

# Town of Chatham

## Guidelines for Town Landing Special Use Permit

### General

Chatham's Town Landing infrastructure, which provides access to the water and shoreline for the general public is quite limited with respect to the size, and quantity of boat ramps, docks, floats, and especially parking facilities. Expansion or enhancement of this infrastructure has been modest at best over the years and has not kept pace with the huge increase in demand at these locations. The Town has also lost the use of some key landing facilities along Chatham Harbor due to the extensive erosion following the breach in Nauset Beach in 1987. As such, the carrying capacity at many Town Landings has reached saturation, and an additional level of regulatory control is required to help manage the use of Town Landings and the associated infrastructure. Implementation of these Town Landing Special Use Permits is specifically intended to assist in the management and control of the commercial use of Town Landings.

Town Landings are to be used for the customary marine purposes of picking up and/or discharging passengers and cargo associated with, but not limited to, recreational boating or commercial fishing, and as a means of public access to Commonwealth Tidelands. However, some levels of commercial activity at Town Landings are accepted as being consistent with the traditional use of these facilities, and in keeping with the Town's goal of providing access for the general public to Commonwealth waters and tidelands. Town Landing Special Use permits will be issued by the Town of Chatham to certain types of commercial enterprise in the interest of managing and controlling the number, type, and nature of commercial activities which may operate from Town public landing facilities. The purpose of Special Use permits is to:

- avoid overuse and congestion at public water access facilities caused by vessels, vehicular traffic, and people resulting from commercial enterprise operating from the Town facility;
- protect public health and safety, and the environment;
- maintain adequate access to, and use of, public water access facilities by the general boating public and commercial fishing interests;
- ensure that the commercial operation is compatible and consistent with the use of the surrounding waterways, and infrastructure of the Town facilities;

**Operations Requiring a Permit:**

Town Landing Special Use permits must be obtained by commercial enterprises which use Town Landings and the associated Town-owned ramps, docks and floats to launch or rent their vessels, or to pick up and/or discharge passengers for hire. The types of commercial activities which will be required to obtain a Special Use permit include, but are not limited to, charter fishing, charter or rental operations of boats or other watercraft, boat ferry or livery services, and tour boats. The Town reserves the right to establish, as necessary, what other types of commercial activities shall be required to obtain these permits. These permits shall be limited in number, subject to specific conditions, and some or all commercial activities may be excluded at particular Town Landings.

**Issuing Authority:**

These Special Use permits will be approved by the Director of Coastal Resources acting on behalf of the Board of Selectmen. The Director of Coastal Resources reserves the right to refer to the Board of Selectmen for a public hearing on any Special permit application for any use which in his judgement requires public comment or participation.

**Types of Permits:**

Class A: Charter and passenger vessels duly licensed to carry up to six (6) passengers for hire.

Class B: Charter and passenger vessels duly licensed to carry seven (7) or more passengers for hire.

Class C: Passenger and touring vessels duly licensed to carry seven (7) or more passengers and which operate from a Town-owned facility on a frequent, regular and scheduled basis.

Additional classes or sub-classes of permits may be established as necessary.

**Limitation on Permits Issued (Year 2000):**

In order to ensure public safety and to avoid overuse of Town public facilities, limitations shall be placed on the issuance of these permits. These are new regulations and the exact number of existing commercial operations is not known. Initially, the number of Special Use permits issued for the year 2000 will be limited to those commercial activities which were in operation during the past year (1999). Further limitations will be established once sufficient data is developed which quantifies existing usage, and more experience is gained to determine what level, if any, of additional commercial use is acceptable. Those commercial operations which were in existence prior to the issuance of these regulations and which apply for a Special Use permit, will likely, but not necessarily, receive a permit to operate in the same manner as during the year prior to the adoption of these regulations. The permit applicant must provide suitable evidence confirming the existence and nature of their previous commercial activity from a Town facility during the prior year.

No new or additional commercial activities will be permitted for the year 2000 until an assessment is made on the level of existing usage. Waiting Lists will be established for new permit applications. The Director of Coastal Resources has the option to recommend to the Board of Selectmen that a new permit application, or one which represents a change from past practice, be considered for approval for the year 2000 if it can be demonstrated that the issuance of the permit will not be a derogation from the intent of these permitting procedures.

All new permit applications (i.e. those operations not in existence during the prior year), and those which constitute a substantial change from existing or previous use, will require a public hearing from the Board of Selectmen prior to issuance of a Special Use permit. This public hearing requirement is in addition to satisfying all other relevant conditions set forth within these permitting procedures.

Maintenance of the Special Use permit is conditioned upon compliance with the terms, conditions, and representations made at the time of application.

**Duration:**

All Town Landing Special Use permits are annual and expire at the end of the calendar year (December 31). Fees are not prorated based on when the permit is issued.

**Conditions:**

In order for a Special Use permit to be issued, each permit application will be reviewed to ensure that certain conditions, as outlined below, are met by the permit holder. The permit may also be referred to other Town departments and/or committees, such as the Planning Board, for sign-off and/or recommendation to the Coastal Resources Department. The Town reserves the right to deny outright or otherwise limit the number of permits issued. Permits will only be issued to commercial operations which are fully functioning and which, to the best of their ability, will operate in the manner specified in the application. No permits will be granted to an applicant who is unable to utilize the rights granted on the date of issue and/or does not so utilize the rights granted. Failure to use the permit shall be grounds for revocation.

Any Special Use Permit may only be assigned with the written permission of the Coastal Resource Director. The sale of all, or substantially all, of the stock in a corporate permit holder shall constitute an assignment.

The issuance of a Special permit shall in no way indicate Town sanctioning of a commercial operation nor shall it provide the holder of the permit with any additional entitlement, privileges or prioritization of use of the Town facility over the general public. Use of the public facility by all shall remain on a first come, first served basis.

**Appeal Procedure:**

An applicant aggrieved by a decision of the Coastal Resources Director with respect to their request for a Special Use permit may appeal the decision to the Board of Selectmen. Parties who

can establish that they are specifically adversely affected by a decision rendered by the Coastal Resource Director may appeal such decision to the Board of Selectmen. All such appeals shall be public hearings advertised at least 7 days prior thereto in a publication of Town-wide circulation.

**Application Process:**

- Step 1:**        **Business Plan-** Each applicant must provide a detailed written description of the commercial operation which is proposed. The business plan shall include a description of the nature of the business venture (i.e. charter fishing) and include details such as the size and type of the vessel(s) to be utilized, number of passengers, frequency of usage, hours, days, and months of operation, etc. A parking and transportation plan is required as described below. Means of disposing of solid and sanitary waste generated as a result of the commercial activity shall be identified and provided for as necessary. The purpose of the business plan is to provide sufficient information to enable the reviewer to fully understand the potential land and marine impacts of the commercial venture.
- Step 2:**        **Harbormaster Review-**
- a) Conformance with Harbormaster Dock Regulations- The permit applicant must obtain approval from the Harbormaster that the activity conforms to applicable Town regulations governing the use of Town Docks, Piers, Wharfs, Floats, and Bulkheads. Specifically, the Harbormaster will review whether the Town-owned berthing facilities and infrastructure, as may be located at the Town Landing, are appropriate to support the size, type, and frequency of use of the vessel(s) and activity in question.
  - b) The Harbormaster, in the interest of public safety, shall review the proposed commercial venture and confirm whether the activity conforms to local and State waterways laws and regulations, and whether or not the activity will place any undue burden on existing marine uses and activities of the surrounding waterways.
  - c) Vessel and Captain Licenses- The permit applicant must show evidence that the vessel complies with all appropriate U.S. Coast Guard regulations, is properly licensed and inspected (if required), and that the captain of the vessel has the proper licenses to operate the vessel in the manner intended.
  - d) Mooring- The owner of the vessel which utilizes the Town Landing and associated docks, floats or bulkheads in order to pick-up and/or discharge passengers must have an appropriate mooring location approved by the Harbormaster if the vessel remains in the water and is not launched at a ramp.

**Step 3: Insurance-**

The permit applicant must carry and cover, a full, in force liability insurance policy of not less than one million dollars (\$1,000,000), and shall hold harmless and indemnify the Town of Chatham against any and all claims pertaining to the operations relevant to embarking/disembarking passengers from the Town Landing and associated Town-owned structures. A copy of the insurance certificate is to be provided to the Town.

**Step 4: Parking/Transportation-**

It is the responsibility of the permit holder to provide offsite parking and/or transportation to and from the offsite location for all passengers utilizing the commercial activity. A parking/transportation plan shall be submitted for approval, which details how and where the offsite parking and transportation will be accomplished. This plan shall be reviewed within thirty (30) days by the Department of Community Development, and the Planning Board under site plan approval, prior to issuance of a permit. The failure of the Department of Community Development or Planning Board to file a recommendation within thirty days shall be considered approval of the plan.

The van, bus, or similar vehicle(s) which is proposed to shuttle passengers to and from the offsite parking facility will be also reviewed to ensure it is compatible with the infrastructure at the facility, and it must be properly inspected and licensed. On-site parking for the owner/operator's vehicle is allowed on a first come, first served basis, and as long as it conforms with all local parking restrictions.

**Other Conditions:**

Depending on the specific nature, frequency of use of Town facilities, or other factors associated with the proposed commercial operation, additional conditions may be imposed as may be necessary or deemed appropriate to provide additional assurance that public safety, and/or the public's interest is best served by this permit.

<b><u>Fees:</u></b>	<b><u>Resident</u></b>	<b><u>Non-Resident</u></b>
Class A:	\$50	\$150
Class B:	\$100	\$300
Class C:	\$100	\$300

**Additional Authority:**

The Director of Coastal Resources is authorized, as agent for the Board of Selectmen, to issue and amend regulations or procedures, as may be deemed necessary, with respect to the implementation of these provisions.

**Renewals:**

Special Use permits expire at the end of the calendar year and must be renewed annually. A public hearing is assumed not to be necessary for a renewal unless substantial changes in the operation are proposed, or if further public review and comment of the operation is deemed appropriate. Permit holders in good standing can assume their permit will be renewed unless further restrictions on the numbers and type of commercial operations at Town Landings are established by the Board of Selectmen.

**Violation:**

Commercial enterprises which are found to be operating out of a Town Landing or other Town-owned property without the requisite permits and approvals will be required to cease operations until such permits (if approved) are obtained, and they may be subject to a \$50.00 fine for a first offense, \$100.00 for a second offense, and \$200.00 for a third offense.

Commercial operations possessing a valid permit are subject to these same fines if the terms of the permit are violated. A permit may also be temporarily suspended, revoked, or may serve as the basis for the Town's failure to renew the permit in the future if the permit holder is found to be consistently operating outside the conditions set forth therein.

Adopted April 27, 2000  
BOARD OF SELECTMEN  
TOWN OF CHATHAM

A True Copy, ATTEST:  
Chatham Town Clerk

*Jeanne M. Haldgate*