

## Dock Regulations Recommendations

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### SECTION 1 | DEFINITIONS (AS USED IN THIS DOCUMENT)

1. "Waterfront lot" shall mean any lot of real property abutting the waters of Hamilton Reservoir.
2. "High water line" of any waterfront lot shall mean the water's edge of such lot at a time when the reservoir water level is at the level spillway
3. The "waterfront area" of any waterfront lot shall mean an area of reservoir surface bounded as follows:
  - a. by the lots high water line
  - b. by two extended side lines beginning at points at which the side lot lines of the waterfront lot intersect the high water line and extending on the same bearing as the side lot lined a distance of fifty feet from the high water line or 1/3 the distance to the opposite shore, whichever is less and
  - c. by a line connecting the offshore ends of the extended side lines and parallel to the shoreline.

***"Dock" shall mean a walkway extending from the high water line into the waterfront suitable as a mooring place for boats and supported by a rigid framework, by a floating device or by a combinations on the two.***

***A "Mooring" shall mean the location of a boat or other floating object while tied to a dock or other fixed point or while secured by an anchor.***

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### SECTION 2. | USE OF WATERFRONT AREA

Except in emergency, no person shall enter the waterfront area of a waterfront lot be means of any watercraft or otherwise without the permission of the owner or legal occupant of such lot.

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### SECTION 3. | LOCATION OF DOCKS AND MOORING

- 1.No dock shall be installed or maintained in the waterfront area of any waterfront lot in such a location or in such a manner as to impinge upon or obstruct the waterfront area of an adjoining lot. No dock shall extend any longer than needed to safely moor a boat but shall not exceed fifty feet from the high water line or one-third of the distance to the opposite shore, which ever is less without the express written permission from the landowner.
2. No boat. Float, raft or other floating object shall be moored or anchored in the waterfront area of any lot in such a location or manner as to impinge upon or obstruct the waterfront area of an adjoining lot,
3. The strict application of the regulations in subsections 3A and 3B of this chapter may be waived by the board of selectmen on the application of the owner of a waterfront lot or his representative if the board finds:
  - a. that the strict enforcement of such regulations would unreasonable restrict the applicant in the use and enjoyment of his property and its waterfront area, and
  - b. that the requested waiver will not unreasonably detract from the use and enjoyment of adjoining waterfront lots and waterfront areas.

4. In ruling upon applications for waivers the selectmen may take into account the following factors:
  - a. the depth of water and the bottom gradient in the waterfront area.
  - b. the divergence or convergence of the extended lot lines defining the waterfront area pursuant to the definition thereof in section 1C of this chapter.
  - c. the fact that a particular installation not strictly complying with these regulations may have existed without objection before the enactment of this bylaw.
  - d. the fact that rights to the use of the waterfront in question are shared by two or more property owners pursuant to deeded rights of access.
5. An application of a wavier may be heard at any scheduled meeting of the board of selectmen. At least fourteen days before the scheduled meeting and which the application is to be heard the applicant shall file with the selectmen a written application stating the nature of the waiver requested and shall notify the owners of adjoining waterfront lots by certified mail or by hand delivers of the substance of the request and the date, time and place of the hearing. The selectmen's ruling and the reasons therefore shall be entered in the minutes of the meeting.
6. Every dock and every boat or other moored object shall be removed from the waterfront area during the period from October 31 of each year to the following April
  - a. Those docks now existing that are built in a permanent fashion are grand fathered and are excluded from section 3F.
7. Boats may be temporarily anchored outside any waterfront area while occupied by persons for fishing or other recreational activities but shall not be left unattended.

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#### **SECTION 4 | CONSTRUCTION IN WATERFRONT AREAS**

No person shall install a pier, retaining wall, boat ramp, platform, building foundation or similar structure designed as a permanent installation in the waterfront area or along the high water line of any lot without having filed with the conservation commission a notice of intent and obtained an order on condition from said commission permitting such installation and without complying with all conditions and limitations of such order.

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#### **SECTION 5 | ENFORCEMENT**

1. The police department is authorized to notify the owner or occupant of any waterfront lot of any observed violation of the provisions of section 2 or 3 of this chapter. Said owner or occupant has fourteen days after written notification has been received, to correct the violations(s), after which the police department may issue a non-criminal assessment of fifty dollars (\$50.00), and may demand removal of said structure at the owners expense due to non-compliance.
2. The Conservation Commission is authorized to notify the owner of occupant of any waterfront lot of any observed violation of the provisions of section 4 of this chapter. Said owner or occupant has fourteen days after written notification has been received, to correct the violations(s), after which the Conservation Commission may issue a non-criminal complaint pursuant to the provisions of section 21D of Chapter 40 of the General Laws and shall impose a non-criminal assessment of fifty dollars (\$50.00).