

Section VII. Specific Activities Regulated

E. Docks and Piers

1. Freshwater Docks and Piers

- a. **Preamble.** Land under freshwater ponds and land within 100 feet of freshwater ponds, pond shores, and wetlands are likely to be significant to the protection of groundwater, pond water quality, and wildlife.

In land under freshwater ponds (LUFP), soil and sand sediments play an important role in the process of removing and retaining dissolved and particulate nutrients (such as nitrogen and phosphorus) from the surface water above. They also serve as traps for toxic substances (such as heavy metal compounds). Activities that stir up bottom sediments, such as dock installations or sandy bottom construction, are likely to release these substances back into the water, potentially contributing to eutrophication or pollution.

LUFP is also important to a large assortment of warm water fish during their spawning period; species such as largemouth bass, and other sunfish such as blue gills, pumpkinseeds and black crappie, build nests on the pond bottom substrates where they deposit and fertilize their eggs. Plant communities under freshwater bodies and waterways provide important food, shelter, and breeding area for migratory and overwintering wildlife. Water fowl and some mammals rely on submerged, rooted vegetation for food. Amphibians and certain invertebrates attach their eggs to these plants. Emergent vegetation (live and dead) is used for nesting, feeding and basking. The substrate requires at least six (6) months of unfiltered sunlight, unless otherwise determined by the Commission. LUFP is also important to species that hibernate in the substrate. It is therefore important that any activities that might disturb these resources be carefully managed and regulated.

2. Definitions.

- a. **“Dock”** means any structure including but not limited to ramp, pier, wharf, dock which could be used to access boats whether or not tied.
- b. **“Piers”** See “docks.”
- c. **“Seasonal”** means the dock is installed no earlier than April 15 and is removed on or before November 15 of each year. The dock shall be installed and removed with minimal adverse impacts to the resource areas, for example: a float with an easily removed anchoring system or a dock with a modular aluminum walkway.

3. Procedures

- a.** Notice of Intent: A Notice of Intent (NOI) is required for any new or replacement dock. All plans submitted shall be stamped by a Registered Civil Engineer. In addition to the standard NOI requirements, the Conservation Commission requires the following documents be submitted with all freshwater dock filings:
 - i.** Abutter Notification – For ponds not classified as Great Ponds, notification of abutters shall, in addition to the requirements stated in the Wetlands Protection Act regulations, include an abutter notification letter to properties located along the pond shore of the proposed project, via certified mail, return receipt requested.
 - ii.** A detailed assessment of potential Resource Area impacts shall be provided.
 - iii.** Concurrently with the filing of an NOI, the dock location within the pond shall be clearly staked and marked with a temporary buoy.

4. Performance Standards.

- a.** Freshwater docks shall consist of only seasonal docks and floats unless the Commission determines that an alternative design would have less impact on the shoreline, water body, and/or land under the water body at a particular site.
- b.** All freshwater docks (herein referred to as docks) shall be designed and installed in a manner that will minimize effects to the pond shore or pond shore vegetation including but not limited to banks, wetlands, and sediment, land under the waterbodies.
- c.** Dock access paths shall be no greater than four (4) feet wide.
- d.** Mitigation may be required by the Conservation Commission to minimize adverse effects caused by the structure's presence within the resource area and in order to improve resource area function.
- e.** There shall be no storage of boats or equipment of any kind on the dock, shoreline, shoreline vegetation, banks or vegetated wetlands. The applicant shall provide an upland storage location for boats and equipment, and for the upland off-season storage of the dock which shall be indicated on proposed plans
- f.** The maximum dock width shall be four (4) feet. Docks shall be anchored from the shoreline at a maximum of twenty-five (25) feet or at a water-depth of two-and-a-half

(2½) feet, measured during the spring season, whichever closest to the shoreline. Docks shall be subject to the following design requirements:

- i.** Dock supports shall be set eight (8) feet apart.
- ii.** Docks shall be elevated at a minimum of eighteen (18) inches above the water surface to permit wildlife movement and vegetation growth, under and around the dock.
- iii.** Docks cannot be dug into the bank but must be laid and anchored on the bank for easy removal.
- iv.** The minimum distance between decking slats shall either be three-quarter (¾) inches, or the dock shall have a grated surface to allow for sunlight penetration.
- v.** The maximum size of the dock structure shall be one-hundred (100) square feet.
- g.** Building materials: All building materials must adhere to the Eastham regulations on alternative and pressure treated wood products.
- h.** Lighting and/or electric services to new docks and repairs to docks are not permitted.
- i.** Notwithstanding any other provisions contained herein, no new or expansion of an existing dock shall be permitted within an ACEC (Area of Critical Environmental Concern).

2. Saltwater Docks and Piers [reserved]

UPDATED: