

Department of Environmental Protection

100 Cambridge Street 9th Floor Boston, MA 02114 • 617-292-5500

Maura T. Healey Governor

Kimberley Driscoll Lieutenant Governor Rebecca L. Tepper Secretary

> Bonnie Heiple Commissioner

February 13, 2024

Robert & Cathy Cantin c/o Ryan Proctor 1 Main Street, Suite #1 Lunenburg, MA 01462

Re: Draft Waterways Simplified License - Application No. 23-WW06-0028-APP 164 Barton Road, Waters of Lake Boon, Stow, Middlesex County

Dear Mr. and Mrs. Cantin,

The Department of Environmental Protection has tentatively approved the above-referenced referenced License Application. Pursuant to 310 CMR 9.10(4); a Draft Waterways License is enclosed.

Any requisite Occupation Fee will be required upon notice from the Department and prior to issuance of the final Chapter 91 Simplified Waterways License.

A final Waterways License may be issued after twenty-one (21) days from the date of the issuance of this Draft License if the Department has not received a written request, by certified mail, for an adjudicatory hearing pursuant to 310 CMR 9.17(2).

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. Chapter 30A, § 10A, have submitted comments within the public comment period; (c) 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 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.

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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 Adjudicatory Hearing Fee Transmittal Form and include the details specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Adjudicatory Hearing Fee Transmittal Form is available at the following website: <u>https://www.mass.gov/doc/adjudicatory-hearing-fee-transmittal-form/download</u> The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

MassDEP Case Administrator 100 Cambridge Street, Suite 900 Boston, MA 02114

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 100 Cambridge Street, Suite 900 Boston, MA 02114

The MassDEP Adjudicatory Hearing 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:

MassDEP Commonwealth Master Lockbox P.O. Box 4062 Boston, MA 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing <u>must</u> 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.

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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.

Exemptions

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.

Waiver

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 contact Christine Walsh of the MassDEP Waterways Regulation Program at <u>Christine.Walsh@mass.gov</u> if you have any questions.

Sincerely,

lf Pine.

Daniel J. Padien Program Chief Waterways Regulation Program

cc: Town of Stow Select Board Town of Stow Planning Board Town of Stow Conservation Commission

SIGNAGE SPECIFICATIONS OF THE MASSDEP WATERWAYS REGULATION PROGRAM

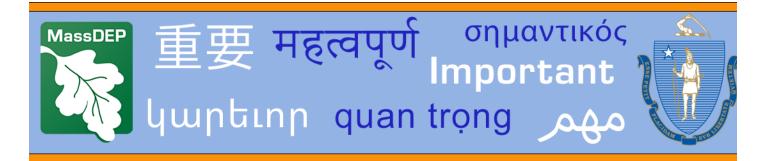
Unless otherwise expressly provided in a license or other written authorization of the Department, all required signage shall conform to the following specifications, as applicable:

- Signs shall utilize durable materials and methods of construction and maintained in good condition.
- Signs shall be a minimum of 5" x 10" (50 square inches) in size. Letter height shall be a minimum of ½".
- The MassDEP Chapter 91 Waterways License number shall be displayed on all signs (as applicable).
- Each sign shall indicate that public passage is allowed for on-foot lateral access along the shoreline for the purpose of fishing, fowling, navigation and strolling.
- Signs shall be posted on both sides of the pile-supported structure, at the mean high water shoreline (see Special Conditions).



An example of an acceptable sign is provided below.

Note to Licensee: these specifications do not need to be recorded with the License at the Registry of Deeds.



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

Português Portuguese

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

繁體中文 Chinese Traditional

本文檔很重要,需要即刻進行翻譯。 如需對本文檔進行翻譯,請透過如下列示電話號 碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

这份文件非常重要,需要立即翻译。 如果您需要翻译这份文件,请通过下方电话与 MassDEP 环境司法主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmantal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារ:សំខាន់ ហើយកប្បីកួរក្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់ MassDEPតាមរយ:លេខទូរស័ព្ទដែលបានរាយដូចខា ងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu immediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telifoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738 Massachusetts Department of Environmental Protection 100 Cambridge Street 9th Floor Boston, MA 02114 TTY# MassRelay Service 1-800-439-2370 • <u>https://www.mass.gov/environmental-justice</u> (Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

Arabic العربية

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير. العدالة البيئية فيMassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다. 본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն։ Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)` ստորև նշված հեռախոսահամարով

Farsi Persian فارسی

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود. اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué cidessous.

Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice (Direktor für Umweltgerechtigkeit in Massachusetts) unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσωςιο. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

Questo documento è importante e deve essere tradotto immediatamente. Se hai bisogno di tradurre questo documento, contatta il Direttore della Giustizia Ambientale di MassDEP al numero di telefono sotto indicato.

Język Polski Polish

Ten dokument jest ważny i powinien zostać niezwłocznie przetłumaczony. Jeśli potrzebne jest tłumaczenie tego dokumentu, należy skontaktować się z dyrektorem ds. sprawiedliwości środowiskowej MassDEP pod numerem telefonu podanym poniżej.

हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए।. यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

The Commonwealth of Massachusetts



No. Draft – 23-WW06-0028-APP

SIMPLIFIED LICENSE BRP WW06

Robert & Cathy Cantin	of the Town/City of:	Stow	in:	Middlesex
Licensee Name	•	Town/City		County

County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License pursuant to Chapter 91 of the general laws to:

⊠ maintain an existing (pre-1984):	construct a proposed or maintain an existing (post-1984):
 pier/dock boat ramp ramp float(s) pile(s) boat lift boat house retaining wall/seawall bulkhead rip rap/stone revetment groin(s) nonwater-dependent accessory to a residence 	 pier/dock ramp float(s) pile(s) boat lift pile-supported boat house other - stairs
other - backfill for shoreline stabilization	

1

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the \boxtimes Select Board \square Mayor and City Council, of the Town/City of <u>Stow</u>.

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 said Licensee, 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 existing structure(s) for:	C construct and maintain structure(s) for:
 non-commercial docking/access to navigable water shoreline stabilization residential, NWD building other 	 ☑ non-commercial docking/access to navigable water ☑ other

at -- 164 Barton Road -- in and over waters of -- Lake Boon -- in the Town of -- Stow -- and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. **DRAFT** 23-WW06-0028-APP. (total number of plan sheets: 2)

License #DRAFT 23-WW06-0028-APP

The total area of the combined structures measured below mean/ordinary high water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e., does not serve ten or more vessels). Dimensions of all structures are shown on the accompanying plan(s).

USE: The structures authorized herein shall be for non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require a review by the Department to determine whether additional or alternative licensing is required. The structures authorized herein shall be limited to the following uses: noncommercial docking and access to navigable waters.

TERM: This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

WATERWAYS LICENSE CONDITIONS:

1. **ACCESS**: 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" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on each side of the structure (e.g., pier/dock) authorized herein or at each property line, adjacent to the high-water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. 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.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds 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 or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on 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 onfoot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. 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, strolling 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. The Commonwealth holds said lands in trust for the benefit of the public.
🖾 Great Pond	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.

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

License #DRAFT 23-WW06-0028-APP

- 4. 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.
- 5. 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.
- 6. The use of unencapsulated polystyrene as part of any permanent or temporary component of the structures and/or fill authorized herein is prohibited.
- 7. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.
- 8. 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(s) thereof.
- 9. 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 G.L. Chapter 131, s.40, the Wetlands Protection Act.

CONSTRUCTION

- 10a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.
- 10b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than 1/4 of the way across a water body.
- 10c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier may be equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.
- 10d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high-water shoreline, and outside of vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.
- 10e. Any float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.
- 10f. 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.

DOCKING OF VESSELS

- 11a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one-foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse effects on eelgrass in the area.
- 11b. Vessels shall be moored such that they do not become grounded at any tide.
- 11c. No dredging (including, but not limited to effects of prop wash) is permitted herein.
- 11d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

COMPLIANCE

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within the chain of title of the affected property within the 60 days from the date hereof, in the appropriate Registry of Deeds for the said County where the project site is located.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee <u>prior</u> to the commencement of any activity of use authorized pursuant to this License.

THE COMMONWEALTH OF MASSACHUSETTS

IN WITNESS W	HEREAS, said	Department of En	vironmental Prot	tection	have hereunto set	their hands on this
Date	day of 🛛 🚽	onth	——— in the	year	year	
Commissioner						Department of Environmental
Program Chief						Protection
This License is a Robert & Cathy Licensee		sideration of the r of the further sum of	Eighty-seven Amount	treasu	ry of the Common dollars and zero cents	wealth by said \$87.00
The amount deter the land of the Co		Sovernor as a just	and equitable ch	narge f	or rights and privile	ges hereby granted in
				Bosto	n	
Approved by the	Governor.					
/				Gover	nor	

