

# CONSERVATION COMMISSION DETAILED AGENDA

Date: November 16, 2023

Time: 6:00 pm

**NOTE:** Items may be taken out of order at the Chair's discretion.

## DECISIONS

### I. WETLANDS DECISIONS – Public Hearings

#### 1. 74 Paradise Lane – *continued* NOI – Construction of a permeable paver driveway – DEP File #300-1178

- Owner/Applicant: Scott & Lisa Sanderson      Representatives: Mark Ferrell, Green Hill Engineering
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone
- Project Summary:
  - Construction of a permeable paver driveway converted from gravel.
- Staff Notes:
  - Staff have no concerns with the project.
  - Hearing was continued as no DEP file # had been issued. # has been issued with no comments.
- Staff Recommendations: Vote to close the hearing.
  - Approve the project pursuant to the WPA with the following conditions:
    - Standard OOC conditions.
    - Remove excavated material off site.
    - The proper installation of the pervious paver driveway shall be documented and certification of such shall be submitted to the SCC with photographic evidence. This shall include a letter from a qualified professional that it was completed per the plan/design specs.
    - Perpetual condition for O & M activities needed to keep driveway permeable.
  - Approve the project pursuant to the SWB with the following conditions:
    - Conditions noted above.

#### 2. 94 Hall Road – *continued* NOI – Culvert Modification project – DEP File #300-1179

- Owner/Applicant: Sturbridge DHC, LLC      Representatives: McClure Engineering, Inc.
- Request: Issue Order of Conditions.
- Documents Presented: n/a
- Jurisdiction: Buffer Zone, Bank and Land Under Water
- Project Summary:
  - Project includes the relocation of an intermittent stream which is currently in a culvert which is failing and the abandonment of the existing pipe
- Staff Notes:
  - DEP file number issued with no comments.
  - New materials (posted on website) received include:
    - Revised plans (last dated 10/9/2023)
    - Wetland Permitting Summary, EcoTec (revised 10/6/2023)
  - Alternatives reviewed to meet Stream Crossing Standards. Due to site constraints this design is the preferred alternative.
  - Overall, project needs to be completed as pipe is failing. With site constraints appears to be a good solution. Applicant has proposed improvements to treat stormwater. Staff support project.
- Staff Recommendations: Provided the board is satisfied; staff recommend closing the public hearing.
  - Approve the project pursuant to the WPA with the following conditions:



**Conservation Agent**  
Rebecca Gendreau

**Assistant**  
Erin Carson

**Conservation Commission Members**  
Ed Goodwin  
Erik Gaspar  
Roy Bishop  
Karsten Stueber  
Ted Winglass

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- Standard OOC conditions.
- Components of the stormwater management system must be installed as per the approved plan.
- Work to occur during low flow conditions.
- Prior to start of work, provide plan for stream diversion for review and approval.
- Perpetual conditions for O & M activities.
- Approve the project pursuant to the SWB with the following conditions:
  - Conditions noted above.

**3. 168 Lane Seven-continued NOI-Raze and rebuild of a Lakefront Single Family House DEP #300-1177**

- Owner/Applicant: Stephen Quink      Representatives: R. Lussier, CMG Environmental
- Request: Issue an OOC
- Documents Presented:
- Jurisdiction: Buffer Zone, BLSF, SWB 50' No Build Zone
- Project Summary (as revised):
  - Project includes the removal of the existing house and rebuilding of a new house and associated site work.
- Staff Notes:
  - Project was continued to allow for project team to evaluate and respond to project comments.
  - New materials (posted on website) received include:
    - CMG Response letter (dated 11-6-23)
    - Revised Plans (dated 11-6-23)
    - Revised NOI
    - Title V inspection 2017
  - The revised submission addresses all of the previous comments.
  - In response, the project revised to eliminate the patios proposed at the top of the slope. LOW is moved to the top of the slope. House was not relocated due to additional site work and stone wall and slope armoring impacts.
  - Note on plan for contractor to provide specs of granite steps detail to show that steps are of same size or less to not impact BLSF.
  - Impervious area calculations show a decrease of impervious surfaces.
  - Material stockpile area moved outside of the LOW.
  - Comment from the Health Agent-applicant response is insufficient to make a determination by the Health Department on the functionality of the onsite sewage disposal system. Recommend that the applicant contact the Health Department to determine the appropriate course of action and to address their comments. If additional work is required, the project team will need to inquire to see what approvals may be needed if changes are needed.
- Staff Recommendations: If the board is satisfied, vote to close the hearing.
  - Issue an Order of Conditions pursuant to with the following special conditions.
    - Standard OOC conditions.
    - Roof runoff and perimeter drains shall not discharge towards the lake or on steep slopes. Perpetual conditions for this.
    - Contractor to provide a construction sequence plan prior to start of work.
    - Contractor to provide specs on steps prior to install.
  - Vote to approve and issue an Order of Conditions pursuant to the SWB with the following special conditions:
    - Conditions noted above.
    - Require a surety bond or deposit of money during work to ensure conditions are met. Funds to be returned or bond to be released upon issuance of a Certificate of Compliance. \$5,000 for SFH projects has been previously required.

**4. 72 Paradise Lane- Notice of Intent – Construction of a cantilevered dock - DEP File #300-XXXX**

- Owner/Applicant: R. Muscaro      Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans
- Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary:
  - Project includes the installation of a singular cantilevered dock, 32 feet long by 6 ft wide

- Staff Notes
  - Hearing was postponed.
  - DEP has not issued a file # for the project.
  - Proof of abutter notifications and legal ad received to open hearing.
  - Project site is not located within Priority Habitat or Estimated Habitat.
  - Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
  - Site visit performed.
  - Property has an issued OOC for a raze and rebuild which includes removal of the adjacent ash tree so no anticipated root impact issues with counterweight.
  - Seasonal dock currently utilized.
  - Work is proposed to occur during annual drawdown.
  - No trees or shrubs will be removed to install the dock.
  - Resource area impact is Bank impact of 6 linear feet associated with dock. Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently a patio and wall which will be returned to original conditions.
  - Dock and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Does the dock need to be that size? Local harbormaster rules for seasonal structures limits length at 25 feet and at 200 square feet. The proposed dock is longer but does not exceed the size threshold. Could the dock size be minimized? Is there a water depth needed for securing vessels that requires a longer dock? The BOS does allow deviations but they need to be justified.
  - Seasonal structures with feet/anchors do have some impact to LUW. Cantilevered does eliminate that. Dock proposed in location of existing dock so no changes to LUW. Areas lack submerged aquatic vegetation (SAV). Areas with SAV support wildlife habitat and new docks and uses would impact those areas. Doesn't appear to be the case here.
  - Staff have reviewed DEP Waterways conditions. Local harbormaster rules attached & DEP conditions for simplified license attached.
  - Composite decking includes gaps.
- Staff Recommendations: Once DEP # issued and any concerns have been addressed, Commissioners should determine if it is appropriate to close the hearing and issue an Order of Conditions. If an Order of Conditions is to be issued, the special conditions should be discussed. Staff would recommend the following conditions:
  - Standard OOC conditions.
  - No work to occur in water. Work on Bank to occur during drawdown if water conditions are within the work area.
  - All excavated materials to be immediately removed from the site.
  - Areas to return to existing conditions.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - Require a deposit of money during work to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. Based on the mitigation requirements and previous deposits required, staff recommend \$2,500.

**5. 62 Mt. Dan - Notice of Intent – Construction of a cantilevered dock - DEP File #300-XXXX**

- Owner/Applicant: Dan St. Onge Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans
- Jurisdiction: Buffer Zone, Bank, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary:
  - Project includes the installation of a singular cantilevered dock, 32 feet long by 8 ft wide
- Staff Notes
  - Hearing was postponed.
  - DEP has not issued a file # for the project.
  - Proof of legal ad and abutter notifications received.
  - Project site is not located within Priority Habitat or Estimated Habitat.

- Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.
- Site visit performed.
- Seasonal dock currently utilized.
- Work is proposed to occur during annual drawdown.
- No trees or shrubs will be removed to install the dock.
- Resource area impact is Bank at 8 linear feet associated with dock install. Temporary impacts to portion of masonry shoreline wall. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
- Dock is 8' by 32' long. Dock is 256 sq. ft. length and coverage exceeds local harbormaster rules. This is in conflict with local harbormaster rules. Meets DEP standards.
- Dock and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Does the dock need to be that size? Local harbormaster rules for seasonal structures limits length at 25 feet and at 200 square feet. The proposed dock is longer and exceeds the size threshold. Could the dock size be minimized? A reduction of width would minimize increased coverage. Is there a water depth needed for securing vessels that requires a longer dock? The BOS does allow deviations but they need to be justified.
- Seasonal structures with feet/anchors do have some impact to LUW. Cantilevered does reduce that. Dock proposed in location of existing dock but is likely much wider. Staff would recommend discussing width adjustments to as an alternative option if length is needed for vessels.
- Composite decking includes gaps.
- **Staff Recommendations:** Once DEP # issued and any concerns have been addressed, Commissioners should determine if it is appropriate to close the hearing and issue an Order of Conditions. If an Order of Conditions is to be issued, the special conditions should be discussed. Staff would recommend the following conditions:
  - Standard OOC conditions.
  - No work to occur in water. Work on Bank to occur during drawdown if water conditions are within the work area.
  - All excavated materials to be immediately removed from the site.
  - Areas to return to existing conditions.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - Require a deposit of money during work to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. Based on the mitigation requirements and previous deposits required, staff recommend \$2,500.

**6. 328 The Trail – Notice of Intent Construction of 2 cantilevered docks & repair of shoreline wall - DEP File #300-XXXX**

- **Applicant/Owner:** Rocco Falcone **Representative:** M. Lavigne, Ground Effects
- **Request:** Issue an OOC.
- **Documents Presented:** plans
- **Jurisdiction:** Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- **Project Summary:**
  - Project includes the installation of a two cantilevered docks and replacing an existing stone and mortar wall with a more natural bolder wall with planting pockets to enhance the natural look.
- **Staff Notes:**
  - DEP has not issued a file # for the project.
  - Proof of legal ad and abutter notifications received.
  - Project site is not located within Priority Habitat or Estimated Habitat.
  - Site visit performed.
  - Current shoreline is failing and material behind the wall is eroding.
  - Project site currently contains a deck and 2 dock system along the shoreline.
  - No trees or shrubs will be removed.
  - Project requires a Chapter 91 license as work on a Great Pond. Applicant's representative has started the process with DEP Waterways.

- Wall profile plan demonstrates no LUW impacts and that height of proposed wall is not higher than the existing wall. Total linear feet of Bank impacts disclosed on NOI as 63 feet.
- Shoreline is a masonry block wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Wall will be an improvement over existing conditions providing wildlife habitat and BLSF capacity which both don't currently exist. Proposed wall also does not require maintenance.
- New deck was proposed along the shoreline. Plan was already revised to eliminate deck.
- Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Recommend looking at minimizing disturbance and coverage docks create. Dock coverage over lake is shown at 360 sq. ft. Waiver appears required. One dock is 11' wide. One dock meets that standard. Recommend minimizing the width. Local harbormaster rules for seasonal structures limits to one dock, length at 25 feet and at 200 square feet. Could the dock width be minimized (both docks at 4')? The BOS does allow deviations but they need to be justified.
- New boulder wall w/pockets of plantings will be an improvement that could be used as mitigation.
- Board may want to consider, option if a need for 2 docks is justified. One option could be to minimize the wider dock and allow both. This would be an alternative to minimize impacts.
- Staff Recommendations: Once all concerns have been addressed, Commissioners should determine if it is appropriate to close the hearing and issue an Order of Conditions. If an Order of Conditions is to be issued, the special conditions should be discussed. Staff recommend the following:
  - Standard OOC conditions.
  - All work shall follow the submitted and approved plan. The replacement wall shall not exceed the footprint of the existing retaining wall.
  - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
  - Toe of boulders must end at existing extent of wall.
  - Prior to the Pre-Activity Meeting, the limits of the existing shoreline shall be staked and photographed. The photographs shall be provided at the pre-activity meeting. Toe of boulders must end at wall. Stakes shall remain in place to guide as a visual locator of the limits of the shoreline. Post-construction photographs shall also be provided.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - Require plantings as proposed. Landscape plantings must be installed in compliance with the approved plans. Applicant to ensure plantings survive and not covert landscaped areas.
  - All excavated materials to be immediately removed from the site.
  - Require a deposit of money during work to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. Based on the mitigation requirements and previous deposits required, staff recommend \$2,500.

**7. 324 The Trail – Notice of Intent Construction of 2 cantilevered docks - DEP File #300-XXXX**

- Applicant/Owner: Matt Kibbe Representative: M. Lavigne, Ground Effects
- Request: Issue an OOC
- Documents Presented: plans
- Jurisdiction: Bank, Buffer Zone, SWB Regs.: 365-1.1 & 1.2 (<https://ecode360.com/35319582#35319582>)
- Project Summary: Project includes the installation of a two cantilevered docks and replacing a concrete wall with a stone wall in a 7-foot section of existing wall.
- Staff Notes:
  - DEP has not issued a file # for the project.
  - Proof of legal ad and abutter notifications received.
  - Project site is not located within Priority Habitat or Estimated Habitat.
  - Site visit performed.
  - No trees or shrubs will be removed.
  - Work is proposed to occur during annual drawdown.

- Resource area impact is Bank impact in 2 sections totaling 11 linear feet associated with docks. Concrete block section of shoreline wall to be removed and replaced with masonry wall similar to rest of shoreline. Shoreline is a masonry wall therefore does not appear to play a role in the protection of the interests that Bank serves. Presumption can be overcome (see 321 CMA 10.54(3)). Area of the counterweight is currently lawn and will be returned to lawn.
- Composite decking includes gaps.
- 2 docks proposed over lake cumulative coverage of LUW would be 385 sq. ft.
- Docks and counterweight technically would be a new structure within the 25 foot no disturb areas. Waiver appears required. Alternative analysis needed. Recommend looking at minimizing disturbance and coverage docks will create. One option to achieve a waiver would be to reduce the width of the larger dock and proposed lengths. Local harbormaster rules for seasonal structures limits to one dock, length at 25 feet and at 200 square feet. Could the dock width be minimized (both docks at 4')? Is there a water depth needed for securing vessels that requires a longer dock? The BOS does allow deviations but they need to be justified.
- Staff Recommendations: Once all concerns have been addressed, Commissioners should determine if it is appropriate to close the hearing and issue an Order of Conditions. If an Order of Conditions is to be issued, the special conditions should be discussed. Staff recommend the following:
  - Standard OOC conditions.
  - All work shall follow the submitted and approved plan. The replacement wall shall not exceed the footprint of the existing retaining wall.
  - All activities, which may be located within areas that are subject to high water conditions, shall only occur in low water conditions. If working in dry conditions is not possible, then a plan must be developed to protect resource areas during work. Such plan shall be provided to the Conservation Department for prior review and approval.
  - Toe of boulders must end at existing extent of wall.
  - Prior to the Pre-Activity Meeting, the limits of the existing shoreline shall be staked and photographed. The photographs shall be provided at the pre-activity meeting. Toe of boulders must end at wall. Stakes shall remain in place to guide as a visual locator of the limits of the shoreline. Post-construction photographs shall also be provided.
  - Applicant is required to receive all other permitting including a Chapter 91 license as required.
  - Require plantings as proposed. Landscape plantings must be installed in compliance with the approved plans. Applicant to ensure plantings survive and not covert landscaped areas.
  - All excavated materials to be immediately removed from the site.
  - Require a deposit of money during work to ensure conditions are met. Funds to be returned upon issuance of a Certificate of Compliance. Based on the mitigation requirements and previous deposits required, staff recommend \$2,500.

**8. 263 New Boston Rd- *continued* Notice of Intent – Construction of a single family house with associated appurtenances –DEP File #300-1166**

- Owner/Applicant: Five Star Realty Trust    Representatives: G. Krevosky, EBT Environmental Consultants, Inc.
- Request: Issue OOC.
- Documents Presented: n/a
- Jurisdiction:
- Project Summary
  - Project includes the construction of a single family house, private well, private septic and associated site work including a driveway to access the rear portions of the property for development
- Staff Notes:
  - Project was continued to allow for submission of additional information. Applicant looking at options to access areas to perform perc tests as needed.
  - No new information received.
- Staff Recommendations: Discuss project status and set realistic date for project continuance as perc test needed.

**9. 595 Main Street & Rt. 20 ROW - Notice of Intent –DOT Rt. 20 Drainage Project –DEP File #300-1175**

- Owner/Applicant: MA DOT and Blackington LLC    Representative: E. Olson, VHB
- Request: Issue OOC.
- Documents Presented: n/a

- Jurisdiction: Buffer Zone, Riverfront Area
- Project Summary: Project includes the repair and replacement of failed drainage structures.
- Staff Notes:
  - Detailed comments and revised plans provided for last meeting but hearing was continued to allow the project team to obtain final property owner signature
  - Staff have not received any new information.
- Staff Recommendations: Provided that the property owner signature is received, staff recommend that the hearing is closed.
  - Approve the project pursuant to the WPA with the following conditions:
    - Standard OOC conditions.
    - Perpetual conditions for long term O & M activities
    - Prior to start of work, develop and submit for review a control of water procedure/plan for stormwater during construction.
    - Replacement mitigation plantings as proposed.
    - Applicant required to demonstrate that plantings (trees and shrubs) have survived for one year after installation. This shall include a review by a professional/qualified landscaper or certified arborist. A monitoring report shall be prepared for the plant restoration areas. The report shall be submitted by the professional demonstrating the health of the landscape plantings after one growing seasons.

## II. WETLAND DECISIONS

### 10. 106 Westwood Drive – Request for a Certificate of Compliance - DEP File #300-1109

- Permit Holder: Nicholas Salvadore
- Requester: Jalbert Engineering
- Request: Issue COC.
- Staff Notes: Project included shoreline and buffer zone work including new stairs and native plantings. Project completed in 2022 and growing season requirement has passed. As-built and letter of substantial compliance received. Site visit conducted on 11/8/23, project is in compliance.
- Staff Recommendations: Issue complete CoC with perpetual conditions: SCC #'s 37-39.

### 11. 1 Cedar Pond Road - Request for a Certificate of Compliance – DEP File #300-1070

- Permit Holder: Corey Cottone
- Requester: Jalbert Engineering
- Request: Issue COC.
- Staff Notes: Project included an addition to a SFH along Cedar Lake. Project included stormwater structures along addition. Engineer provided an as-built drawing and letter of substantial compliance. Site visit conducted on 11/8/23, project is in compliance.
- Staff Recommendations: Issue complete CoC with perpetual conditions: SCC # 45.

## III. ADMINISTRATIVE DECISIONS

### 12. Minutes of 10/5/2023 & 10/26/2023 to be approved

## UPDATES

### IV. OLD BUSINESS

### V. ADMINISTRATIVE UPDATES

- Committee Updates: CPA, Trails, Open Space and Lakes Advisory

### VI. CORRESPONDENCE

### VII. NEW BUSINESS

#### 13. Agent's Report

#### 14. Next Meeting: Thursday Dec. 7, 2023 and Site Visit Schedule – Nov. 29, 2023

**OTHER TOPICS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS BEFORE THE MEETING**

**ADJOURN**

**TOWN OF STURBRIDGE  
RULES AND REGULATIONS GOVERNING  
TEMPORARY MOORINGS, FLOATS, RAFTS AND RAMPS**

**Section I History**

With the increased usage of our lakes and the increased building on land with lake frontage, we see a definite need to place some conditions on and regulate these types of bottom anchored structures.

Under Chapter 92, Section 10A the Harbor Master may authorize a permit for such floats, rafts and moorings. In the past there have been very few requests for permits and each one was handled individually with no formal guidelines to work from.

These lakes are fragile natural resources and must be protected and cared for or there will be nothing for future generations. We need to balance public access with environmental protection.

**Section II Jurisdiction**

**A. Who needs a permit?**

1. Anyone placing a float, raft or mooring into any body of water within the territorial jurisdiction of the Town of Sturbridge must have a permit.

**B. Who issues the permit?**

1. Floats, docks and rafts secured to the bottom with piles or permanently secured:
  - a. Permit required from the Department of Environmental Protection and/or the Conservation Commission.
  - b. Permit may be required from the Army Corps of Engineers if filling or dredging is requested.
2. Temporary floats, rafts, docks or moorings secured to the bottom with anchors or bottom moorings:
  - a. Harbor Master may issue permit under Chapter 91, Section 10A.
  - b. Copy of Chapter 91, Section 10A included in these regulations.



1. No dock will exceed 200 sq. ft. of surface space.
2. No dock will extend into the lake more than 25 feet.
3. No dock will be placed on or in front of land owned by another without the landowner's permission.
4. No more than one (1) dock will be placed adjacent to one (1) parcel of land.
5. Docks will be anchored (moored) at a minimum, every 25 feet.
6. All chains or lines from the mooring or anchor to the dock will be two feet above the highest level of water at the location.
7. No dock will be painted with any creosote or oil-based paint. Any copper based paint is acceptable.
8. Public access will be assured from the shorefront.

C. Moorings

Definition:

- a. Any place where vessels are secured other than a dock, raft or pier.
  - b. The equipment and/or process used to secure a vessel, other than by anchoring, consisting of a block or anchor placed on the bed of a body of water, to which is affixed a buoy or float, to which is affixed a pennant.
1. No part of an anchored boat shall extend more than 25 feet from shore.
  2. No mooring will be placed adjacent to (in front of) land owned by another without the landowner's permission. (This does not apply to State land.)
  3. No more than two (2) moorings will be placed adjacent to one (1) parcel of land.
  4. Floatation:
    - a. All chain or line floatation buoys shall be clearly visible at all times.
    - b. All floatation buoys will be white with a blue stripe and clearly marked with the owner's name.
  5. Scope:
    - a. All chains or lines from the mooring block or bottom anchor to the floatation buoy will be two feet above the highest level of water at the location.
  6. Mooring blocks or anchors:
    - a. All blocks or bottom anchors will be of sufficient size and shape to hold the vessel fast, as determined by the Harbor Master.

### Section III Procedures/General

- A. Requests for permits for temporary floats, rafts or moorings must be accompanied by a sketch showing location, size and a description of the structure.
- B. If anyone wishes to deviate from any condition or regulation in this document or has any special circumstances, they must attach a letter explaining the reason for the deviation. The Harbor Master will make a determination from the information provided and may make a site inspection with the owner to determine the need for deviation from the regulations.
- C. All temporary structures must be removed by December first and not replaced until April first of each calendar year.
- D. Authorized Harbor Master Permits shall remain valid only if the person who has obtained a permit from the Harbor Master files with the Board of Selectmen/Harbor Master annually on or before the anniversary date of the original application.

### Section IV Procedures/Specific

- A. Rafts  
Definition: Any free-floating dock anchored to the bottom and not connected to the shore.
  - 1. No raft will be larger than 100 sq. ft. in surface space.
  - 2. No raft will be located more than 25 feet from shore.
  - 3. No raft will be placed adjacent to (in front of) land or another without the landowner's permission.
  - 4. No more than one (1) raft will be placed adjacent to one (1) parcel of land.
  - 5. Rafts will be anchored (moored) from two points with two bottom anchors to minimize swinging.
  - 6. All chains or lines from the mooring or anchor to the raft will be two feet above the highest level of water at the location.
  - 7. Rafts will not be painted with any creosote or oil based paint. Any copper based paint is acceptable.
  - 8. Rafts owned by Lake Associations, by special permit could be allowed to extend more than 25 feet from the shore, as restricted in #2.
- B. Docks  
Definition: Any structure connecting to shore.

## GENERAL LAWS OF MASSACHUSETTS

**Chapter 91: Section 10A. Temporary moorings of floats or rafts; permits, issuance or refusal; review; public nuisances.**

Section 10A. Notwithstanding any contrary provision of law, the harbormaster of a city or town or whomsoever is so empowered by said city or town may authorize by permit the mooring on a temporary basis of floats or rafts held by anchors or bottom moorings within the territorial jurisdiction of such city or town upon such terms, conditions and restrictions as he shall deem necessary. He shall act on applications for such permits within a period of fifteen days from receipt thereof.

Any person aggrieved by a refusal to permit such temporary mooring, or by any condition or restriction imposed relative to such mooring, may appeal to the division of waterways of the department within thirty days after receiving notice of such refusal or of the imposition of such condition or restriction.

Said division shall review the circumstances resulting in such appeal and shall render a ruling either confirming the action of a harbormaster, setting such action aside, or amending such action and imposing its own conditions and restrictions as deemed necessary.

Nothing in this section shall be construed as authorizing the placement of floats or rafts and appurtenant anchors or bottom moorings on private flats of other than the applicant if objected to by the owner or owners thereof.

Actions by a harbormaster and/or the division under this section shall be subject to applicable laws administered by the division of motor boats, the division of marine fisheries, the United States Coast Guard and the United States Corps of Engineers.

Floats or rafts held by anchors or bottom moorings installed without permission from a harbormaster and/or said division shall be considered a public nuisance and may be removed by the harbormaster at the expense of the owner in the event he fails to remove same after notice in writing from the harbormaster.

For the purpose of this section, temporary shall mean for no longer than to the end of any given calendar year.

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**Massachusetts Department of Environmental Protection**  
Bureau of Water Resources – Waterways Regulation Program  
Chapter 91 Simplified Waterways License Application

**Simplified License Conditions**

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).

**USE:** The structures authorized herein shall be for private 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 an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating 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 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 the easterly/westerly or northerly/southerly sides of the 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 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, s17c shall apply.

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**Simplified License Conditions**

2. This License authorizes structure(s) and/or fill on:

<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.

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 structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. 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.

8. 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. **NONE FOUND**

**CONSTRUCTION:**

9a. 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.**

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9b. Structures shall not extend beyond the length of existing piers used for similar purposes; **in no case shall the length extend more than ¼ of the way across a water body** and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. 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 maybe 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.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high-water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The 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.

9f. 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:**

10a. 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 affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. 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 60 days from the date hereof, in the Registry of Deeds for the said County.

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 *prior* to the commencement of any activity of use authorized pursuant to this License.