

Harbormaster Regulation

Waterfront Rules and Regulation

Wharf, Moorings and Anchorage

**Department of the Harbormaster
0 Town Wharf, Mattapoisett 02739
1 September 2022**

Town of Mattapoisett
WHARF, MOORING AND ANCHORAGE RULES AND REGULATIONS
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Mattapoissett's Waterfront Management Plan, (September 2011)
Mattapoissett's Aquaculture Rules and Regulation (June 7, 2019)
Massachusetts General Law C.90B Section(s) 5-14

Purpose & General Compliance

The purpose of these regulations is to standardize mooring and wharf practices to fully utilize the limited area in Mattapoissett waters while implementing uniform safety practices and providing maximum space for all types of recreational usage.

Persons using the waterways and related facilities are encouraged to read these regulations and acquaint their boating families with them.

All persons using the waterways or water dependent facilities within the Town of Mattapoissett ("Town") shall comply with these regulations and any other applicable local, state, and federal statutes, by-laws, and regulations, as amended.

The Town neither represents nor warrants that these regulations will result in avoiding damage to property or persons in all situations. It is up to each person using the waterways, mooring, wharf, skiff or dinghy spaces or any other facility to inspect and assess the space, tackle, proximity to other vessels and objects to ensure that their property will be safe from the predictably changing weather and water conditions, as well as being secured enough to prevent damage to others or their property. Boat owners should pay particular attention when hurricanes, gales, abnormal tides, or other bad weather is being threatened, and be ready to remove their boat from the water. (*See Appendix A, Section A-4*)

Contact Information & Service of Notices

Each boat owner shall keep the Harbormaster (HM) and Town Clerk (TC) apprised of their current address and telephone number(s), as well as email address, if desired, so the HM and TC can easily contact them if necessary.

The HM or TC shall have the right to rely on the last address and telephone number provided to them by a Vessel Owner (VO) or Mooring Permit Holder (MPH) in writing as being the correct and fastest way to contact them. At their option, the HM or TC shall also have the right to rely on such information that the state or federal government may have acquired when a vessel was titled or registered, etc.

Notices of any kind, including, but not limited to, notices of fees or fines due; violations that need remedying or curing when someone is about to forfeit any of their rights or permits (e.g.

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their mooring or wharf, skiff or dinghy space); or that their vessel or other property has been found, towed or removed from the water and may be stored and/or disposed of, shall be sent by certified mail, return receipt requested, or at the option of the HM or Town, served by a disinterested person or Law Enforcement Officer in hand, or left at a person's last and usual place of abode with the simultaneous mailing of a copy of said notice to said person by first class mail, postage prepaid, unless otherwise required by statute.

In the case of multiple owners notice to one owner shall be deemed notice to all owners and each owner shall be deemed an agent of the other owners concerning such notifications and billings, etc.

Where an annual fee and/or application will be due, it is suggested that boat owners promptly contact the TC if they do not receive the bill or application when expected.

Non-Liability

Persons using Town waterways, wharf areas and other Town property or facilities do so at their own risk.

The Town of Mattapoisett, its officers, elected officials, agents, employees and representatives, HM, board and commission members, shall not be responsible for any injury or damage to persons or property in Town waters or on Town property due to: (1) fire, theft, vandalism, collision or other causes, (2) the improper choice, installation, placement, or maintenance, etc. of any tackle in any space, mooring, wharf, skiff, dinghy or otherwise (even where a "qualified mooring inspector" has inspected a mooring), and (3) any other damage while in the performance of their duties, including, but not limited to the hauling and removing of vessels or other property from Town waters or property, and the storage and disposal of any such vessels or property.

Each MPH and VO shall ensure that proper steps are taken to adequately secure their vessels in all conditions.

The Town will not be liable for damage to any person's electrical devices or electronics resulting from connecting to Town electricity. Boaters are urged to use appropriate surge protectors.

The Town strongly urges all boaters to maintain adequate boat hazard and liability insurance, when not required otherwise by these rules.

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Harbormaster (HM)

The HM is authorized and required under the state law and these rules and regulations to ensure compliance with the laws pertaining to use of Town waters and facilities and to ensure that all parties have the same access to these waters and facilities.

HMs often have authority under the state laws that go beyond any particular town's rules and regulations. Nothing in these rules and regulations shall abrogate whatever powers the HM may have under MGL. (see 310 CMR 9.07 and A.6 in Appendix A for HM's right to tow, remove, store and dispose of vessels and property, among other rights.)

Where the HM or Town issues a warning to any party concerning a violation of these regulations or other law or waives compliance with a regulation in a particular situation, said party shall have no right to expect additional warnings or waivers.

Severability

If a regulation or part of a regulation is held to be invalid, illegal or unenforceable such holding shall not affect the validity, legality or enforceability of the remaining portion of said regulation or the other regulations.

The titles and headings used herein are not to be considered part of the regulations themselves.

In the event of a conflict between these regulations and applicable federal or state law, federal or state law shall take precedence.

Use of Terms

*The term "**Grandfathered**" is now replaced with "**Legacy**" pertaining to any town harbor regulation in which an old rule continues to apply to some existing situation while a new rule will apply to all future regulations. Those exempt from the new rule are said to have acquired rights now known as "**Legacy**".*

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SECTION II

Abbreviations – the following abbreviations are sometimes used in these regulations:

CMR-	Code of Massachusetts Regulations
HM-	(Mattapoisett) Harbormaster
LOD-	Length on Deck (see definition)
MGL-	Massachusetts General Laws
MPH-	Mooring Permit Holder (see definition)
QMI-	Qualified Mooring Inspector
TC-	(Mattapoisett) Town Clerk
UFO-	Unidentified Floating Object
VO-	Vessel Owner (see definition)

Definitions

The following definitions apply to terms when used in these regulations unless otherwise stated, required by context or unless other applicable law requires a different meaning. If any terms are not defined in these regulations or applicable law then they shall be deemed to have their usual, historical meaning.

Whenever the context requires, the masculine shall include the feminine and the singular shall include the plural, and vice versa. The words “rules” and “regulations” may be used interchangeably herein.

“Alternate Boat Permit” shall mean a boat permit for any boat not otherwise required in these regulations to have a permit. The boat owner may purchase a permit for safety and identification purposes. Any boat left on Town property for more than three (3) days must have a current boat permit.

“Anchor” shall mean a heavy object that is attached to a boat usually by a rope or chain that is placed in the water to hold a boat in place.

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“Applicable Law” shall include, but not be limited to: Massachusetts General Laws (MGL) Chapter 90B, 91 and 310 CMR 9.00 etc. seq., any other applicable chapter and section of the Massachusetts General Laws, the Code of Massachusetts Regulations (CMR) and the Town of Mattapoisett By-Laws and Rules and Regulations, as amended.

“Approved Mattapoisett Firm” shall mean any firm authorized by the HM to work on vessels at the Town wharf which presents an adequate certificate of insurance.

“Boat” and “Vessel” are used interchangeably herein and include all “watercraft” regardless of nature. (see definition of “Vessel” herein)

“Town Waterway Permit” shall mean the paid waterway fee issued annually to vessels in Town of Mattapoisett waters. (see Section 6)

“Commercial Dock” shall mean any dock placed in Mattapoisett waters for which a rental fee is charged including docks permitted by the Army Corp of Engineers.

“Commercial Mooring” shall mean a mooring permitted to a business located in Mattapoisett for the use of its customers for which a seasonal rental fee is charged, as a transient mooring, or for those in the business of delivering boats, to include moorings permitted by the Army Corp of Engineers. (“Commercial Mooring Permit” shall mean the annual permit issued by the HM authorizing use of a mooring space for commercial purposes.)

“Dealer Permit” shall mean a Boat permit provided for businesses with a dealer boat registration. Dealer permits shall not apply to boats assigned to mooring spaces, skiff spaces, wharf spaces and commercial slips.

“Dinghy” shall mean any boat, motorized or self-propelled, ten feet or less in length used for transportation to and from a dock, wharf, or vessels moored in the harbor.

“Dinghy Rack” shall mean any rack designated by the HM to hold dinghies.

“Dinghy Space” shall mean those spaces alongside a wharf or dock, etc. which may be occupied by a dinghy pursuant to these regulations or as designated by the HM.

“Drone” as used in these regulations, shall mean an unmanned aircraft or vessel that can navigate autonomously or is guided remotely in the air, on or under the water.

“Dry Dinghy Storage Area” shall mean the area located between the launch ramp and “Mello Wharf”, which area may be relocated by the appropriate authority.

“Dry Dock” shall mean the designated area north of the launch ramp and may be relocated by the appropriate authority.

“Legacy Mooring” shall mean a private mooring set prior to April 24, 1989. All rules and regulations shall apply to all legacy moorings.

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“Harbor Anchorage Chart” Annex 1 *Figures 1-1, 1-2*, show individual wharf locations.

“Harbor Grid” shall mean the grid system used by the HM to identify and track the relative positions of the moorings in Town waters.

“Harbormaster” (HM) shall mean the HM/Wharf Commissioner as appointed by the Board of Selectmen pursuant to MGL Chapter 102 Section 19 or as otherwise provided by law. Whereas a HM often acts and applies these regulations and other laws through his Deputies or Assistants, any lawful order or decision of a Deputy or Assistant shall be deemed the lawful order of the HM himself. (see 310CMR 9.07). Failure to follow the orders of the HM or “resists him in the execution of his duties”, subjects a person to a fine, loss of rights, and often arrest and prosecution under the law. (see these regulations and MGL Chapter 102 S. 28)

“Hazardous Materials” or “Hazardous Substances” shall include, but not be limited to: substances defined as hazardous in applicable federal and state law, and also include, paint of any kind, fiberglass, plastics, resin of any kind, oil or other petroleum products, anti-freeze or substances of a similar nature, or other chemicals or materials not naturally found in Town waters or that foul, harm, hamper or retard the growth of fish, shellfish or other animals or plant life.

“Highflyer Mooring” is defined as a mooring ball with a vertical stem that lifts the pennant and eye splice suspended at a height above the water line.

“Immediate Family” shall be defined as spouse, parent, grandparent, child, grandchild, sister, or brother, and those family members included in the definition of immediate family members as that term is used in applicable law including, without limitation, 310 CMR 9.07 (2)d.

“Inner Harbor” shall mean all waters inside the line drawn from Mattapoisett

Neck to: Point 1: N41° 38.582	W 70° 48.447
Point 2: N41° 38.740	W 70° 48.299
Point 3: N41° 38.812	W 70° 48.070
Point 4: N41° 39.046	W 70° 47.750

(Ref. Annex 1 Figure 1-1, Figure 1-2)

“Length on Deck” (LOD) means a vessel’s length on deck as used in determining mooring weight and location, etc. (HM may decide whether to take pulpits, swim platforms and other protrusions into account.)

“Mattapoisett Waters” or “Town Waters” shall mean all the waters from the Fairhaven line to the Marion line extending for one half mile offshore.

“Mooring” shall mean any tackle, equipment, components and systems for holding a vessel in place which remain when the vessel leaves, including, but not limited to: lines, painters, bridals,

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cables, chains, anchors, any floats, shackles and related hardware. (*types of moorings, mooring permits, definitions and regulations pertaining to moorings see Appendix A Sec. A-3*)

"Mooring Areas" shall mean those areas in Mattapoisett designated as areas for the location of moorings by the Board of Selectmen in accordance with the *Waterfront Management Plan*.

"Mooring Inspection Certificate" shall mean the certificate issued or authorized by the HM indicating that a mooring has passed the inspection required by the town.

"Mooring Permit" shall mean the annual permit issued by the HM authorizing use of a mooring space. Use of any mooring requires a permit issued by the HM, regardless of the ownership of the mooring tackle itself. All mooring permits expire on December 31 of each year.

"Mooring Permit Holder" (MPH) - shall mean a person who has a valid mooring permit for a mooring assigned to him by the HM.

"Permit Holder" shall mean any person having a validly issued permit authorizing his use of the waterways or facilities of the Town. Permits must be applied for annually.

"Personal Watercraft" (PWC) shall mean wet bikes, jet skis, surf jets, paddle boards, wind surfers and such similar crafts, as well as jet boats less than 13 feet in length.

"Private Mooring" shall mean a mooring permitted to an individual for the location of a vessel owned by the approved permit holder. Private moorings are limited to one (1) per boat.

"Private Boat Float" shall mean any floating platform, not open to the public, which is designed to rise and fall with the tide, is anchored in place by pilings, chains or otherwise and used in conjunction with a wharf, pier or other structure, the purpose being to moor and give access to a boat.

"Proof of Ownership" shall include whatever documentation is required by the HM to prove ownership or leasehold rights of a vessel, mooring, tackle or other property and may include, but is not limited to: title certificate or vessel documentation, registration certificate, insurance policies, tax documents, bills of sale, cancelled checks, affidavits and leases, etc.

"Qualified Mooring Inspector" ("QMI") shall mean an individual or company deemed by the HM to be qualified to inspect moorings as to condition, size, fitness for purpose, etc. (*see section Appendix A Sec. A-11*)

"Regulations" refers to and includes all these rules and regulations, as amended, as well as those disseminated by the Town and/or HM under authority of these regulations and/or the state law. The terms "rules" and "regulations" are used interchangeably herein.

"Resident" shall mean a person: (A) who is domiciled and whose residence, according to Massachusetts law, is in Mattapoisett, or (B) who owns real estate in Mattapoisett, or (C) who is living in Mattapoisett as a tenant for a period longer than 120 consecutive days annually.

"River" shall mean the Mattapoisett River.

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"**Skiff**" shall mean any boat ten (10) to sixteen (16) feet in length with a maximum beam of sixty-five (65) inches. An inflatable skiff may have a maximum beam of seventy-five (75) inches. The HM must approve any variation.

"**Skiff Space**" shall mean a space alongside a wharf or dock, etc. which may be occupied by a skiff pursuant to these regulations. Usually, skiffs are held on outhauls perpendicular to the wharf or dock.

"**Summer Season**" shall mean the seven (7) months from April 1st through October 31st.

"**Swimming Float**" shall mean any float placed in Mattapoisett waters which is owned by an individual, association, or other entity and is used primarily for swimming.

"**Tackle**" shall mean, but is not limited to: any gear (e.g. lines, shackles, swivels, painters, bridles, anchors and components/systems relating thereto) used to hold a vessel on any mooring or in any space.

"**Transfer List**" shall mean the list(s) maintained by the HM indicating those looking to transfer from one dinghy, skiff, wharf space or mooring to another. A transfer application on a form approved by the HM must be completed, signed and filed with the TC along with the fee, if any. (see Section 5-3)

"**Transient Dinghy**" shall mean any dinghy tied up for seventy-two (72) hours or less. No person who has a mooring in Mattapoisett waters will be considered a transient, regardless of location of residence.

"**Transient**" shall mean "temporary". What length of time is considered "temporary" or a "transient use" in a particular situation shall be determined by the HM and may be changed from time to time as required.

"**Transient Mooring**" shall mean a mooring of a temporary nature, assigned to Mattapoisett boatyards on an annual basis to accommodate the sale, repair and maintenance of watercraft. A boatyard, after assignment of the specific number of annual mooring sites authorized by the HM can manage transient mooring sites as part of their normal business activities, provided they comply with the regulations pertaining to the inspection of moorings and other applicable regulations. (See commercial mooring definition Appendix A Sec. A-8)

"**Vessel**" shall mean every kind of watercraft, ships and boats of all kinds, including, but not limited to: *barges, houseboats, amphibious vehicles, sail boats and powerboats* of any type and propelled by any means, including *personal water craft*, as well as *kayaks, wind boards, paddle boards, canoes* and any structure/object designed, adapted, or capable of being navigated, towed or operated on or under the water, whether or not used as a means of transportation.

"**Vessel Owner (VO)**" - the owner of a vessel as determined by proof of ownership in documents acceptable to the HM.

"**Waiting List**" shall mean the waiting lists for wharf, skiff, dinghy and mooring spaces and the

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transfer lists for each. Waiting Lists are public and are on file with the TC and managed by the HM.

“Wharf” (aka Wharfage) or “Town Wharf” means any structure built along or at an angle from the shore and extending seaward beyond the mean high-water mark so that boats may lie alongside to receive and discharge passengers or cargo for use as a promenade and includes structures commonly referred to as docks and piers. “Town Wharves” include: **Barstow Wharf** (by the Town Beach), **Holmes Wharf**, **Freddie Brownell Wharf**, **Makuch Wharf**, and **Mello Wharf** in the Shipyard Park Area. *(see Annex 1, Figure 1-3. showing the location of the Town wharves.)*

“Wharfage” or “Wharf Space” shall mean the area where boats larger than sixteen (16) feet are tied to the wharf. Fees for these spaces do not include winter storage, the right to repair boats in any dry dock area, electricity, tackle, ladders or other amenities. *(See Appendix B for the 2021 Annual Fees)*

“Windsurfer” shall mean a single person, wind driven, stand on sailing vessel.

“Winter Season” shall mean the five (5) month period from November 1st through March 31st.

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SECTION III
OPERATING BOATS IN MATTAPOISETT WATERS

3-1 HARBOR SPEED LIMIT –

All vessels shall travel at a rate of speed that is reasonable and proper having due regard for: weather, tide and wave conditions, use of the waterways, the vessel's wake, proximity to people, other vessels and objects and structures in the water. It shall be clear evidence that a vessel is not traveling at a reasonable and proper speed and is in violation of this provision if the vessel exceeds the posted speed for any area, or if not posted, operating at greater than headway speed (6 mph or less) within 150 feet of a swimmer, water-skier, mooring area, marina, boat launch, or when the operator's vision is obscured in any way, six (6) mph in any mooring area or in the Mattapoisett River; or twenty-five (25) mph in the water skiing area.

3-2 SEAPLANES –

Seaplanes may land and take off outside of mooring areas at their required speeds, providing they comply with the six (6) mph speed limit when taxiing in mooring areas.

3-3 WATER SKIING –

Water skiing, including tubing and other similar activities, is prohibited in all mooring areas. These activities in Mattapoisett Harbor are limited to a designated and marked area shown on the "Water Ski Area Chart" in Annex 1, Figure 1-4".

3-4 OCCUPATION OF MOORING, WHARF OR SKIFF SPACES –

No vessel, other than one owned by the holder of the mooring, wharf, or skiff space permit, shall occupy a mooring, wharf or skiff space, without a permit for that vessel, without permission of the mooring owner, and approval by the HM on a "Permission to Use Mooring, Wharf or Skiff" form available from the HM. The HM has the authority to fine and/or move any vessel violating the provisions of these regulations, and such movement and subsequent docking and/or storage shall be at the vessel owner's risk and expense, and subject to applicable fines. At no time shall any vessel be tied to a mooring inconsistent with the regulations pertaining to moorings. (*see Appendix A for specific mooring regulations*)

3-5 SKIFFS –

Skiffs assigned to skiff spaces with a motor shall display current state registration numbers for identification, proof of ownership and safety purposes. Said registration shall be on record in the mooring permit. All skiffs must display the permit on the transom (inside or outside) so that it is visible from the dock while in its customary orientation.

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3-6 FISHING –

All vessels shall use caution, care and courtesy near people who are fishing.

3-7 REPORTING VESSEL ACCIDENTS –

All boating accidents in Mattapoisett waters (*whether there is a collision or not*) where damage exceeds five-hundred (500) dollars or results in personal injury, death or a missing person, shall be promptly reported to the: HM, Massachusetts Environmental Police, Boat and RV Safety Bureau, 1019 Route 132, Hyannis, MA 02601, and the nearest United States Coast Guard facility.

3-8 LITTERING –

To keep Mattapoisett waters clean and healthy, the discharge of any Hazardous Materials as defined in these rules and regulations, any non-biodegradable liquids or solids, or litter prohibited by MGL Chapter 270 Section 16, is strictly prohibited.

3-9 LOBSTER POTS –

No person shall place or maintain a lobster pot, conch pot, crab trap, or similar fish trap or pot or buoy attached thereto within seventy-five (75) feet of a raft, float, or wharf, in the inner harbor mooring areas or in marked channels or water-skiing areas located within Mattapoisett waters. Failure to comply with this provision will result in removal of the pot at owner's expense.

3-10 SWIMMING-

Swimming is not allowed off any town floats nor allowed in any mooring area (except within thirty (30) feet of the moored vessel from which a person is swimming), in any marked channel used for the passage of vessels or in the vicinity of the Town wharves. The HM shall have the right to order any person out of the water who is swimming in a prohibited area or is endangering himself or any other person.

3-11 SWIMMING AREAS-

All vessels are prohibited within one hundred and fifty (150) feet of a designated and marked swimming area.

3-12 ANCHORAGE

Anchoring within Mattapoisett waters will be limited to those designated anchorage areas shown on the "Waterfront Management Plan," unless otherwise approved or directed by the HM. Failure to comply will result in fines and/or removal of the vessel at the owner's expense.

No vessel will be allowed to anchor in Mattapoisett waters utilizing its own ground tackle and be left unattended. The owner or operator and parties may go ashore but shall not leave the area and shall notify the HM of their location and how to contact them should it be necessary. They or their designee must be readily available to tend the vessel in the event of heavy weather.

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3-13 RAFTING

Rafting is limited to three (3) vessels temporarily on a single mooring and will only be allowed providing it does not interfere with adjacent single moorings or anchorages. Rafting boats shall be always occupied with the center boat being made fast to the mooring. Any rafting is done at all VOs' sole risk.

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SECTION IV
SKIFF – DINGHY - KAYAK

4-1. Waiting lists-

Applications for all waiting lists and transfer lists are to be filed with the TC with the appropriate fee where they will be dated, and time stamped upon filing. Applicants for all lists must be at least fifteen (15) years of age. (All applicants registered before January 1, 2003 is precluded.) Mooring waiting lists are for any closed locations within Mattapoisett waters as indicated on the Waterfront Management Plan (*see Annex 1*).

4-2 Sum of Fee-

Applicants on all waiting lists, except transfer lists, shall be sent renewal forms annually. The annual fee for renewal is twenty (20) dollars. It is the applicant's responsibility to file any address or telephone number changes with the TC. Failure to pay the annual fee will result in removal from the list.

4-3 Expectations-

Waiting lists are maintained for assignment to mooring, wharf, skiff, and dinghy spaces. Transfers of these spaces are subject to the applicable provisions of these regulations.

4-4 Skiff, Dinghy, and Wharf-

Waiting lists are limited exclusively to residents, and shall be limited to one actual space or one place on each of the waiting lists per household.

4-4.1- Ten (10) dinghy spaces will be allotted to non-residents who must also be mooring holders. Additional non-resident dinghy permit may be assigned at the discretion of the HM on a case-by-case basis.

4-5 Kayak Spaces

Kayak spaces are available at several locations in Mattapoisett. The current list can be obtained from the TC or HM office. To obtain a space, the requester must sign up in the TC office. Available spaces will be filled as they become available.

4-5.1 Should the individual want a different location, a transfer list is available. If it appears that a space is not being used for its intended purpose, but rather only storage, the space will be revoked.

4-5.2 The permit is valid from the beginning of the year until December 31 of each year. The kayak must be removed by that time, unless the permit holder has renewed for the following

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year. Any kayaks that have not been renewed will be removed by the HM office. The permit holder will be responsible for fines and costs of removal.

4-5 Space Refusal-

Should an applicant on the skiff or dinghy waiting list refuse any available space offered to the applicant will be removed from the waiting list, or, at the applicant's option, be placed at the end of the list.

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SECTION V
ASSIGNMENT OF SPACES

5-1 GENERAL

All dockage privileges and spaces on the wharves and moorings may be assigned or re-assigned from time to time by the HM to promote public safety and the orderly development of the harbor and achieve the best use of mooring areas and spaces. The HM shall consider the following issues, to include, but not limited to, the size and type of the boat and the “swing area” of the boat.

5-1.1 Assignments of mooring, wharf, skiff and dinghy spaces are determined in accordance with the waiting lists in the order of application with the transfer lists having priority.

5-1.2 In the event of death any individual assigned an assigned wharf, skiff, or kayak space shall die, then the surviving spouse shall succeed to said boat space until December 31st of that present year, at which time the surviving spouse may be assigned said space if the spouse presents to the HM proof of their ownership of a boat to be docked in said boat space.

5-1.3 There is no transfer of a mooring, dinghy, skiff, kayak rack, or any other permit except where specifically allowed in these regulations. Each vessel must be in that vessel’s space by July 1st of each year.

5-1.4 Between April 1st and September 1st whenever a boat is sold, the owner may obtain another boat of a size suitable to said wharf, skiff, dinghy, or kayak space, which must be in place within thirty (30) days, or such longer period as may be granted by the HM. At the end of said period, if the space is still vacant it shall be forfeited.

5-2 WARF ASSIGNMENTS

5-2.1. If a person on the wharf waiting list does not have a boat and does not wish to acquire a boat when notified that a space is available, his name shall then be removed from the list or at his option, it may be placed at the end of the waiting list. If a person does have a boat but the available space is not suitable for the boat, i.e. too long or too short, then he may stay on the list in the same position until a suitable spot is available or he asks to be removed from the list.

5-2.2. Wharf Spaces – Timber Pier at Mello Wharf – Wharf assignment on this pier must meet the following requirements: minimum was 28 ft. length on deck and maximum beam of 12 ft. If the vessel is shorter, at the HM option, the person may put a boat there but pay for a

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minimum of a 28' vessel. Persons assigned these slips will inform the HM when the space will be vacant for 24 hours or more. The HM may rent these slips to transient boaters during that time. The Town assumes no responsibility for damage to any hardware or tackle used by a transient boater.

5-2.3 Any skiff registered to a skiff space before July 25, 2002, shall be allowed to remain in said space for the life of the owner, or spouse of owner, in accordance with Section 5.1.2 of the Wharf, Mooring, and Anchorage rules. Should the skiff space holder wish a transfer, or purchase a new skiff, it must meet all current skiff space requirements.

5-2.4. Contracts – All wharf space holders must sign and agree to the terms of a contract regarding the conduct of behavior and use of the space.

5-3 TRANSFERS (of spaces or other locations)

If a person is not satisfied with the mooring, wharf or skiff space assigned to him, after accepting the assigned space, the person may file an application with the TC to be placed on the transfer list. The transfer request shall include area of preference to which the VO would like to move. The person may then accept another space should one become available. If the space is refused in that area, the person's name is removed from the transfer list, or at his option, placed at the end of the list for an additional application fee.

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SECTION VI
TOWN WATERWAY PERMIT

6-1 Requirement-

All vessels in Mattapoisett waters, whether on a mooring or in a slip, must always display a valid Town Waterway Permit. Vessels in Mattapoisett waters on a commercial mooring for service work to be performed by a Mattapoisett marine service company are exempt from the two (2) week limit (see Section 6-8) with permission of the HM as evidenced by a permit for transient vessels.

6-2 Permit Ownership-

Vessels assigned a Town Waterway Permit must be owned or leased by the MPH of the boat or the holder of a permit for a wharf or skiff space except where otherwise authorized in these regulations. A copy of the lease agreement must be filed with the TC along with the vessel registration or documentation.

6-3 Revocation of Waterway Permits

After the 30-day late fee Period, the waterways permit shall be revoked. Your only recourse if you wish to oppose this revocation is to file an appeal with the Marine Advisory Board within 14 days of this letter. An additional reinstatement fee of \$100.00 shall be applied, in addition to the unpaid waterways permit and the late fee after the 60-day pay period.

Any waterways permit not renewed prior to the end of the revocation period, where the waterways permit involves a mooring, shall be considered forfeited and any mooring, and associated ground tackle, in the waters of the Town of Mattapoisett shall be considered abandoned.

All moorings that are permitted by the Harbormaster to be reinstalled shall be installed in the same fashion as a new mooring installation. The waterways permit holder shall be responsible for any and all storage, inspection and installation charges that may apply with the reinstallation by a town approved mooring installer.

6-4 Limitation-

Dealer permits are limited to two (2) per business.

6-5 Duration of Use- From November 1st (at the beginning of the billing period) to the end of the season of each year Town Waterway Permits will be available from the TC.

6-6 Display of Decal –

- Boats on Moorings: Permits must be secured on the top port outside corner of the transom to be clearly visible from a passing boat.
- Boats in Wharf, Skiff, Kayak and Dinghy Spaces: The Permit must be secured on the inner or outer transom so that it is clearly visible from the dock looking at the customary position

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in which the vessel is docked. For kayaks and canoes it should be placed on the upper and outer port side of the stern so that it is visible for inspection in the racks or wherever normally placed without having to pick it up in the rack.

6-7 Proof of Annual Tax- No Town Waterway Permit shall be issued without the applicant providing evidence that the previous year's excise tax bill was paid and with proof of ownership or lease of the vessel.

6-7.1 Boats moored in Mattapoisett waters for four weeks or longer may be taxed in accordance with the provisions of MGL Chapter 60B.

6-8 Transient- All transient boats in Mattapoisett waters for two (2) non-consecutive weeks or longer, shall register with the HM and/or TC and must purchase a Town Waterway Permit.

6-9 Dry Storage Permit-

All boats on Town property, including but not limited to: Ship Street, Aucoot Beach, and the Town Landing must have a boat permit. Boats on Town property may only be placed in designated areas. All boats on Ship Street must be removed from November 1st to April 1st, unless permission is obtained from the HM as evidenced by a permit. Boats in racks may stay until December 31 when the permit expires and if not renewed, must be removed at that time or will be removed by the HM staff at the owner's expense.

6-10 Revocation of Waterway Permits-

The amount due with any late fee must be paid in full by means of a Massachusetts cashier's check and received by the Town Clerk within the 30 day late fee period. If not paid and received as required then the waterways permit shall be revoked.

The HM or TC or designated agent shall send notice of such revocation by Certified Mail, Return Receipt Requested and/or email to the boater's primary address which may include the mail and/or email address on file with the HM or TC or listed on their boat registration or documentation. Boaters are strongly advised to keep their address current with the Town.

This revocation may be appealed by filing a written appeal to be received by the Marine Advisory Board, within 14 days from the date that notice of said revocation was sent. The appeal shall include a sworn written statement signed by the appellant detailing the reasons they feel their revocation should be reversed. The Marine Advisory Board shall have the right to: act solely on their written statement, require additional written information or require a virtual (i.e. Zoom) hearing with the boater present.

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If the appeal is successful then any fees due including any late fee along with a reinstatement fee of \$100 shall be paid to the Town within seven (7) days of notification that the appeal was successful) by means of a Massachusetts cashier's check. Failure to make such payment within said seven (7) days shall render any successful appeal invalid and null and void without further recourse at law or in equity.

Any revoked waterways permit involving a mooring that has not been successfully appealed shall be considered forfeited and any related mooring and ground tackle not removed from the harbor within thirty (30) days of notification to the appellant that the appeal was not successful shall be considered abandoned and may be removed, stored and/or disposed of consistent with these rules and regulations by the HM.¹

Recapitulate

- A. 30 day late period runs
- B. HM sends 14 day revocation letter by Certified Mail
- C. The permit holder has 14 days from the date that said revocation letter was mailed to file an appeal with the Marine Advisory Board
- D. If the appeal is successful, payment of fee, late fee and \$100 restatement fee required within 3 days of notification of successful appeal.
- E. If appeal is not successful, 10 days to remove mooring and tackle.

¹ At the written request of any permit holder notification by email to such permit holder shall be considered the same as written notification by Certified Mail. Likewise, digital facsimiles of signature shall be deemed the same and as acceptable as original signatures.

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SECTION VII
WHARF REGULATIONS

7-1 GENERAL

7-1.1 Emergency Action by the HM – Notwithstanding any regulation to the contrary, in situations where ordinarily the HM is required or usually would give persons time to correct certain situations deemed dangerous or otherwise in violation of these regulations, if the HM determines that immediate action is needed to prevent the possibility of: personal injury, damage to any property, fouling or polluting of the waterways or interfering with navigation and no notice or only short notice (written or oral) can be given, then the HM may take said immediate action without notice or upon said short notice as the HM deems fit, even if the action is to remove the boat or other property from the water immediately.

Nothing herein shall be interpreted to mean that the HM or Town and their agents are required to take any action(s) or are responsible for not taking any such action(s).

7-1.2 Proof of Ownership All those having a wharf space the previous year must prove ownership (as defined above) of a suitable vessel to maintain the same wharf space for the current year. In addition, all vessels must be in their assigned space by July 1st of each year unless otherwise authorized by the HM.

Any wharf space holder who is not able to use their space because of illness, injury, or vessel problems must notify the HM in writing who may give permission for the permit holder to delay or leave vacant the space for all or part of the season. The HM may then allow rental of the space for that period of non-use by the permit holder as allowed elsewhere in these rules.

7-1.3 Occupation of Space All wharf space holders must have their vessel in the space for at least fifty (50) percent of the summer season. Any owner not having a registered vessel as evidenced by a duly issued Town Waterway Permit in the wharf space by July 1st shall be sent a letter of noncompliance and fined. Said letter shall state that the offender has seven (7) days to comply and pay the fine. Failure to act within the allotted time will result in forfeiture of wharf space, which will then be documented by a certified letter to the holder of the space.

If a wharf space is reassigned, the person to whom it is reassigned must prove ownership of a boat suitable for the space within fifteen (15) days of notice that the space is available.

All skiff space holders must have their vessel in the space for the period from July 1 to Labor Day. Any space holder that is not in by the beginning of that time or leaves prior to Labor Day will be sent a letter of non-compliance and fined. Said letter shall state that the offender has seven (7) days to comply and pay the fine. Failure to act within the allotted time will result in

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forfeiture of the skiff space, which will then be documented by a certified letter to the holder of the space.

7-1.4 Abandonment and Neglect of Boat Any boat on a mooring or in a wharf, skiff, or dinghy space that has seriously chafed or broken lines or broken tackle, has sunk, filled with water or which has not been bailed-out will be considered neglected or abandoned. The HM will contact the MPH or VO and that person will have 24 hours to correct the problem.²

Any space holder, upon the occurrence of a second offense of this provision within the same calendar year will be sent a certified letter, return receipt requested, with notice of a fine with compliance required within twenty-four (24) hours of receipt of said letter, and if the situation is not corrected within the time prescribed, the letter will indicate that the space will be forfeited.

Third offenses or failure to pay fines due hereunder will result in automatic termination and loss of the wharf space privileges without further notice other than to send a certified letter, return receipt requested, notifying the party that their rights have been terminated. The HM office may institute a court complaint for payment of unpaid fines.

7-1.5 Failure to Comply with HM's Orders or Pay Fine. Except where otherwise specified, where a party fails to obey the orders of the HM or to pay a fee or fine issued by the HM, the party shall be notified by certified letter, return receipt requested by the HM that all the owner's wharf or mooring rights will be suspended until the owner complies, and proof of compliance and payment is delivered to the HM.

7-1.6 Failure to Move Boat If any party refuses or neglects to move his boat or other property located on or fastened to the wharf or other Town property when and as directed by the HM, the HM shall fine and/or remove the same at the expense of such person in addition to revoking the privileges of the permit holder.

7-1.7 No Buildings on Wharf No buildings or structures or equipment shall be placed on the wharf or other Town property without the approval, in writing, of the HM and the Select board.

7-1.8 Winter Storage There shall be no winter storage on the Town wharfs, except as authorized by the HM.

7-1.9 Removal, Storage and Disposal by Harbormaster (HM); Redemption by Owner In all situations where the HM has the right to remove any mooring, equipment, vessel, raft, float or other thing from the water or Town property or receives from a third party any such items found

² Footnote: Whenever the HM has the right to remove vessels or other property from the water or Town property it shall be understood that the HM also has the right to store and/or dispose of said property even though these rights may not be mentioned in the same regulation. This shall also extend to property turned over to the HM by third parties.

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adrift, sunk, seemingly abandoned or otherwise uncared for, the HM shall also have the right to store and/or dispose¹ of said item(s) if of low value. If not of low value, the HM shall have the right to store said items until redeemed by the owner or disposed of by the HM as required by law or mentioned below.

The owner may redeem said item(s) upon paying the cost of removal, storage, notice publication, and any other related costs or fines that may be due, including reasonable attorney's fees, if applicable. Payment shall be by whatever means the HM requires (e.g. cashier's check...).

If, after a reasonable attempt, the HM is unable to notify the owner that the HM has said item(s) and they need redeeming; or having notified said owner, the owner fails to redeem said item(s) by the time allowed by the HM, then the HM may dispose of said item in any reasonable fashion, keeping a record of said item including: a photo of said item (if practicable), an estimate of value, efforts to notify the owner, and name and address of party to whom the item was sold with a copy of the bill of sale. In the alternative the HM may turn the item(s) over to the Town Administrator to be disposed of according to law.

In any event, the HM shall not be required to take extraordinary steps to store or safeguard any property nor shall a HM be required to "winterize" any vessel being stored.

This provision and the other regulations are not meant to limit any other rights of the HM where they may exist under any other regulation or under state law, but to expand and supplement those rights.

This provision shall be deemed incorporated into and part of every regulation where the HM has the right to remove or store and/or dispose of any property regardless of its nature even if said regulation does not make mention of this provision.

7-1.10 Registration requirements All vessels on the town dock that are not federally documented [per MGL 90B, Section 2 (6)], must be Massachusetts registered in compliance with Massachusetts General Law 90B section 2 (5).

7-2 DRY DOCK

7-2.1 Permission Required - No boat may be placed on the dry dock without first receiving permission from the HM. If said area is full and an emergency arises with a vessel in the water, the vessel may be placed in the parking area for repairs provided special permission for use of the paved area is granted by the HM or the Town Administrator in the absence of the HM.

7-2.2 Repairing Boats - VOs repairing boats on the wharf or other Town property shall clean the

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area around the boat at the end of each day being sure to remove and properly dispose of any residue, particles or speck like material. No hazardous materials shall be deposited on the ground or in the water, and no sanding, scraping or power washing of boats or equipment shall be allowed on Town property.

7-3 FLOATS

7-3.1 East Float at Makuch Wharf - Boaters may use this float up to twenty (20) minutes for loading and unloading only.

7-3.2 West Float at Mello Wharf and Barstow Float – Boaters may use this float up to one (1) hour.

7-3.3 Pump Out Float – Boaters may use this float to pump-out up to fifteen (15) minutes or until the pump-out is completed. The boater must vacate the float or dock when the pump-out is completed.

7-3.4 Time Limits - The above stated time limits shall apply at all times. Other than previously stated, boats may use the float for longer durations provided they are not unattended for more than the time limit expressed, no other boats are waiting to come to the dock, and permission has been received from the HM.

7-3.5 Overnight - There shall be no unpermitted overnight docking. Permission will be given by the HM and the responsibility is that of the boat owner to contact and receive that permission. The overnight rate is \$30 and payable to the HM office. The vessel permitted shall come to the dock after 1700 and must leave by 0800 if on the floats. If on the east face of Long Wharf, time limits will be on a case by case basis.

7-3.6 Loading and Unloading - of non-recreational (i.e. commercial) fish, shellfish, traps, pots, or other fishing gear are not allowed on the floats.

7-3.7 Fishing - is not allowed from any floats. Cleaning of fish on the floats is strictly prohibited.

7-4 PARKING

7-4.1 Parking of any vehicles (e.g. motor vehicles and boat trailers) on the Town wharves and surrounding Town property shall be governed by this section, in addition to any signage posted by the HM or other authorized personnel. Vehicles found in violation of these regulations or of authorized signage may be towed at the owner's expense at the direction of the HM or Mattapoisett Police Officers.

7-4.2 Short Wharf (Mello), Middle Wharf (Makuch), Long Wharf (Freddie Brownell) shall be designated as areas for permit and/or sticker parking only. No motor vehicle may park in these

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areas unless the vehicle displays the appropriate permit or sticker issued by the Town.

7-4.3 The wharf area between Middle Wharf (Makuch) and Long Wharf (Freddie Brownell) with four (4) spaces and one (1) HP, the twenty-one (21) spaces and one (1) HP space in the central parking area of two rows in front of the HM office, the six (6) parallel spaces immediately adjacent to the boat ramp, and the fifteen (15) spaces and two (2) HP spaces on Holmes Wharf shall be designated as areas for "Open Parking." Non-resident motor vehicles may park in these areas, with the exception that overnight parking between 0200hrs and 0600hrs is limited to motor vehicles displaying the appropriate town-issued sticker or permit.

7-4.4 Only motor vehicles with a boat trailer and displaying a current Town parking permit issued for their vehicle may park in the seven (7) designated spaces, when in the Town wharf area, in that area between Holmes Wharf and Shipyard Park (the bandstand area). There is an eighth (8th) space for a boat and trailer that is limited to HP placarded vehicle only, regardless of whether the owner is a town resident. This space is designated "HP Boat Trailer Parking Only."

All parked motor vehicles and boat trailers must be removed from the above-mentioned area in by 1700hrs on each Thursday and Saturday between June 15th and Labor Day. All parked boat trailers must be removed from the area by 1700hrs each Wednesday between June 15th and Labor Day. After Labor Day any motor vehicle may park in this area. Operators are also advised to look for additional signage pertaining to parking for special events.

7-4.5 Vehicles may only load and unload on Barstow Wharf (beside Town beach) from June 1st to September 15th. The rest of the year, parking shall be by sticker only from 0600hrs to 1700hrs.

7-5 DINGHY STORAGE

7-5.1 The number of dinghies allowed in the dry dinghy storage area shall not exceed available accommodations. Permits assigned to residents and non-residents shall be equitably divided proportionate to the number of residents' moorings versus the number of non-residents' moorings.

7-5.2 Any dinghy/skiff in the dry dinghy storage area that does not display an appropriate permit shall be removed at the owner's expense.

7-5.3 Additional spaces along the west side of the dinghy dock at the red rail are for the use of inflatable/small dinghies belonging to transient users of the harbor, i.e. boaters visiting for the day or boaters landing their small inflatable/dinghy for less than seventy-two hours (72) hours at no fee. Boats not assigned a seasonal space violating the seventy-two hour (72 hour) limit shall be fined and removed.

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7-5.4 Dinghy dock spaces will be assigned yearly as space allows.

7-6 OFFSEASON

7-6.1 Winter season spaces shall be offered to summer season permit holders first.

7-6.2 Those wishing to occupy a space for the winter season shall apply to the HM for permission to use the lines, etc. of a summer space holder. If granted, said permission shall be given by the HM to the applicant on a "Permission to Use Mooring, Wharf or Skiff" form. The winter season space holder shall be responsible for the prompt repair or replacement of any damaged, lost or misplaced lines, ladders, scaffolding, tackle or gear occurring during his use of said space or during the installation or removal of his gear. The HM may require the applicant to provide his own HM approved lines and tackle. All added lines, tackle and moorings must be removed at the end of the winter season at the applicant's expense.

7-6.3 The winter season boat shall not be longer than the boat occupying the space during the summer season unless authorized by the HM. Payment is due thirty (30) days from date of bill.

7-6.4 The winter season holder will be responsible for any electrical usage as well.

SECTION VIII
NON-CRIMINAL DISPOSITION & FINES

8-1 Mattapoisett General By-Law Article I, Section 9- The HM/Wharf Commissioner, Assistant HM/Wharf Commissioner, police officers or other enforcement officers, here in after referred to as the enforcing officer(s), taking cognizance of a violation of a specific by-law, rule or regulation which he is empowered to enforce, as an alternative to initiating criminal proceedings, may elect to give to the offender a written notice to appear before the clerk of the Wareham District Court at any time during office hours, not later than twenty-one (21) days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, name or number of the vessel, if appropriate, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by said officer and signed by the offender acknowledging receipt, if practicable, in accordance with MGL Chapter 40 Section 21D (Non-Criminal Disposition of Violations) and said aforementioned Article I, Section 9. *(For additional fine information see Appendix E)*

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SECTION IX
APPEALS

9-1 Disputing Party- In the event that a dispute arises over the interpretation or proper application of these rules and regulations, or of any order issued by the HM, the disputing party shall state in a detailed writing to the HM the basis for his belief that a particular rule or regulation was improperly interpreted or applied in his situation or that a certain order of the HM is/was improper. This must be submitted within ten (10) calendar days of the date of the order, interpretation, application, or any revocation letter.

9-1.1 The HM shall have ten (10) calendar days from receipt of the letter from the disputing party to respond that individual or entity. If unable to resolve the matter, the person may appeal in writing within ten (10) days of HM's response, to the Board of Selectmen through the Town Administrator.

9-1.2 The letter of appeal shall be hand delivered or mailed to the HM, in care of the Mattapoissett Town Clerk, PO Box 89, Mattapoissett, MA 02739, and clearly marked "**APPEAL**" on the outside of the envelope.

9-1.3 Said person must comply with the HM's ruling until a decision is made by the Board of Selectmen on the appeal. The Board, after giving the HM and the disputing party an opportunity to be heard shall render a decision. The Board's decision shall be final.

9-1.4 Denial of a mooring permit shall be subject to the procedures prescribed in accordance with MGL Chapter 91 Section 10A and 310 CMR 9.07(5).

9-1.5 Any person aggrieved by a refusal to issue a permit for such temporary mooring, or by any conditions or restrictions imposed relating to such mooring, may appeal to the Division of Waterways of the Massachusetts Department of Environmental Protection within thirty (30) days after receiving notice of such refusal or of the imposition of such conditions or restrictions.

SECTION X
FORMS

10-1 Forms- The HM may develop and amend applications and other forms to facilitate the acquisition of information needed to properly carry out the HM's duties. This shall include the right to require applicants to submit reasonable additional documentation.

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APPENDIX A
MOORINGS

A-1 GENERAL

Only moorings for which a permit has been issued pursuant to these regulations or otherwise allowed by law, may be placed or maintained in the waters of the Town of Mattapoisett, whether occupied or not and regardless of type or purpose of the mooring. Unauthorized moorings may be removed, stored, and disposed of by the HM at the owner's expense. The HM shall notify the mooring owner in writing of the removal of the mooring, and that the mooring owner can get the mooring back upon payment of the cost of removal, any storage fee plus any other fees and fines due, if any. If the mooring owner fails to pay whatever is due to the Town and pick up his mooring within thirty (30) days of said notification, the HM may dispose of said mooring without notice or liability on the part of the HM or Town. (This shall be mentioned in the HM's written notice to the mooring owner.) (see A-6)

No person shall use the method of "mooring" a boat by running a line from an anchoring device in the water to the shore or an apparatus on the shore (commonly referred to as an outhaul) or use any other mooring system either not authorized by these regulations or without a permit. Any such unauthorized or unpermitted moorings shall be considered illegal and may be immediately removed by the HM at the owner's expenses.

The HM, for safety and/or waterfront management purposes, may remove or cut lose any Unidentified Floating Object (UFO) in Mattapoisett waters.

No mooring permit shall be transferred except to a member of a MPH's "immediate family" as defined in Section II.

Selling or renting of mooring spaces is not permitted except for commercial moorings consistent with these regulations.

A-2 MOORING SPACE ASSIGNMENTS

Should a person on the mooring waiting list refuse a mooring space suitable for the owner's vessel, (sufficient water depth, etc.) he shall be removed from said list, or at his option, be placed at the end of the list.

All requests for any new mooring space within a closed area shall be made by submitting a completed "Application for Mooring Permit" to: Mattapoisett Town Clerk, P.O. Box 89, Mattapoisett, MA 02739.

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New mooring spaces will generally be spotted (located) only between Memorial Day and Labor Day. The HM may extend or shorten this period for reasons of waterfront management. If no appropriate mooring space can be assigned, the person making the request will be added to the waiting list that will be posted in the HM's Office and on the Town Hall website.

Assignment of new mooring spaces shall be limited to one (1) per year per applicant regardless of the number of mooring permit applications the applicant may have on file.

When granting a mooring permit for a mooring space the HM shall provide with the permit an identification number for the mooring. The mooring tackle itself must be installed within thirty (30) days of the issuance of the permit unless it is unreasonable to install at that time. Failure to do so may result in loss of privilege if the HM determines that the delay is not reasonable.

For the exception of Commercial moorings each mooring in Mattapoisett waters will be assigned an identification number by the HM. This number will be displayed in contrasting colors on each mooring float and must be at **least three (3) inches in height**, affixed **twice on opposite sides** of the mooring ball. Numbers assigned will be keyed to mooring areas. Boat yards and commercial mooring operators shall mark their floats with their logo and the assigned number. Moorings failing to display identification are subject to a fine and/or removal and storage of the mooring at the owner's expense.

A-3 ANCHORS, TACKLE AND SCOPE

Moorings and Mooring tackle should meet the minimum recommendations for chain, scope and weight as set forth in these regulations. Responsibility lies with the MPH to meet or exceed these guidelines, and to provide a mooring adequate for the owner's boat in the location where the mooring is located. The mooring permit holder and boat owner are responsible for the safety of the mooring and the Town assumes no responsibility for damages.

Shallow water (restricted) moorings: are set in than less than 6 ft. of water at high tide for boats 15 ft. or less. Minimum requirements shall be **length x beam = anchor weight** for mushroom or pyramid anchors. Dead weight must be double. Minimum weight is 50 lbs. Minimum chain is 10 ft. of ½" bottom chain 10 ft. of 3/8" top chain.

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A-3.1 ANCHORS

All mooring anchors regardless of location must meet the following minimum requirements.

Mooring weight: To determine the minimum weight of a mushroom or pyramid anchor, multiply the length of the boat on deck (ft.) by the beam (ft.) by **1.5**. The product is the minimum mooring weight in pounds. That number will be rounded up to the nearest 100 to be suitable.

$\text{L.O.D. (ft.)} \times \text{Beam (ft.)} \times 1.5 = \text{Minimum Mooring Weight (lbs.)}$
--

Example: length 31 ft., beam 10 ft. $31 \times 10 \times 1.5 = 465$ lbs. minimum weight. Round up to the next 100 (in this case to 500 lbs.).

Mushroom or pyramid anchors are recommended, unless the owner can demonstrate holding power adequate for his boat. Concrete or Cement blocks are not allowed.

Dead weight anchors: length x beam x 1.5 x 2 = dead weight.

Vessels over forty-five (45) feet L.O.D. shall be placed in consultation with the HM. New or replacement bridled moorings shall not be allowed.

Any person replacing or installing a new mooring must have a copy of the permit or permission to upgrade in their possession.

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A-3.1 TACKLE AND SCOPE

Chain Size for Moorings in Mattapoisett Waters

BOAT SIZE	CHAIN SIZE (inches)
Heavy (navy) chain	
Boats under 23 ft.	3/4 - 1
Boats 23 to 28ft.	1 – 1 1/8
Boats 29 to 35 ft.	1 1/8 – 1 1/4
Boats 36 to 45 ft.	1 1/4 – 1 1/2
Boats 46 to 50 ft.	1 1/2 - 2
Over 50 ft.	Consult HM
Intermediate (middle) chain	
Boats under 22 ft.	1/2 - 5/8
Boats 23 to 28ft.	5/8 - 3/4
Boats 29 to 40 ft.	3/4 - 1
Boats 40 to 50 ft.	1 – 1 1/4
Boats over 50 ft.	Consult HM
Light (top) chain	
Boats under 35 ft.	1/2 - 5/8
Boats 35 to 50 ft.	5/8
Boats over 50 ft.	Consult HM

Pennant Diameter

Boat Length	Pennant Diameter
Up to 16 ft.	1/2 Nylon
18 to 24 ft.	5/8 Nylon
25 to 36 ft.	3/4 Nylon
37 to 50 ft.	1 Nylon
Note: Maximum pennant length shall not exceed 35 ft.	

Scope for moorings other than the inner harbor

Length of heavy chain = depth of water at high tide + 3 ft.

Length of intermediate chain = depth of water at high tide + 3 ft.

Length of light chain = twice the depth of water at high tide

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HARBOR MOORING SCOPE CHART FOR INNER HARBOR MOORING

CHAIN LENGTHS IN FEET							
Section No.	Moorings Spacing (Center to Center)	Row No.	Heavy Bottom	Intermediate Middle	Light Top	Maximum Pennant	Maximum Boat Size
1	120'	1	12'	10'	20'	18'	20'
1	120'	2	12'	10'	20'	20'	26'
1	120'	3	12'	10'	20'	20'	26'
1	120'	4	12'	10'	20'	20'	30'
1	120'	5	12'	10'	20'	20'	35'
2	140'	6-10	18'	18'	35'	30'	40'
3	160'	11-30	22'	22'	40'	35'	45'
4	200'	31+	25'	25'	40'	40'	n/a

Moorings shall be constructed so that **chain runs through a float at the surface**. Mooring pennants must be connected to the chain above the float. No bridle may run to the float/mooring ball.

Thimbles must be used in all chain to rope splices or metal to rope fastenings. Chafing gear at least one (1) foot long must be used on each pennant. Shackles must be properly wired to prevent pins from backing out.

Dyneema Braid or equivalent may be used in place of nylon for mooring pennants, but the size used must meet or exceed the breaking strength of the required nylon size. Pennant size for Dyneema or equivalent may be smaller than that required for nylon.

All moorings on any grid must have the heavy bottom chain stretched from the **southeast** to the **northwest** each year when the winter stick is removed.

A-4 SAFETY OF MOORINGS

No mooring tackle may be up graded without first completing a "Mooring up-grade Form".

Any time a boat up-grade is made the HM must be notified in writing. The HM shall have the right to reassign the mooring location of such moorings to maintain the safety and integrity of the mooring field.

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The VO and MPH are both responsible for ensuring that their mooring and tackle are adequate to prevent damage to other vessels, property, and people. In addition, said VO and MPH shall be jointly and severally liable for any such damage negligently caused by their failure to provide an adequate mooring and tackle.

Mooring Grid: From time to time, as the HM deems necessary, the Town will inspect the moorings on the grid for compliance with the following:

- Wear
- Location on the grid
- Minimum and maximum scope

Mooring tackle or any part thereof, such as chain, shackles, etc., must be replaced if damaged or worn greater than one third (1/3) of its normal diameter.

The minimum specifications referenced above are guidelines and minimums only. The VO and MPH have the joint responsibility to ensure that the boat's tackle is adequate to hold the boat in its proper place under all conditions. The Town does not warrant nor represent that any mooring and/or tackle is adequate to hold any boat. (Any concerns a VO or MPH may have in this respect should be addressed to a boatyard in the business of installing and maintaining moorings.)

It is recommended that in the event of an impending storm all watercrafts be removed from the water.

The HM shall have the right to remove from Town waters or Town property and store any watercraft, piers or floats or other items at the owner's expense where, in the sole judgment of the HM, failure to do so could result in: personal injury; creation of a situation that may require someone to be rescued (with the attendant potential danger to any such rescuer); damage to another watercraft, mooring area, wharf, dock, float or pier, or a water related facility (privately owned or not); spillage of hazardous materials, e.g. liquids or other substances that could cause a potential hazard to navigation, or foul the Town waters or property or damage or threaten the health of any plants or animals living in or around the water.

All wharf spaces which have offshore mooring chains affixed to pilings, eyes on the dock underwater, moorings, or any other means, any of which are utilized to hold their vessels off the dock must be inspected every three years, in the same manner as regular mooring chains. The inspections of dock chains will coincide with the years that moorings 001 through 500 are inspected, beginning in 2019. During the first year that the dock gear is to be inspected, if the wharf space holder plans to "self-inspect", it will be incumbent upon the holder to provide documentation of actual eyes-on inspection of the gear. HM will send out annual notifications when MPH inspection is due.

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Any swim or boat floats in town waters must also have their chains inspected according to a regular schedule based upon their number assigned.

A-5 WINTER STICKS

Winter mooring spars or sticks shall always be readily visible in a vertical position with a minimum of eighteen (18) inches above the water. The mooring permit number must be displayed on the winter stick, except in the case of a commercial operator who may display their number in lieu of the permit number. Winter sticks must be in a vertical position above the water line at least (12 inches) at MHW. Winter stick markings and color are the same as the mooring balls. Allowed **October 1st to June 15th** only. Any other time they are considered hazards to navigation and will be removed by our department.

Commercial mooring enterprises shall have a winter stick database readily accessible by the HM. For example, if Mattapoisett Boat Yard services mooring 601, it may have stick number 305 on it. That information would be accessible any time and may have a list provided to the HM in the beginning of the offseason with every mooring and coinciding stick number. If an issue with a company winter stick is ground for a concern, contact the Mattapoisett HM.

If the winter stick is not removed by June 15th in the inner harbor or by July 1st in the outlying areas, the HM will fine the MPH and have the mooring removed at the MPH's expenses. Winter spars shall be set no earlier than **Labor Day** and no later than **1 December**. Should the violation not be corrected, and the appropriate fine paid within fifteen (15) days of being notified of the violation by certified mail, return receipt requested, the mooring shall be forfeited.

A-6 REGISTRATION OF MOORING SPACE

After November 1st of each year, the Town Clerk's Office will mail Renewal Applications to all MPHs identified in the mooring registration records.

Renewal applications must be received with payment within 60 days of mailing to: Town Clerk, Town of Mattapoisett, P.O. Box 89, Mattapoisett, MA 02739.

Permits are only valid to the end of the calendar year in which issued, except the HM may allow an MPH to renew each year his permit for the same or a different mooring (see 310 CMR 9.07).

A-7 PRIVATE MOORING

Private moorings are for the use of the MPH. Moorings that are advertised for rent may be revoked. The only vessel allowed on the mooring is the vessel of record. Moorings can **only** be used by another with the permission of the HM on such terms, conditions, and restrictions as he

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shall deem necessary in accordance with applicable law and the provisions of these regulations. Permission must be requested in writing for any inner harbor mooring fully explaining why the MPH's vessel will not occupy the mooring that season. Permission for another vessel to occupy the mooring will be given only in unusual circumstances including but not limited to sale or construction of a vessel, illness, hurricane damage, etc.

A-8 COMMERCIAL MOORING

Commercial mooring permits shall be issued exclusively to an approved Mattapoisett firm. Each business must be a Mattapoisett firm, owning or renting property in Town for the storage and maintenance of boats or be a resident in the business of delivering boats to qualify for a commercial mooring assignment.

Commercial moorings used for transient purposes may utilize the "highflyer" tackle option to enable a more efficient docking attempt from the approaching vessel's deckhand.

No approved Mattapoisett firm shall be assigned a new or additional mooring under this provision without first showing an increased need to the HM. Such need, shall include, but is not limited to recurring requests, or increase in customer base. The HM's decision to deny or reduce the number of previous year moorings issued to an Approved Mattapoisett Firm may be appealed per Section IX of the *Wharf, Mooring, and Anchorage Rules*.

The seasonal lessee of any commercial mooring shall be registered with the HM as evidenced by the Town Waterway Permit as prescribed in these regulations and commercial moorings may only be assigned to a seasonal lessee in accordance with applicable law, these regulations and upon HM written consent.

Size and type of moorings must meet tackle requirements prescribed in *Appendix A*. All commercial moorings shall meet maximum size allowed in the designated row and shall meet the scope / tackle requirements of the designated mooring row.

All commercial mooring buoys shall display the maximum size boat allowed on said mooring, mooring identification number assigned by the Town and the business logo or name.

Commercial moorings shall have specifically designated mooring buoys and shall be identified as according to the provisions of this appendix.

Holders of commercial mooring permits are not allowed to rent moorings to VOs who have not paid their Town excise taxes.

Commercial moorings cannot be sold or transferred without the approval of the Harbormaster in accordance with Chapter 91 section 10A of the Massachusetts General Laws.

Businesses will be responsible for informing the HM office of any vessels on their moorings that are in town waters longer than two (2) weeks and any party who rents for the season or any part thereof.

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Businesses must forward the name, address, and phone number of the renter as well as the make, model, year, name and/or registration number or official number of the vessel.

A-9 FORFEITURE OF MOORING SPACE

MPHs may always surrender their space by notifying the HM in writing that the space is available. They may then remove their tackle.

MPHs shall be deemed to have forfeited their mooring space upon the occurrence of any of the following:

- Failure to replace any sub-standard mooring tackle within fourteen (14) days of written notice from the HM.
- Failure to buoy or restore mooring within twenty (20) days of written notice from the HM that the mooring is submerged. If a mooring is lost, the MPH must report the loss to the HM immediately.
- Failure of a MPH to assure payment of all fines, fees and taxes relating to the use of Mattapoisett waters, i.e. boat excise, skiff, wharf, mooring and/or Town Waterway Permits for an authorized user of mooring, regardless of who owns the boat.

In the event of forfeiture, the HM, to assure the public safety, has authority to have the boat removed and the mooring pulled at the MPH's expense.

Any MPH whose permit has been forfeited or revoked under this provision, shall not reapply, or be granted a replacement permit for at least twelve (12) months.

A-10 INSPECTION OF MOORINGS

No one shall place, maintain, service or replace any mooring without the services of a QMI.

All moorings must be inspected every three (3) years and a report submitted to the HM by a QMI.

A Mooring Inspection Certificate and/or report shall be completed and filed with the HM in such form and at such times required by the HM. Should a Mooring Inspection Certificate contain false information, it may be grounds for revocation of a mooring permit and loss of the space.

This requirement shall not apply to those individual MPHs who maintain their own moorings. However, in the event that a self-inspected mooring fails, the mooring holder shall employ a QMI for any subsequent inspection and have to conform to all of these requirements.

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Minimum requirements for each person conducting mooring inspection include:

- Three (3) years of experience in the installation and inspection of moorings; and
- Three business references; and
- Federal Tax ID/Social Security number; and
- Demonstrated familiarity with the mooring regulations established by the Mattapoisett Marine Advisory Board and with the sizes and types of mooring tackle required for the safe mooring of different size vessels; and
- Access to or ownership of appropriate equipment including barge, crane, torches, winch, vise, diving equipment and legal certification to use same, where required; and
- Liability insurance to the satisfaction of the HM with an insurer authorized to do business in Massachusetts, with coverage of not less than one million (1,000,000) dollars per incident and two million (2,000,000) dollars in the aggregate. Said insurance to contain, in addition to anything else required by the HM, a rider requiring ten (10) day notice to the HM before termination of the policy and the naming of the Town of Mattapoisett as an additional assured on the policy. Applicant shall provide proof of such coverage with the required endorsements to the HM, and once appointed, a QMI must maintain said liability insurance and provide proof that said coverage is current annually to the HM or upon request.

The QMI shall personally inspect each mooring and not delegate the task to a third-party.

A-10.1 MOORING INSPECTION CRITERIA

- QMIs shall abide by all applicable laws and all orders of the HM.
- Mooring inspection reports shall be submitted no later than one week following the date of inspection on forms available from the HM.
- Mooring tags on new or serviced moorings shall be in place by the appropriate deadline.
- The QMI shall submit to the HM a complete alphabetical list of all mooring customers serviced within the Town by September 1st of each year. Said list shall also contain any additional information required by the HM, be in the format and sent to the HM by whatever means the HM may request.

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WHARF, MOORING AND ANCHORAGE RULES AND REGULATIONS
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A-11 MISCELLANEOUS

If the HM, with the approval of the Selectmen, determines that any mooring area has reached its capacity, the HM may declare that area closed to any new moorings.

Any final notice of the forfeiture or loss of a right or privilege including one's place on a waiting list shall be sent by certified mail, return receipt requested or otherwise served.
(*Ref. A-9*)

Town of Mattapoisett
WHARF, MOORING AND ANCHORAGE RULES AND REGULATIONS
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APPENDIX B
ANNUAL FEES

As of 5 October 2021

MOORING WITH BOAT (no senior discount)		\$75.00
TOWN WATERWAY PERMIT	Resident (length of boat x fee/foot)	\$2.50/foot
	Non Resident (length of boat x fee/foot)	\$6.00/foot
<i>* minimum charge is for 25 foot boat regardless of size of boat on mooring</i>		

SMALL BOAT FEE	(kayak/canoe in rack or left on town property)	\$50.00
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INNER HARBOR - Empty mooring	(permit number starts with #)	\$120.00
OUTER HARBOR - Empty mooring	(permit number starts with letter)	\$120.00

MBY (Mattapoisett Boat Yard)	permit fee (no senior discount)	\$160.00
BCM (Brandt Island Cove Marina)	permit fee (no senior discount)	\$160.00

commercial mooring/slip no boat		\$85.00
SWIM FLOAT		\$60.00
Town Slip and Timber Pier Fee All inclusive/permit included (no minimum)		\$60.00/foot

SKIFF FEE	Space	\$180.00
	Permit	\$60.00
DINGHY DOCK	Space	\$120.00
	Permit	\$60.00

SENIOR FEES (65 years and over)

MOORING WITH BOAT		\$75.00
TOWN WATERWAY PERMIT	(length of boat times fee per foot)	\$1.25/foot
<i>* minimum charge is for 25 foot boat regardless of size of boat on mooring</i>		
SKIFF FEE		
	SKIFF SPACE	\$90.00
	PERMIT FEE	\$30.00
DINGHY DOCK		
	DINGHY SPACE	\$90.00
	PERMIT FEE	\$30.00

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APPENDIX C
FEES & PENALTIES

<u>Section</u>	<u>Description</u>	<u>Fine</u>	<u>Add'l Notes</u>
3-1	Speeding-Boats	\$25/\$50 subsequent	
3-2	Speeding-Seaplanes	\$50 /\$100 subsequent	
3-3	Water Skiing	\$25/\$50 subsequent	
3-4	Unauthorized Occupation of Mooring or Space	\$50	Removal of Vessel
3-6	Interference with People Fishing	\$10	
3-8	Littering	\$25	+ Statutory penalties
3-10	Swimming	\$10	
5.1.3	Failure to have Boat in Space by July 1st	\$50	
6-1	Failure Display Valid Town Waterway Permit	\$25	
7-1.3	Failure to Occupy Space	\$50	
7-1.4	Abandonment/Neglect of Boat	\$50 second offense	
7-1.5	Failure to follow orders of HM or pay fine/fee	\$50	see MGL Chapter 102 S.28
7-1.6	Failure to Move Boat	\$50	
7-2	Failure to Pay Dry Dock Fees	\$100	+ fees owed
7-2	Improper Repairing/Cleaning on Town Property	\$100	
7-3.1	Exceeding Time Limit on Makuch East Float	\$25/\$50 subsequent	Boat may be towed
7-3.2	Exceeding Time Limit on Mello West Float and Barstow Wharf Float	\$25/\$50 subsequent	Boat may be towed
7-3.3	Exceeding Time on Pump-Out Float	\$25/\$50 subsequent	Boat may be towed
7-3.5	Unauthorized Overnight Docking	\$50/\$100 subsequent	Boat may be towed
7-3.6	Loading and Unloading of Fish, Traps etc.	\$10	

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7-3.7-	Fishing or Swimming Off Floats	\$10	
		\$25/day after 72	
7-5.3	Dinghy Violation of Time Limits	hrs	Boat may be towed

Appendices

A-5	Failure to Remove Winter Stick	\$50
A-1.1	Failure to Anchor in Designated Areas	\$50
7-1.4	Unattended Boats	\$25

*Except where a fine is already specified the HM may **impose a fine of \$50** for a violation of these regulations and **\$50** for a **subsequent offense**.*

ANNEX 1

WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART & CHART OF TOWN WHARVES

WATERFRONT MANAGEMENT PLAN

INTRODUCTION

The *WATERFRONT MANAGEMENT PLAN* is a compilation of information gathered and discussed in several public meetings held by the Marine Advisory Board. The Marine Advisory Board as part of its planning process identified certain key objectives, which need to be achieved in the current and future management of Mattapoisett Harbor and waters.

Discussions were held with the Harbormaster, Shellfish Warden, Board of Selectmen and Town Clerk. Meeting minutes are available at the Town Clerk's Office

OBJECTIVES OF THE WATERFRONT MANAGEMENT PLAN

The objectives of the WATERFRONT MANAGEMENT PLAN are as follows:

- Protection and Maintenance of Navigation.
- Providing Safe Mooring and Anchoring for Resident and Transient Vessels.
- Accommodating future growth and preserving the character of Mattapoisett Harbor and waters.
- Ensuring multiple uses of Mattapoisett Harbor and avoiding user conflicts. Mattapoisett Harbor supports a variety of uses such as recreational vessel use, personal watercraft and waterskiing.
- Preserving Natural Resources and protecting natural shellfish and fish habitats such as areas with eel grass.
- Supporting marine industry, which is critical to the recreational vessel use and needs to be served by current and future planning.
- Identification of areas that may be used for purposes other than Navigation or Recreations outlined in the "Non-Mooring Areas".

Town of Mattapoisett
WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART
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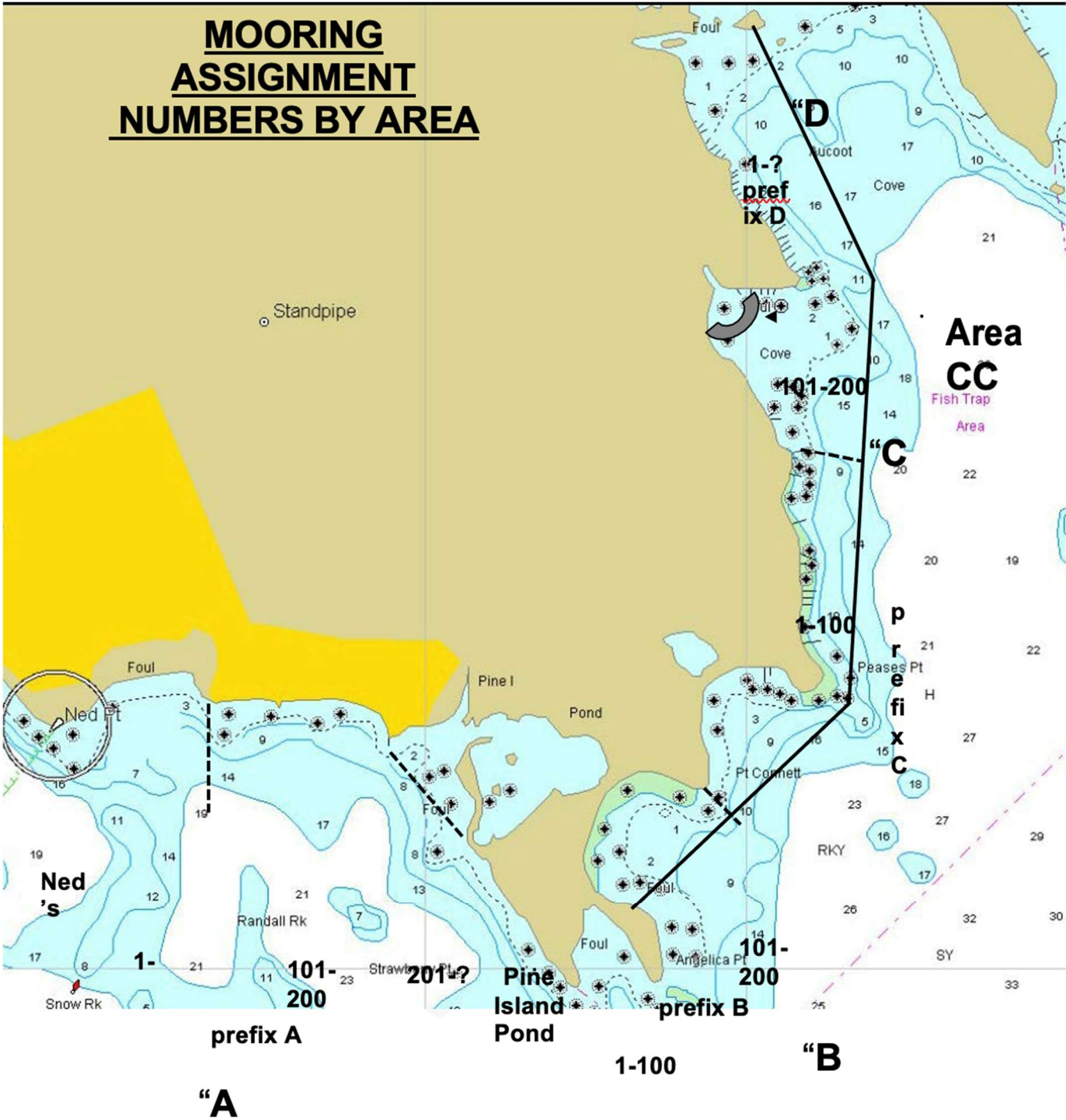
WATERFRONT MANAGEMENT PLAN

AREA NUMBER	NUMBER OF MOORGS	REASON FOR CLOSURE
1-100	100	Molly's Cove is closed to new moorings.
H	See note 2	This area is open to new moorings.
201-500	299	This area shall be placed on grid. The grid spacing shall be optimized for mooring quantity.
501-851	See note 2	This area is on grid pursuant to section 7.1.2.
A1	100	This area is open to new moorings.
A101	99	This area is open to new moorings.
A201	-	This area is closed to new moorings.
B	See note 2	This area is open to new moorings. See note 3.
C1	100	This area is open to new moorings.
C101	99	This area is open to new moorings.
CC	-	This area is closed to new moorings.
D	100	This area is open to new moorings. The total quantity of moorings shall be capped at one hundred subject to review at future date. This area shall be placed on grid. Efforts shall be made to locate moorings as close to existing locations as deemed practical. See note 3.
E	See note 2	This area is open to new moorings.
F	12	This area shall be placed on grid. The total quantity of moorings shall be capped at twelve. See note 3.
G	See note 2	This area is open to new moorings. See note 3.

Note:

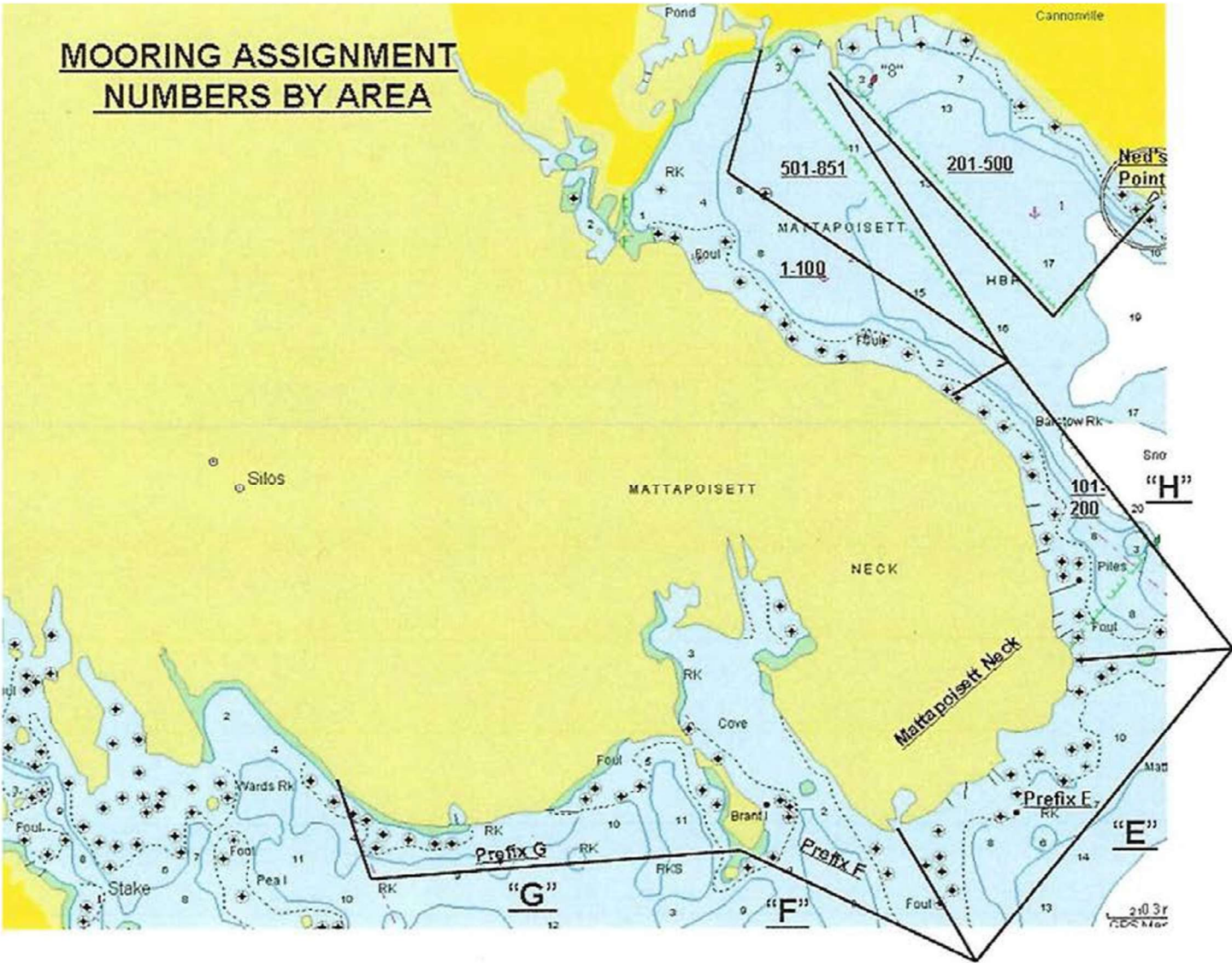
1. *Consideration of mooring spacing shall take into account area used for anchorage and sailing.*
2. *Quantity of moorings is undetermined at present time.*
3. *Placement of moorings shall take eelgrass areas into consideration.*
4. *New moorings off the town beach shall be held by the harbormaster for use by community-based programs.*
5. *Molly's Cove will remain open as transient anchorage.*

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WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART
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(Figure 1-1)

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WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART
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(Figure 1-2)

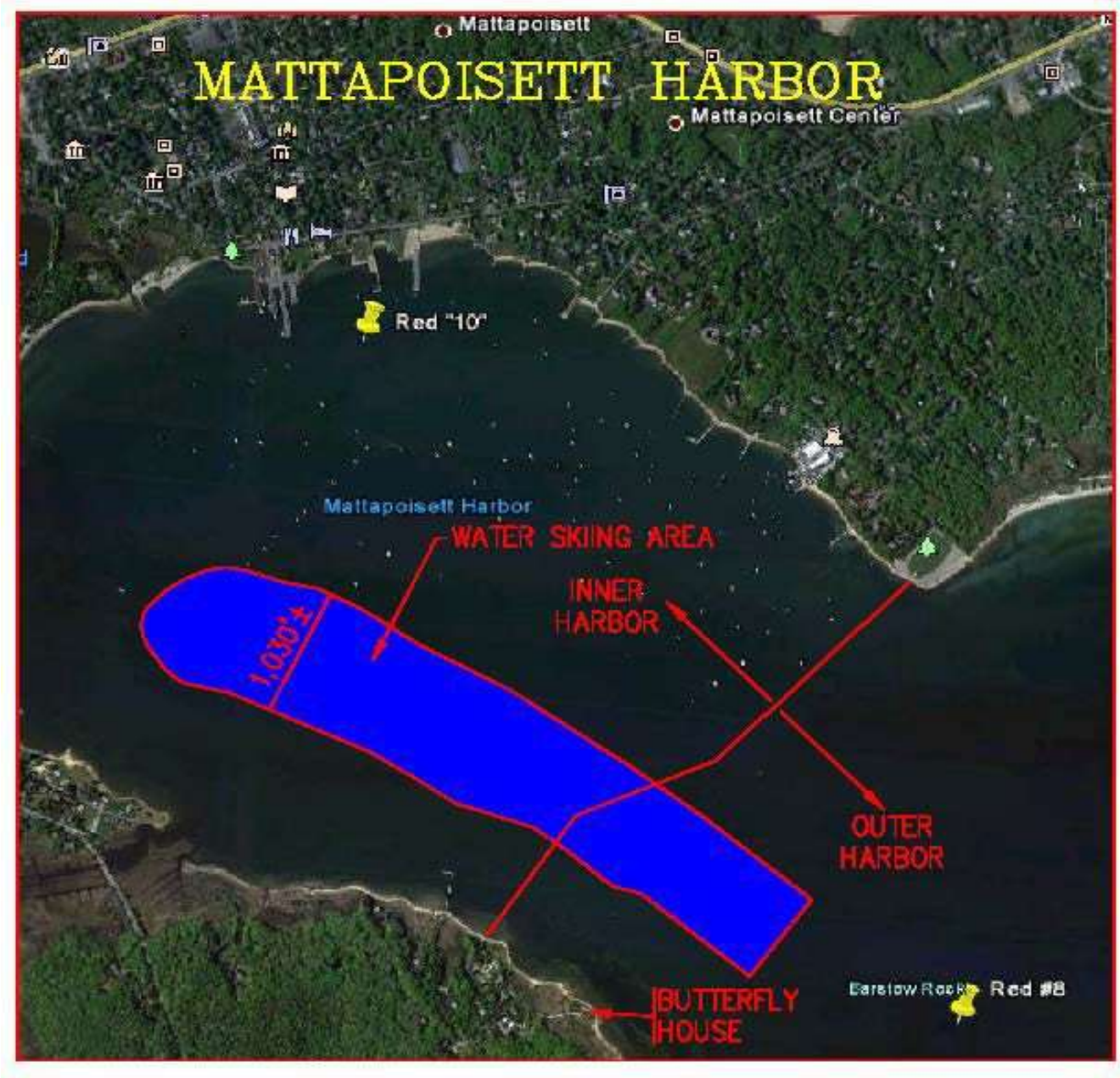
Town of Mattapoissett
WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART
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(Figure 1-3)

Town of Mattapoissett
WATERFRONT MANAGEMENT PLAN, HARBOR ANCHORAGE CHART
2022

DESIGNATED WATER SKI AREA FOR MATTAPOISETT INNER AND OUTER HARBOR



(Figure 1-4)