

The Commonwealth of Massachusetts

No. 6264



Whereas,

Hingham Yacht Club

of -- Hingham, -- in the County of -- Plymouth -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to -- maintain existing floats and piles and to establish a marina reconfiguration zone --

and has submitted plans of the same; and whereas due notice of said application, has been given, as required by law, to the -- Board of Selectmen -- of the Town of -- Hingham; -----

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 -----

Hingham Yacht Club --, 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 floats and piles and to establish a marina reconfiguration zone --

in and over the waters of -- Hingham Harbor -- in the -- Town -- of -- Hingham -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 6264, (3 sheets).

The structures hereby authorized shall be limited to the following use: to provide a private recreational boating facility.

This license is valid for 99 years from the date of license issuance.

Special Waterways Conditions:

- 1.) The existing pier, club houses, stone jetty, and seawall were previously authorized by the following Chapter 91 licenses:

H&L Lic. No. 1645 issued March 28, 1894
H&L Lic. No. 2823 issued March 10, 1904
DPW Lic. No. 891 issued April 24, 1928
DPW Lic. No. 3807 issued January 17, 1956
DPW Lic. No. 5035 issued March 2, 1966

and shall be maintained in accordance with the terms and conditions of those licenses.

- 2.) Any reconfiguration authorized under this license may proceed upon written approval by the Department, but without further licensing action if:

A. the licensee submits to the Department a written request and plan for reconfiguration which does not extend beyond the delineated zone and which does not result in an increase in the area of waterway occupied from that which was originally licensed;

B. the licensee submits to the Department a statement affirming that the material submitted to the Department has, at the time of such submittal, also has been sent to the Conservation Commission and the Harbormaster of the affected municipality; and the said Conservation Commission and Harbormaster have been informed that they have 30 days to register, with the Department, any objection to the proposed reconfiguration plan; and

C. all other applicable permits have been obtained, including any required approvals under the Wetlands Protection Act. -----

- 3.) In partial compensation for private use of structures on Private and Commonwealth tidelands, which interferes with the rights of the public to use such lands, the Licensee shall allow the public on the stone jetty from dawn to dusk. Accordingly, the licensee shall post a sign stating: **"Stone Jetty Open to Public From Dawn to Dusk, pursuant to Mass. DEP License No. 6264"**. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the areas 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 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 shall apply.

- 4.) Any contract or other agreement for exclusive use of any berthing area authorized herein shall have a maximum term of one (1) calendar year and may be renewed upon expiration on an annual basis.
- 5.) No berthing area authorized herein shall be assigned pursuant to any contract or other agreement that makes use of the berth contingent upon ownership or occupancy of a residence or other non-water dependent facility of private tenancy.
- 6.) The project authorized herein has been completed in conformance with the accompanying License Plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.
- 7.) The tidewater displacement and commonwealth tidelands occupation fees listed on page 5 of this license may be paid in three installments. The first installment is due prior to issuance of this license. The next two installments shall be paid by the end of each of the following two years.

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

Duplicate of said plan, number 6264 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 DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - ☒ X 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.
 - ☒ X 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.

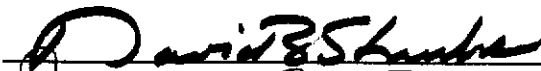
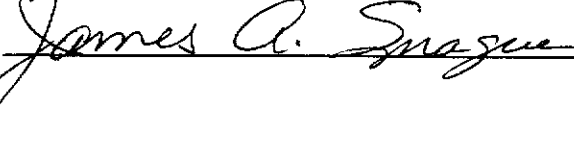
The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Hingham Yacht Club -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (0.0 cu.yds. = \$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 Plymouth.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this thirteenth day of November in the year nineteen hundred and ninety-seven.

Commissioner
Section Chief

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 -- Hingham Yacht Club --

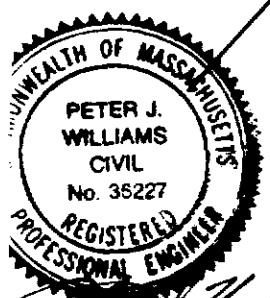
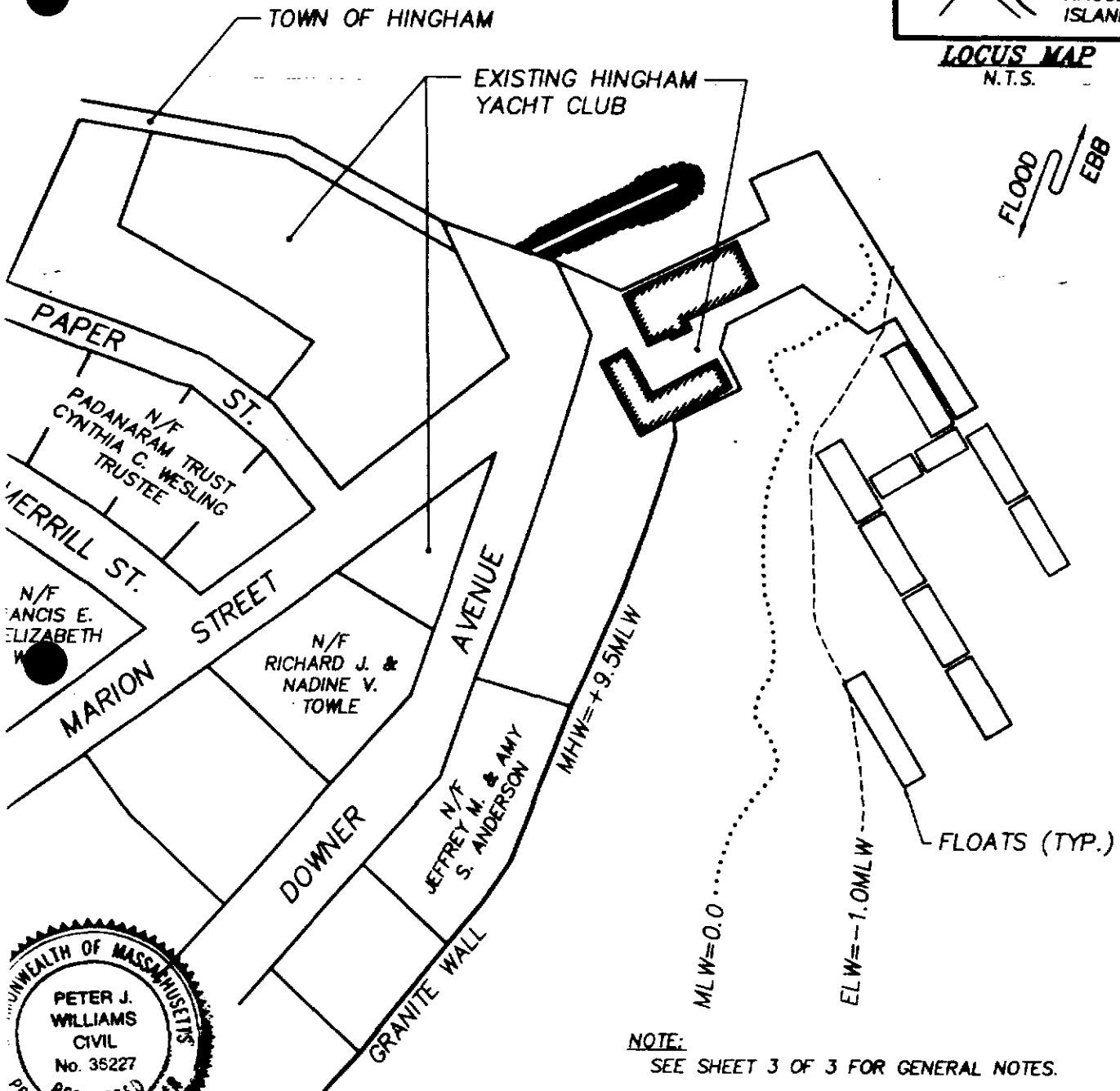
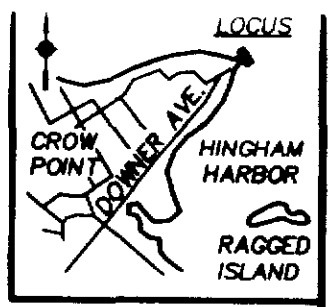
of the further sum of -- twelve thousand six hundred thirty-four dollars and zero cents (\$12,634.00) --

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



Peter J. Williams

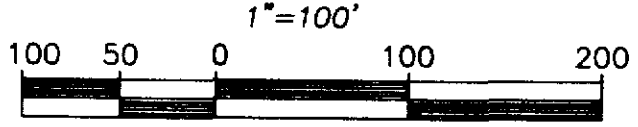
VICINITY PLAN

**HINGHAM YACHT CLUB
HINGHAM HARBOR
HINGHAM, MA**

PLANS ACCOMPANYING PETITION OF
HINGHAM YACHT CLUB
PREPARED BY:
OLIVER & COLANTONIO INC./NORWELL MA
SHEET 1 OF 2 AUGUST 21, 1996

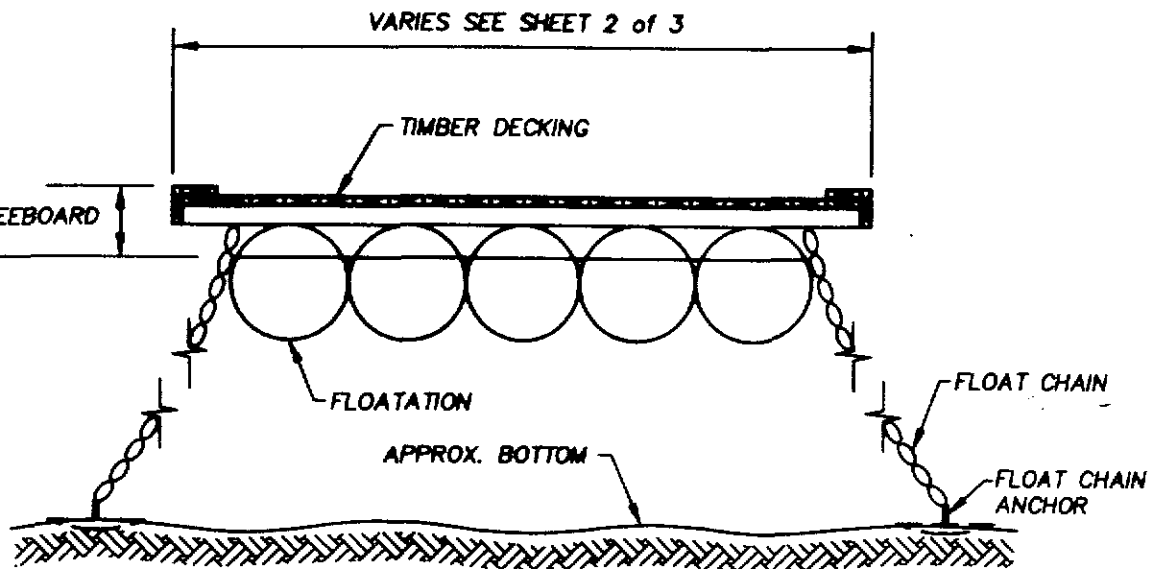
NOTE:
SEE SHEET 3 OF 3 FOR GENERAL NOTES.

GRAPHIC SCALE



LICENSE PLAN NO. 6264
Approved by Department of Environmental Protection
of Massachusetts **NOV 13 1997**
James A. Snay

09/16 51170



TYPICAL FLOAT SECTION
NOT TO SCALE

GENERAL NOTES:

1. EXISTING PROPERTY LINE INFORMATION AND STRUCTURES BASED ON A PLAN ENTITLED "DREDGING PLAN, HINGHAM YACHT CLUB, HINGHAM, MA", PREPARED BY C.E. MAGUIRE, INC. DATED MAY 29, 1996, AND LICENSE PLAN #3807 DATED JANUARY 17, 1956.
2. FLOAT DIMENSIONS BASED ON FIELD MEASUREMENTS BY COLER & COLANTONIO PERFORMED ON JULY 23, 1996.
3. ALL ELEVATIONS ARE REFERENCED TO MEAN LOW WATER (MLW).



Peter J. Williams

DETAILS & NOTES

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HINGHAM HARBOR
HINGHAM, MA**

PLANS ACCOMPANYING PETITION OF
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PREPARED BY:
COLER & COLANTONIO INC./NORWELL MA
SHEET 3 of 3 AUGUST 21, 1996

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Approved by Department of Environmental Protection
Date: NOV 13 1997

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