

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under section 231-15.1D (Promulgation of Mooring Regulations) on Monday, October 25, 2021 at 7:30pm in the Select Board Meeting Room. The purpose of the hearing is to amend or otherwise modify the mooring regulations relating to House floats and Houseboats. Interested parties may review the draft regulations at the Harbormaster's Office or online at <https://www.falmouthma.gov/233/Harbormaster>.

Per order of the
Select Board

October 1, 8, 2021

TOWN OF FALMOUTH

Barnstable, ss

_____, 2021

NOTICE OF PROMULGATION OF MOORING REGULATIONS

In accordance with authority conferred by Chapter 231, sec. 15.1A, Waterways, of the Code of Falmouth, the Select Board of the Town of Falmouth, having complied with all relevant procedures, hereby adopts and promulgates the following regulations to be incorporated in Chapter 269, Mooring Regulations, of the Code of Falmouth:

§269-22 House Floats and Houseboats

A. Definitions.

House float – A floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence or dwelling with living quarters. House floats do not have any means of self-propulsion. This will include so called floating houses, house barges, shanty boat or any other floating structure that serve primarily as a residence or dwelling. House floats do not qualify as a vessel pursuant to MGL Chapter 90B.

Houseboat – A vessel that has been designed or modified to be used as a residence and is also capable of maneuvering on its own. Must be self-propelled and equipped as required for a vessel pursuant to MGL Chapter 90B. Shall be registered or documented as a vessel. Required items include but are not limited to navigational lights, sound making devices and emergency equipment.

MSD Type III – A marine sanitation devise which has a holding tank that prevents the overboard discharge of treated or untreated sewage. The holding tank cannot discharge overboard and is specifically designed for pump out only removal of sewage.

Floatation – Approved floatation consists of encapsulated floatation with an outer polyethylene or plastic shell and filled with Expanded Polystyrene Foam (EPS) or similar cellular foam. EPS is environmentally friendly and comes in a large selection of sizes and shapes. Each cubic foot of EPS will float 55 lbs. of weight.

Private Non-Commercial Use – The structure is for private, recreational use only. It may not be rented or leased out for short or long periods and no compensation of any kind is allowed for the use.

B. Regulations.

1. Approved locations and zones for House floats and Houseboats:

Great Harbor Woods Hole Zone: Within 600 linear feet of Ram Island or Devil's Foot Island.

Eel Pond Woods Hole: All

2. Time of Year Usage:

Great Harbor Woods Hole Zone: April 15th to November 15th only.

Eel Pond Woods Hole: October 1st to June 1st only. (Winter storage)

3. Relocation of Existing Mooring:

House floats and Houseboats currently located outside the Great Harbor mooring zone will be required to relocate to any suitable location within the zone when a mooring becomes available there.

4. Floatation:

New house floats are required to use EPS or equivalent encapsulated foam. Any existing house float that requires new floatation shall adhere to this provision.

5. Houseboat Registration:

Houseboats are required to be registered in accordance with MGL Chapter 90B or documented by the USCG as vessels.

6. Mooring Usage:

House floats and houseboats are authorized on moorings for private non-commercial use only.

7. Mooring Occupancy:

May not be used for overnight occupancy unless equipped with a Type III MSD or equivalent. The mooring permit holder is required to maintain a pump-out log and provide a written copy to the Harbormaster's office by December 1 annually.

8. Mooring Tackle Requirements:

Anchor weight shall be at least (3) three times the vessel anchor weight currently approved in section 269-5H. The Harbormaster may require any new or reassigned mooring be converted to an eco-mooring if located in a location which has eel grass.

9. Height Restriction:

The maximum height of any new structure measured from the waterline to the top of the structure shall not exceed (22) feet.

10. Building Permit:

House floats exceeding 200 square feet of dwelling space shall require a building permit issued by Inspectional Services Department.

11. Expansion or Additions:

House floats may not be increased in size by adding additional float(s) without prior approval of the Harbormaster Department.

12. Inspections:

Harbormaster staff may inspect any house float to ensure compliance with these regulations or to investigate any complaints. Interior inspections shall require reasonable notice be provided to the owner. Houseboats may be inspected pursuant to MGL Chapter 90B.

13. Insurance:

New house floats shall have general liability insurance including environmental protection of at least 100,000 dollars. Proof of insurance shall be provided to the Harbormaster Department upon request.

Adopted this _____ day of _____, 2021

Town of Falmouth
By its Select Board

Doug C. Brown, Chair

Nancy R. Taylor, Vice Chair

Samuel H. Patterson

Megan English Braga

Onjalé B. Scott Price