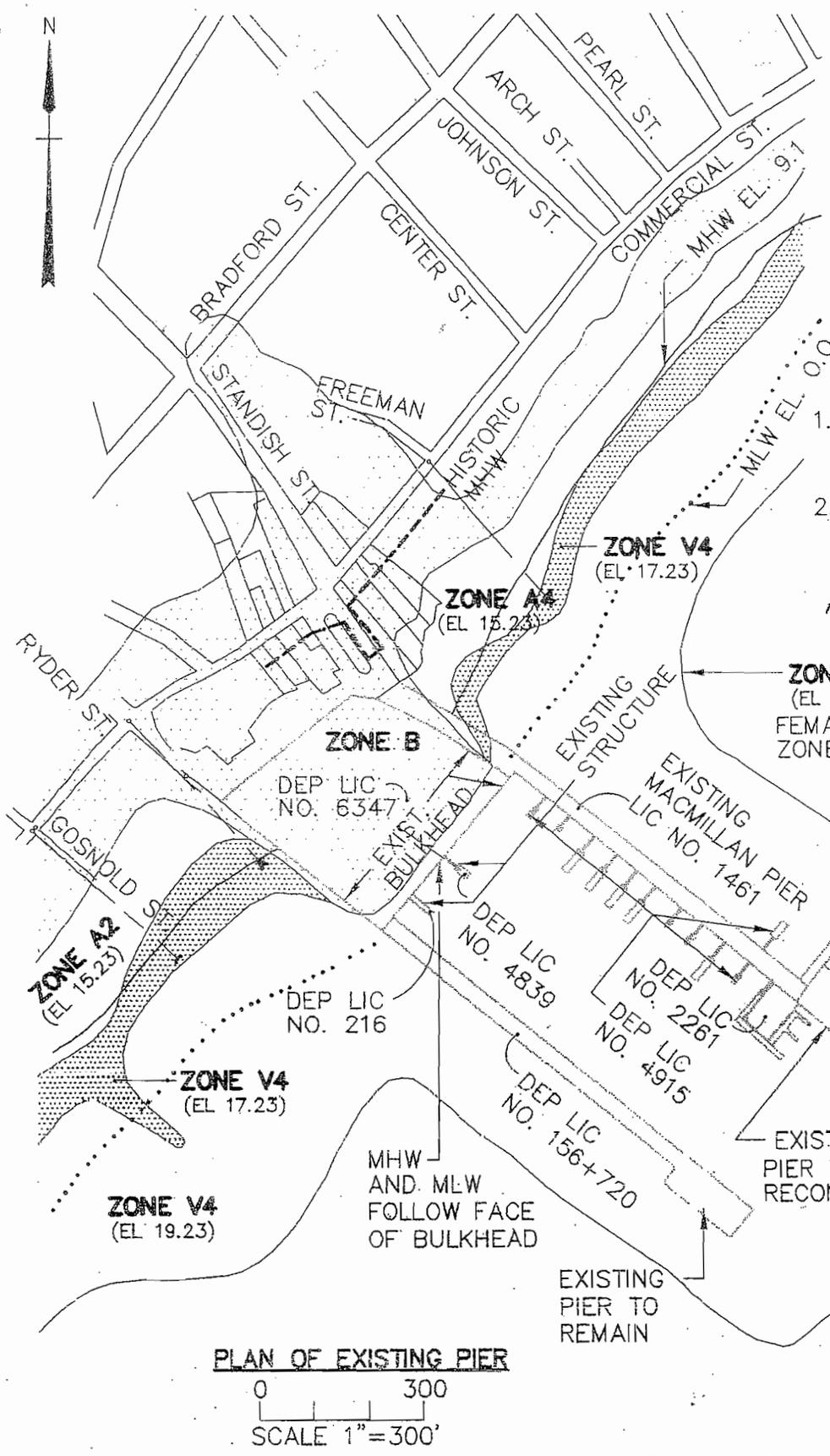
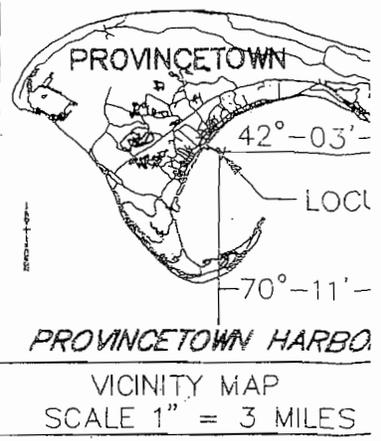
of the further sum of -- zero dollars and zero cents (\$0.00) --

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

BOSTON,

Approved by the Governor.

  
Governor

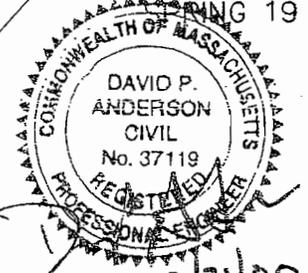
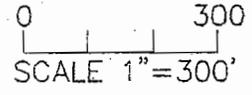


- NOTES:
1. CONTOURS AND ELEVATIONS ARE REFERENCED TO MEAN LOW WATER EL 0.0
  2. SEE SHEET 16 FOR BEACH NOURISHMENT SITE.

PROVINCETOWN HARBOR



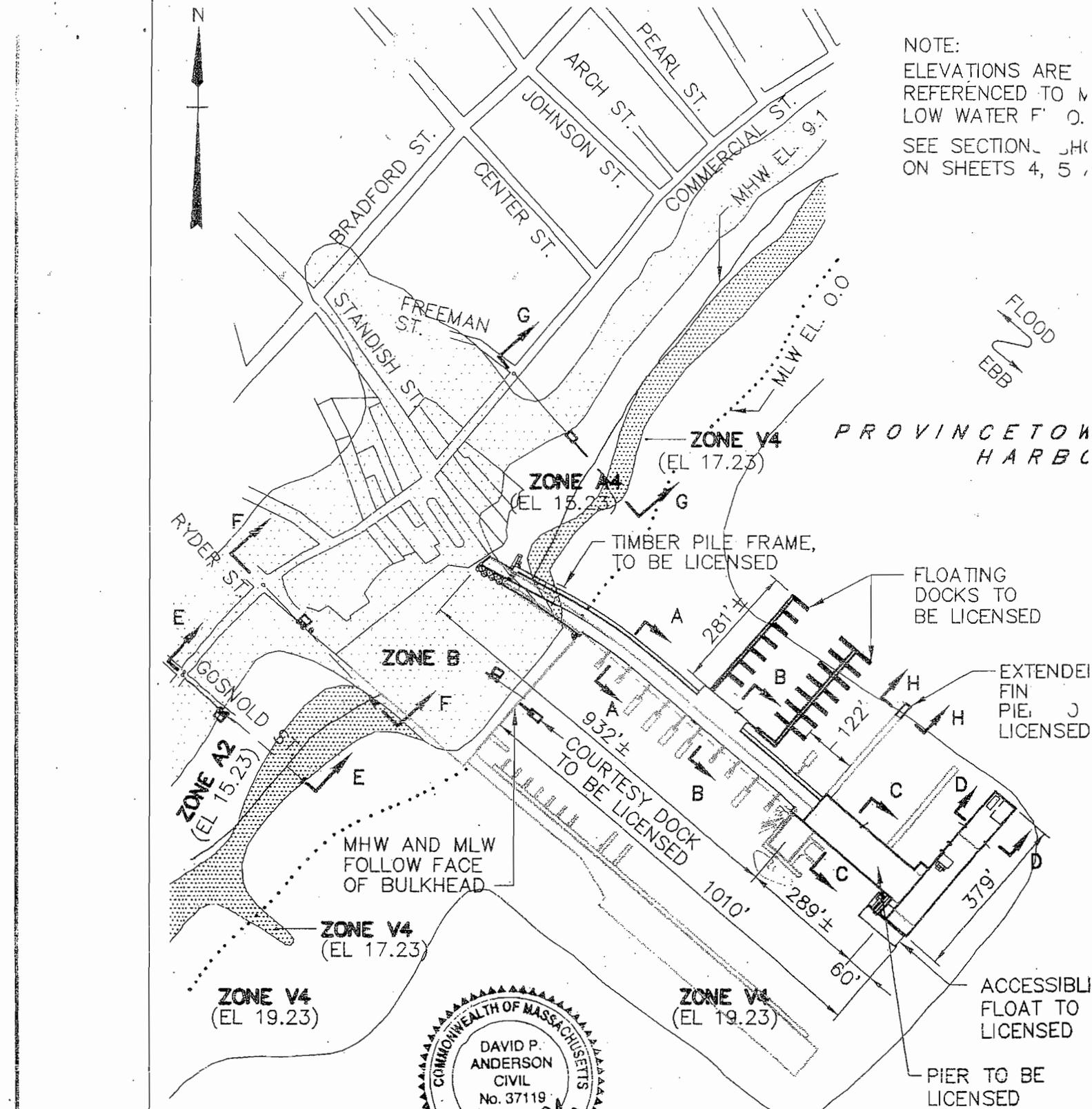
**PLAN OF EXISTING PIER**



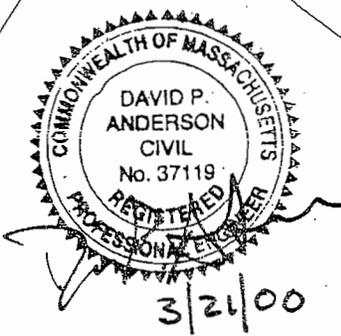
MARCH 21, 2000 (REVISED) 3/21/00  
 AUGUST 27, 1999 SHEET 1 OF 1

PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN

**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection of Massachusetts  
*Teresa J. Davis*  
 Director

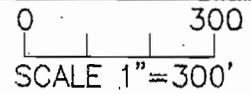


NOTE:  
 ELEVATIONS ARE REFERENCED TO M  
 LOW WATER F' 0.  
 SEE SECTION JK  
 ON SHEETS 4, 5,

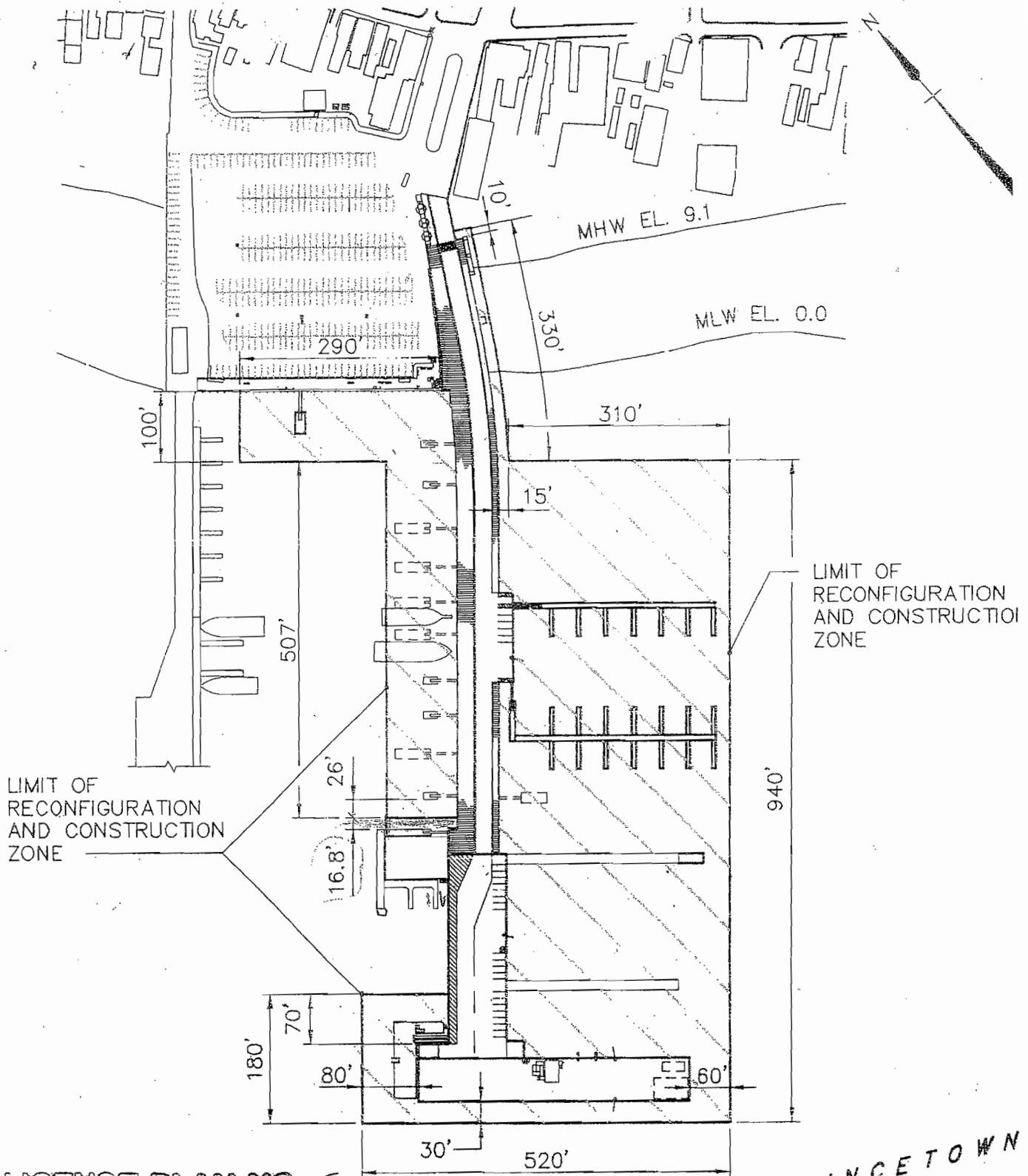


LICENSE PLAN NO. 8621  
 Approved by Department of Environmental Protection  
 Date OCT 18 2000

**PIER RECONSTRUCTION PLAN**



PLAN ACCOMPANYING PETITION OF  
 TOWN OF PROVINCETOWN TO LICENSE,  
 RECONSTRUCT AND MAINTAIN  
 MACMILLAN PIER, DREDGE AND PERFORM  
 BEACH NOURISHMENT IN PROVINCETOWN  
 HARBOR, TOWN OF PROVINCETOWN  
 FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS



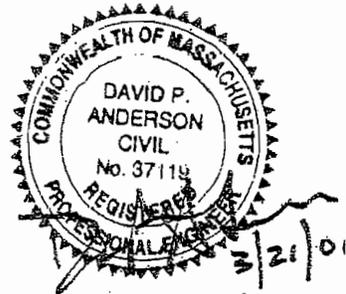
**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection  
 Date OCT 16 2000

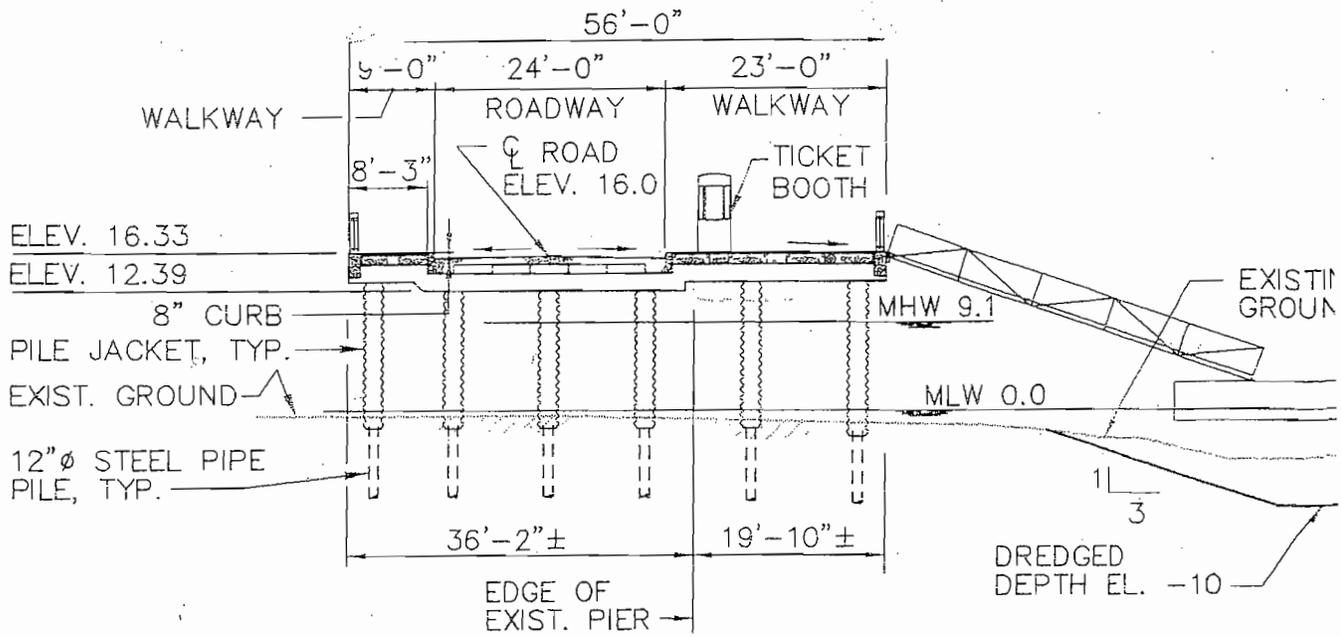
PROVINCETOWN  
 HARBOR

**PLAN OF RECONFIGURATION  
 AND CONSTRUCTION ZONE**

0 200  
 SCALE: 1"=200'

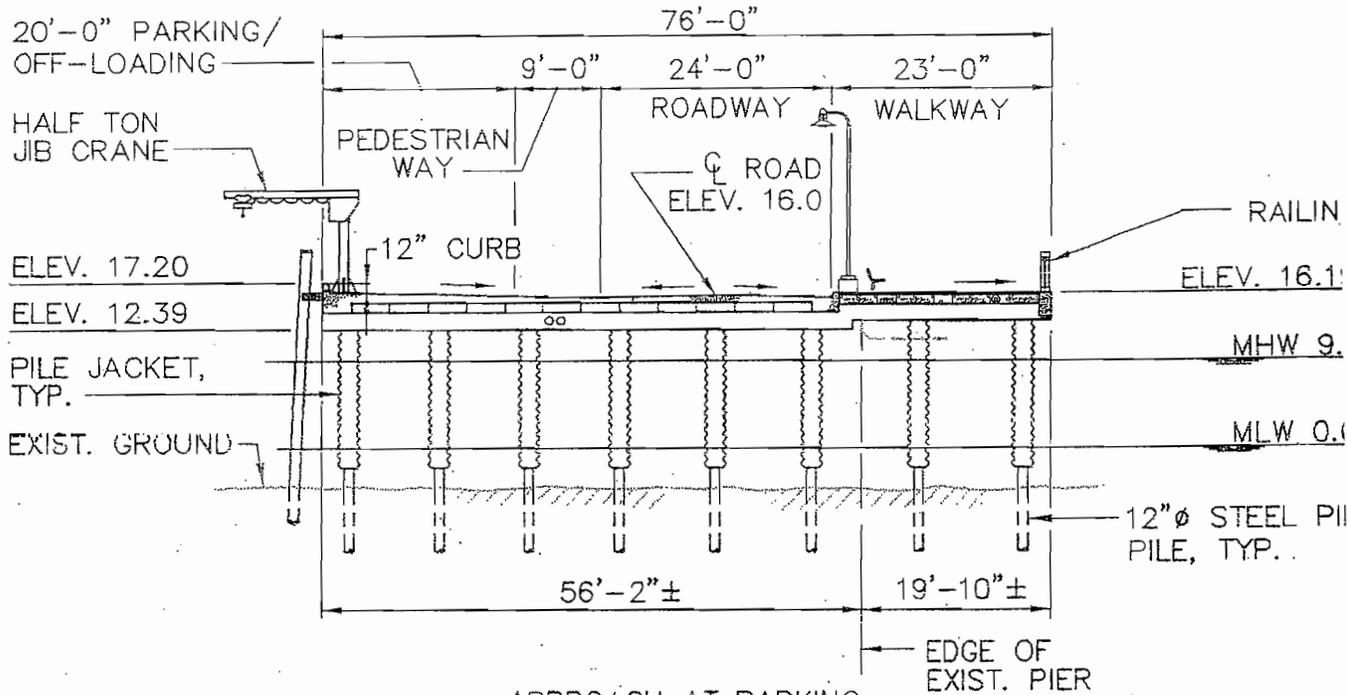
PLAN ACCOMPANYING PETITION OF  
 TOWN OF PROVINCETOWN TO LICENSE,  
 RECONSTRUCT AND MAINTAIN  
 MACMILLAN PIER, DREDGE AND PERFORM  
 BEACH NOURISHMENT IN PROVINCETOWN  
 HARBOR, TOWN OF PROVINCETOWN.  
 FAY, SPOFFORD & THORNDIKE INC ENGINEERS





APPROACH  
SECTION A-A

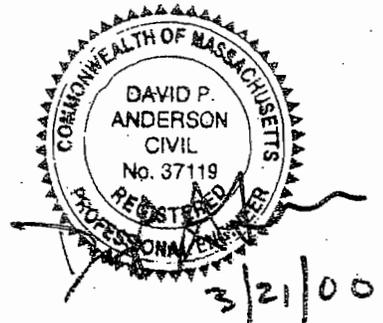
0 20'  
SCALE: 1"=20'



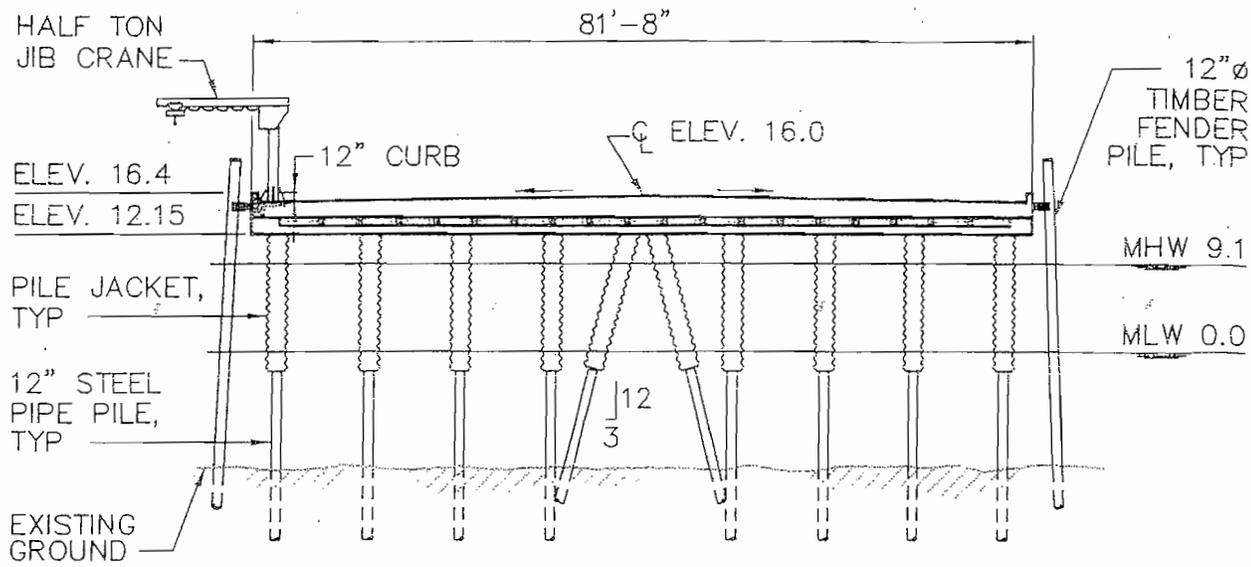
APPROACH AT PARKING  
SECTION B-B

0 20'  
SCALE: 1"=20'

LICENSE PLAN NO. 8621  
Approved by Department of Environmental Protection  
Date OCT 16 2000



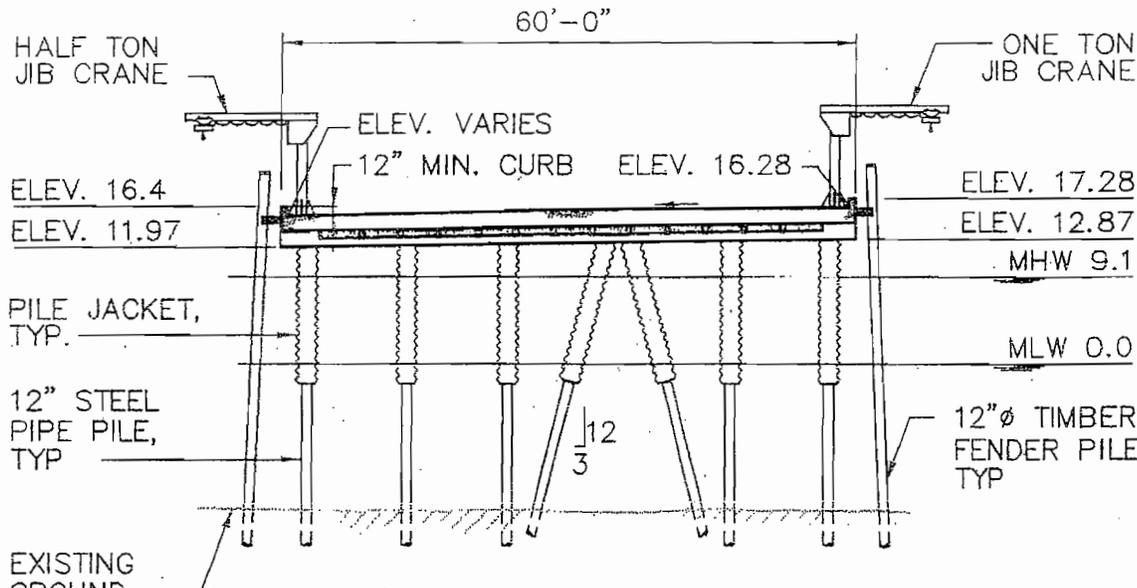
PLAN ACCOMPANYING PETITION OF  
TOWN OF PROVINCETOWN TO LICENSE,  
RECONSTRUCT AND MAINTAIN  
MACMILLAN PIER, DREDGE AND PERFORM  
BEACH NOURISHMENT IN PROVINCETOWN  
HARBOR, TOWN OF PROVINCETOWN  
FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS



**MAIN PIER PILES**

146 STEEL PIPE PILES TOTAL  
66 TIMBER PILES TOTAL

MAIN PIER  
**SECTION C-C**  
0 20'  
SCALE: 1"=20'

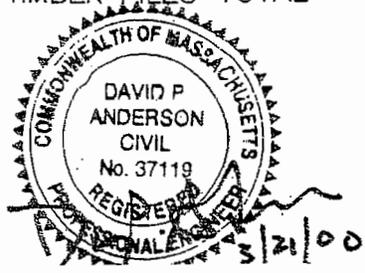


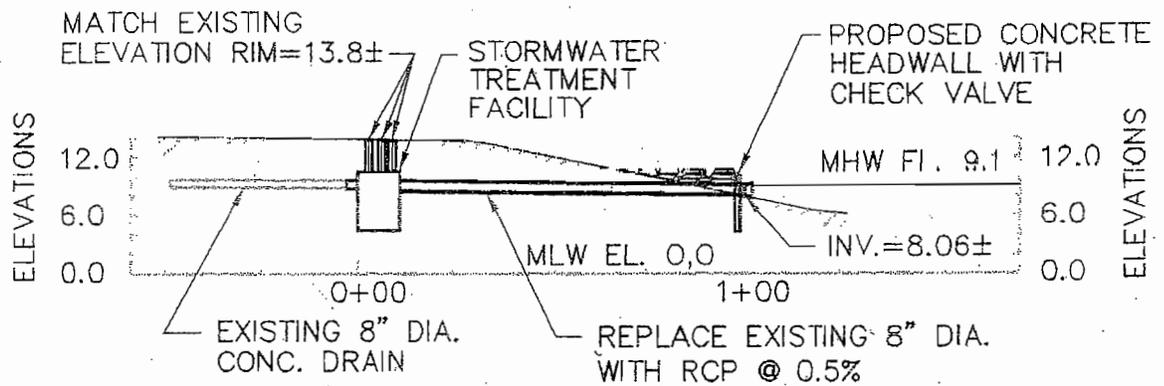
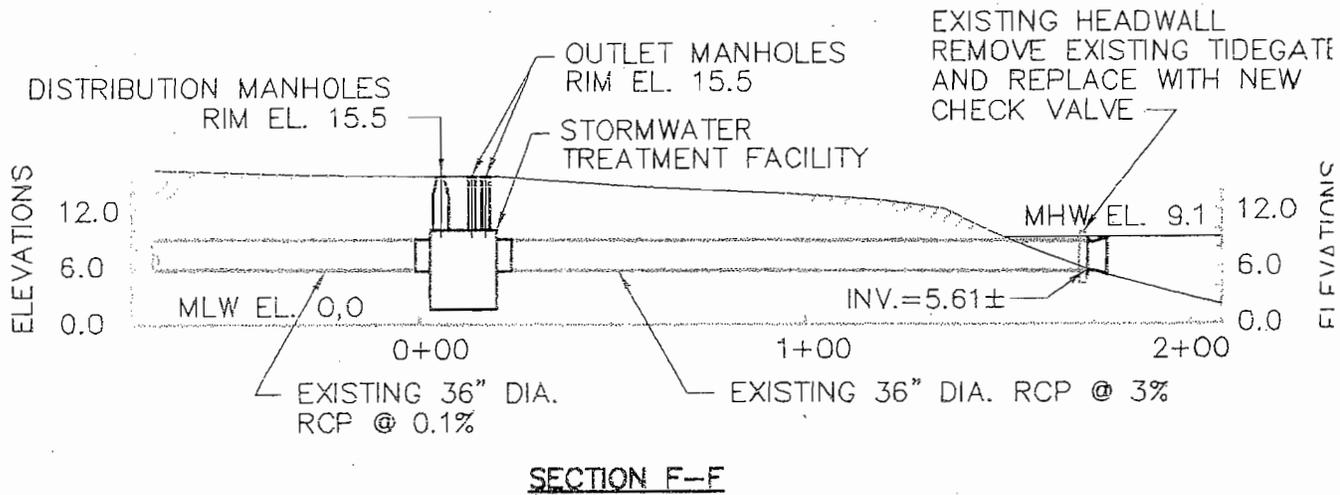
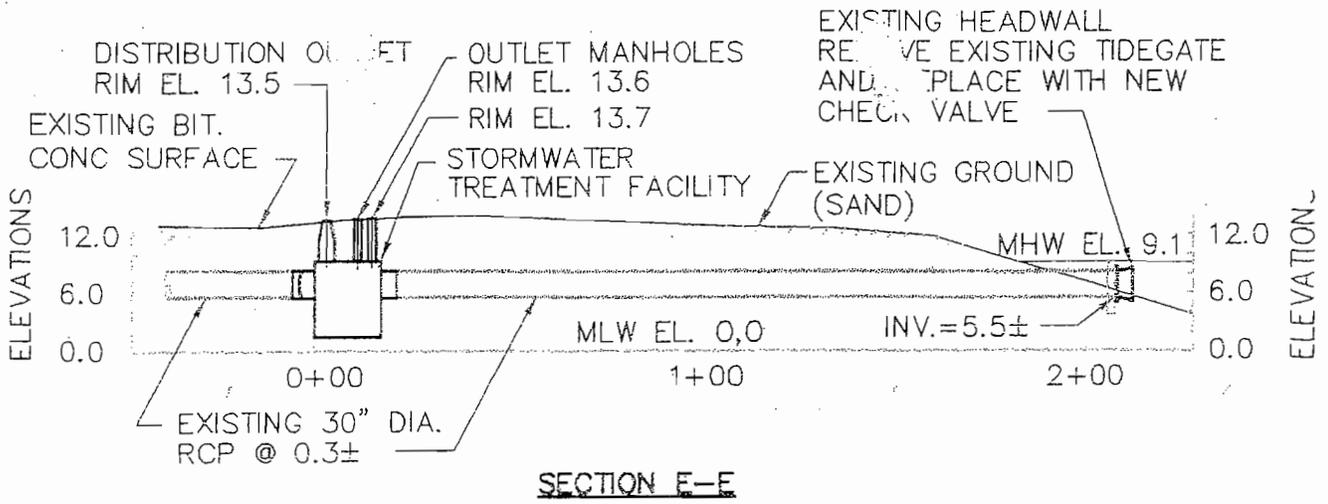
**LICENSE PLAN NO. 8621**  
Approved by Department of Environmental Protection  
Date: OCT 16 2000

TEE SECTION  
**SECTION D-D**  
0 20'  
SCALE: 1"=20'

**TEE SECTION PILES**  
128 STEEL PIPE PILES TOTAL  
120 TIMBER PILES TOTAL

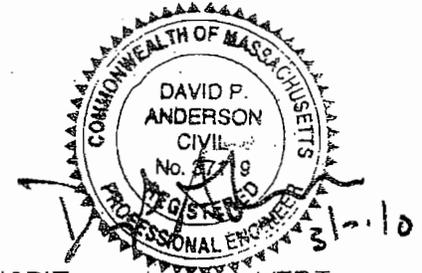
PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN



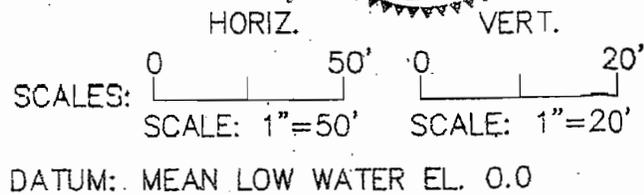


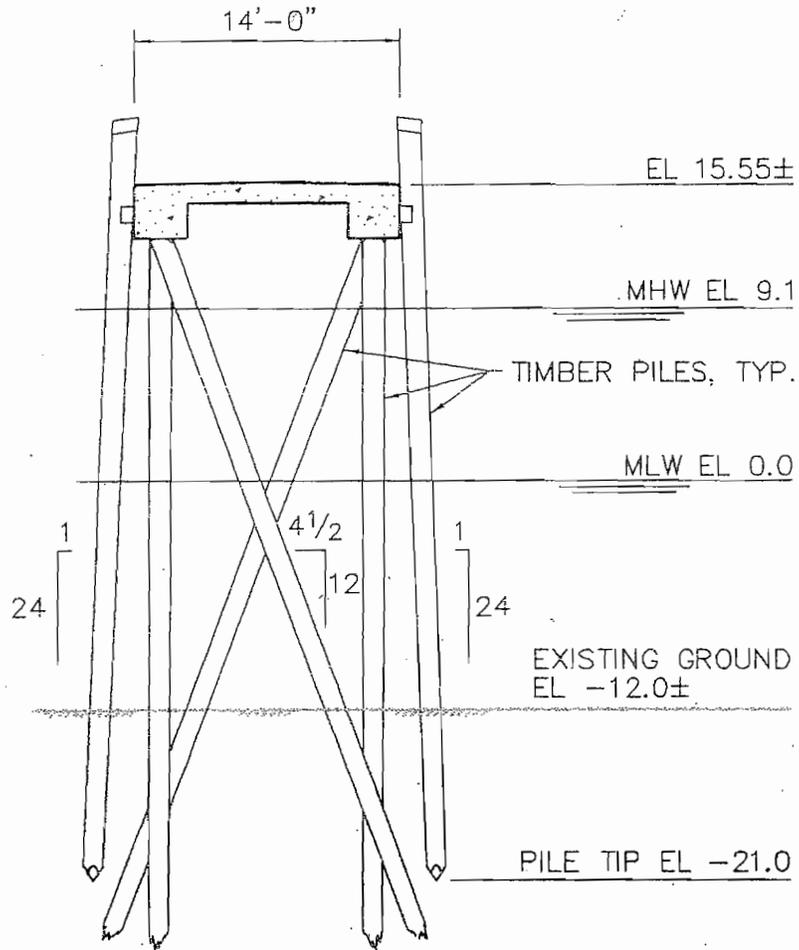
**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection  
 Date: OCT 16 2000

**SECTION G-G**



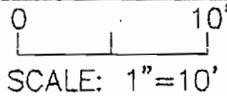
PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN  
 FAY SPOFFORD & THORNDIKE INC. ENGINEERS





SECTION H-H

FINGER PIER EXTENSION

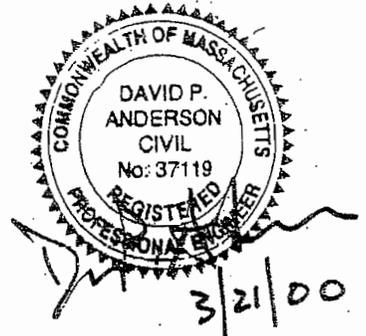


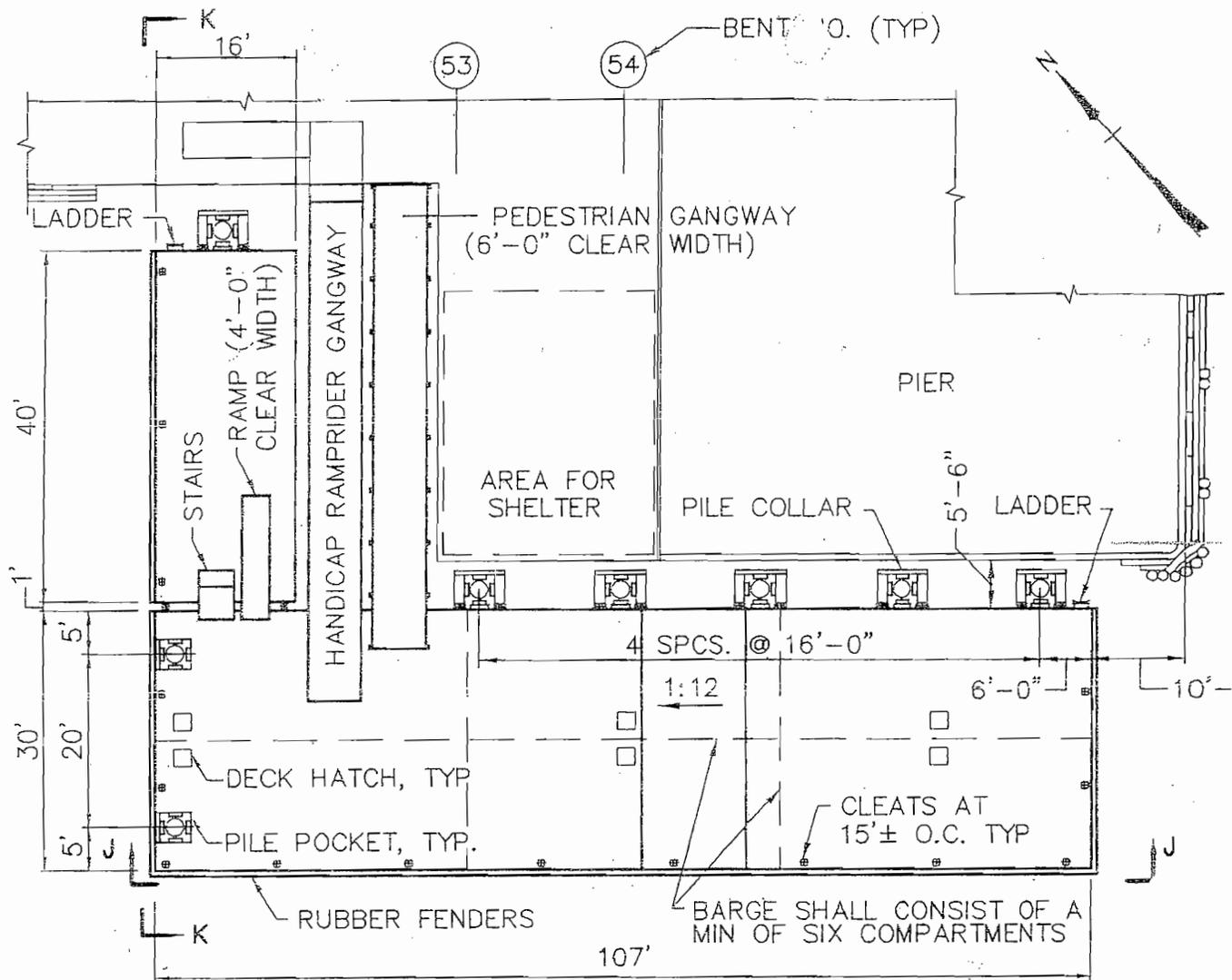
LICENSE PLAN NO. 8621

Approved by Department of Environmental Protection

Date OCT 16 2000

PLAN ACCOMPANYING PETITION OF  
TOWN OF PROVINCETOWN TO LICENSE,  
RECONSTRUCT AND MAINTAIN  
MACMILLAN PIER, DREDGE AND PERFORM  
BEACH NOURISHMENT IN PROVINCETOWN  
HARBOR, TOWN OF PROVINCETOWN

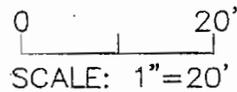




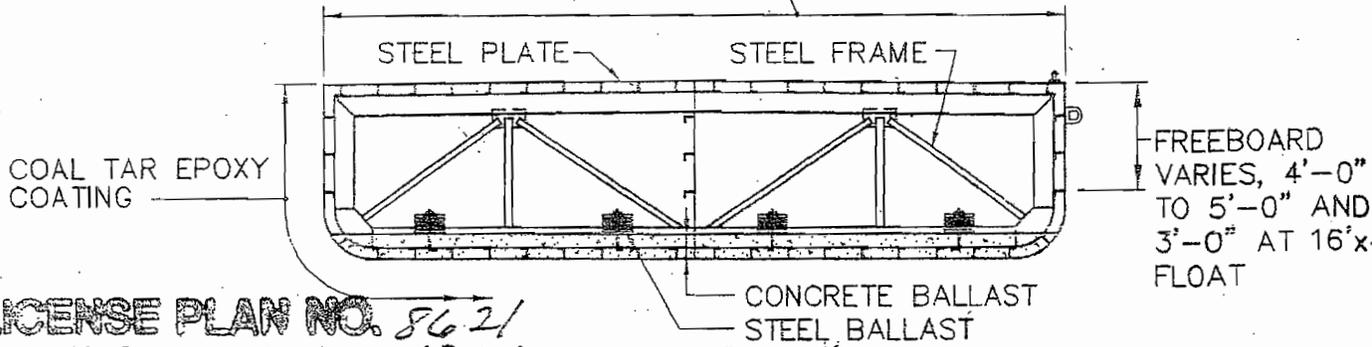
NOTES:

1. 8 STEEL PIPE PILES TOTAL
2. SEE SHEET 9 FOR ELEVATIONS J-J AND K-K.

PLAN - ACCESSIBLE FLOAT



NON-SLIP URETHANE COATING WITH ALUMINUM OXIDE GRIT



LICENSE PLAN NO. 8621

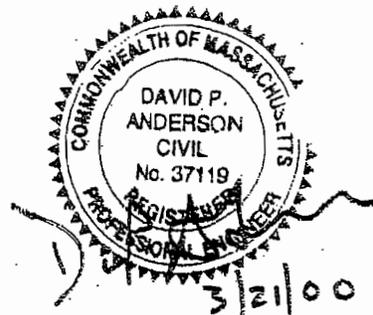
Approved by Department of Environmental Protection

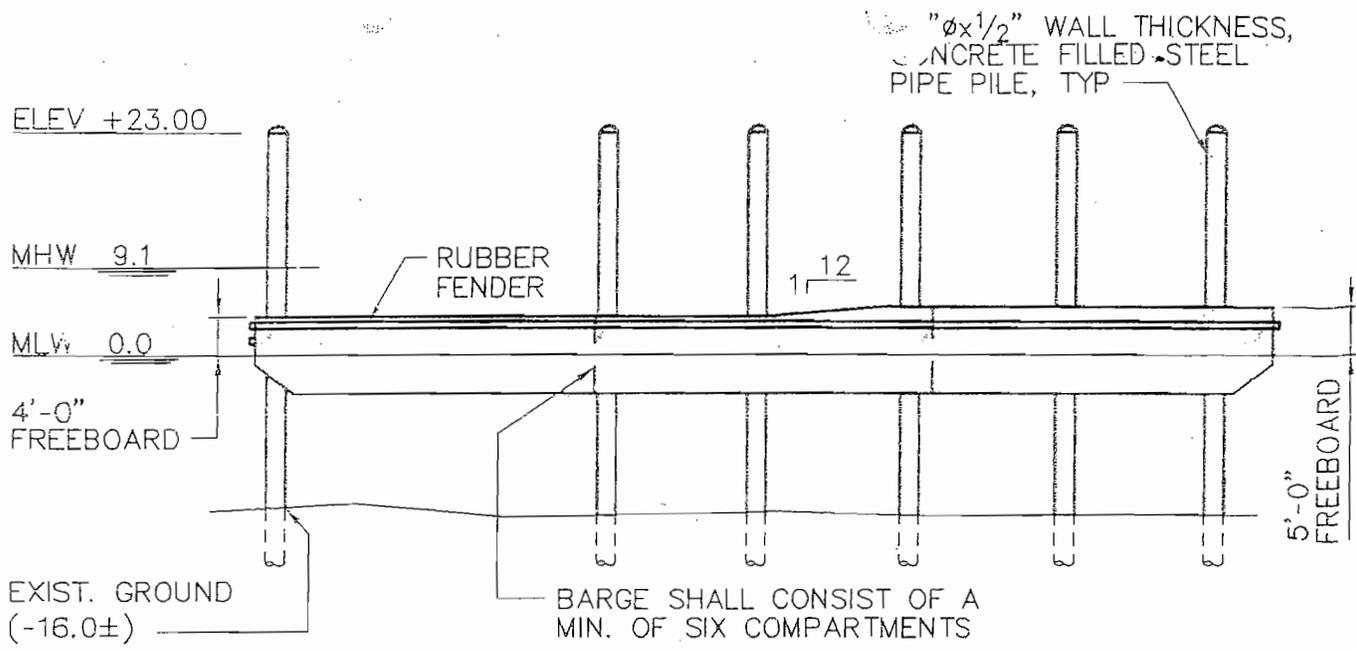
Date OCT 16 2000

TYPICAL FLOAT SECTION

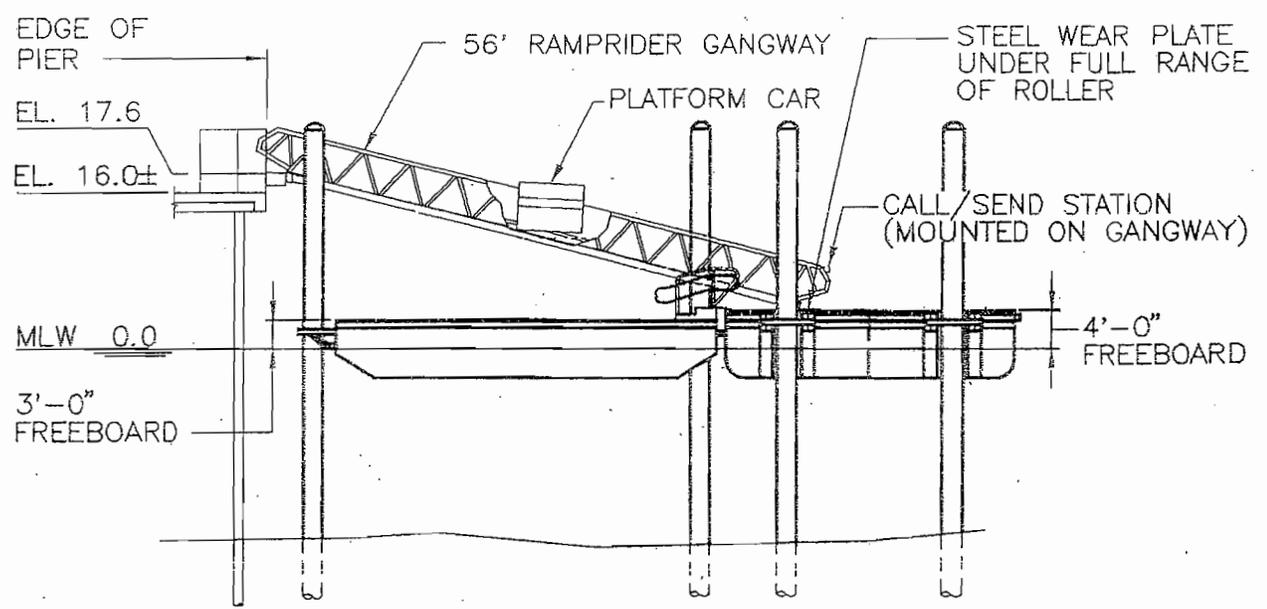
NOT TO SCALE

PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN  
 FAY SPOFFORD & THORNDIKE, INC. ENGINEERS





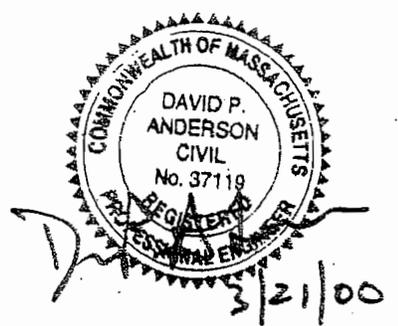
**ELEVATION J-J**  
 0 20'  
 SCALE: 1"=20'



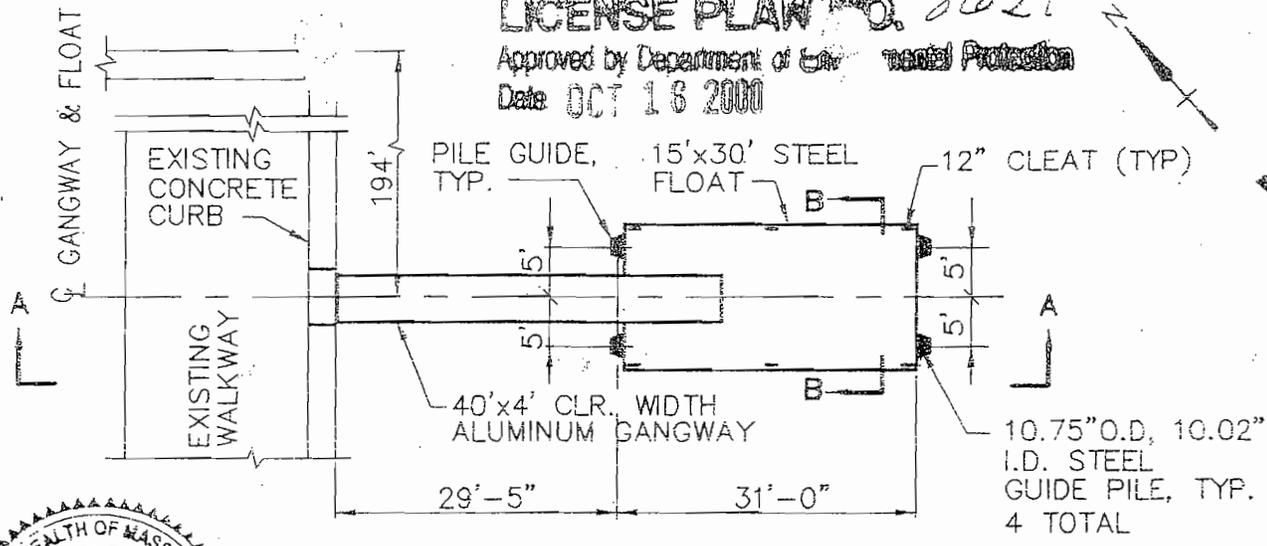
**ELEVATION K-K**  
 0 20'  
 SCALE: 1"=20'

**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection  
 Date OCT 16 2000

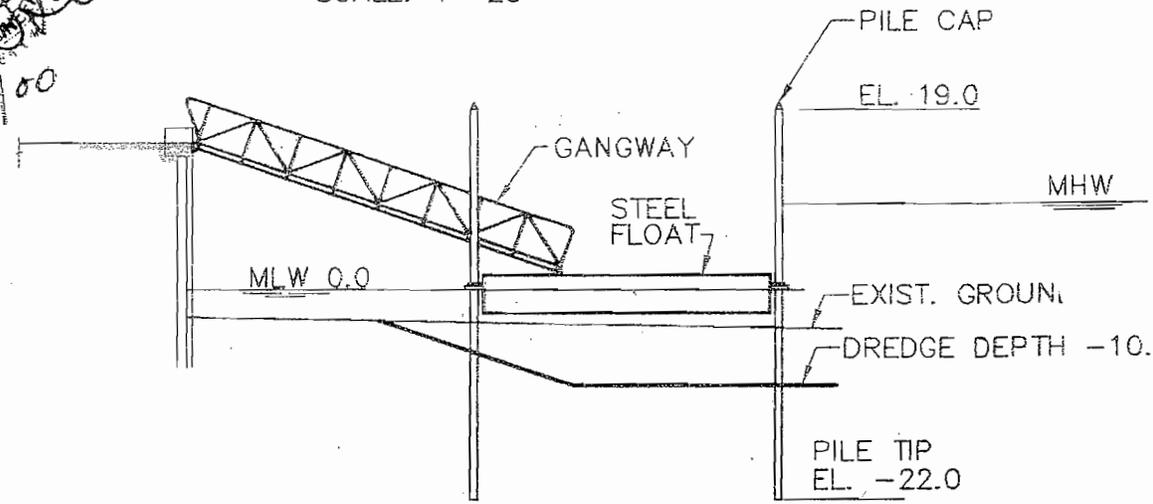
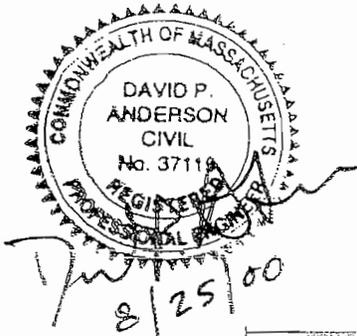
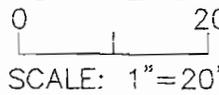
PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSF, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN



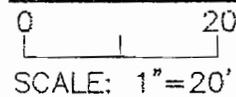
**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection  
 Date OCT 16 2000



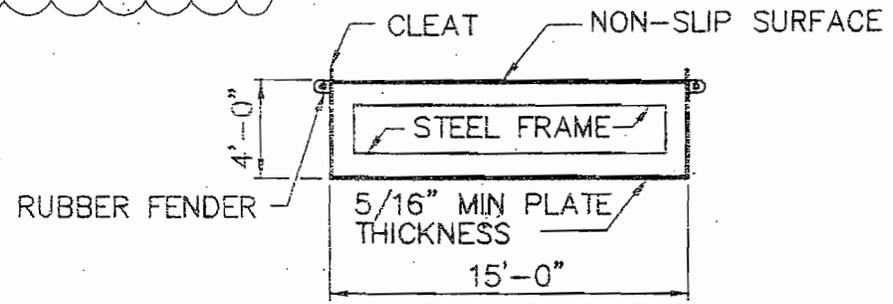
**PLAN - COURTESY DOCK**



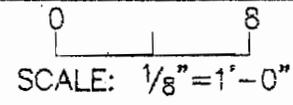
**ELEVATION A-A**



1  
 NOTE:  
 THE COURTESY FLOAT AND GANGWAY SHOWN WILL BE REVISED TO AN ACCESSIBLE FLOAT WITH A NON-MECHANICAL RAMP/GANGWAY SYSTEM.



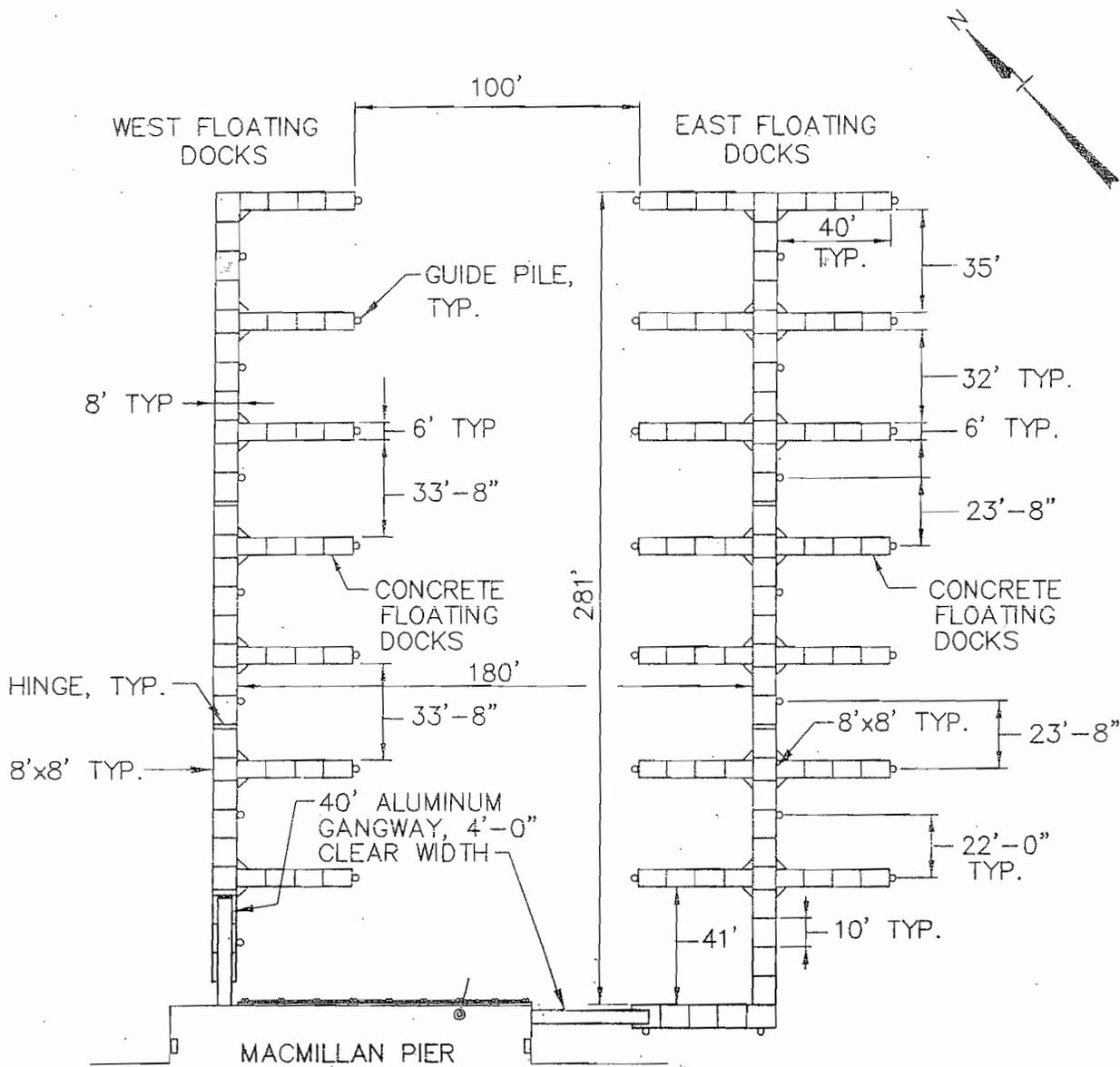
**COURTESY DOCK SECTION B-B**



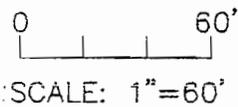
PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN. FAY, SPOFFORD & THORNDIKE INC. ENGINEERS



AUGUST 25, 2000 (REVISED)



**DECK PLAN - FLOATING DOCKS**

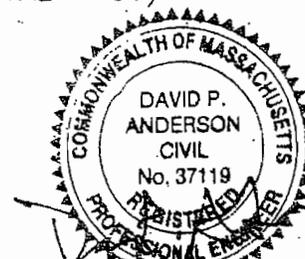


**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection  
 Date OCT 16 2000

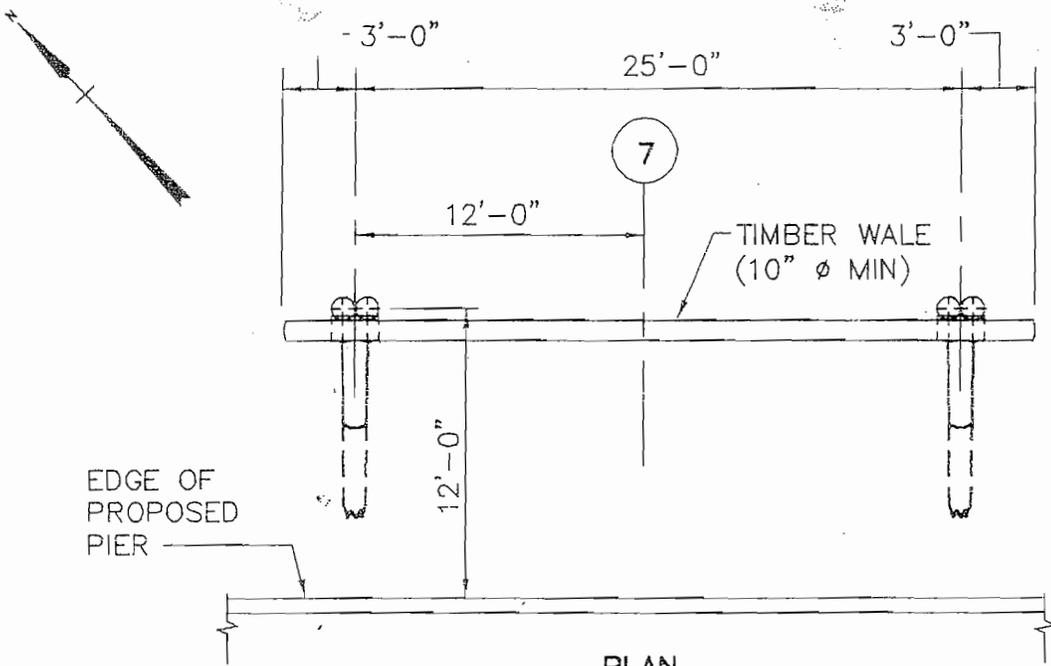
**LEGEND**

- 10.75"OD STEEL PIPE GUIDE PILE (TOTAL = 36)

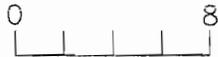
PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN



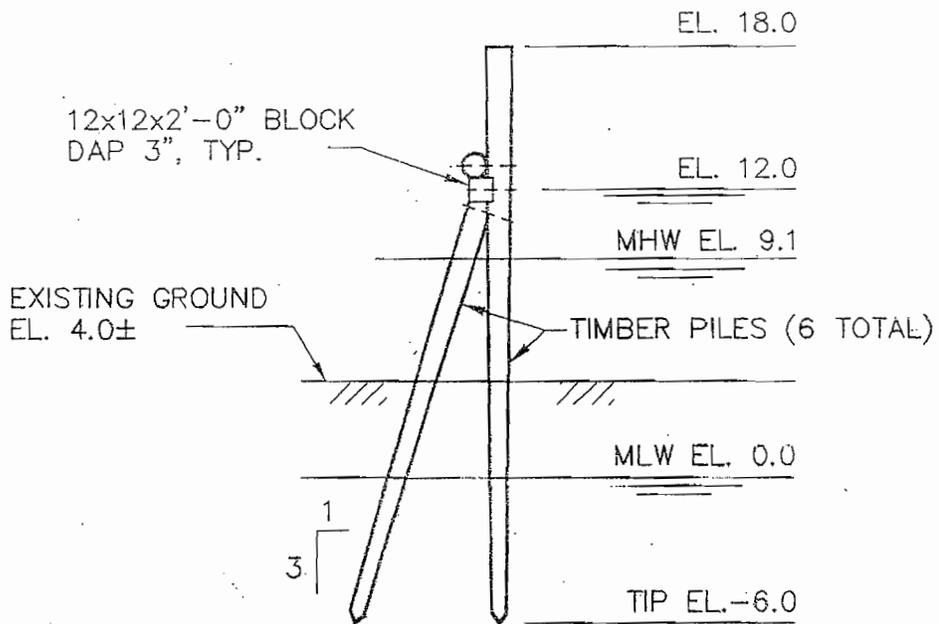
3/21/02



PLAN



SCALE: 1/8" = 1'-0"



TYPICAL SECTION



SCALE: 1/8" = 1'-0"

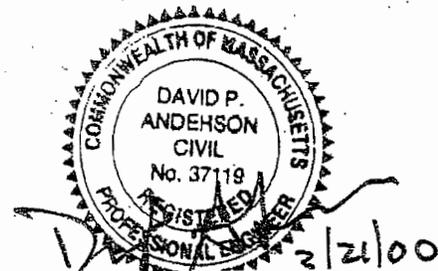
**VESSEL GROUNDING FRAME**

**LICENSE PLAN NO. 8621**

Approved by: Department of Environmental Protection

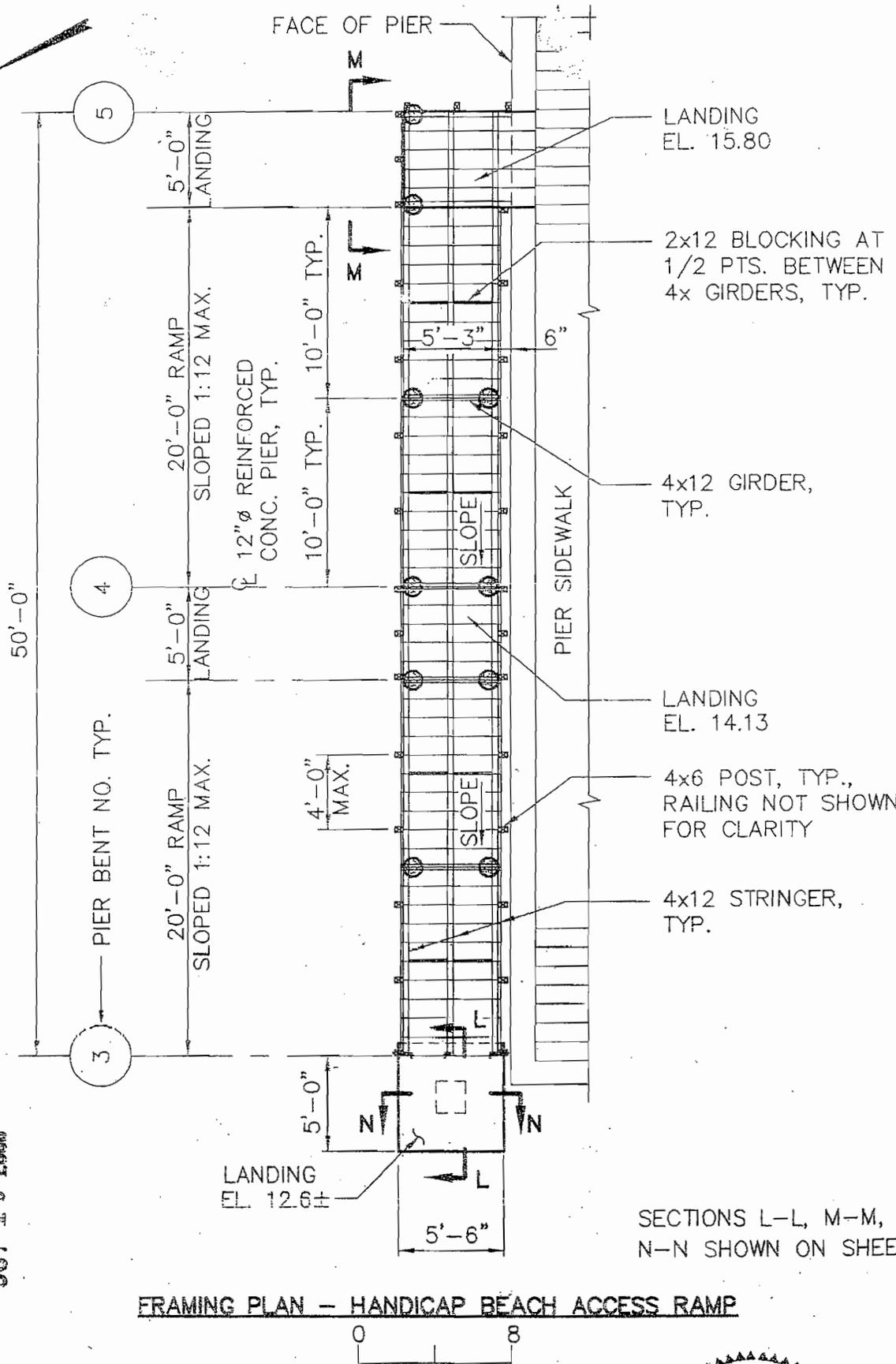
Date: OCT 16 2000

PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN



**LICENSE PLAN NO. 8621**  
 Approved by Department of Environmental Protection

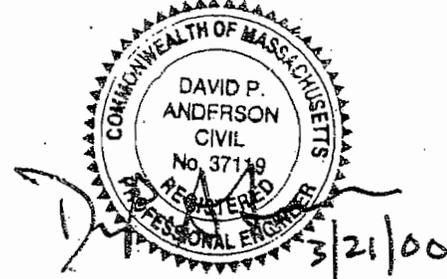
Date **OCT 16 2000**



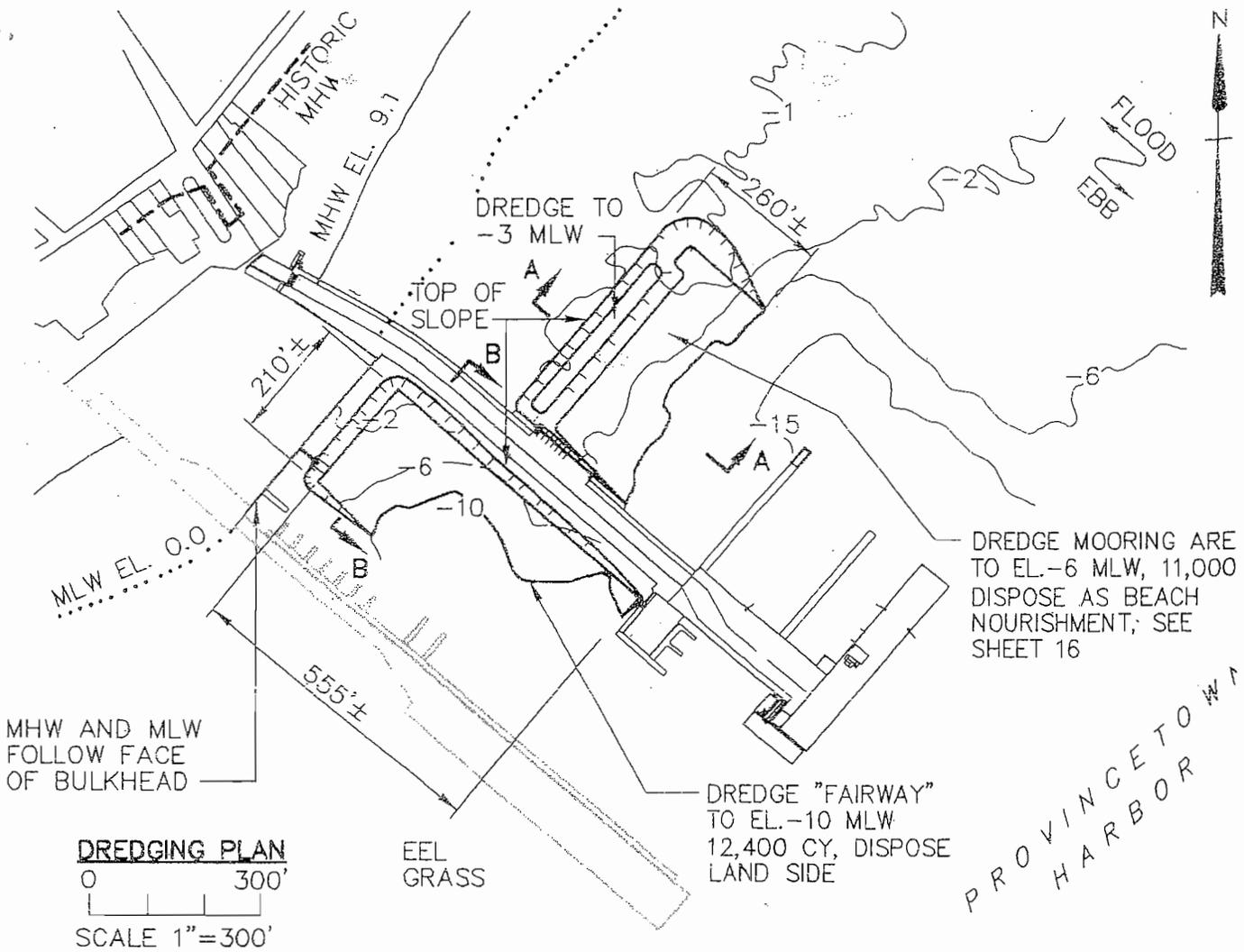
**FRAMING PLAN - HANDICAP BEACH ACCESS RAMP**

0 8  
 SCALE: 1/8" = 1'-0"

PLAN ACCOMPANYING PETITION OF  
 TOWN OF PROVINCETOWN TO LICENSE,  
 RECONSTRUCT AND MAINTAIN  
 MACMILLAN PIER, DREDGE AND PERFORM  
 BEACH NOURISHMENT IN PROVINCETOWN  
 HARBOR, TOWN OF PROVINCETOWN

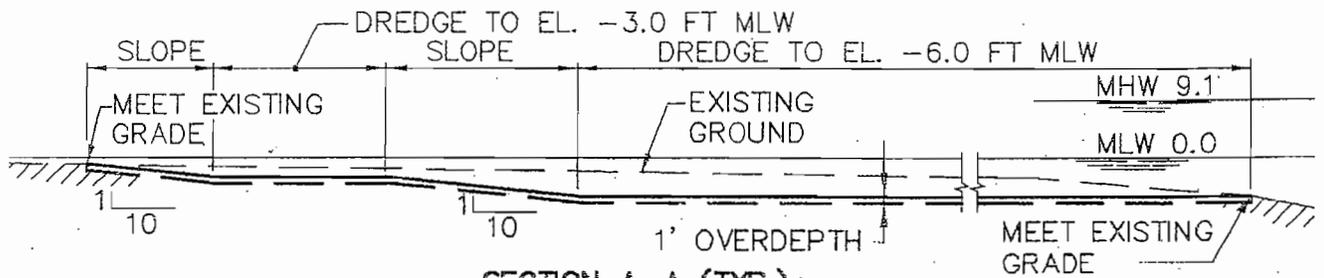






MHW AND MLW FOLLOW FACE OF BULKHEAD

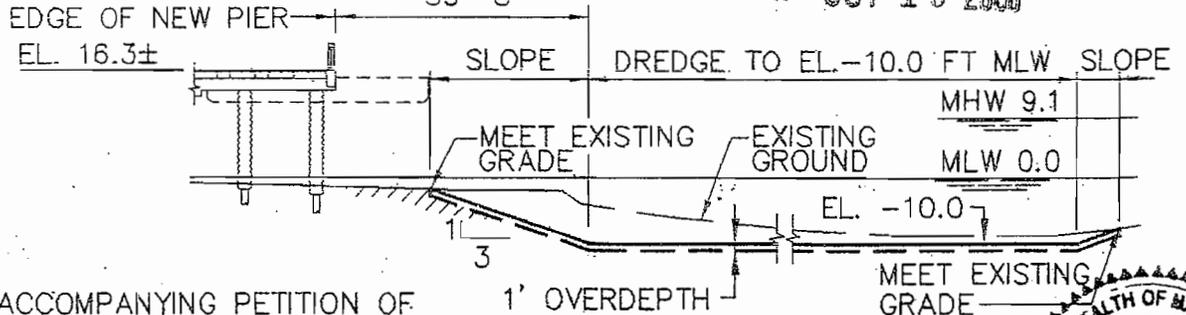
**DREDGING PLAN**  
0 300'  
SCALE 1"=300'



**SECTION A-A (TYP.)**

0 30'  
SCALE: 1"=30'

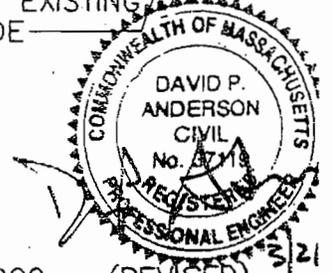
**LICENSE PLAN NO. 862**  
Approved by Department of Environmental Protection  
Date OCT 16 2000

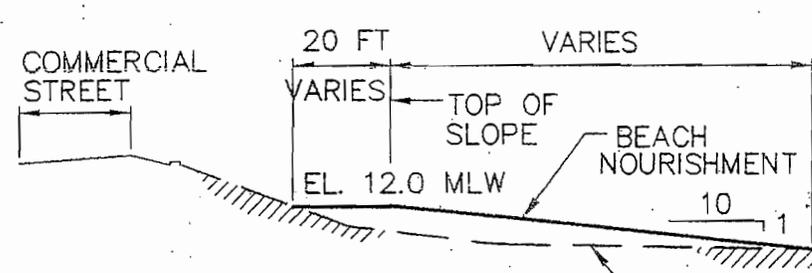
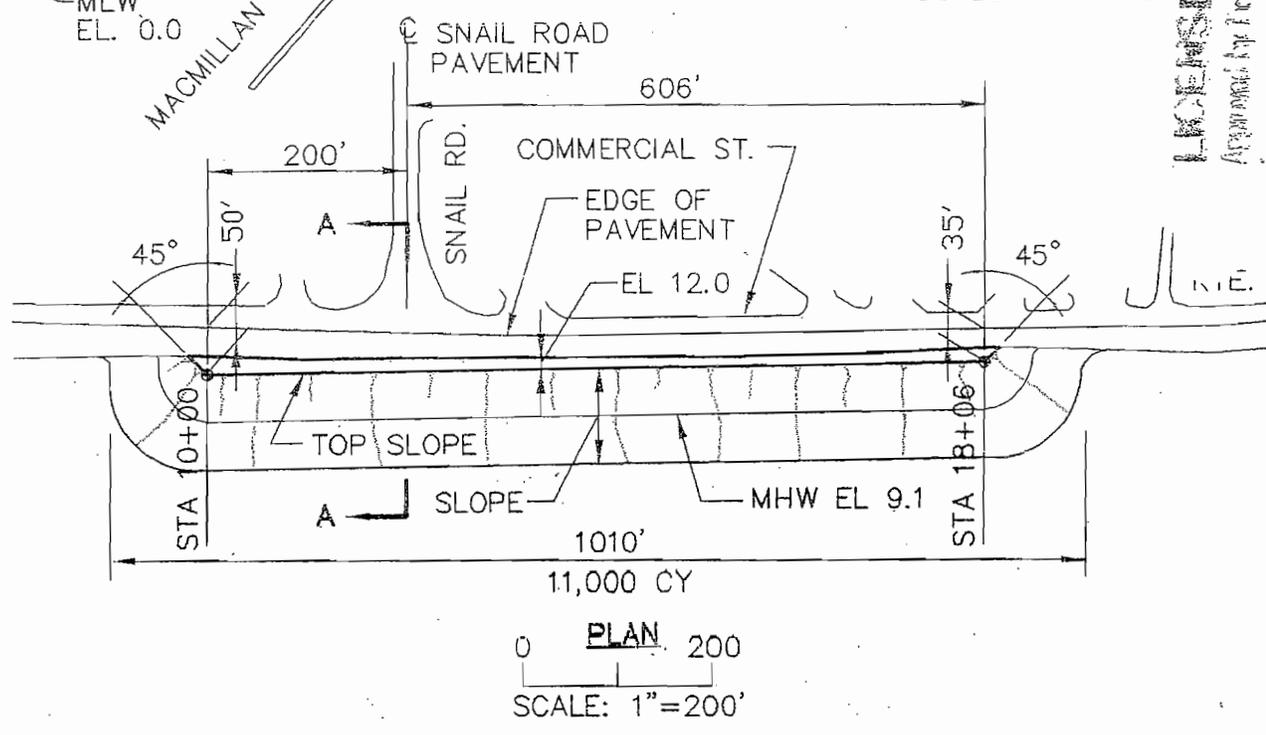
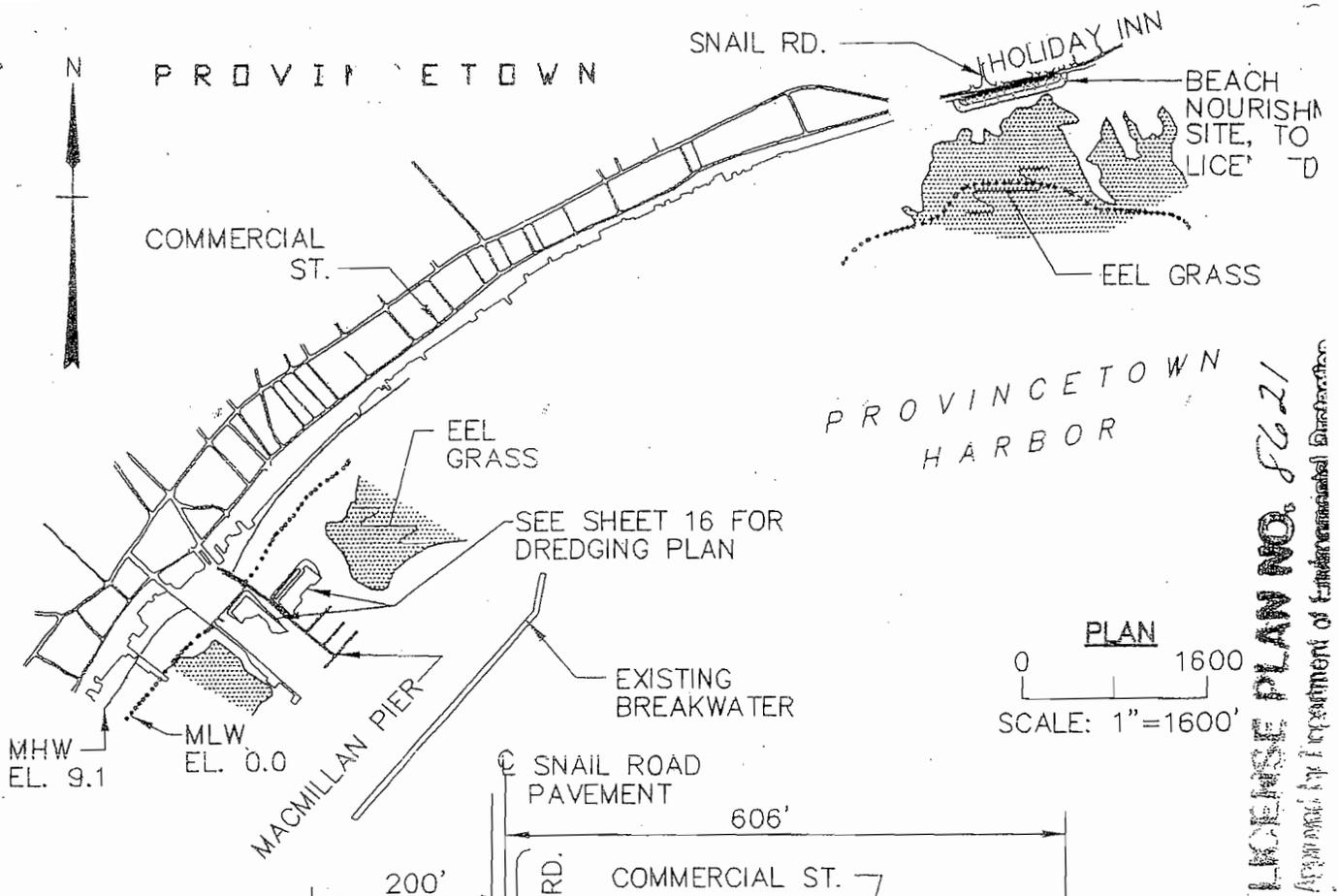


**SECTION B-B (TYP.)**

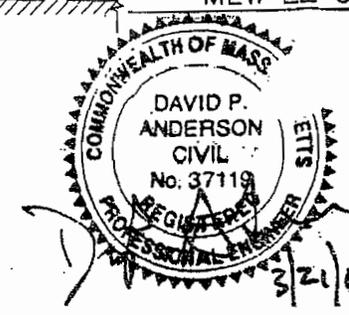
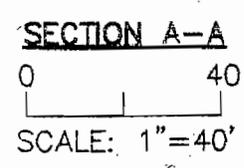
0 30'  
SCALE: 1"=30'

PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN  
FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS



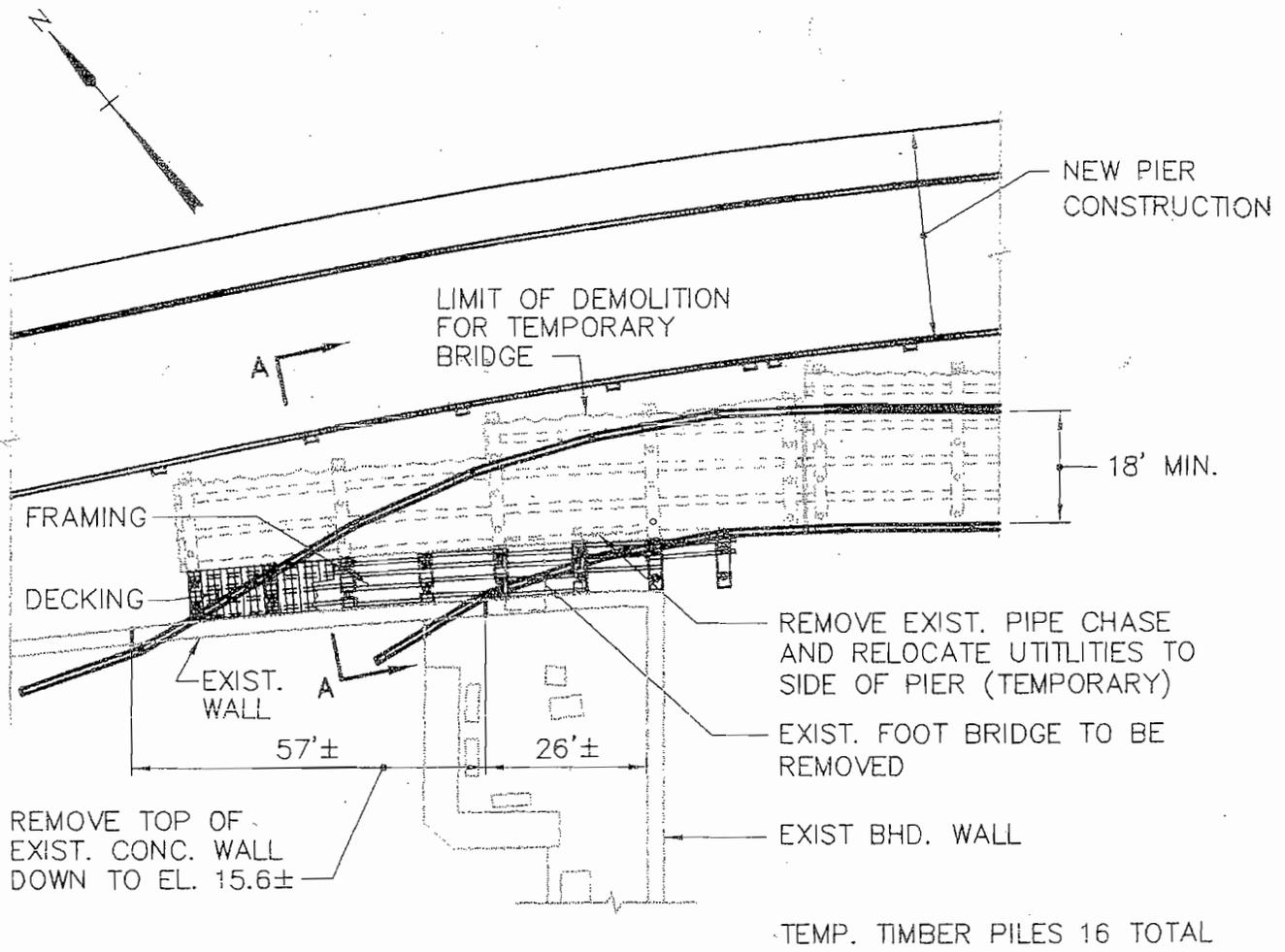


PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN. FAY SPOFFORD & THORNDIKE INC ENGINEERS



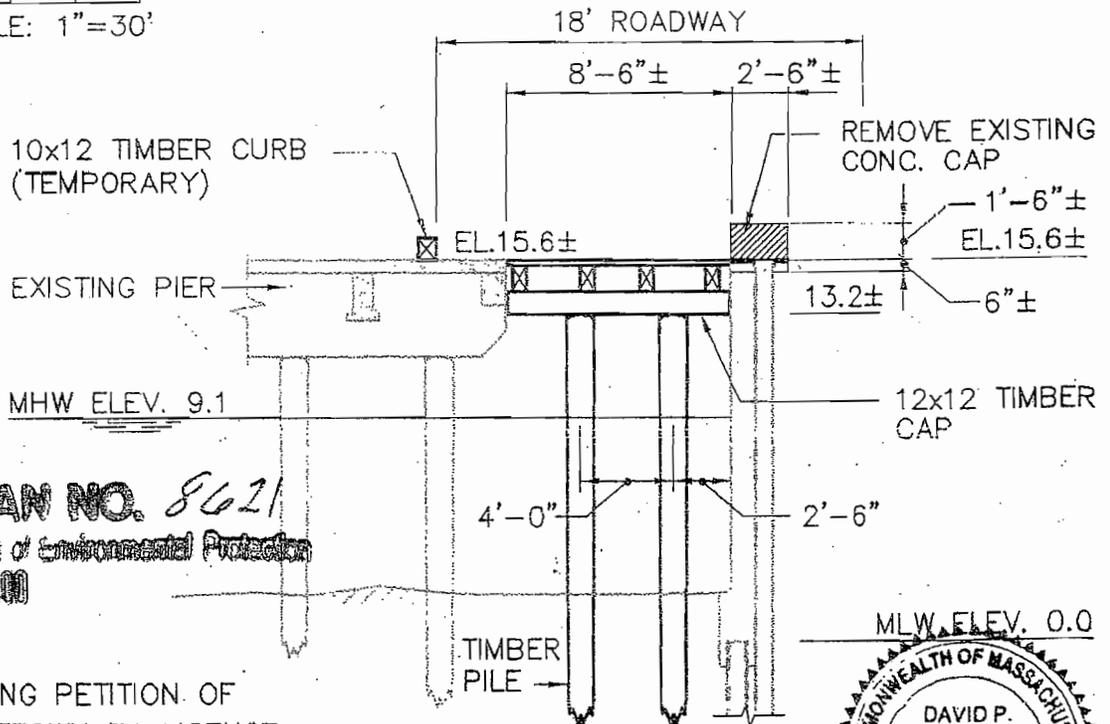
LICENSE PLAN NO. 8621

Approved by Department of Environmental Management



**TEMPORARY PILE SUPPORTED BRIDGE**

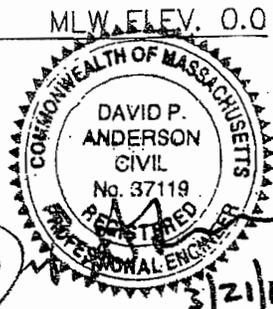
0 30'  
SCALE: 1"=30'

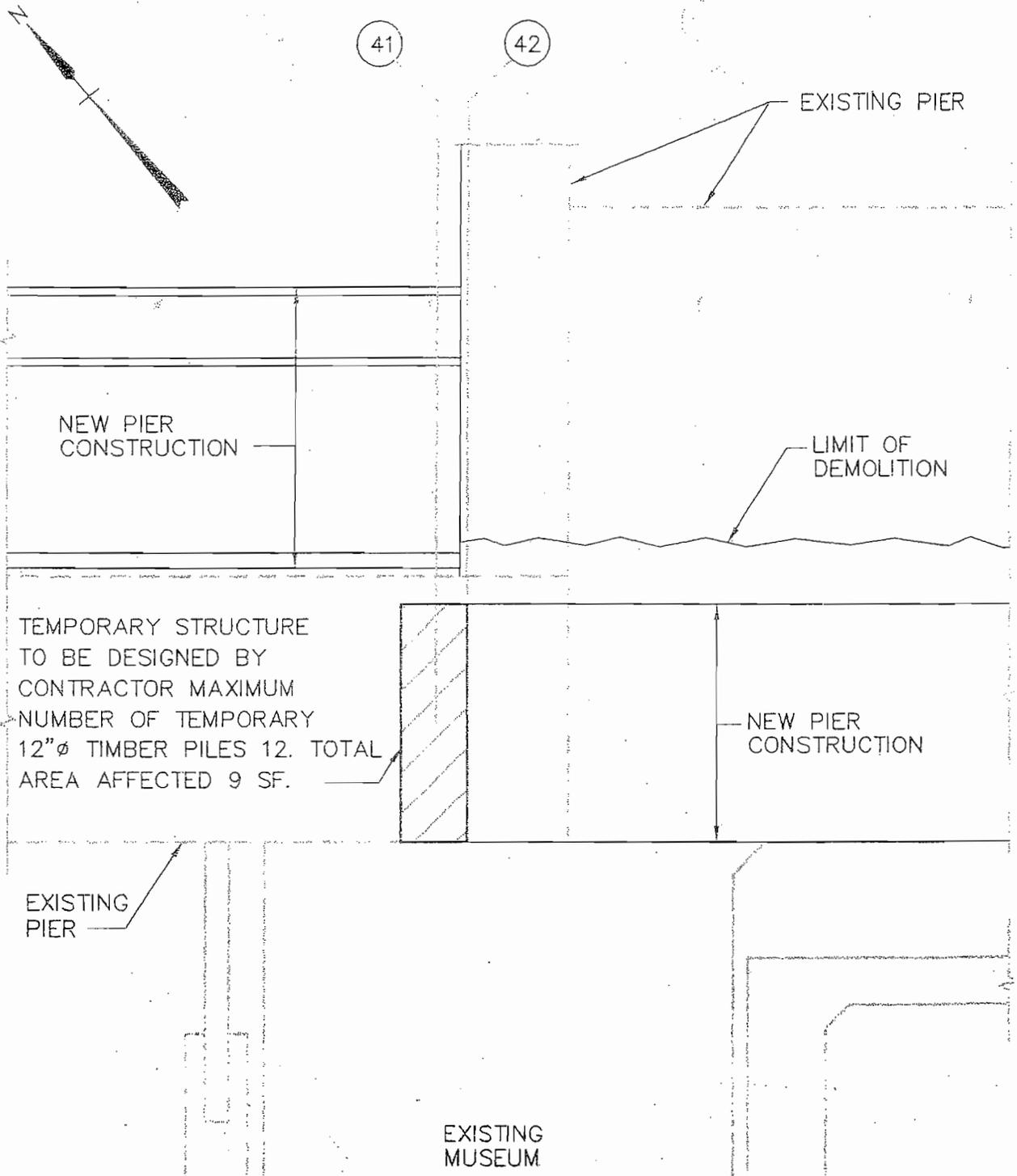


**LICENSE PLAN NO. 8621**  
Approved by Department of Environmental Protection  
OCT 16 2000

PLAN ACCOMPANYING PETITION OF TOWN OF PROVINCETOWN TO LICENSE, RECONSTRUCT AND MAINTAIN MACMILLAN PIER, DREDGE AND PERFORM BEACH NOURISHMENT IN PROVINCETOWN HARBOR, TOWN OF PROVINCETOWN

**SECTION A-A**  
0 8  
SCALE: 1/8"=1'-0"

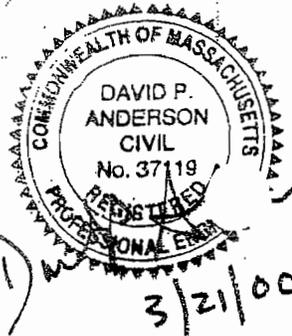




**LICENSE PLAN NO. 8621**  
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PLAN ACCOMPANYING PETITION OF  
 TOWN OF PROVINCETOWN TO LICENSE,  
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 MACMILLAN PIER, DREDGE AND PERFORM  
 BEACH NOURISHMENT IN PROVINCETOWN  
 HARBOR, TOWN OF PROVINCETOWN  
 FAY, SPOFFORD & THORNDIKE, INC. ENGINEERS

**PLAN**  
 0 20  
 SCALE: 1"=20'



MARCH 21, 2000 (REVISED)

13. EXCESSIVE RUTTING WITHIN RESOURCE AREA SHALL BE MITIGATED ON A DAILY BASIS AND IF FILLED, USING INDIGENOUS MATERIALS OF COMPATIBLE GRAIN SIZES.

14. FOLLOWING COMPLETION OF THIS SECTION OF ACTIVITY, ALL COMPONENTS OF DELIVERY SYSTEM SHALL IMMEDIATELY REMOVED FROM RESOURCE AREAS WITHIN FORTY EIGHT HOURS.

15. STORM DAMAGE FROM IMPROPERLY SECURED OR MAINTAINED DELIVERY SYSTEM, IMMEDIATE RECOVERY OF DISPLACED SYSTEM COMPONENTS AND ANY MITIGATION IF REQUIRED, SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT.

## SECTION V. CONSTRUCTION

1. PERFORMANCE STANDARDS SHALL INCLUDE BUT NOT BE LIMITED TO, THE PROHIBITION OF DISCHARGE OF CONCRETE, PETROCHEMICALS, SOLVENTS OR SOLVENT BASED PRODUCTS, PRESERVATIVES OR PHYSICAL DEBRIS INTO THE RESOURCE AREA.

2. MATERIALS STORAGE SHALL UTILIZE TEMPORARY DESIGNATED AREAS SUCH AS M.P.L. AND NOT BE MAINTAINED IN ANY MANNER IMPACTING RESOURCE AREA.

3. STORM DRAIN IMPROVEMENT ACTIVITIES SHALL UTILIZE EROSION CONTROL PERFORMANCE STANDARDS DURING CONSTRUCTION. PROVISION SHALL BE MADE TO ALLOW FOR THE PROPER DISPOSAL OF NON-INDIGENOUS DEBRIS ASSOCIATED WITH EXCAVATION ACTIVITY.

## SECTION VI. USE

1. PERFORMANCE STANDARDS SHALL PROHIBIT USERS OF THIS STRUCTURE AND ITS APPURTENANCES FROM DISCHARGING PETROCHEMICALS (FUEL AND/OR OIL), SOLVENTS, SOLVENT BASED PRODUCTS AND HERBICIDES (BILGE CLEANERS) INTO THE RESOURCE AREA IN PERPETUITY.

2. FUEL TRANSFER SHALL BE PROHIBITED ON OR FROM THIS STRUCTURE AND ITS APPURTENANCES UNTIL SUCH TIME AS A COMMISSION APPROVED FUEL TRANSFER PROTOCOL PLAN WITH IMMEDIATELY IMPLEMENTABLE RESPONSE SYSTEM, IS PROVIDED BY THE APPLICANT'S LIAISON AND IS IN PLACE TO MITIGATE INADVERTENT DISCHARGES.

3. WATER QUALITY IMPROVEMENT REQUIRES THE SUPPORT OF EVERY VESSEL OWNER USING THIS STRUCTURE. THE APPLICANT SHALL HEREBY REQUIRE IN PERPETUITY, THAT EVERY VESSEL USING THIS STRUCTURE OR APPURTENANCES, HAVE ON BOARD IN THE BILGE OR IN BELOW DECK SUMP, PETROCHEMICAL ABSORBENT, RE-NEWABLE OR REUSABLE "PILLOWS". THE APPLICANT SHALL ALSO PROVIDE AND IMPLEMENT A PLAN FOR ACCESS TO THESE MATERIALS, PROPER DISPOSAL OF THESE MATERIALS AND AN INSPECTION SCHEDULE TO ASSESS COMPLIANCE. THIS POLLUTION PREVENTION PLAN SHALL BE PROVIDED TO THE COMMISSION PRIOR TO THE COMMENCEMENT OF SECTION V.

4. PROPER DISPOSAL OF TRASH GENERATED BY EVERY TYPE OF USER OF THIS NEW STRUCTURE AND APPURTENANCES SHALL REQUIRE A TRASH MANAGEMENT PLAN FROM THE APPLICANT ADDRESSING THE ORIGIN, CONTENT, LOCATION OF CONTAINMENT DEVICES AND FINAL DISPOSITION OF TRASH IN PERPETUITY. THIS PLAN SHALL BE PROVIDED TO THE COMMISSION PRIOR TO THE COMMENCEMENT OF SECTION V.

5. A DESIGNATED FISHING AREA SHALL BE PROVIDED ON THIS NEW STRUCTURE TO MAINTAIN AND PROTECT THE RECREATIONAL INTERESTS OF PEDESTRIAN FISHING IN PERPETUITY.

6. RECREATIONAL AND WATER QUALITY INTERESTS IMMEDIATELY NORTH OF THE DINGHY DOCK SHALL BE PROTECTED IN PERPETUITY BY THE PROHIBITION OF GASOLINE ENGINES FROM THAT NORTH SIDE DOCK SPACE, WHICH SHALL BE USED FOR ROWING DINGHYS, KAYAKS AND SMALL SAILBOATS.

7. GASOLINE ENGINE SMALL CRAFT SHALL HAVE ACCESS TO THE "T" ENDS OF THE FLOATING DOCKS AND ALONG A FLOAT TO BE INSTALLED ADJACENT TO THE NEW PIER ELSEWHERE OR AT A FLOATING DOCK AREA SO DESIGNATED, BASED ON NEED AND USE.

13. EXCESSIVE RUTTING WITHIN RESOURCE AREA SHALL BE MITIGATED ON A DAILY BASIS AND IF FILLED, USING INDIGENOUS MATERIALS OF COMPATIBLE GRAIN SIZES.

14. FOLLOWING COMPLETION OF THIS SECTION OF ACTIVITY, ALL COMPONENTS OF DELIVERY SYSTEM SHALL IMMEDIATELY REMOVED FROM RESOURCE AREAS WITHIN FORTY EIGHT HOURS.

15. STORM DAMAGE FROM IMPROPERLY SECURED OR MAINTAINED DELIVERY SYSTEM, IMMEDIATE RECOVERY OF DISPLACED SYSTEM COMPONENTS AND ANY MITIGATION IF REQUIRED, SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT.

## SECTION V. CONSTRUCTION

1. PERFORMANCE STANDARDS SHALL INCLUDE BUT NOT BE LIMITED TO, THE PROHIBITION OF DISCHARGE OF CONCRETE, PETROCHEMICALS, SOLVENTS OR SOLVENT BASED PRODUCTS, PRESERVATIVES OR PHYSICAL DEBRIS INTO THE RESOURCE AREA.

2. MATERIALS STORAGE SHALL UTILIZE TEMPORARY DESIGNATED AREAS SUCH AS M.P.L. AND NOT BE MAINTAINED IN ANY MANNER IMPACTING RESOURCE AREA.

3. STORM DRAIN IMPROVEMENT ACTIVITIES SHALL UTILIZE EROSION CONTROL PERFORMANCE STANDARDS DURING CONSTRUCTION. PROVISION SHALL BE MADE TO ALLOW FOR THE PROPER DISPOSAL OF NON-INDIGENOUS DEBRIS ASSOCIATED WITH EXCAVATION ACTIVITY.

## SECTION VI. USE

1. PERFORMANCE STANDARDS SHALL PROHIBIT USERS OF THIS STRUCTURE AND ITS APPURTENANCES FROM DISCHARGING PETROCHEMICALS (FUEL AND/OR OIL), SOLVENTS, SOLVENT BASED PRODUCTS AND HERBICIDES (BILGE CLEANERS) INTO THE RESOURCE AREA IN PERPETUITY.