



COMMONWEALTH OF MASSACHUSETTS

Town of Southwick

454 COLLEGE HIGHWAY, SOUTHWICK, MA 01077

Southwick Conservation Commission

Telephone (413) 569-6907 Fax (413) 569-5284

No. _____ **FOR CONSERVATION COMMISSION USE ONLY**

Applicant must fill in pages 1 and 2 of this permit.

Applicant's name _____ of the Town/City of: _____ Town/City _____ in: _____ State _____

Applicant's Phone Numbers:

Day

Evening

Please check:

☐ maintain an existing:

Please check all that apply below:

☐ dock

☐ float(s)

☐ boat lift

☐ other _____

☐ construct and maintain a proposed:

Please check all that apply below:

☐ dock

☐ float(s)

☐ boat lift

☐ other _____

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [Please check one:] ☐ Conservation Commission

of the Town/City of: Southwick

Town/City

This section to be completed by Southwick Conservation Commission:

NOW, said Commission, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Town of Southwick, authorizes Permit Applicant, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

☐ construct and maintain temporary structure(s) for:

☐ non-commercial docking/access to navigable water

☐ swim float

☐ mooring or swim buoy

☐ other _____

Please check all that apply:

☐ maintain existing temporary structure(s) for:

☐ non-commercial docking/access to navigable water

☐ swim float

☐ mooring or swim buoy

☐ other _____

in and over the waters of: Congamond Lake in the Town/City of: Southwick

Waterway

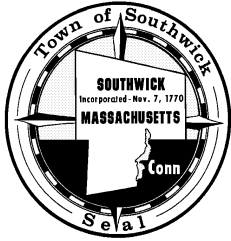
Town/City

and in accordance with the locations shown and details indicated on the accompanying Permit Sketch Plan No. _____

FOR CONSERVATION COMMISSION USE ONLY (total number of Sheet(s): _____ **FOR CONSERVATION COMMISSION USE ONLY**)

The total area of the combined structures, measured below mean/ordinary high water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e. does not serve ten or more vessels). Dimensions of all structures are shown on the accompanying plan(s).

"I hereby make application for a Seasonal Permit to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representative of the Massachusetts Department of Environmental Protection and/or the Town of Southwick to enter upon the premises of the project site at reasonable times for the purpose of inspection. I hereby certify that the information submitted in this document



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is true and accurate to the best of my knowledge. And, upon my signature, that I have read the Seasonal Permit and conditions and agree to the terms and conditions set forth herein."

Print Name

Mailing Address

City/Town

State

Zip Code

County

(area code) telephone

e-mail

Signature of Applicant

Date

If site address is different from mailing address:

Site Address of the structures

City/Town

State

Zip Code

County

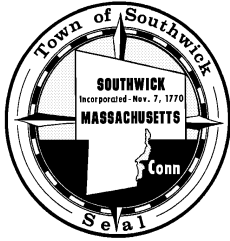
If the applicant is different than the owner:

Owner

Engineer/Agent

NOTE: This Seasonal Permit is not valid until such time as it has been numbered and signed by the appropriate Town officials (see page 5).

USE: The structures authorized herein shall be for private non-commercial use of the Permittee. The structures shall not be used for commercial purposes. Any change in use shall require an amendment to this Permit by the Town of Southwick. The structures authorized herein shall be limited to the following uses: swim floats and buoys, and/or noncommercial docking and boating access to navigable waters.



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TERM: This Permit will expire on the 1st day of December of each year and must be renewed by the 15th of April of the following year in order to remain valid.

WATERWAYS CONDITIONS:

1. **ACCESS:** In accordance with any Permit condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Permittee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such area.

In partial compensation for the private use of structures on Great Ponds (Congamond Lake) which interferes with the rights of the public to use such lands, the Permittees shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the public access way delineated on the Permit plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Permittee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This Permit authorizes structure(s) on:
FOR CONSERVATION COMMISSION ONLY

<input type="checkbox"/> Congamond Lake (a Great Pond)	The Permittee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
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3. Unless otherwise expressly provided by this Permit, the Permittee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this Permit.

4. Any change in use or any substantial structural alteration of any structure authorized herein shall require the issuance by the Town of Southwick or Department Environmental Protection (Department) of a new Waterways Permit or License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure authorized herein shall render this Waterways Permit void.

5. This Waterways Permit shall be revocable by the Town or Department for noncompliance with the terms and conditions set forth herein. This Permit may be revoked after the Town or Department has given written notice of the alleged noncompliance to the Permittee and those persons who have filed a written request for such notice with the Town or Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Town or Department shall render this Waterways Permit void and the Town or Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Permittee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways Permit shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Permittee, except with the written consent of the owner(s) thereof.



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8. This Waterways Permit is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

CONSTRUCTION:

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, as extended into the lake, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend or be placed more than 75 feet, where feasible, or $\frac{1}{4}$ of the way across a water body, whichever is less, and shall conform to the square footage requirements as stated on page 1 of this document.

9c. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9d. Swim floats shall have reflectors visible on all sides and should be a natural or a painted light color. The deck shall be **24 inches maximum** from the surface of the water unless specifically approved by the Town.

9e. All work authorized herein shall be completed within one (1) year of the date of Permit issuance. Said construction period may be extended by the Town for one or more one year periods without public notice, provided that the Applicant submits to the Town, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

DOCKING OF VESSELS:

10a. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10b. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

COMPLIANCE:

The Permittee, within sixty (60) days of completion of the permitted project, shall submit a written statement to the Town that the project has been completed in substantial conformance with the conditions and plans of said Permit, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

Acceptance of this Waterways Permit shall constitute an agreement by the Permittee to conform with all terms and conditions stated herein. This Permit is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Permittee prior to the commencement of any activity of use authorized pursuant to this Permit.

THE TOWN OF SOUTHWICK

IN WITNESS WHEREAS, said Conservation Commission have hereunto set their hands on this

_____ date _____ day of _____ month _____ in the year _____ year

Conservation Coordinator _____



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Harbormaster _____