**TOWN OF GOSNOLD**

**HARBOR MANAGEMENT PLAN**

Adopted by Town Meeting Vote on 5/21/90

(Approved by Massachusetts Attorney General on 10/16/90)

SECTION 1. PURPOSE

 The ever-increasing number of resident and visiting boats has made management of the sheltered waters of the Town necessary to: maintain order, maintain public safety, defray related expenses, utilize limited space, maintain the unique character of the Town, and decrease pollution. This Harbor Management Plan defines areas of the sheltered waters where existing moorings are located and new moorings may be placed, subject to the approval of the Harbor Committee, and those areas to be left open for recreational boating, shellfishing, free anchorage and access channels.

SECTION 2. JURISDICTION

 A. Control of the harbors and sheltered waters falls under one or more of the following jurisdictions: permit by the U.S. Army Corps of Engineers, statutes of the Commonwealth of Massachusetts and Town of Gosnold regulations.

 B. Rules and regulations of the Gosnold Harbor Committee shall apply to all activities within the sheltered waters of the Town of Gosnold.

 C. The right to use a mooring location in existence or approved prior to the effective date of this Section is unaffected by this Harbor Management Plan. Said moorings are “grandfathered”, but may be subject to relocation.

SECTION 3. HARBOR COMMITTEE

 A. MEMBERS: The Harbor Committee shall consist of 7 members, 2 elected each year for a three year term, with 3 to be elected for a three year term on the third year. A Chairperson shall be elected annually by the Committee. Any vacancies which occur will be filled by appointment by the remaining Committee members.

 B. POWERS: The powers of the Harbor Committee shall include, but shall not be limited to:

 1) Establish harbor use policy for the Town.

 2) Resolve conflicts regarding the use of Town waters.

 3) Establish rules and regulations, including the setting of harbor use fees.

 4) Appoint and supervise the Mooring Collector.

 5) Supervise all activities of the Harbormasters, Assistants and Mooring Collectors.

 6) Approve or deny all requests for moorings.

 7) Establish the maximum number of moorings in the Town.

 8) Conduct open public meetings and clearly communicate harbor use policy.

 C. MEETINGS: The Harbor Committee shall meet at least six times a year, and members may agree to post additional meetings.

 D. VOTES: Decisions will be made by a majority vote of those present and voting. Any Committee member may request a “fail safe” vote, that a vote be confirmed by a re-vote at the next meeting.

 E. QUORUM: A majority of the Committee shall constitute a quorum.

SECTION 4. HARBORMASTERS AND ASSISTANTS

 A. DUTIES: Harbormasters shall:

 1) Enforce harbor rules and regulations.

 2) Provide advice to the Harbor Committee.

 3) Assign temporary and permanent mooring locations, according to approved grid or pattern, and upon approval of the Harbor Committee.

 4) Remove obstructions to navigation.

 5) Enforce equipment requirements for moorings.

 6) Inspect moorings and order equipment repairs.

 7) Perform other duties as required.

 8) Where authority exists, enforce regulations for disposal of wastewater, trash and oil.

SECTION 5. DEFINITIONS

 A. Sheltered waters: Including but not limited to Cuttyhunk Pond, Cuttyhunk Outer Harbor, Penikese Harbor, Nashawena Harbor, Quick’s Hole, Robinson’s Hole, Tarpaulin Cove, Lackey’s Bay, Hadley Inner Harbor, Hadley Outer Harbor, and those waterways connecting sheltered waters.

 B. Harbor Committee: See Section 3.

 C. Harbormasters: Those persons appointed by the Town Selectmen to enforce Marine Rules and Regulations of the Town. (See Section 4.)

 D. Federal Basin: 800 foot by 900 foot area of Cuttyhunk Pond created by Congressional Act, first dredged by the Federal government in 1938.

 E. Anchorage: Areas not in access channels where transient boats are permitted to anchor on a first come, first served basis.

1. Mooring: An approved mooring device, including pilings and

stakes used for mooring.

 1) Annual Moorings: All mooring locations approved after the effective date of this Section, for which permission for use must be granted annually by the Harbor Committee. Initial application must be made in person, with annual renewal permissible by mail. Annual moorings are non-transferable and may not be sold or rented. Upon death of the applicant, or disuse for a period of one year, the mooring location will be made available to waiting list applicants.

 2) Temporary Moorings: Mooring locations granted by the Harbor Committee for temporary use, not to exceed five (5) months. Applications must be made in writing. Temporary moorings are non-transferable and may not be sold or rented.

 3) “Grandfathered” Moorings: Mooring locations recognized as being in existence or approved by the Harbor Committee prior to the effective date of this Section. Said mooring locations do not require annual renewal and may be sold, rented and transferred.

 G. Vessels: Given that the Town is composed entirely of islands, boats are the primary means of transportation. The Harbor Management Plan defines three classes of vessels, and establishes a priority in the granting of moorings.

 1) Transportation vessels: Vessels used to commute from the Mainland to a land based residence in the Town.

 2) Commercial vessels: Vessels used to produce an inhabitants’ full time livelihood.

 3) Pleasure vessels: Vessels used for recreation; vessels not producing a significant part of owner’s livelihood.

 H. Boating Season: May 15th through October 15th.

 I. Use of Sheltered Waters:

 1) Mooring Location: An area where a mooring exists or is approved by the Harbor Committee to be set.

 2) Recreational Boating: An area to be kept open for boating, where no new moorings will be allowed to be placed.

 3) Shellfishing: An area to be kept open for shellfishing, where no new moorings will be allowed to be placed, and no pre-existing mooring shall be used for a vessel used for habitation while on the mooring. No overnight anchoring will be permitted in shellfishing areas.

 4) Free Anchorage: An area to be kept open for transient anchoring by the general public, where no new moorings will be allowed to be placed.

 5) Access Channels: Areas used for navigation where no moorings will be allowed to be placed, and no anchoring permitted.

SECTION 6. FEDERAL BASIN

 A. Anchoring area:

 1) Only the northern part of the dredged basin is for transient anchoring in a “free for all” manner on a “first come” basis as good seamanship dictates. Later boats shall stay clear of a former boat.

 2) Access is by a marked channel along the east side of the dredged basin.

 B. Public transient mooring area:

 1) Public transient moorings are located in the southern part of the dredged basin. No anchoring is permitted in this area.

 2) Rental moorings are allotted on a first come, first served basis, and must be vacated by noon.

 3) A maximum of two boats may be evenly rafted on each mooring during calm weather, and one boat per mooring during gale force or stronger winds. The maximum length of a vessel allowed to use a public transient mooring shall be 60’ overall.

 4) A mooring fee per boat per night will be collected, to be adjusted in successive years when costs have been recovered and operation and maintenance charges have been verified. A numbered receipt will be given by a bonded collector when collection is made for each evening of the boating season.

 5) A tender float is located on the south side of the Town Marina for boaters’ use.

 C. Seasonal Mooring Area:

 1) 15 seasonal moorings are located in the northwest corner of the dredged basin.

 2) Seasonal moorings are not transferable.

 3) Seasonal moorings may not be sub-rented.

 4) Application for seasonal moorings must be received by the Harbor Committee by March 1st of each year.

 5) Disuse of the mooring location assigned will be grounds for forfeiture of a seasonal mooring.

 6) Seasonal mooring owners are responsible for the removal of privately owned mooring equipment when relinquishing location assigned.

 D. Revenues: Income from public transient mooring fees and seasonal mooring fees in the Federal Basin will be used to defray costs of administering the Harbor Management Plan, and any harbor related services provided by the Town of Gosnold.

1. An annual audit of these revenues and expenses will be made in compliance with the terms of the permit from the Army Corps of Engineers.

SECTION 7. OTHER SHELTERED WATERS

 A. Anchoring: No boat shall be anchored in an access channel as determined by the Harbormaster.

 1) Boats shall be anchored in a seamanlike manner on a first come, first served basis. The latter boat anchored must stay clear of the former. Free anchorage is for transient boats only.

 2) Proper ground tackle for existing conditions must be used.

 B. Moorings: No mooring shall be placed in the Town of Gosnold without the approval of the Harbor Committee, and must conform with approved Harbor Management Plans for each harbor. The Harbor Management Plans show the maximum allowable number of moorings and their locations on an approved grid or pattern.

 1) Such equipment as is designated by the Harbor Management Plan must be used.

 2) No privately owned moorings will be permitted to be placed for transient rental, except those approved prior to the effective date of this Section.

 3) Non-conforming moorings must be relocated to conform with approved Harbor Management Plans, when their next inspection is performed.

 4) Only annual and temporary mooring locations will be approved after the effective date of this Section. Annual mooring locations will be allowed in designated areas upon annual approval of the Harbor Committee. Annual moorings are for the sole use of the applicant and may not be sold, rented or otherwise transferred. Application for annual mooring location must be made each year, prior to March 1st. Upon death of the applicant, or disuse for a period of one (1) year, the mooring location shall be made available to waiting list applicants. While there are no perpetual rights, prior applicants for annual mooring locations will be given preference in succeeding years. Mooring tackle must conform with Harbor Management Plan specifications.

1. Existing private moorings located within 150 feet of designated shellfishing areas shall not be used for habitation.
2. Temporary moorings will be allowed in designated areas upon annual approval of the Harbor Committee. Applications must be received in writing. Temporary moorings will be permitted to be placed for no longer than five (5) months, and after temporary use, the mooring tackle shall be removed at the owner’s expense and the permission to use the temporary mooring location suspended. While there are no perpetual rights, prior applicants for temporary mooring locations will be given preference in succeeding years. Mooring tackle must conform with Harbor Management Plan specifications.

 7) No new moorings will be allowed to be placed in areas designated for free anchorage, recreational boating, shellfishing or access channels after the effective date of this Section.

 8) Mooring tackle on an unapproved or expired location, if not removed within fifteen (15) days after notice and/or expiration, may be removed and stored by the Harbormaster. The cost for such removal and storage shall be paid by the owner and shall constitute a lien upon said mooring tackle.

 9) Initial applications for annual moorings must be made in person to the Harbor Committee, and shall identify the boat, owner, use, preferred mooring location and proposed mooring tackle. Initial applications for annual mooring locations will be considered on a first come, first served basis, on the first Monday in March, at Town Hall. Renewal applications for annual moorings may be made by mail, but must be received by March 1st.

 10) In areas where no additional approved spaces are available, new applicants for annual moorings therefore shall be placed on a continuing waiting list maintained at the Town Clerk’s office. The waiting list shall expire at the end of each calendar year, and it shall be the responsibility of the person whose name is on the list to reapply in writing each year, no later than March 1st, to hold their position on the list. The waiting list is a public document and shall be posted conspicuously. The waiting list shall include all applicants for moorings in chronological order of receipt of application, regardless of the applicant’s preference for particular mooring location. The person with top priority on the waiting list shall have the right to obtain the next available location, but may waive the right to the next available location if it is not in a convenient place, without losing their place at the top of the waiting list. In the event of a waiver, the next person in priority on the list shall be offered the location; and if that person waives the right to the location, the next successive person in priority shall be offered the location, et cetera, until someone in succession on the list takes it and registers a mooring there. Notice to the person entitled to the next available mooring shall be by writing or any other reasonable method.

 11) Should the owner of a mooring decide to no longer use the space, he or she shall notify the Harbor Committee in writing, so that the space may be made available. Annual mooring locations approved after the effective date of this Section, which are unused by their owners for a period of one year will be made available to waiting list applicants.

SECTION 8. PRIORITY

 A. In areas other than the Federal Basin, vessels shall have the following priority:

 1) Transportation vessels.

 2) Full-time Commercial vessels

 3) Pleasure vessels

SECTION 9. PROHIBITED ACTS

 A. The dumping or discharge of raw sewage, garbage waste, rubbish, debris or liquid waste of any kind anywhere so as to pollute the waters, shores or beaches of the Town is prohibited. Discharge from boats of human waste into the sheltered waters of the Town is prohibited. Any person convicted of violating this bylaw shall be punished by a fine imposed by the Town of not more than Three Hundred Dollars ($300.) for each offense.

 B. Leaving an inactive tender at the tender float is prohibited.

 C. Mooring buoys, lobster pots, crab pots or other obstacles that will cause or create a hazard to navigation shall not be placed in areas usually used as channels for navigation. In cases of doubt, the Harbormaster shall be consulted in advance before setting them in place. Hazards to navigation shall be subject to summary removal by the Harbormaster without notice or hearing, and neither the Harbormaster nor the Town shall be responsible for any losses to the owners thereof caused by such removal.

 D. Except in a maritime emergency currently affecting those aboard or others in the immediate vicinity, no vessel, mooring or other object shall be deliberately abandoned, sunk or otherwise placed in the waters within the Town of Gosnold where it may constitute a hazard. Any abandoned, sunk or improperly placed vessel, mooring or object so found and any vessel otherwise improperly secured, swamped, sunk, washed ashore or found in a restricted area may be ordered by the Harbormaster to be removed or relocated. If corrective action is not taken after seventy-two (72) hours notice to the owner, or if the owner is not known, after the notice has been posted at the Town Hall and Harbormaster’s office, the Harbormaster shall have the authority to remove or relocate it. The cost of such removal and storage or relocation shall be paid by the owner and shall constitute a lien upon such vessel or object.

 E. No vessel, while said vessel is used for habitation, unless equipped with legally approved waste and sewage treatment equipment or holding tanks, may remain overnight or be used as a residence in the Town of Gosnold. No houseboat or other floating structure used for habitation may be moored or permanently anchored in the sheltered waters of the Town. This shall not prevent any vessel from seeking a haven from a storm in the sheltered waters of the Town during a period immediately before, during and after such a storm, but such vessels shall not make any discharge of waste, garbage or other pollution into said waters during said stay, and shall move on as soon as weather permits.

 F. The operation of “jetskis” and other “motorized personal watercraft” is prohibited in the sheltered waters of the Town of Gosnold. Such watercraft may be towed through the sheltered waters to be transported to open waters where they may be operated subject to applicable laws and regulations.

SECTION 10. SPECIFICATION OF TACKLE

A. MOORINGS

 1) Federal Basin: 4000 lb. cement block, 16 ft. of 1” chain, 18 ft. of 1” pennant and numbered pick-up buoy on 75 ft. grid. (PRIVATE and renter's name to be on seasonal moorings.)

 2) Other sheltered waters:

 a) Mooring tackle shall meet the following minimum requirements:

 BOAT MUSHROOM CEMENT BOTTOM PENNANT

 LENGTH ANCHOR BLOCK CHAIN LINE

 feet lbs. lbs. in. in.

 16-19 150 900 3/8 1/2

 20-22 200 1200 1/2 5/8

 23-25 250 1500 1/2 3/4

 26-30 300 1800 5/8 3/4

 31-35 400 2400 5/8 3/4

 36-40 500 3000 3/4 7/8

 b) The maximum length of the nylon/dacron pennant shall be two and one-half times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.

 c) All pennant lines running through a chock or any other object where chafing may occur shall have adequate chafe guards.

 d) The total scope of the chain shall be two and one-half times the depth of the water at high tide.

 e) All shackles and other hardware used in the mooring hookup shall be proportional in size to the chain used.

 f) All shackles shall be properly seized.

 g) It is recommended that the pennant be spliced or shackled into the bitter end of the top chain below the buoy so that the strain is not carried by the buoy. The use of a second pennant in heavy weather is encouraged.

 h) Periodic inspection of tackle, at the owner’s expense, will be required and scheduled by the Harbormaster.

 i) Moorings for boats under 16 feet in length will be exempted from tackle specification requirements. Boats over 40 feet in length will require special application.