



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK  
Governor

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Secretary

TIMOTHY P. MURRAY  
Lieutenant Governor

KENNETH L. KIMMELL  
Commissioner

November 21, 2011

Town of Chilmark  
Tim Carroll  
c/o Vineyard Land Surveying & Engineering  
P.O. Box 421  
West Tisbury, MA 02675

**Re: PUBLIC NOTICE OF WATERWAYS APPLICATION NO. W11-3459**  
Nashaquitsa Pond, Chilmark, Dukes County

Dear Sir or Madam:

The Waterways Regulation Program (WRP) has received the referenced application requesting authorization to perform certain activities in state waterways pursuant to M.G.L. Chapter 91, the Public Waterfront Act and its regulations at 310 CMR 9.0 etc. The WRP has assigned this application filing with the above-referenced Waterways License application number. **IT IS IMPERATIVE THAT YOU REFER TO THIS APPLICATION NUMBER WHENEVER YOU SUBMIT OR REQUEST INFORMATION FOR THIS FILE.** Upon review of this application, the WRP has made a determination that this project is a water-dependent use project.

Attached is the WRP's Public Notice form for this application. The Applicant is required to publish this notice, at his/her expense, in one or more newspapers having circulation in the area affected by the proposed activity. This notice must be published in the local newspaper(s) for at least one day on or before the Notification Date. The required public comment period shall begin on this designated Notification Date. The Applicant is required to submit proof of publication to the WRP by sending a copy of the newspaper notice showing the date of publication or a copy of the newspaper notice and a letter from the newspaper indicating the date the public notice was published.

Pursuant to 310CMR 9.13(1)(a), the Applicant is also required to concurrently provide this notification, along with a copy of the project site plans submitted with the Waterways License Application, to the appropriate municipal officials, regulatory agencies and abutters to the project for their review and comment, by **Certified mail**, (see Notification mailing list attached). For Chapter 91 purposes, an abutter is defined as the owner of land that shares a common boundary or corner with a project site at the water's edge, as well as the owner of land that lies within 50' across a waterbody from such site, see; 310 CMR 9.02. The WRP will publish the Public Notice in The Environmental Monitor, if required.

Lastly, the WRP cannot complete its review of this application until the following information/document(s) checked below have been submitted:

- Proof of publication of the Public Notice.
- Completion of the Public Comment Period.
- Application signed by the Applicant /Owner (provide original).
- Receipt of the Municipal Zoning Certification (provide original)
- Receipt of the Municipal Planning Board Notification Form (provide original).
- Plans according to the specifications of Appendix A of the Waterways Application.  
**NOTE: Final Mylar Project Plans will be required upon notice from the Department and prior to issuance of the Chapter 91 License.**
- Label on plan all previous authorizations (incl. dates) at the project site; Provide copies.
- Include most recent revision date on plan(s).
- Show all other existing structures at the project site, with plan, profile and cross sectional views, including existing rip rap and groins.
- Show distances from proposed to abutting structures; Provide consent letter from abutter(s) if < 25 feet.
- Show a minimum 24 inch separation off the bottom of the float, using float stops, chains, or skid rails.
- Other: Change project description to include authorization for entire site i.e. reconstruct and maintain ramp and floats, public boat ramp, riprap and fill. Also change public notice to reflect additional structures to be authorized.
- Is boat house on town property, if so add to description.

Should you have any questions, please contact me at (508) 946-2730 . Thank you.

Sincerely,



Carlos T.B. Fragata  
Environmental Analyst  
Waterways Regulation Program

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WATERWAYS REGULATION PROGRAM**

**Notice of License Application Pursuant to M. G. L. Chapter 91  
Waterways License Application Number W11-3459  
Town of Chilmark**

**NOTIFICATION DATE: November 21, 2011**

Public notice is hereby given of the waterways application by the Town of Chilmark to construct and maintain a floating pier and connecting ramp at 0 State Road, in the municipality of Chilmark, in and over flowed tidelands of Nashaquitsa Pond. The proposed project has been determined to be water-dependent.

The Department will consider all written comments on this Waterways application received within 30 days subsequent to the "Notification Date". Failure of any aggrieved person or group of ten citizens or more to submit written comments to the Waterways Regulation Program by the Public Comments Deadline will result in the waiver of any right to an adjudicatory hearing in accordance with 310 CMR 9.13(4)(c).

Additional information regarding this application may be obtained by contacting the Waterways Regulation Program at (508) 946-2748. Project plans and documents for this application are on file with the Waterways Regulation Program for public viewing, by appointment only, at the address below.

Written comments must be addressed to: Carlos T.B. Fragata, Environmental Analyst  
DEP Waterways Regulation Program, 20 Riverside Drive, Lakeville, MA 02347.

Pursuant to 310 CMR 9.13(1)(a), the Applicant is also required to concurrently provide this notification, along with a copy of the project site plans submitted with the Waterways Permit Application, to the appropriate municipal officials, regulatory agencies and abutters to the project for their review and comment (see Notification mailing list attached). The applicant shall send the notice of license or permit application by Certified mail to the attached list and abutters and notify the Department when completed.

**Mailing List: Notice of License Application pursuant to M. G. L. Chapter 91**

Chilmark Board of Selectmen  
Chilmark Planning Board  
Chilmark Zoning Board  
Chilmark Conservation Commission  
Chilmark Harbormaster

Coastal Zone Management  
251 Causeway Street, Suite 500  
Boston, MA 02114

Jon Regosin, Ph.D.  
Division of Fish & Wildlife and Law Enforcement  
Field Headquarters  
1 Rabbit Hill Road  
Westboro, MA 01581

Division of Marine Fisheries  
838 South Rodney French Blvd.  
New Bedford, MA 02740  
Attn: Eileen Feeney, Env. Reviewer

Massachusetts Historical Commission  
220 Morrissey Blvd., Columbia Point  
Boston, MA 02125

Jo Ann Taylor  
Martha's Vineyard Commission  
P.O. Box 1447  
Oak Bluffs, MA 02557

**Abutters** – For Chapter 91 purposes, an abutter is defined as the owner of land that shares, along the waters edge, a common boundary or corner with a project site, as well as the owner of land that lies within 50' across a waterbody from such site. See 310 CMR 9.02.