

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

June 13, 2025

Massachusetts Department of Transportation, Highway Division, Paul Stedman, District 4 Highway Director
c/o Jill Griffiths, Gomez and Sullivan Engineers
41 Liberty Hill Rd, Building #1 P.O. Box 2179
Henniker, NH 03242

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE No. WW01-0000627A

Parker River Restoration Project, I-95 Right-of-Way, Waters of the Parker River, Newbury,
Essex County

Dear Mr. Stedman:

The Department of Environmental Protection hereby issues the above-referenced Chapter 91 License, enclosed, authorizing the Licensee to perform certain activities pursuant to M.G.L. Chapter 91, the Public Waterfront Act and the regulations 310 CMR 9.00. Any change in use or alteration of any structure or fill not authorized by this License shall render this License void.

No work shall be undertaken until the License and accompanying Mylar Plans have been duly recorded in the applicable County Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of all affected properties.

RECORDING OF THE LICENSE

This License and accompanying Mylar Plans must be recorded within the chain of title of all affected properties at the appropriate Registry of Deeds or, if registered land, with the Land Registration Office within sixty (60) days from the date of license issuance. In the case of recorded land, the License shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the project is located. In the case of the registered land, the License shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the project is located. Failure to record this License within the chain of title of the affected property within sixty (60) days of the date of issuance will render this License void pursuant to 310 CMR 9.18.

This information is available in alternate format. Please contact MassDEP at 617-292-5500.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Parker River Restoration Project, I-95 Right-of-Way, Parker River, Newbury, Essex County

Upon recording the License and Plan, you must notify the Department by accessing your Authorization record at <https://eplace.eea.mass.gov/citizenaccess> and entering the recording information. Instructions for entering recording information may be found at the following link: <https://www.mass.gov/doc/eplace-waterways-recording-information-amendment/download> Failure to notify the Department of the recording of this License is a violation of 310 CMR 9.00.

CERTIFICATE OF COMPLIANCE

Pursuant to 310 CMR 9.19, once the licensed project is complete, the Licensee must file a Request for a Certificate of Compliance form, BRP WW05, within sixty (60) days of completion but in no event later than five (5) years from the License's issuance date, or any extension thereof, in accordance with 310 CMR 9.19(1). The license for any project for which such a request is not filed and certificate issued may be revoked pursuant to 310 CMR 9.26.

Please contact the Waterways Regulation Program at dep.waterways@mass.gov if there are any questions.

Sincerely,



Daniel J. Padien
Program Chief
Waterways Regulation Program

cc: Town of Newbury Select Board
Town of Newbury Planning Board
Town of Newbury Conservation Commission (DEP File No. 050-1442)
Town of Newbury Harbormaster
Paul Stedman, District 4 Highway Director, MassDOT Highway Division

Encl: Chapter 91 Waterways License No. WW01-0000627A

The Commonwealth of Massachusetts



No. WW01-0000627A

Whereas, Massachusetts Department of Transportation

of -- Boston -- in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for License to -- conduct improvement dredging and backfilling, and placement of scour protection fill material, as further detailed below -----

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 -- Municipal Official -- of the -- Town of Newbury; -----

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 --

Massachusetts Department of Transportation Highway Division -- 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, is hereby licensed to -- conduct 11,550 square feet of dredging to a depth of approximately 11 feet NAVD88, backfilling within the dredge footprint and elevation, and placement of addition riprap scour protection fill within an area of 9,300 square feet and to an elevation of 21.8 feet NAVD88, and temporary installation and removal of construction measures -----

within waters of -- the Parker River -- located at -- the I-95 Right-of-Way -- in the -- Town of Newbury -- and in accordance with the locations shown and details indicated on the accompanying License Plan No. WW01-0000627A (4 Sheets) signed and sealed on June 2, 2025 by Jill W. Griffiths, Massachusetts Professional Engineer No. 51893.

No previously issued Licenses or Legislative Authorizations relative to M.G.L. c.91 have been identified for the project site.

The structures authorized hereby shall be limited to the following uses: shoreline and channel protection and stabilization.

This License has an unlimited term pursuant to 310 CMR 9.15(1)(c).

Dredging is authorized for a term of five (5) years subsequent to the date of issuance.

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

SPECIAL WATERWAYS LICENSE CONDITIONS

1. The Licensee shall inform the Department in writing at least three (3) days before commencing any dredging activities.
2. The Permittee shall remove all temporary structures upon completion of the project and within 5 years of license issuance, except as such term may be extended in accordance with 310 CMR 9.25(1)(a) and as described in Special Condition No. 8.
3. Dredging is authorized to a depth of approximately 11 feet NAVD88 (approximately 7 feet below the existing river bottom grade).
4. Dredging and dredged material disposal is prohibited during the time of year restriction between April 1 and June 15 of any year, except upon written authorization from the Division of Marine Fisheries, which shall be submitted to the Department prior to the start of any dredging activities.
5. Any structural alteration, change in use, or any other modification from that explicitly authorized herein and contained on said License Plans, shall require the prior review of the Department to determine whether additional licensing is required pursuant to M.G.L. Chapter 91 and the Waterways Regulations at 310 CMR 9.00.
6. All structures authorized under this License shall be constructed to meet the Engineering and Construction Standards pursuant to 310 CMR 9.37.
7. The Licensee shall allow agents of the Department to enter the project site to verify compliance with the conditions of this License.

8. 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 (1) or more one (1) year periods without public notice, provided that the Licensee submits to the Department a minimum of thirty (30) days prior to the end of the construction period, a written request to extend the period and provides adequate justification for said extension.
9. The Licensee shall request in writing that the Department issue a Certificate of Compliance within sixty (60) days completion of the licensed project, but in no event later than five (5) years from the date of License issuance, or any extension thereof, in accordance with 310 CMR 9.19(1). The request shall be accompanied by a certification by a registered professional engineer licensed to do business in the Commonwealth that the project was completed in accordance with the plans, specifications, and conditions of this License.

See Pages 4 and 5 for additional conditions to this License

Duplicate of said plan, License Number WW01-0000627A is on file in the office of said Department, and original of said plan accompanies this License is to be referred to as a part hereof.

STANDARD CHAPTER 91 LICENSE CONDITIONS

1. Acceptance of this Chapter 91 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 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 License void.
4. This 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 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 License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof. The Licensee stated that the Massachusetts Department of Transportation was the property owner at the time the application was submitted.
7. This License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, §40.
8. This 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 MassDEP.
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 and upon any other lands defined as Commonwealth Tidelands. Said lands are held in trust by the Commonwealth for the benefit of the public.

_____ 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.

X _____ Navigable River or Stream - The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

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

10. Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

STANDARD CHAPTER 91 DREDGING CONDITIONS

1. Acceptance of this authorization shall constitute an agreement by the Licensee/Permittee to conform to all terms and conditions stated herein.
2. Any modification from that explicitly authorized herein and contained on the Plans shall require prior review of the Department to determine whether additional authorization is required pursuant to M.G.L. Chapter 91, the Public Waterfront Act, and the Waterways Regulations at 310 CMR 9.00.
3. The Licensee/Permittee shall inform the Department in writing at least three (3) days before commencing any authorized dredging or dredge material disposal.
4. This authorization is issued upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee/Permittee prior to the commencement of any activity hereby authorized.
5. This authorization shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This authorization may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee/Permittee, or his agent, and those persons who have filed a written request, with the Department, for such notice and have afforded the Licensee/Permittee a reasonable opportunity to correct said noncompliance. Failure to correct noncompliance after the issuance of a written notice by the Department shall render this authorization void.
6. This authorization is issued subject to all applicable federal, state, county, and municipal laws, ordinances, bylaws, and regulations, including but not limited to, a valid Order of Conditions issued pursuant to the Wetlands Protection Act, M.G.L. Chapter 131, §40 and a valid Water Quality Certification issued pursuant 314 CMR 9.00.
7. This authorization is issued upon the express condition that dredging, transportation, and disposal of dredge material shall be in strict conformance with all applicable requirements and authorizations of the Department. Any subsequent maintenance dredging and transportation and disposal of dredge material during the term of this authorization shall be in strict conformance with all applicable requirements and authorizations of the Department.
8. Unless otherwise authorized in accordance with a Special Condition of this authorization, no maintenance dredging beyond the time authorized herein is permitted.
9. The dredging under this authorization shall be conducted as to cause no unnecessary obstruction of the free passage of vessels.
10. In conducting the dredging authorized, care shall be taken to cause no shoaling. If, however, any shoaling is caused, the Licensee/Permittee shall, at his expense, remove the shoal areas. The Licensee/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 Licensee/Permittee shall pay all costs associated with such work.
11. Nothing in this authorization shall be construed as to impair the legal rights of any persons or authorize dredging on land not owned by the Licensee/Permittee without consent of the owner(s) of such property.
12. The Licensee/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.
13. Whosoever violates any provisions of this authorization shall be subject to a fine of twenty-five thousand dollars and zero cents (\$25,000.00) 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 twenty-five thousand dollars and zero cents (\$25,000.00) for each day such violation occurs or continues.
14. In the event of any conflict between the Special Conditions and the Standard Conditions, the Special Conditions shall prevail.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Massachusetts Department of Transportation Highway Division -- by paying into the treasury of the Commonwealth -- two dollars (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (N/A).

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

This License shall be void unless the same and the accompanying mylar plans are recorded within the chain of title for the affected property within sixty (60) days from the date hereof, in the Registry of Deeds for the -- Southern District of the County of -- Essex.

In witness whereas, said Department of Environmental Protection have hereunto set their

hands this 13th day of June in the year 2025.

Program Chief


Daniel J. Padier

*Department of
Environmental Protection*

~~THE COMMONWEALTH OF MASSACHUSETTS~~

~~This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Massachusetts Department of Transportation Highway Division -- the further sum of -- N/A -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.~~

~~BOSTON,~~

~~Approved by the Governor.~~

~~Maura T. Healey, Governor~~

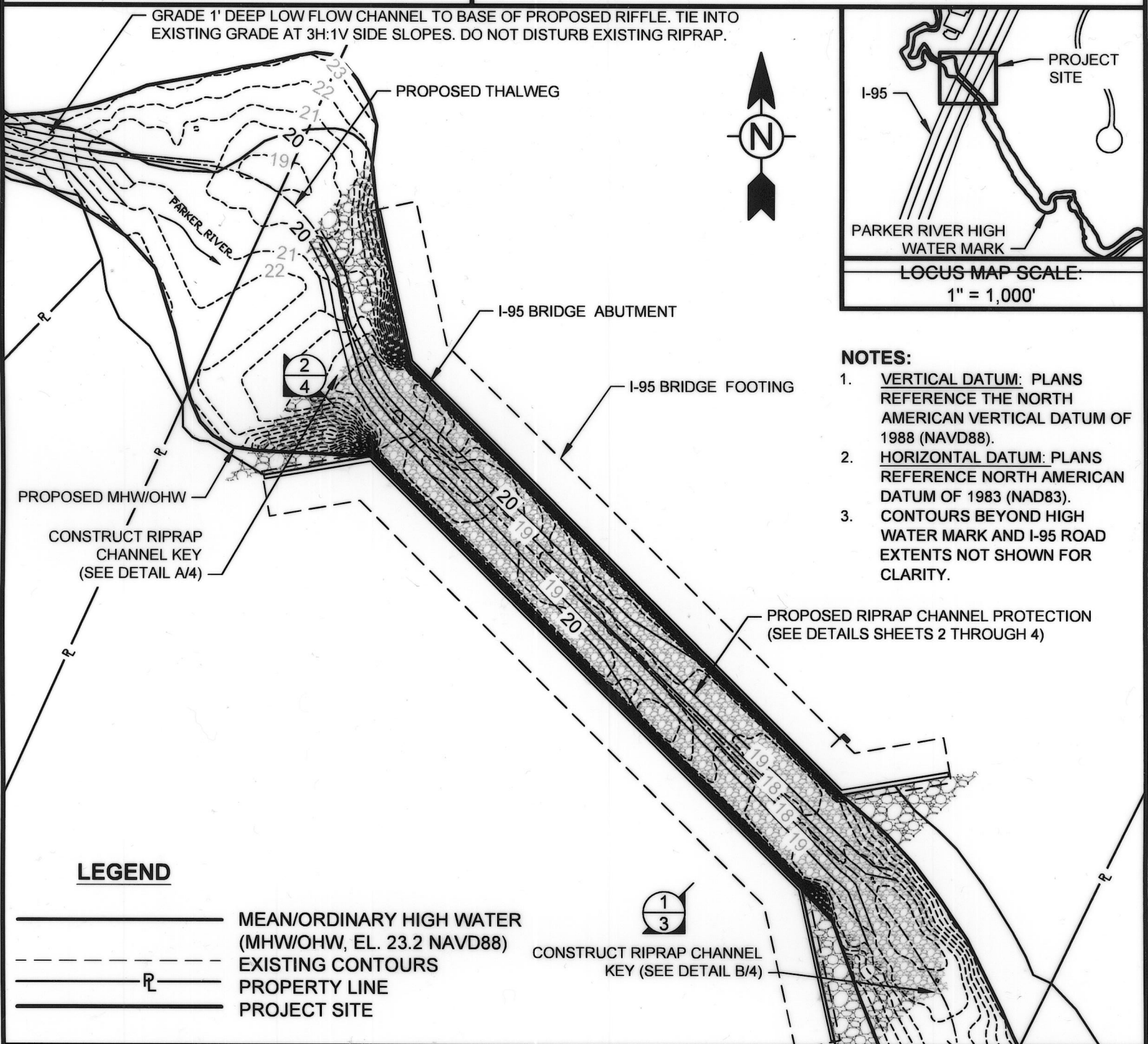
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Jill Gaffin

NAME

06/02/2025

DATE



PROPOSED CONDITIONS PLAN

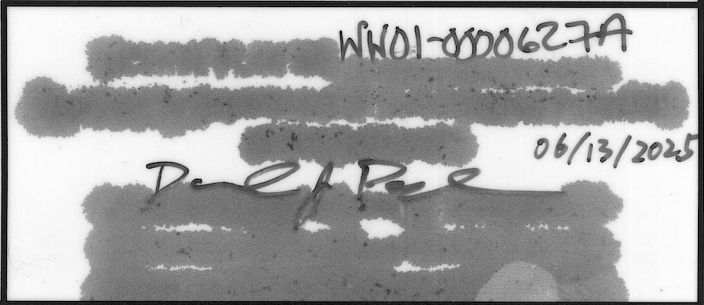
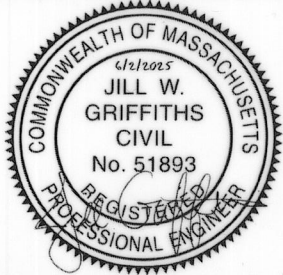
SHEET 1 OF 4

MAY 29, 2025

NOTES:

- ALL ACTIVITIES, STRUCTURES, AND FILL SUBJECT TO CHAPTER 91 JURISDICTION AND AUTHORIZED IN THE SUBJECT LICENSE ARE SPECIFICALLY IDENTIFIED. OTHER WORK DEPICTED AND REFERENCED IS NOT A PART OF THE CHAPTER 91 AUTHORIZATION, AND IS INCLUDED FOR INFORMATIONAL PURPOSES ONLY.

PLAN ACCOMPANYING PETITION OF MASSDOT TO CONSTRUCT INTERSTATE 95 (I-95) BRIDGE SCOUR COUNTERMEASURE AND MAINTAIN THE SCOUR COUNTERMEASURE WITHIN THE WATERS OF THE PARKER RIVER AT COORDINATES 42.752242, -70.944789 WITHIN THE TOWN OF NEWBURY, ESSEX COUNTY, MASSACHUSETTS.

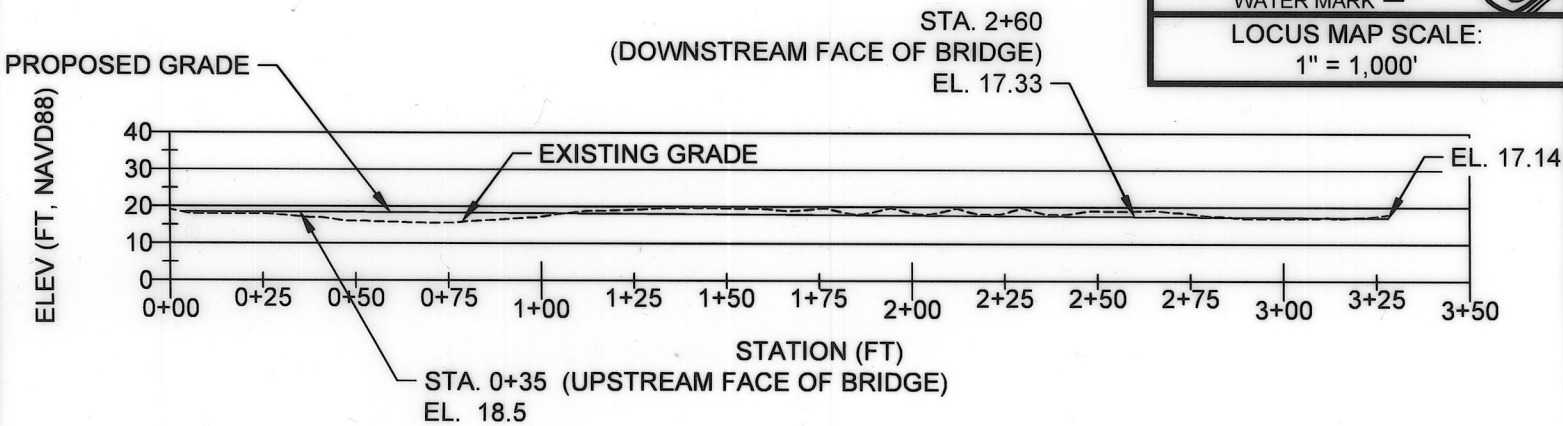
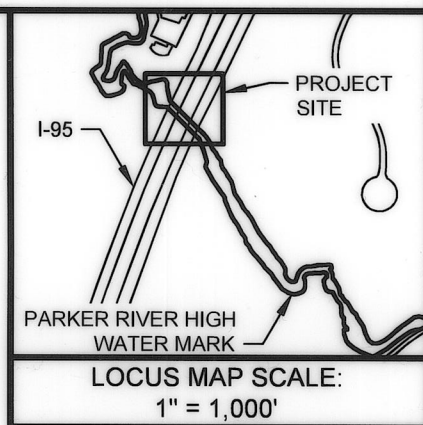


I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

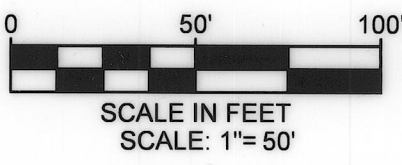
Jill Griffiths

NAME

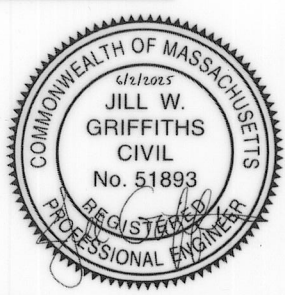
06/02/2025
DATE



DREDGE/BACKFILL/FILL QUANTITIES		
CATEGORY	DESCRIPTION	VALUE
DREDGE/BACKFILL/FILL VOLUME	DREDGE/BACKFILL VOLUME (CY)	700
	RIPRAP VOLUME (CY)	1,300
	NET FILL VOLUME ABOVE EXIST. GRADE (CY)	600
DREDGE/BACKFILL EXTENTS	LENGTH (FT)	260
	WIDTH (FT)	38
	MAX DEPTH (FT)	4
	AREA (SF)	11,550
FILL EXTENTS	LENGTH (FT)	260
	WIDTH (FT)	38
	MAX DEPTH (FT)	4
	AREA (SF)	9,300



PROPOSED CONDITIONS PROFILE
SHEET 2 OF 4
MAY 29, 2025



PLAN ACCOMPANYING PETITION OF MASSDOT TO CONSTRUCT INTERSTATE 95 (I-95) BRIDGE SCOUR COUNTERMEASURE AND MAINTAIN THE SCOUR COUNTERMEASURE WITHIN THE WATERS OF THE PARKER RIVER AT COORDINATES 42.752242,-70.944789 WITHIN THE TOWN OF NEWBURY, ESSEX COUNTY, MASSACHUSETTS.

LICENSE PLAN NO. W01-0000627A
Approved by Department of Environmental Protection
06/13/2025

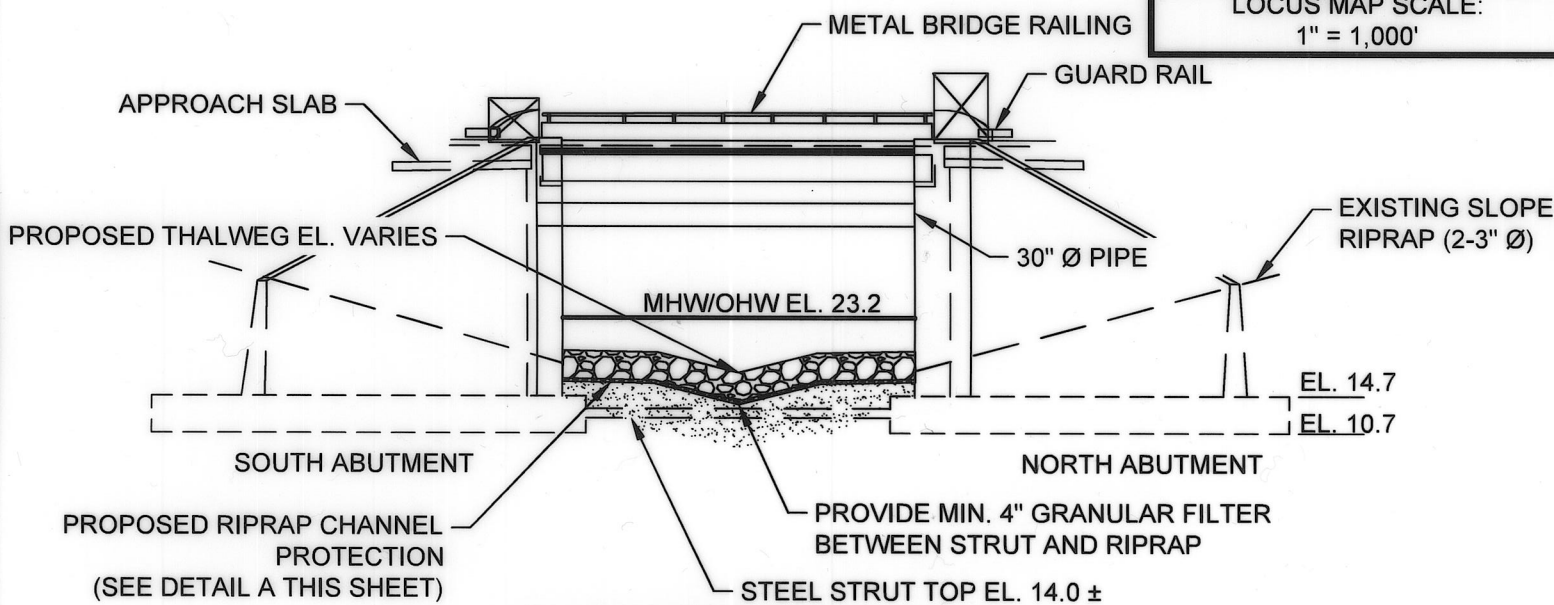
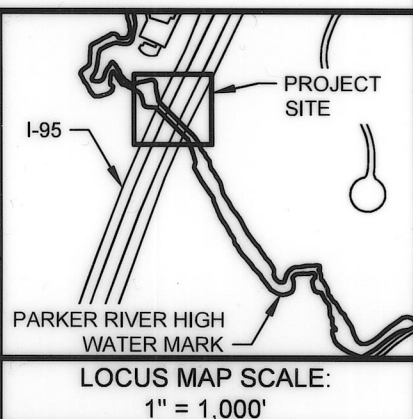
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Jill Gaffney

NAME

06/02/2025

DATE



1 NORTHBOUND DECK ELEVATION
3 SCALE: 1"=20'

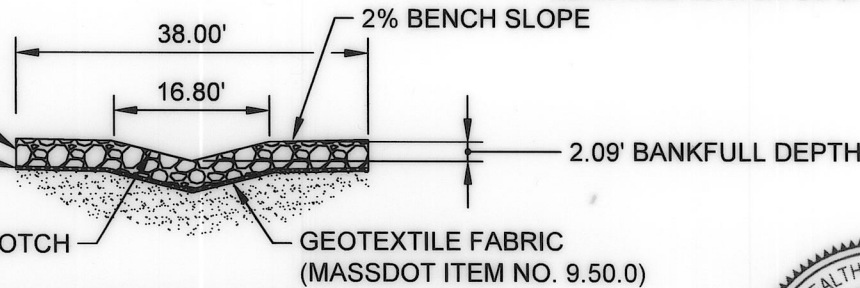
NOTES:

1. SOUTH BOUND DECK SIMILAR.
2. PILES NOT SHOWN.
3. VERTICAL DATUM: PLANS REFERENCE THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
4. HORIZONTAL DATUM: PLANS REFERENCE NORTH AMERICAN DATUM OF 1983 (NAD83).

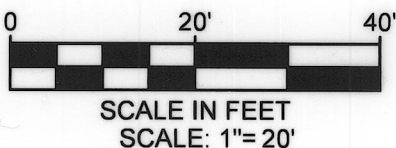
3' THICK CLASS V (18") RIPRAP (MASSDOT ITEM NO. M2.02.2 OR APPROVED EQUAL), INFILLED WITH FINES.

4" THICK GRANULAR FILTER

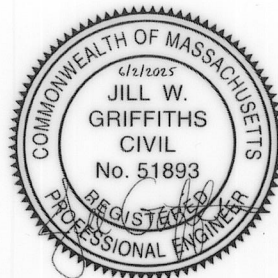
1V:4H SIDE SLOPE IN LOW FLOW NOTCH



A TYPICAL PROPOSED CHANNEL CROSS SECTION
SCALE: 1"=20'



PROPOSED CONTIONS SECTIONS
SHEET 3 OF 4
MAY 29, 2025



PLAN ACCOMPANYING PETITION OF MASSDOT TO CONSTRUCT INTERSTATE 95 (I-95) BRIDGE SCOUR COUNTERMEASURE AND MAINTAIN THE SCOUR COUNTERMEAUSRE WITHIN THE WATERS OF THE PARKER RIVER AT COORDINATES 42.752242,-70.944789 WITHIN THE TOWN OF NEWBURY, ESSEX COUNTY, MASSACHUSETTS.

LICENSE PLAN NO. NW01-0000627A
Approved by Department of Environmental Protection
Date 06/13/2025

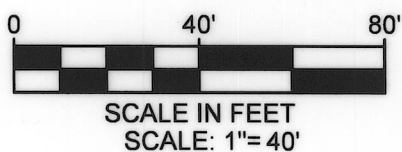
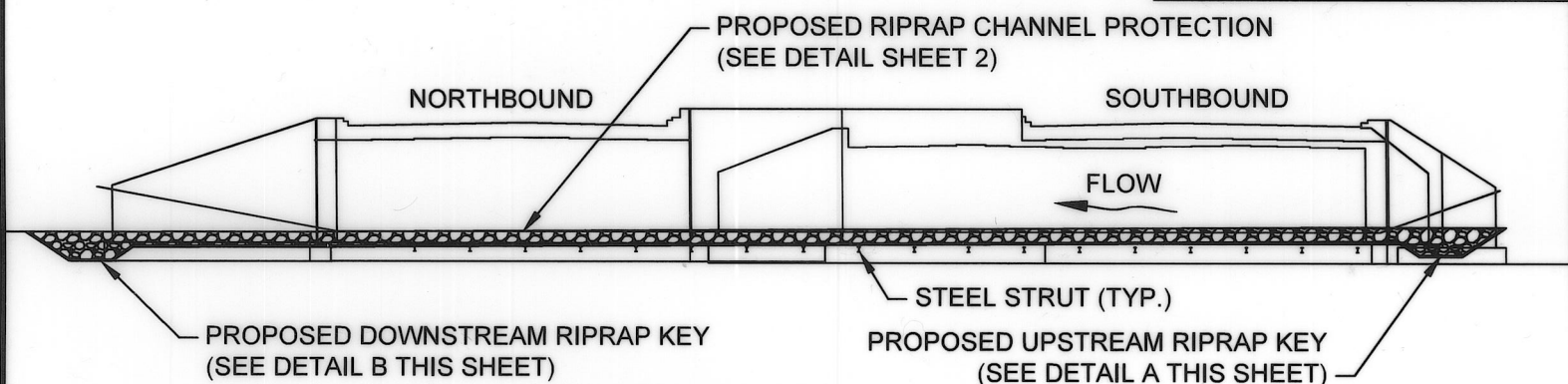
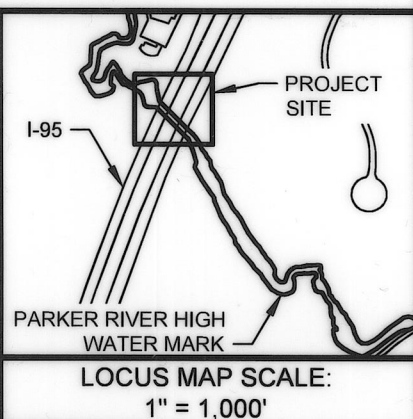
I CERTIFY THAT THIS PLAN, AS PREPARED, CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

Jill Gaffney

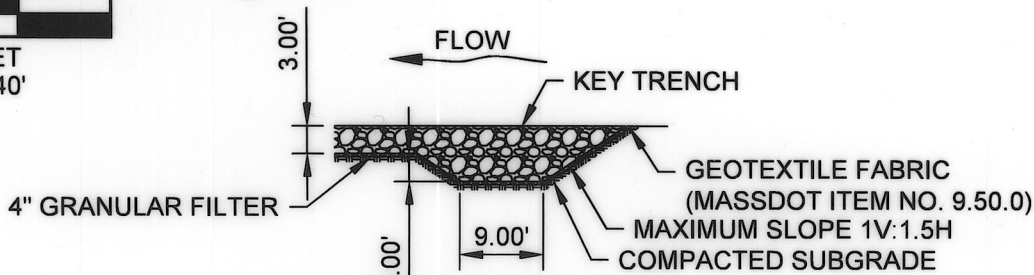
NAME

06/02/2025

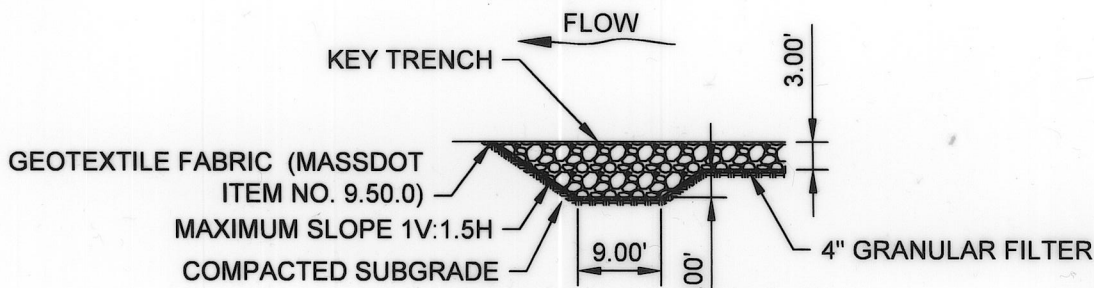
DATE



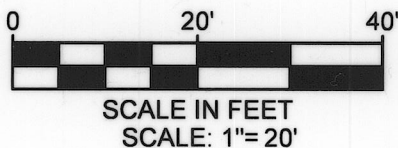
2 SOUTH ABUTMENT ELEVATION
4 SCALE: 1"=40'



A UPSTREAM CHANNEL KEY
SCALE: 1"=20'



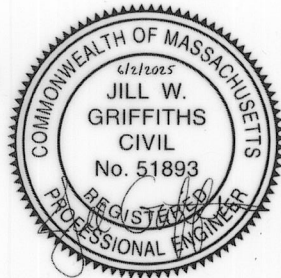
B DOWNSTREAM CHANNEL KEY
SCALE: 1"=20'



**PROPOSED CONDITIONS
ELEVATION AND DETAILS**

SHEET 4 OF 4
MAY 29, 2025

PLAN ACCOMPANYING PETITION OF MASSDOT TO CONSTRUCT INTERSTATE 95 (I-95) BRIDGE SCOUR COUNTERMEASURE AND MAINTAIN THE SCOUR COUNTERMEASURE WITHIN THE WATERS OF THE PARKER RIVER AT COORDINATES 42.752242, -70.944789 WITHIN THE TOWN OF NEWBURY, ESSEX COUNTY, MASSACHUSETTS.



LICENSE PLAN NO. 44W01-0000627A
Approved by Department of Environmental Protection
Date 06/13/2025