



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

Massachusetts Clean Energy Center  
c/o Susan Nilson, P.E.  
CLE Engineering  
15 Creek Road  
Marion, MA 02738

**RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE**  
**Waterways License Application No. W15-4033, License No. 13955**  
**Massachusetts Clean Energy Center, 16 Blackmer Street,**  
**Filled and Flowed Tidelands of the Acushnet River, New Bedford; Bristol County**

MAR 25 2016

Dear Ms. Nilson,

The Department of Environmental Protection hereby issues the above-referenced Waterways license, enclosed, authorizing you to perform certain activities pursuant to M.G.L. c. 91, the Public Waterfront Act and its 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.

This License is not final until all administrative appeal periods from this License have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the License has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property

### **RECORDING OF THE LICENSE**

This License must be recorded at the Bristol County 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 sixty (60) days of the date of issuance will render this license void pursuant to 310 CMR 9.18.**

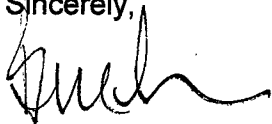
A Waterways License Recordation Notice Form has been enclosed for your use in notifying the Department of the recording information for this License. **Failure to notify the Department of the recording of this license is a violation of 310 CMR 9.00 and is subject to enforcement action by the Department.**

**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. 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 feel free to contact my offices of the Waterways Regulation Program, (617)292-5615, if you have any questions pertaining to the recording of your Waterways license.

Sincerely,



Ben Lynch  
Program Chief  
Waterways Regulation Program

cc: Mayor's Office, City of New Bedford  
City Council, City of New Bedford  
City of New Bedford Conservation Commission  
City of New Bedford Planning Board  
City of New Bedford Harbor Development Commission

Enclosure(s) Waterways License # 13955  
Notification of Waterways License Recordation form

## Signage

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

1. All signs shall utilize durable materials and methods of construction and be a minimum of 18" by 18" in size. Letter height shall be a minimum of 1/2".
2. Sign shall conform to all local laws and regulations.
3. The Licensee shall maintain all signs in good condition and repair.
4. As may be appropriate, the sign shall encourage public patronage and access of the all of the facilities required by the license conditions and state the hours and any pertinent conditions of public access.
5. Said sign shall be placed in a prominent location stating the waterways license number of the project, and the location where the public may inspect a copy of the license.
6. Signage shall be permanently posted and unobstructed from the view of a passerby.

Mike Girvan, Program Coordinator  
Waterways Regulation Program  
Department of Environmental Protection  
1 Winter Street, 5th Floor  
Boston, Massachusetts 02108

**RE: NOTIFICATION OF WATERWAYS LICENSE RECORDATION**

**Waterways License No. 13955**

Massachusetts Clean Energy Center, 16 Blackmer Street, Acushnet River

Municipality: New Bedford

County: Bristol

Dear Mr. Girvan:

This is to notify you that the above referenced Waterways license was recorded with the appropriate Registry of Deeds/ Land Court for this project location and to provide your office with the following recordation information.

**Date of Recordation:** \_\_\_\_\_

AT -

**County Registry of Deeds:** \_\_\_\_\_

Book number \_\_\_\_\_ on page number(s) \_\_\_\_\_

OR -

**Land Court:** \_\_\_\_\_

Land Court Lot # \_\_\_\_\_ Plan # \_\_\_\_\_

Certificate Document Number \_\_\_\_\_

Sincerely,

\_\_\_\_\_, Chapter 91 Waterways Licensee

**License is void if not recorded within sixty (60) days of issuance**

# *The Commonwealth of Massachusetts*



NO. 13955

*Whereas*, the Massachusetts Clean Energy Center

of -- Boston --, in the County of -- Suffolk -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection to-- license and maintain cellular cofferdams, a pile-supported concrete relieving platform, bulkheads, revetments, and solid fill, -----

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 --Mayor and City Council-- of the -- City of New Bedford;-----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby authorizes and amends the license of the said

--- Massachusetts Clean Energy Center,--- 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-- license and maintain cellular cofferdams, a pile-supported concrete relieving platform, bulkheads, revetments, and solid fill, -----

in and over the waters and filled tidelands of--the Acushnet River --- in the --- City of New Bedford --- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13955, (13 sheets).

The structures authorized hereby shall be limited to the following uses: a marine terminal and related facilities for the transfer between ship and shore, and storage of bulk materials or other goods transported in waterborne commerce.

This License has an unlimited term.

**SPECIAL WATERWAYS LICENSE CONDITIONS**

Special Condition #1: The Licensee may restrict public pedestrian access along the project shoreline and to the shoreline from a public way by installation and maintenance of a perimeter fence around the project site for the protection of public health, safety, and the environment.

Special Condition #2: The Licensee may adopt rules governing any area of the site, as may be necessary for the protection of public health and safety and private property. Rules having an impact on the accessibility or the protection of public health and safety and private property shall be subject to the prior review and written approval of the Department, and no amendment thereto shall be made without prior written approval by the Department.

Special Condition #3: The Licensee shall allow agents of the Department to enter the project site to verify compliance with the conditions of the Chapter 91 License.

Special Condition 4: Upon completion of all the work as described on the final license plans, the Licensee shall install and maintain in good repair appropriate signage of an adequate size to be clearly visible consistent with the Signage Specifications of the Waterways Regulation Program provided herein and as may be amended hereafter. Said signage shall be placed at or near the primary entrance to the site. Signage must be installed no later than six (6) months after the issuance of the License for the site and its text shall include the Waterways License number and a place on the project site where said license may be inspected.

Special Condition 5: Any substantial structural alteration or change in use from that explicitly authorized herein or by the provisions of the State Enhanced Remedy and shown on the final license plan herein, shall require the prior review of the Department to determine whether additional licensing is required pursuant to Chapter 91, the Public Waterfront Act, and 310 CMR 9.00, the Waterways Regulations.

Special Condition 6: The Licensee shall submit a request in writing, within sixty days of the completion of the construction on the project site, but in no event later than five years from the date of license issuance, or any extension thereof, that the Department issue a Certificate of Compliance in accordance with 310 CMR 9.19. The request shall be accompanied by a certification and an as-built plan stamped and signed by a registered professional engineer licensed to do business in the Commonwealth that the project was completed in accordance with the license.

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

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Duplicate of said plan, number 13955 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.



STANDARD WATERWAYS LICENSE CONDITIONS

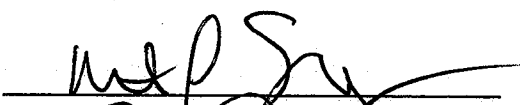


1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
  2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
  3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
  4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
  5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
  6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
  7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
  8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the Department.
  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.
  10. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
- 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.

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 Clean Energy Center----- by paying into the treasury of the Commonwealth -- (\$2.00)- - for each cubic yard so displaced, being the amount hereby assessed by said Department (0 cubic yards = \$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 Barnstable County Registry of Deeds.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this 25th day of March in the year Two Thousand and Sixteen.

Commissioner   
Program Director   
Program Chief 

Department of Environmental  
Protection

THE COMMONWEALTH OF MASSACHUSETTS

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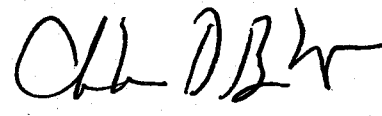
This license is approved in consideration of the payment into the treasury of the Commonwealth by the said ----- Massachusetts Clean Energy Center -----

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



MAP 31  
LOT 249

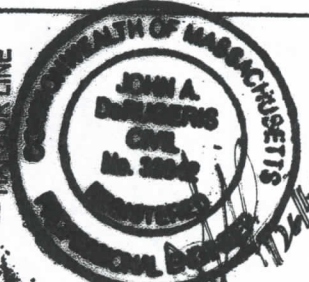
MAP 31  
LOT 263

EXISTING  
BUILDING

FE: 20



LOCUS  
NOT TO SCALE



MAP 31  
LOT 264

MAP 25A  
LOT 1

MAP 25A  
LOT 47

APPROX. PROPERTY LINE (FRP)

MAP 25A  
GIFFORD ST.  
BOAT RAMP

ABUTTER INFORMATION	
MAP 25A (GIFFORD ST BOAT RAMP)	CITY OF NEW BEDFORD 133 WILLIAMS ST., NEW BEDFORD, MA 02744
MAP 25A LOT 47	HARBORVIEW LLC, 20 BLACKWATER ST., NEW BEDFORD, MA 02744
MAP 25A LOT 1	STAVIS MELVIN P "TRS" FARGO REALTY TRUST 5 DRYDOCK AVE., BOSTON, MA 02210
MAP 31 LOT 234	NB RADIO INC. C/O HALL COMMUNICATIONS 75 OXFORD ST. SUITE 402, PROVIDENCE, RI 02905
MAP 31 LOT 249	SALUTI DENNIS "TRUSTEE" ST OURS MICHAEL "TRUSTEE" 18 WRIGHT ST., NEW BEDFORD MA 02740
MAP 31 LOT 263	SHUSTER STEVEN L, SHUSTER RICHARD A 4 WRIGHT ST., NEW BEDFORD, MA 02740

0 100 200  
SCALE: 1"=200'

PLAN ACCOMPANYING PETITION OF:  
MASSACHUSETTS CLEAN ENERGY CENTER  
63 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

SHEET 1 OF 13

DATE: 11/26/14

TO LICENSE AND MAINTAIN CELLULAR  
COFFERDAMS, PILE SUPPORTED CONCRETE  
RELIEVING PLATFORM, BULKHEADS,  
REVTMENTS AND SOLID FILL IN  
NEW BEDFORD HARBOR,  
NEW BEDFORD, BRISTOL COUNTY MA

LICENSE PLAN NO. 13955

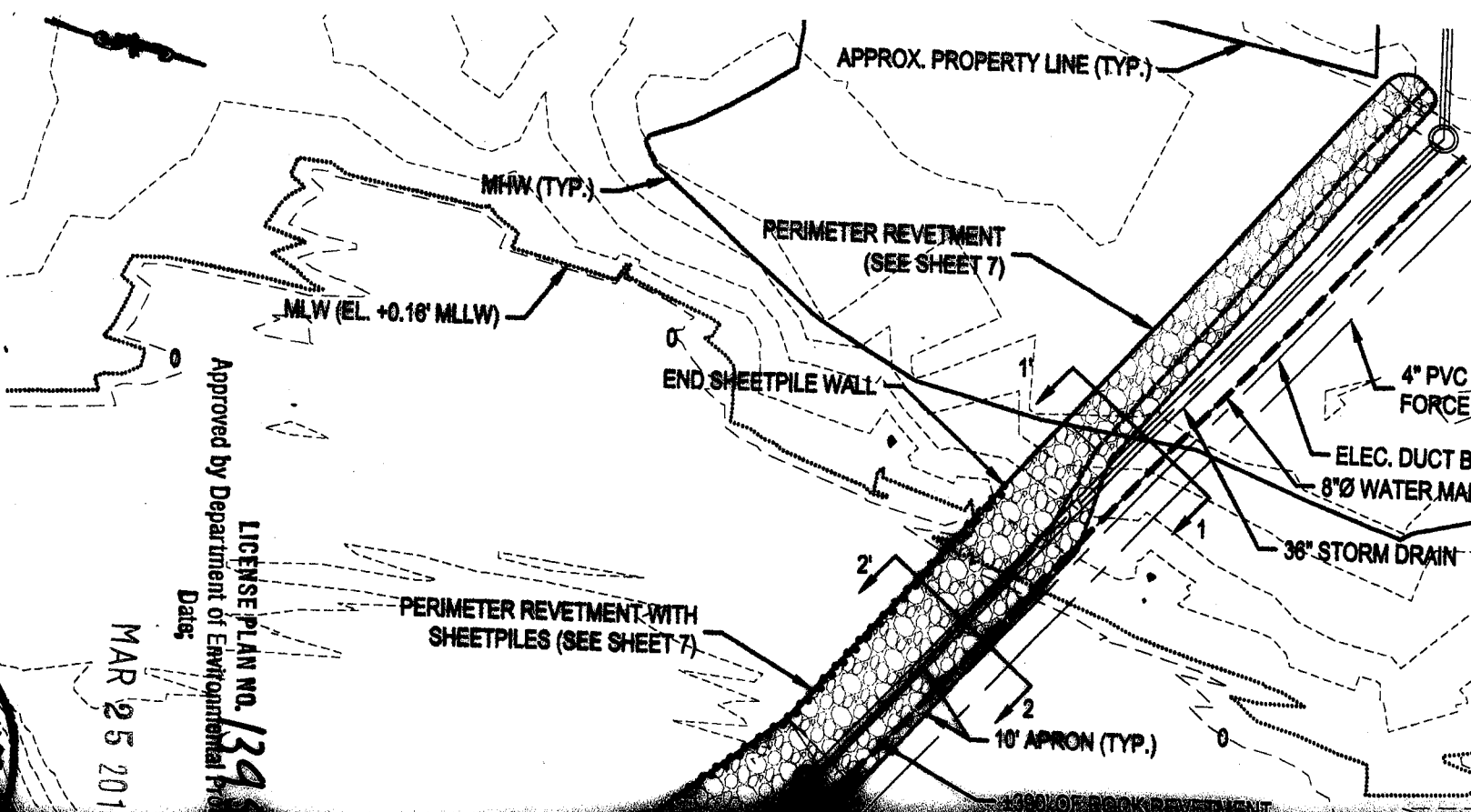
Approved by Department of Environmental Protection  
of Massachusetts

MAR 25 2015

*[Handwritten signature]*



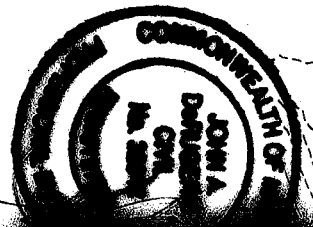


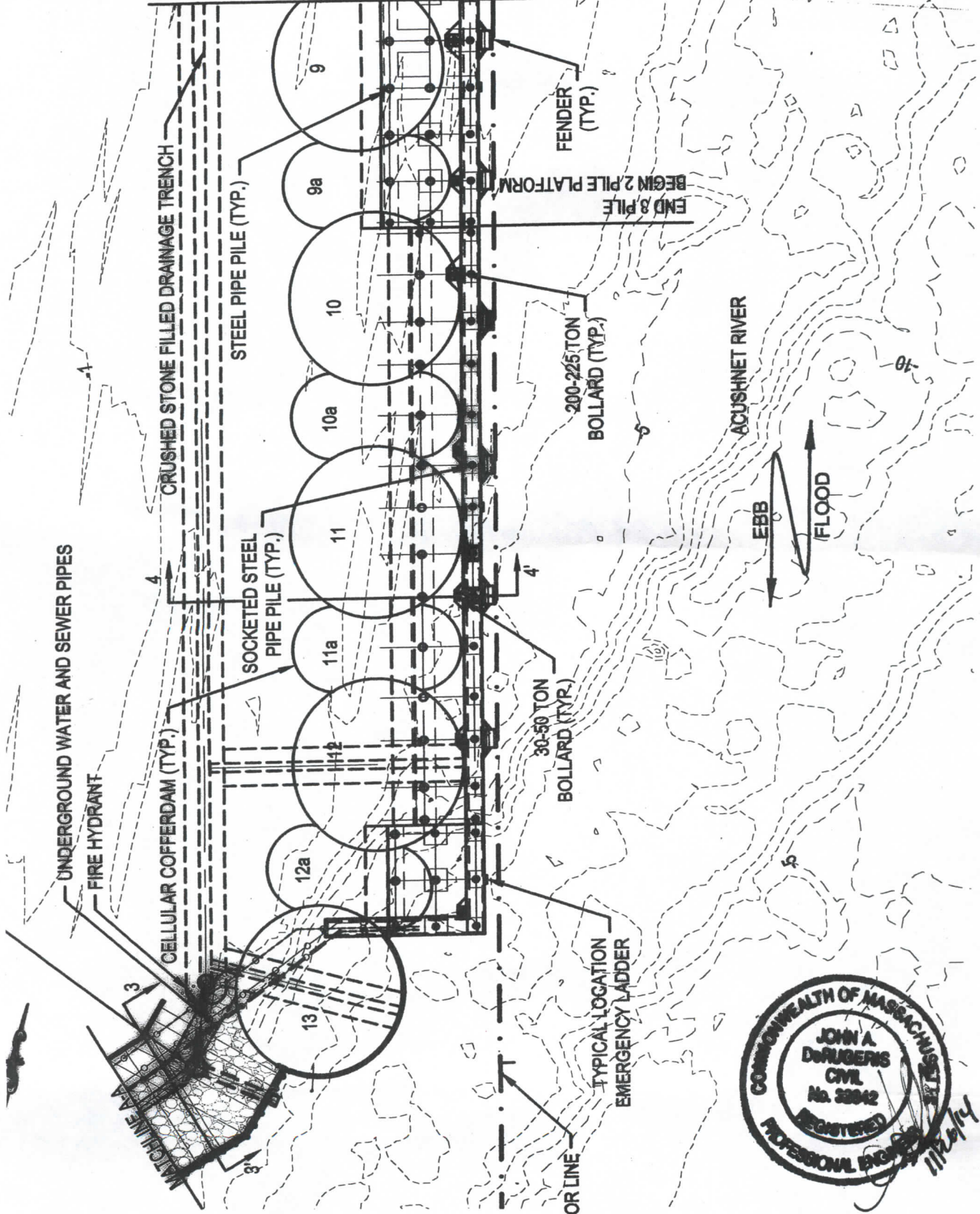


AN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

LICENSE AND MAINTAIN CELLULAR  
 OFFENDAMS, PILE SUPPORTED CONCRETE  
 LIEVING PLATFORM, BULKHEADS,  
 VETMENTS AND SOLID FILL IN  
 W BEDFORD HARBOR,  
 W BEDFORD, BRISTOL COUNTY MA

LICENSE PLAN NO. 139  
 Approved by Department of Environmental Protection  
 Date: MAR 25 2018





AN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

LICENSE AND MAINTAIN CELLULAR  
 COFFERDAMS, PILE SUPPORTED CONCRETE  
 LIEVING PLATFORM, BULKHEADS,  
 VETMENTS AND SOLID FILL IN  
 W BEDFORD HARBOR,  
 W BEDFORD, BRISTOL COUNTY MA

LICENSE PLAN NO. 13955  
 Approved by Department of Environmental Protection  
 Date;

MAR 25 2016

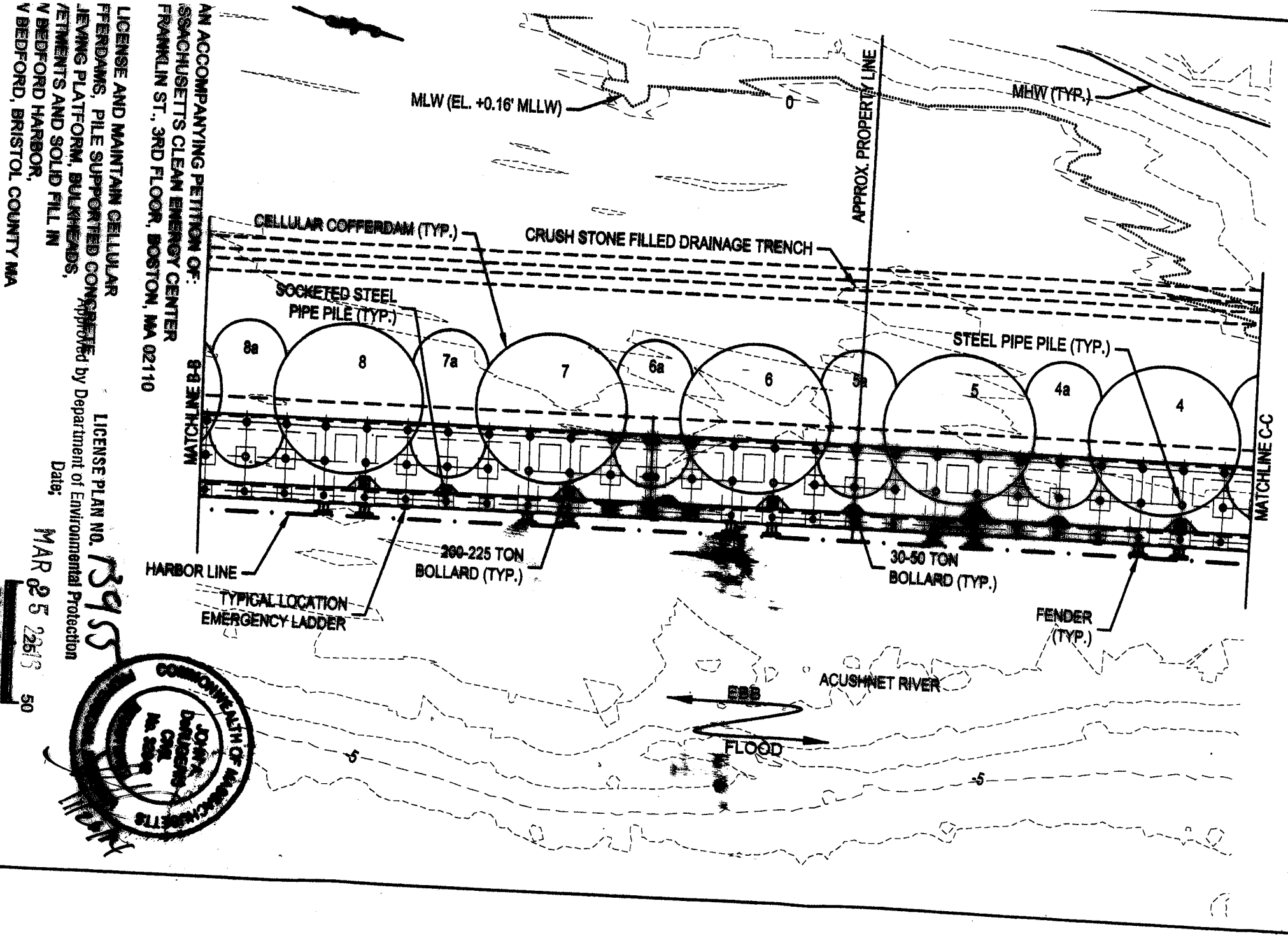
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 SCALE: 1"=50'

DATE: 11/26/14

LICENSE AND MAINTAIN CELLULAR  
FENDAMS, PILE SUPPORTED CONCRETE  
JEVING PLATFORM, BULKHEADS,  
FETMENTS AND SOLID FILL IN  
V BEDFORD HARBOR,  
V BEDFORD, BRISTOL COUNTY MA

AN ACCOMPANYING PETITION OF:  
SSACHUSETTS CLEAN ENERGY CENTER  
FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

LICENSE PLAN NO. 73955  
Date: MAR 25 2013  
50  
SCALE: 1"=20'



MAP 31 LOT 263

SHUSTER STEVEN L

SHUSTER RICHARD A

4 WRIGHT ST

NEW BEDFORD, MA 02740

FEMA ZONE X  
FEMA ZONE AE (EL. 5)

CRUSH STONE  
FILLED DRAINAGE  
TRENCH

EX. TERMINAL FACILITY & PROPERTY LINE

TYPICAL LOCATION  
EMERGENCY LADDER

ACUSHNET RIVER

MHW (TYP.)

CELLULAR COFFERDAM (TYP.)

STEEL PIPE PILE (TYP.)

SOCKETED STEEL  
PIPE PILE (TYP.)

1a

2

2a

3

3a

MILLW

30-50 TON  
BOLLARD (TYP.)

FENDER  
(TYP.)

200-225 TON  
BOLLARD (TYP.)

HARBOR LINE

EBB  
FLOOD

ACCOMPANYING PETITION OF:  
COMMONWEALTH OF MASSACHUSETTS CLEAN ENERGY CENTER  
100 NORTON ST., 3RD FLOOR, BOSTON, MA 02110

REMOVE AND MAINTAIN CELLULAR  
COFFERDAMS, PILE SUPPORTED CONCRETE  
PILING PLATFORM, BULKHEADS,  
BULKHEADS AND SOLID FILL IN  
NEW BEDFORD HARBOR,  
NEW BEDFORD, BRISTOL COUNTY MA

LICENSE PLAN NO. 13955

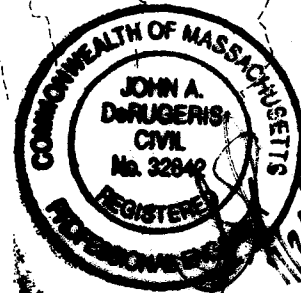
Approved by Department of Environmental Protection

Date: MAR 25 2016

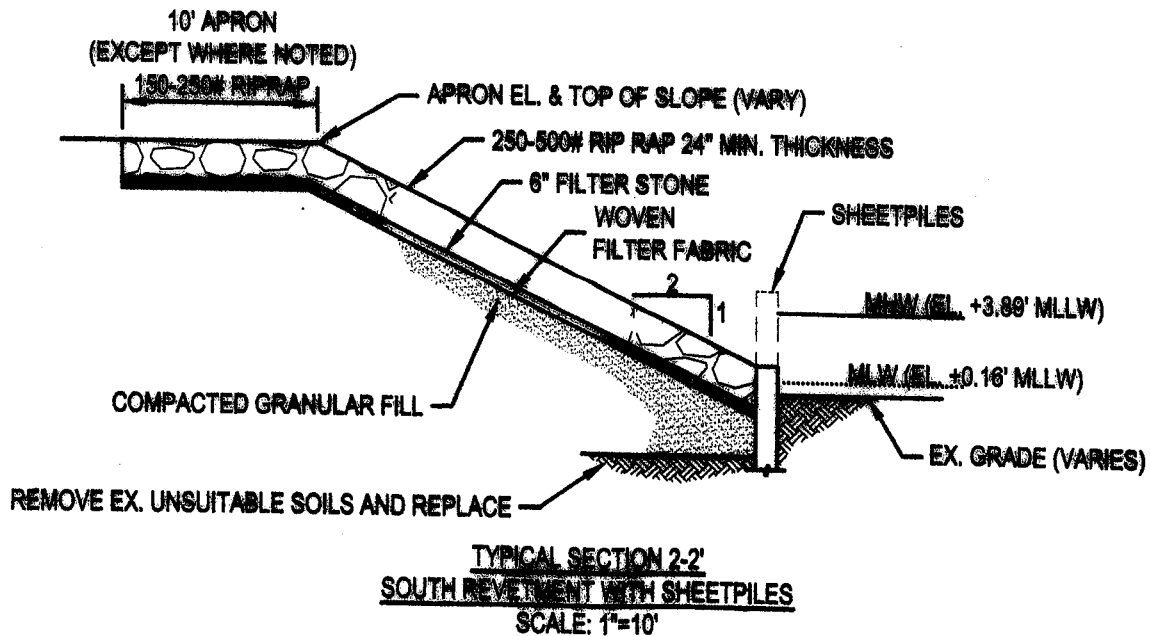
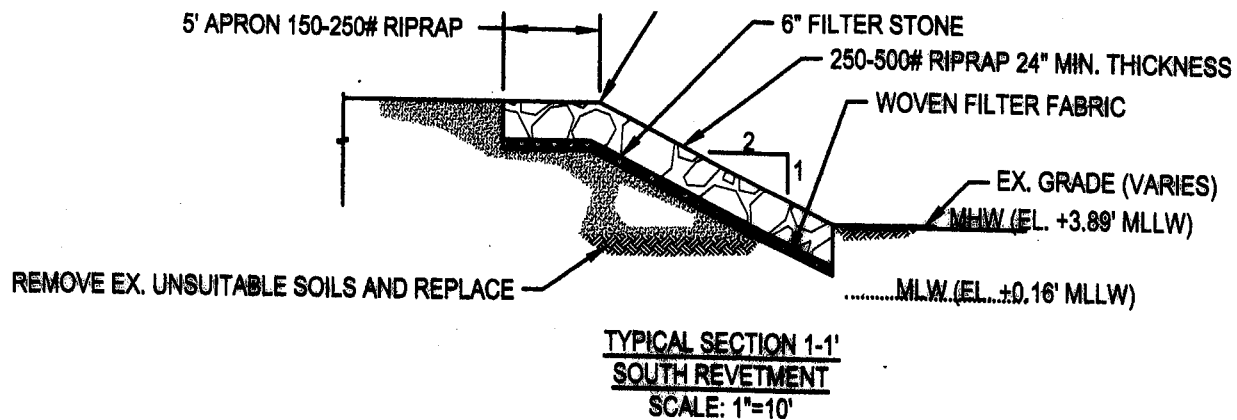
25 50  
SCALE: 1"=50'

SHEET 6 OF 13

DATE: 11/26/14



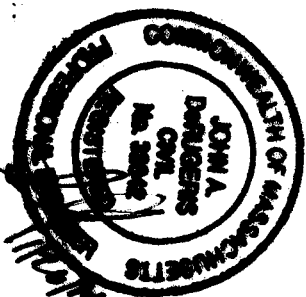




IN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 3 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

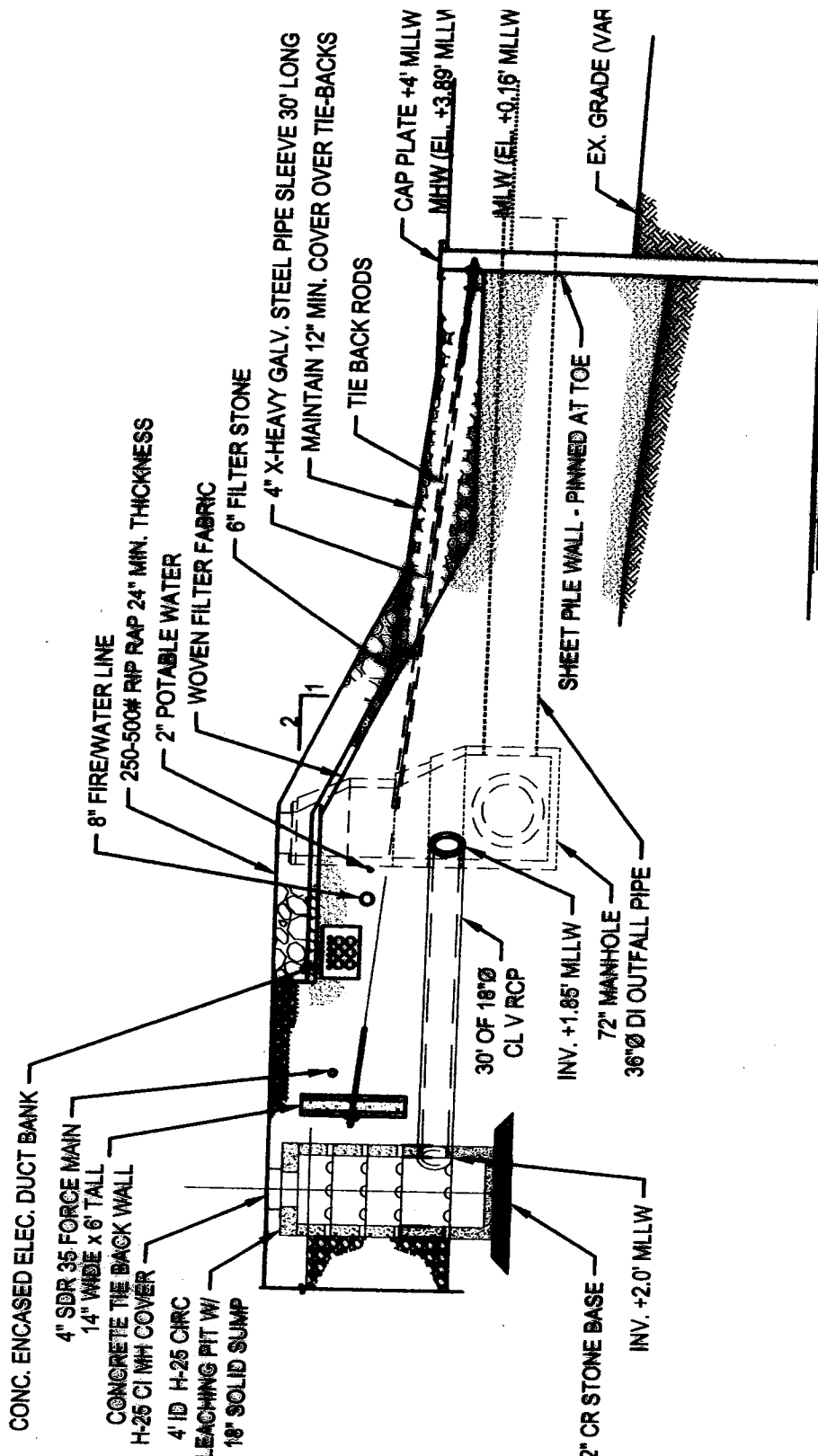
LICENSE AND MAINTAIN CELLULAR  
 REEF DAMS, PILE SUPPORTED CONCRETE  
 RETAINING PLATFORM, BULKHEADS,  
 RETAINMENTS AND SOLID FILL IN  
 N BEDFORD HARBOR,  
 N BEDFORD, BRISTOL COUNTY MA

LICENSE PLAN NO. 13955  
 Approved by Department of Environmental Protection  
 Date:



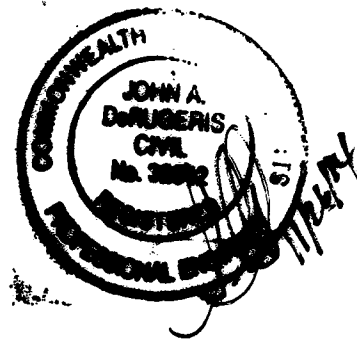
MAR 25 2016





PLAN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 63 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

TO LICENSE AND MAINTAIN CELLULAR  
 COFFERDAMS, PILE SUPPORTED CONCRETE  
 RELIEVING PLATFORM, BULKHEADS,  
 REVETMENTS AND SOLID FILL IN  
 NEW BEDFORD HARBOR,  
 NEW BEDFORD, BRISTOL COUNTY MA



LICENSE PLAN NO. **13955**  
 Approved by Department of Environmental Protection  
 Date;

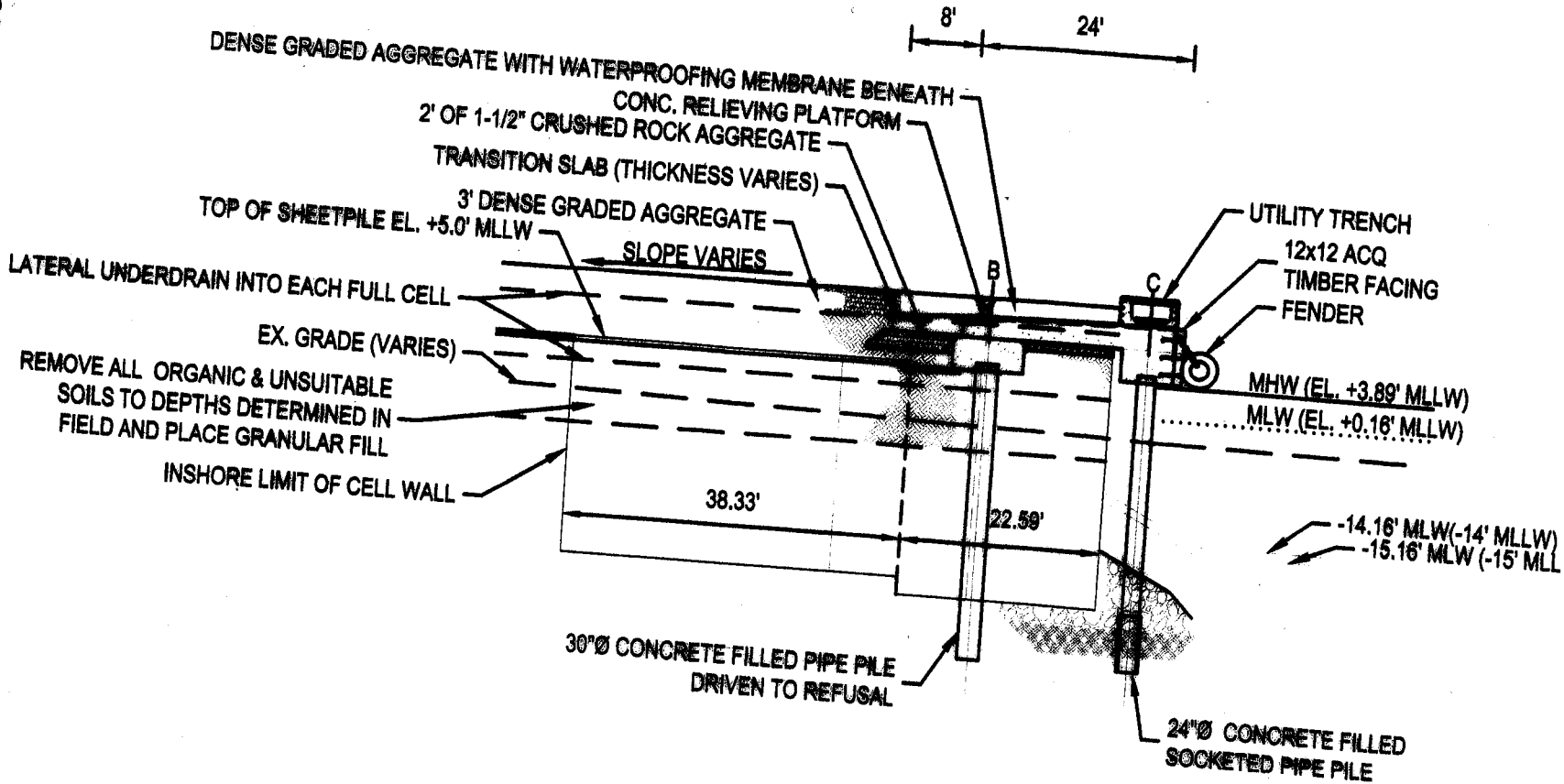
MAR 25 2016

0 5 10  
 SCALE: 1"=10'

TYPICAL SECTION 3-3'  
 DRAINAGE STRUCTURE AND SHEET PILES  
 SCALE: 1"=10'

PLAN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 63 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

TO LICENSE AND MAINTAIN CELLULAR  
 COFFERDAMS, PILE SUPPORTED CONCRETE  
 RELIEVING PLATFORM, BULKHEADS,  
 REVENEMENTS AND SOLID FILL IN  
 NEW BEDFORD HARBOR,  
 NEW BEDFORD, BRISTOL COUNTY MA



TYPICAL SECTION 4-4'  
 CELLULAR COFFERDAM WITH 14 FT DREDGE DEPTH  
 SCALE: 1"=20'



LICENSE PLAN NO. 18955

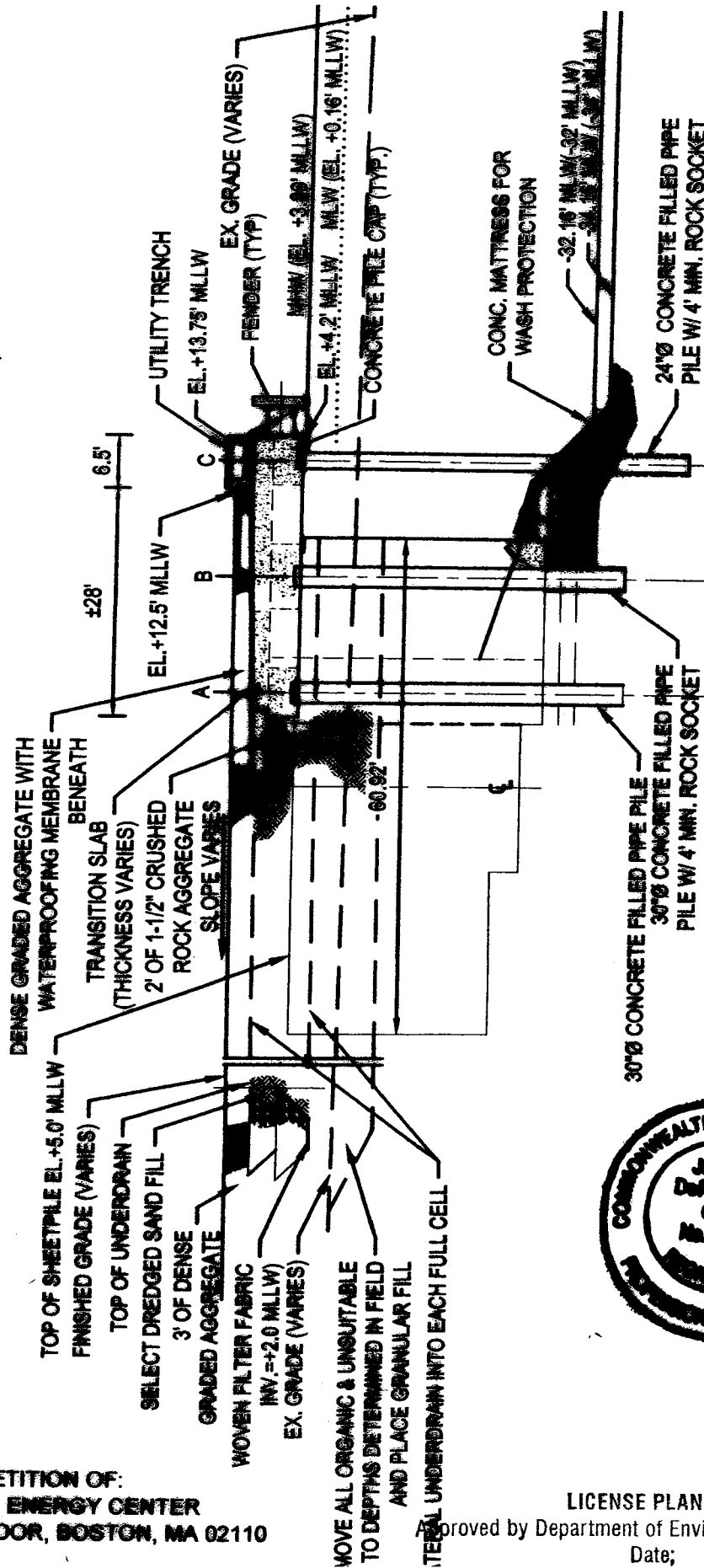
Approved by Department of Environmental Protection

Date:

MAR 25 2016

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PLAN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 63 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

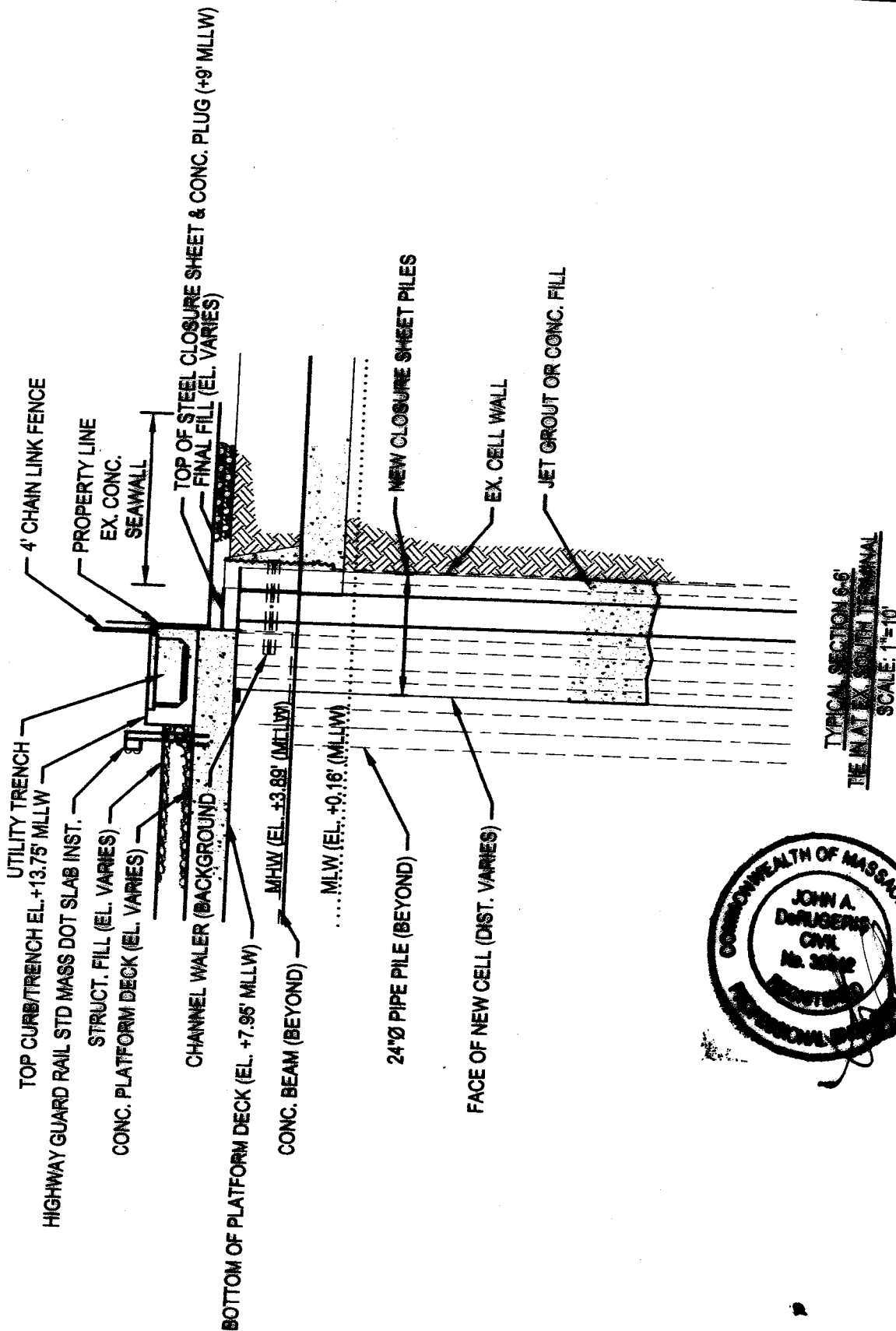


MAR 25 2016

LICENSE PLAN NO. 113955

Approved by Department of Environmental Protection  
 Date:

TYPICAL SECTION 5.5'  
 CELLULAR CONCRETE WITH 3 FT DREDGE DEPTH  
 SCALE: 1"=20'

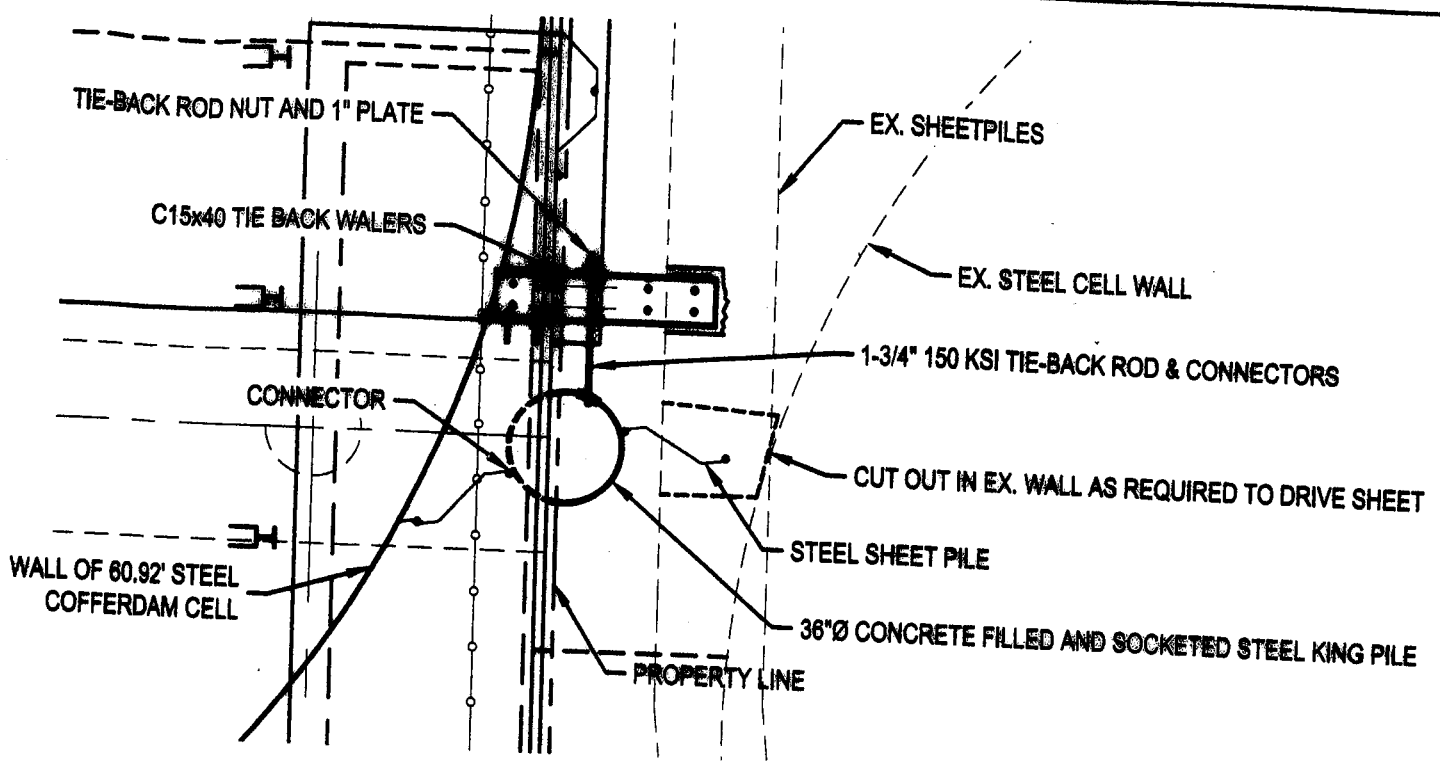


AN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

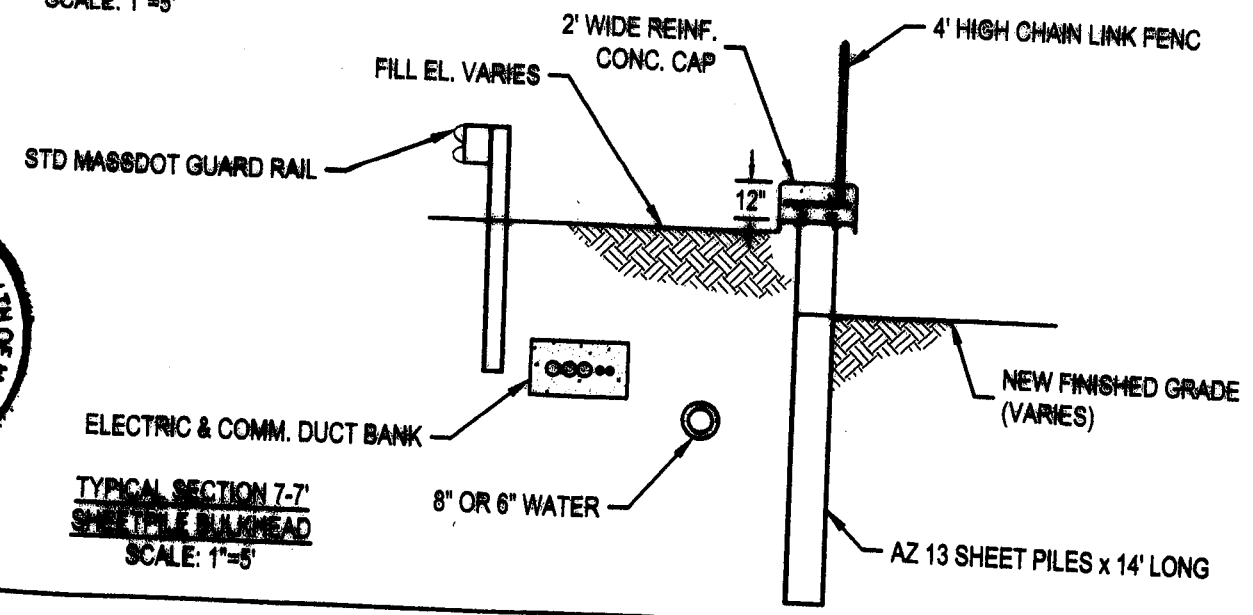
LICENSE AND MAINTAIN CELLULAR  
 FERDAMS, PILE SUPPORTED CONCRETE  
 LIEVING PLATFORM, BULKHEADS,  
 ETMENTS AND SOLID FILL IN

LICENSE PLAN NO. **18955**  
 Approved by Department of Environmental Protection  
 Date: **MAR 25 2016**

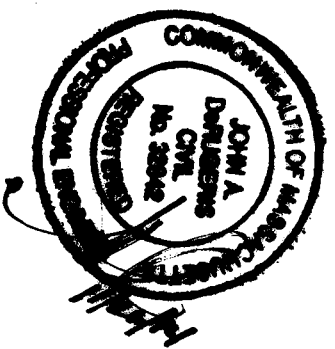
LAN ACCOMPANYING PETITION OF:  
 MASSACHUSETTS CLEAN ENERGY CENTER  
 3 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110  
 TO LICENSE AND MAINTAIN CELLULAR  
 OFFERDAMS, PILE SUPPORTED CONCRETE  
 ELEVATING PLATFORM, BULKHEADS,  
 ELEVATORS AND SOLID FILL IN  
 NEW BEDFORD HARBOR.



**KING PILE DETAIL**  
 SCALE: 1"=5'



**TYPICAL SECTION 7-7'**  
**SHEET PILE BULKHEAD**  
 SCALE: 1"=5'



LICENSE PLAN NO. **13955**  
 Approved by Department of Environmental Protection  
 Date:

MAR 25 2016

0 2.5 5

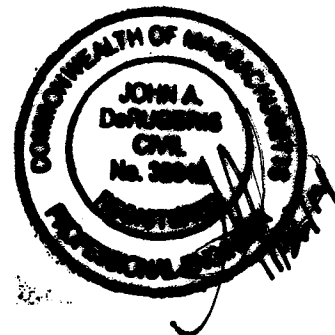


**DATUM CONVERSION TABLE**

MLW	DATUM	MLLW
3.73'	MHW	3.89'
0.00'	MLW	0.16'
-0.16'	MLLW	0.00'

**NOTES:**

1. EXISTING CONDITIONS BASED INFORMATION PROVIDED BY APEX AND PLANS TITLED "NEW BEDFORD MARINE COMMERCE TERMINAL" DATED MAY 2013 BY APEX.
2. DATUM IS REFERENCED TO MEAN LOWER LOW WATER (MLLW) PROJECT BENCHMARK IS NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NATIONAL OCEAN SERVICE TIDAL BENCHMARK BM7584 J 1977 - SURVEY DISK SET FLUSH IN THE SURFACE OF A CONCRETE SIDEWALK ON THE SOUTH SIDE OF U.S. HIGHWAY 6 ON THE NORTH SIDE OF THE MOBIL SERVICE STATION 4 FT WEST OF A FIRE HYDRANT AND 1 FOOT SOUTH OF U.S. HIGHWAY 6.
3. FEMA FLOOD ZONES FROM GRAPHIC PLOTTING ONLY, THE PROPERTIES DEPICTED ON THIS PLAN FALL IN ZONE AE AND ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP, MAP 25085C 0401F, EFFECTIVE DATE JULY 7, 2008.
4. MEAN HIGH WATER (MHW); HISTORIC MEAN HIGH WATER (HMHW) AND FEMA FLOOD ZONES AS PROVIDED BY APEX ON 10/20/14



MAR 25 2016

PLAN ACCOMPANYING PETITION OF:  
MASSACHUSETTS CLEAN ENERGY CENTER  
33 FRANKLIN ST., 3RD FLOOR, BOSTON, MA 02110

TO LICENSE AND MAINTAIN CELLULAR  
OFFERDAMS, PILE SUPPORTS, ETC.

LICENSE PLAN NO. 13955  
Approved by Department of Environmental Protection  
Date: