

**WESTPORT CONSERVATION COMMISSION PIER, DOCK AND FLOAT**  
**POLICY 5/15/12**

PIERS, DOCKS & FLOATS

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## **PIERS, DOCKS & FLOATS.**

Docks provide private access to public resources: the water, land under the water, fisheries, shellfisheries. Construction, maintenance and use of private docks can have adverse effects on public resources and navigation. Further, docks destroyed by storm pose a threat to nearby properties. These adverse effects must be minimized. Applicants are encouraged to consider designing a dock to serve several lots, families or a community whenever possible, thereby reducing the total number of structures along the coast.

Turbulence and prop dredging generated by boat traffic significantly increase turbidity levels. High turbidity levels attenuate the sunlight necessary for photosynthetic processes responsible for the primary productivity and oxygen regeneration in the water. The suspended sediments settle on shellfish beds, smothering existing shellfish and altering the quality of the sand bottom essential for spat (mollusk larvae) settlement. Boat traffic generated from docks will add to this disruption and will cause erosion of banks and marshes. The potential adverse impacts to the environment from docks can be divided into the physical effects of the docks and the cumulative effects of dock use.

Dock construction is typically the least environmentally destructive method of crossing a marsh, but it may adversely affect the physical characteristics and functional value of a marsh. Marsh plants provide the major energy flow (detritus food chain) between the autotrophic and heterotrophic levels in a marsh-estuarine system. Many species of sport and commercial fish and shellfish are dependent upon this system. Plants adapted to high ambient light intensity, such as marsh grasses, are ill-adapted to the shaded conditions created by a dock. Shading may result in the loss of vegetative biomass (decreased plant height, population density, and leaf thickness) or alteration of species composition. Reductions in plant density result in the loss of sediment normally trapped by roots and culms. Tidal washout of sediment could result in localized depressions which, through evaporation of trapped water, concentrate salt. High sediment and salt levels effectively preclude re-colonization by original vegetation. Localized tidal washout may lead to further vegetative regression, erosion, and disruption of natural communities in the area.

Cumulative impacts of dock proliferation threaten to decrease the overall productivity of the marsh ecosystem, to reduce its ability to absorb storm wave energy, and to reduce its contribution to ground water and surface water quality.

### **B        DEFINITIONS:**

1) DOCK or PIER - Any elevated, open structure extending below the reach of mean high water used as access for boating or recreational purposes. This includes permanent fixed or floating piers and piers installed for seasonal use; piers in freshwater bodies and tidal areas.

2) FLOAT - only floating docks which are attached to a permanent dock structure are considered "floats" covered under this policy Seasonal floats which are

moored independently, away from the shore, are not covered under this policy. These independent floats still affect Land Under Ocean and waterbodies and may require Conservation Commission approval

3) Connecting elevated walkways, ramps and stairs or other structures across a beach or salt marsh, coastal bank or other resource areas must conform to the performance standards specified in 310CMR; 10.00 and 310CMR 9.00

4) This definition of Dock or Peir does not include: solid fill wharves, bulkheads or other filled structures used for boating access.

5) This policy is not intended to be applied to structures intended for commercial purposes.

### C. GUIDELINES

Due to the above-mentioned adverse impacts that docks and dock use may have on the resource areas, all applicants should use the following guidelines when designing their projects:

1. The length of a dock should be kept to a minimum. Different shapes such as "T's" and "L's" and the use of single piles set off from docks may provide more space without additional length.

2. The Commission strongly discourages improvement dredging. Disturbance of the bottom must be minimal at all times during both construction and use.

**3. The Commission requires that filings adhere to The MADEP guidance document entitled A Guide to Permitting Small Docks and Piers (November, 2003) wherever possible, including the following:**

- A means of holding Float at least 24" above the bottom.
- Float size must be minimal to avoid excess shading- no floats may be installed over existing eelgrass beds.
- Plans must show benthic profile, MHW, MLW, location of eel grass, shellfish and other bottom characteristics. Plans must specify height and width of deck, space between deck planks, and direction of deck planks
- Any projects requiring wetland crossing (new or old dock) are to be filed as limited projects, requiring an alternatives analysis.
- Spacing of piles should be maximized to reduce the number of piles required.

- Structure must be a minimum of 5' above MHW or a means of lateral access across the intertidal zone must be provided.
- Docks and piers should be constructed to minimize the blocking of sunlight. A 1:1 height to width ratio above marshes and at least 5' above eelgrass beds is required. A North-South orientation or light-transmitting grating is recommended when crossing salt marsh.
- Construction cannot cut into or impair the physical stability of the bank of any water body to install ramps or stairs.

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**Additional requirements**

- No CCA treated wood
- Plank decking of synthetic material wood, or other natural materials with ¾" minimum spacing or open grating.

**D APPLICATION PROCEDURES**

1. A Notice of Intent is required for any new dock, or pier, fixed or floating, permanent or seasonal.

2. A Notice of Intent is required for any change or repair which alters any dimension, shape or function of an existing dock.

3. Minor repairs involving the replacement of deck planks, cross braces or horizontal timbers may not require the filing of a Notice of Intent. Repairs involving disturbance of the bottom, such as replacement of pilings, may require a Notice of Intent but at a minimum require the filing of a Request for Determination of Applicability.

4. A description of any alteration or potential impacts of the docks construction and use on the resource areas should be included in the Notice of Intent.

**5. Additional filings required:**

. Prior to a Public Hearing, a copy-of the plan showing the proposed work, must be sent for comment to:

- Town of Westport Shellfish Warden
- Town of Westport Harbormaster.
- Natural Heritage & Endangered Species Program (NHESP)
- Division of Marine Fisheries.
- Application for Mass Waterways Chap. 91 license.

Orders of Conditions for docks will include all applicable recommendations from the comment letters of the above named agencies.

#### E. FILING REQUIREMENTS.

The filing for a Notice of Intent for a dock or pier shall include:

1. A description of materials used, such as size of piling and planking, types of non-corrosive fasteners, spacing between planks, flotation substance, and expected duration of materials.

2. A description of the construction process including, but not limited to, the methods used to drive the pilings and the means by which all timbers, braces and deck planking are attached.

3. An accurate, detailed drawing showing type of construction, size (length, width & height), means for mooring if floating, exact location, benthic profile, other bottom characteristics, Mean High Water, Mean Low Water, and all other resource areas.

4. Soundings within 50 feet of pier.

5. Location of eel grass beds within 100 feet of pier.

6. A description of the shellfish resources and a mitigation plan for their protection.

7. Marked navigation channels within 100 feet of pier.

8. A description of off-season storage for seasonal docks and floats. Off-season storage of temporary/seasonal docks and floats must be in upland areas, and must be transported and stored without causing damage to any resource area.

#### CONDITIONS

1. Any vegetation disturbed or destroyed shall be replaced as soon as possible following construction, and must be shown to have become successfully established before a Certificate of Compliance will be issued. Any portion of rocky intertidal shore, coastal bank, salt marsh or other resource area that is disturbed by construction activities must be restored to its original condition immediately upon completion of construction.

2. The Conservation Commission shall be given written notice by the applicant not less than ten (10) working days before the start of construction in order to arrange shellfish or plant removal, re-seeding, re-planting, monitoring, and subsequent re-planting if necessary, at the applicant's expense.

3. All construction shall proceed in strict compliance with the Plan of Record. Any proposed deviation from the approved plan shall require the Applicant to request an amended Order of Conditions from the Conservation Commission **prior to** the start of construction. The dock construction contractor must be supplied with a copy of the Order of Conditions and the Plan of Record prior to construction.

4. The Commission expects that the dock structure and attached floats, ramps, etc. will be maintained in such a way as to remain structurally sound, thus preventing storm damage caused by water-borne debris.