

A1. The height, scale, dimensions and design of any structure shall not alter or diminish the natural beauty and appearance of a resource area visible to the public. The placement of buildings, structures, fences, walls, or parking facilities shall not detract from the resource area's scenic qualities and shall blend with the natural landscape. In land under the jurisdiction of the Conservation Commission, building sites shall not be located at the crest of a hill, and foundations shall be located to reflect the natural terrain of a resource area.

A2. Any development visually accessible to the public shall be designed to preserve distinctive features of the site including tree canopy, stone walls, vegetated buffers, and scenic views, and shall limit the visibility of new development from a resource area visible to the public. The structure shall be architecturally integrated with and shall blend with the surrounding environment and landforms using natural building materials, such as wood siding and trim, natural color tones, and a scale of the structure which is consistent with the surrounding environment.

***Amended on July 15, 2003.**

8:01 General Regulations for Historic Value Interests in all Resource Areas.*

Historic Value Interests have long been interpreted by the Brewster Conservation Commission to include archaeological resources and the intent of regulations H1 and H2 is to codify this long-standing practice.

H1 Where development is proposed on or adjacent to known archaeological sites or sites with high archaeological sensitivity as identified by the Massachusetts Historical Commission or the Local Historical Commission during the review process, it shall be configured to maintain and/or enhance such resources where possible. A predevelopment investigation of such sites shall be required early in the site planning process to serve as a guide for layout of the development. Archaeological sites determined eligible for listing on the National Register of Historic Places shall be preserved and protected from disturbance.

H2. Sites listed as "Areas of Primary or Secondary Areas of Sensitivity" on the Town of Brewster Archaeological Resources Map on file at the Brewster Conservation Commission shall provide a Project Notification Form and a copy of the Notice of Intent to the Massachusetts Historical Commission prior to submitting a Notice of Intent to the Brewster Conservation Commission.

***Amended on July 15, 2003.**

Part IX. Docks and Piers [Amended November 12, 2013]

9.01 Preamble:

The Brewster Conservation Commission recognizes the necessity to balance desires of waterfront property owners to use a dock to access fresh water bodies with potential impacts to plant and wildlife habitat, water quality, and aesthetics of a shared public viewshed. Docks should be designed to minimize the overall size wherever possible. The Conservation Commission will not permit docks designed to accommodate vessels that are not feasible or allowed in the body of water where the dock is proposed.

Applicants shall attempt to create shared docks whenever possible. Shared docks may be given more flexibility in dimensional requirements to accommodate multiple waterfront users.

The Conservation Commission strongly recommends the use of electric motors to eliminate water quality

impacts, for the protection of fin-fish and other wildlife habitat, and for the protection of the drinking water supply.

9.02 Definition: For the purpose of this regulation, the word, "dock" shall include any portion of the structure, including, but not limited to ramp, deck, pier, and/or floats.

9.03 Permitting: An average water depth and average edge of water shall be estimated using documented water level data from the previous three years during the months of June through August. The average water depth estimation and edge of water shall be provided with the Notice of Intent.

9.04 Seasonal Docks: The Commission requires docks be seasonal and temporary in nature unless an overriding rationale can be made for a permanent structure on a case by case basis.

9.05 Permitted dimensions: up to 25 feet in overall length from the edge of the bordering vegetated wetland or top of bank, whichever is closer to the pond. No dock shall exceed an overall width of 4 feet. The maximum square footage of any dock shall not exceed 100 square feet. Docks shall be elevated a minimum of 3 feet over the bank or vegetated wetland. The distance between the decking shall be a minimum of 3/8 inch. Orientation of the dock should be North/South wherever possible to allow the penetration of sunlight under the structure. Docks which have an East/West orientation shall have a grated or transparent surface to allow light penetration. Docks should not include handrails unless a compelling safety issue necessitates railings.

9.06 Required depth below watercrafts: A minimum of 1-foot must be maintained between pond bottom and the lowest point of any proposed watercraft. Docks should be designed to allow for a minimum 1-foot of distance between the watercraft and the bottom during average water depth. Provisions should be made for mooring vessels away from docks at times of low water. Docks should achieve a terminal depth of 2.5 feet at the above mentioned average water depth within 25 feet from the average edge of water.

9.07 Dinghy docks: In shallow water areas, where conventional docks cannot meet the required water depth, dinghy docks may be allowable. The maximum allowable length of a dinghy dock is 10 feet and the maximum allowable width is 5 feet. All other dock guidelines apply.

9.08 Plant and Wildlife Impacts: All dock proposals should be accompanied by a survey of submerged aquatic vegetation, emergent aquatic vegetation, wetland vegetation, and shellfish in the proposed location of a dock. The survey should document existing species and provide an assessment of potential impacts from the dock. The survey shall be conducted by a knowledgeable professional approved by the Conservation Commission.

9.09 Building materials: Aluminum is the preferred construction material due to its lightweight and non-leaching characteristics. Rot-resistant plastic/wood composite alternatives are also a preferred option. Untreated, rot-resistant wood such as white cedar is an acceptable alternative as well. Chromated copper arsenate (CCA) chemically treated woods are prohibited within the jurisdiction of the Conservation Commission because of data showing adverse impacts of chromium, copper, and arsenic leaching into the aquatic environment.

9.10 Moorings: If moorings are necessary, they shall have as short a scope as possible, so that anchor chains do not scour the bottom of the pond.

9.11 Utilities: No utilities are allowed on docks. Lighting of the structure is not permitted.

9.12 Hazardous Materials: Storage of gasoline, oil, grease, pollutants or other hazardous materials on the dock is prohibited.

9.13 Use: All seasonal components shall be stored and secured at an approved upland site. The seasonal dock shall be removed before November 30 of each year, and shall not be reinstalled until after May 15.

9.14 Identification: The dock and ramp shall be labeled (using 3" numbers in a contrasting color) with the owner's name and street address.

9.15 Variance: No activity, other than the maintenance of an already existing structure, which will result in a dock that does not meet the standards set forth in 9.03 - 9.14 shall be permitted by the Conservation Commission, except for an activity which is allowed under a variance from these regulations granted pursuant to Section 5.01.