

TOWN OF ARLINGTON



ANNUAL FLOATING DOCK RULES & REGULATIONS

I. Purpose & Authority

These rules and regulations are hereby approved by the Board of Selectmen acting pursuant to MGL c. 91 § 10A, 310 CM 9.07, M.G.L. c. 43B §13 and Title IV Article IV of the Town Bylaws for the purposes of permitting and regulating qualifying seasonal, floating docks under 310 CMR 9.07 as an alternate, simplified means for registering such docks in lieu of obtaining a full c. 91 License from the Massachusetts Department of Environmental Protection (“DEP”).

II. Scope & Jurisdiction

- A. These rules and regulations shall be limited in scope to permit bottom-anchored floating docks (and associated means of access) that serve either private residential use or non-commercial community docking facilities, capable of seasonal removal. These regulations shall specifically not allow for other types of mooring, buoy, or small-scale structures accessory to a residential use contemplated by c. 91 §10A.
- B. These rules and regulations apply only to structures located, or proposed to be located, on, within, or above any Great Pond, lake, or portion of any Great Pond or lake in the Town of Arlington.
- C. These rules and regulations and the annual permits shall not supplant Town or State wetlands and conservation laws and regulations, including, but not limited to Wetlands Protection Act Notice of Intent (NOI) or a Request for a Determination of Applicability (RDA) requirements, including accompanying plans, and either an Order of Conditions, a negative or conditional Determination of Applicability, or evidence of written request for action by the Conservation Commission and subsequent failure of the Conservation Commission to respond within 30 days. Failure of the Board of Selectmen to act on a request does not result in a permit. The Applicant can appeal any local failure to act to Massachusetts DEP and request a permit.

III. Definitions

- A. “Floating dock” shall be defined as a seasonal floating structure and any appurtenant gangways or other appropriate means of access for the mooring of allowable watercraft on private residential property, or constituting a noncommercial community docking facility,
- B. “Non-commercial Community Docking Facility” shall be defined as a facility for berthing of recreational vessels accessory to residential or nonprofit seasonal use, including, but not limited to, the Town’s Recreation Department.
- C. “Designee” shall be defined as a town official or body or commission designated and authorized by vote of the Board of Selectmen to administer §10A licenses under 310 CM 9.07 and these regulations.

IV. Application Requirements & Renewals

- A. All applicants for an initial annual permit shall complete an application form provided by the Town of Arlington and in accordance with the fee schedule set by the Board of Selectmen.
- B. Applications shall be received and processed on a first-in time basis and applicants shall not be discriminated against race, color, religion, national origin, sex, gender identity or expression, citizenship, age, ancestry, family/marital status, sexual orientation, disability, source of income, or military status.
- C. At a minimum, the application shall be accompanied by plans or related documentation that accurately shows the location and size of the structure.
- D. The location of the structure shall be clearly identified with dimensions with respect to the extended property lines (drawn to show length and width of extension into the water body).
- E. Each permit shall specify a term during which it is valid. No permit may be valid for a period longer than one year from the issue date.
- F. All permit holders will be required to annually renew a §10A permit certifying continued compliance with these regulations and paying a renewal fee as set by the Board of Selectmen, unless and until they permanently remove their dock or obtain another appropriate license under c. 91. All Town designees shall be exempt from paying a filing fee.

V. Dock Rules & Requirements

- A. Only bottom-anchored, floating docks shall be eligible under these rules and regulations for permits.
- B. No dock shall be closer than 25 feet to the extended property line, except where there is less than 60 feet of waterfront or extended property lines converge, as in a cove. For these exceptions, the dock and associated boat(s) shall not interfere with a neighbor's access.
- C. Private Residential docks are limited to one per household.
- D. Floats or rafts must have the permit number displayed on 2 sides, opposite of each other, with a blank spot for renewal sticker. Numbers must be at least 3 inches high. Permits are for 1 year and must be renewed each year.
- E. Boats must be secured to an approved dock only.
- F. Each permit holder shall be solely responsible for the maintenance of their dock and must ensure that they are properly secured and remain in safe, usable condition while on the water.
- G. No materials previously used to contain any classified hazardous chemicals may be used in floating docks.
- H. All moorings, floats, and rafts shall be permitted annually by the Board of Selectmen or its designee, and shall be deemed a hazard if not permitted and subject to removal per M.G.L. c. 91, §10A and are not to be considered grandfathered in under any past regulations or laws.
- I. All docks must be removed prior to first freeze so as not to be damaged. Docks may be returned to water after seasonal ice thaw and after any applicable renewal fee has been paid.

VI. Enforcement

- A. The provisions of this local permitting program under 310 CMR 9.07 shall be enforced by the Board of Selectmen or its designee, as applicable.
- B. Mass DEP may enforce the provisions of 310 CMR 9.07 upon the request of a local permitting program or upon a finding that the local enforcement is inadequate.
- C. Unless deemed a major health and/or safety hazard, property owners or violators of this local permitting program for water based structures shall be given 7 days after due notification by certified mail to correct the violation or have their dock removed.

TOWN OF ARLINGTON



ANNUAL FLOATING DOCK SCHEDULE OF FEES

	<u>First Time</u>	<u>Annual Renewal</u>
<i>Private Residential</i>	\$30.00	\$15.00
<i>Non-commercial Community Docking Facility</i>	<i>none</i>	<i>none</i>

TOWN OF ARLINGTON



c. 91 §10A FLOATING DOCK PERMIT

Name _____ IS HEREBY GRANTED A PERMIT
UNDER M.G.L. c. 91 §10A TO PLACE A FLOATING DOCK

at Street Address _____, ARLINGTON, MA

IN OR UPON(Body of Water) _____ Telephone number _____

Permanent Address:

(Street)

(City/Town)

(Telephone)

This annual permit is valid until ____.

This permit is valid when the fee is paid, signed by the Board of Selectmen (or its duly authorized designee) and installed in compliance with Board of Selectmen Regulations/Guidelines.

This permit may be revoked at any time for failure to comply or when a hazard occurs from improper placement or maintenance of the dock.

DO NOT WRITE BELOW THIS LINE

(Fee Paid) (Date) (Owner)

(Location on Body of Water)

**BOARD OF
SELECTMEN/DESIGNEE**

(Permit No.)