

CHAPTER XI

Hamilton Reservoir Dock Regulations

Section 1 Definitions

As used in this chapter:

- (a) "Waterfront lot" shall mean any lot of real property abutting the waters of Hamilton Reservoir
- (b) "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 of the dam spillway.
- (c) "The Waterfront area" of any waterfront lot shall mean an area of reservoir surface bounded as follows:
- by the lot's high water line,
 - 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 straight out fifty feet from the high water line or one-third the distance to the opposite shore, whichever is less, and
 - by a line connecting the offshore ends of the extended side lines and parallel to the shoreline
- (d) "Dock" shall mean a walkway extending from the high water line into the waterfront area suitable as a mooring place for boaters and supported by a rigid framework, by a floating device or by a combination of the two
- (e) 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

Section 2 Use of Waterfront Area

Except in an emergency, no person shall enter the waterfront area of a waterfront lot by means of any watercraft or otherwise without the permission of the owner or legal occupant of such lot, provided that authorized officials or employees of the Town may enter such area in the performance of their duties. The Police Department may issue a noncriminal complaint pursuant to Section 21 D of Chapter 40 of the General Laws and shall impose a noncriminal assessment of fifty dollars (\$50.00) for each violation of this section.

Section 3 Location of Docks

(a) 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 the distance to the opposite shore, whichever is less

(b) The strict application of the regulations in subsection 3(a) 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:

(1) that the strict enforcement of such regulations would unreasonable restrict the applicant in his use and enjoyment of his property and its waterfront area, and

(2) that the requested waiver will not unreasonably detract from the use and enjoyment of the adjoining waterfront lots and waterfront areas

(c) In ruling upon applications for waivers, the Selectmen may take into account the following factors:

(1) the depth of water and the bottom gradient in the waterfront area

(2) the divergence or convergence of the extended lot lines defining the waterfront area pursuant to the definition thereof in Section 1c of this chapter

(3) the fact that a particular installation not strictly complying with these regulations may have existed without objection before the enactment of this bylaw

(4) 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

(d) An application for a waiver may be heard at any scheduled meeting of the Board of Selectmen. At least fourteen (14) days before the scheduled meeting at 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 delivery of the substance of the request and the date, time and place of the hearing. The Selectmen's ruling and the reasons therefor shall be entered in the minutes of the meeting.

(e) 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. Those docks existing before this bylaw that are build in a permanent fashion and all new structures that comply with Section 4 are excluded from Section 3e

(f) 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

Section 4. Construction on 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 conditions from said commission permitting such installation and without complying with all conditions and limitations of such order

Section 5 Enforcement

(a) The Police Department is authorized to notify the owner or occupant of any waterfront lot, or the owner of any watercraft or other moored object of any observed violation of the provisions of this chapter. If such violation is not removed within fourteen (14) days from the date of such notification, each day thereafter during which such violation continues shall constitute a separate violation. The Police Department may issue a noncriminal complaint pursuant to the provisions of Section 21D of Chapter 40 of the General Laws for each such violation with a noncriminal assessment of fifty dollars (\$50.00) for each such violation.

(b) The Conservation Commission is authorized to notify the owner or occupant of any waterfront lot of any observed violation of Section 4. If such violation is not removed within fourteen (14) days from the date of such notification, each day thereafter during which such violation continues shall constitute a separate violation of this bylaw. The Conservation Commission may issue a noncriminal complaint pursuant to the provisions of Section 21D of Chapter 40 of the General Laws and shall impose a noncriminal assessment of fifty dollars (\$50.00) for each such violation.

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