

A guide to docks in Monterey

DEP authorizes 4 types of licenses:

1. DEP Waterways license - All activities subject to the jurisdiction of Chapter 91 require a standard license unless they are eligible for one of the other 3 authorizations listed below.
2. DEP Waterways Permit - Activities NOT involving work on structures or fill may apply for this. These activities include beach nourishment, dredging, disposal involving subaqueous placement or unconsolidated materials, burning of rubbish or other material upon the water, and lowering the water level of any great pond except for purposes described in 310 CMR 9.15(2)(e).
3. License or Permit Amendment- Applicants may apply to amend a valid waterways license or permit, issued pursuant to the 1999 regs, for the following reasons:
 - a. to renew a license of permit term in accordance with the provisions of 310 CMR 9.25(2).
 - b. to delineate a reconfiguration zone within a marina in accordance w/ 310 CMR 9.39(1)(b)
 - c. to authorize a structural alteration or change in use that is not exempt pursuant to 310 CMR 9.05(3)
4. Harbormaster annual permit- Pursuant to Sect 10A of Chapter 91 statutes and 310 CMR 9.07 Of the waterways reg., the placement on a temporary basis of moorings, floats, rafts held by bottom anchor and associated ramps may be authorized by an annual permit from the local Harbormaster. This provision ONLY applies to bottom-anchored moorings, floats or rafts. No pilings may be placed without proper Chapter 91 authorization from the DEP's Waterways Regulation Program.

That said, the 10A "exemption" is a Harbormaster Annual Permit which is only valid for floating rafts. (See #4 above) The Chapter 91 waterways permit is what gets filed to DEP and after they issue a permit, then the applicant comes before us under an RDA to have us permit the installation of the dock.

Monterey recommendations/guidelines to keep in mind:

1. You must file with DEP for your Chapter 91 license before filing with the Conservation Commission and/or Building Department.
2. Docks should be removed at the end of the season as the town is not responsible for any damage incurred due to drawdown or other environmental issues.
3. In general, the design standards are for the protection of navigation on all waterways. Docks, piers, and related structures of any size may NOT;
 - a. Exceed the maximum size necessary to achieve the intended water – related purposes;
 - b. Extend beyond the length required to achieve a safe berthing;
 - c. Intrude into, or approach, navigation channels;
 - d. Extend more than 25% of the distance across a water body;
 - e. Impair the line of sights necessary for navigation;

- f. Interfere with access to adjoining areas by extending “substantially beyond the projection of existing structures adjacent to the site”;
 - g. Interfere with access or public rights associated with a public landing, easement, other public access to the water;
 - h. Generate water-borne traffic that would substantially interfere with other vessels;
 - i. Impair in any other substantial manner the ability of the public to swim or float freely upon the waterways;
 - j. Be set back less than 25 feet from property lines where feasible;
 - k. or Be allowed in state-designated “Areas of Critical Concern” unless there is a resource Management plan approved by the Mass Executive Office of Environment Affairs.
4. In addition, on Great Ponds, reasonable measures shall be provided for on foot passage, including allowing the public to pass laterally along a portion of the project shoreline or transversely across the site to a point on the project shoreline.
 5. **Pier Height;** Higher piers allow for better light penetration to underlying vegetation and assist in preventing storm damage. The Waterways regulations require a minimum five (5) foot height above mean high water mark for decking in Great Ponds although it may be waved if alternative measures are taken to provide for public access over or around the pier. In general, elevating the structure above vegetation is essential to minimizing the effects of shading.
 6. **Pier Length;** Shorter piers produce less adverse shading effects on vegetation than longer piers. The Waterways regulations require the pier to be no longer than the distance necessary to reach navigable water depths.
 7. **Pier Width;** Narrower piers provide less adverse shading effects on plant productivity than wider piers. The U.S. Army Corps of Engineers’ Florida District limits pier width to four (4) feet to minimize width impacts on plant productivity. Typical small docks and piers in Massachusetts are 3 feet wide.
 8. **Plank Spacing;** Planks should be spaced at least $\frac{3}{4}$ inch apart to permit light penetration. Alternate spacing may be used if the deck material used provides a similar or greater degree of light penetration (such as perforated aluminum, fiberglass, or plastic grates; any such grates should contain an anti-slip texture integrally molded to the top surface to provide for safety).

DEP Waterways phone number: 617-292-5500

Chapter 91: The Massachusetts Waterfront Act website:
<http://www.mass.gov/dep/water/resources/about01.htm>

Harbormaster; Chief Backhaus, 528-1443 x225