

**Town of Old Lyme  
Harbor Management Plan Addendum  
Approved July 14, 2009**

**Introduction**

The Old Lyme Harbor Management Commission, in their Plan revised through January of 1999, has presented a thorough history of the use of the waters of Old Lyme, including those of the Connecticut River and its tributaries. The following background is presented for further clarification with respect to the use of those waters in the early history of the Saybrook Colony and, once established, the Town of Old Lyme, and is intended to be included as an addendum to the Harbor Management Plan approved pursuant to Section 22a-113n of the Connecticut General Statutes.

This additional commentary is seen by the Commission as important clarification that supports the inclusion of standards that have been designed to further define and protect the “*most desirable use of the harbor for recreational, commercial, industrial and other purposes*” as well as further enhance the “*preservation and use of the coastal resources of the harbor*” in a manner consistent with the Connecticut Coastal Management Act and the Old Lyme Municipal Coastal Plan pursuant to Section 22a-113m of the Connecticut General Statutes.

**Historical Background**

The earliest known history of the area at the mouth of the Connecticut River established that Indians populated the area for centuries prior to the arrival of English settlers in the 1630's. Artifacts including tools, ceramics, hearths, bones and animal remains dating back three thousand years have been discovered in the vicinity of the tidal marshes around Old Lyme's Lieutenant River, the mouth of which is located immediately south of the railroad bridge. Through information gleaned from archaeological digs, it was determined that, even back then, residents of Old Lyme lived there on a “seasonal” basis – the waterfront communities were only occupied during the spring and summer. The Indians used the waters of the Long Island Sound, the Connecticut River and its tributaries for the purpose of hunting and fishing.

In 1635, a group of English settlers came to the mouth of the Connecticut River and formed the Saybrook Colony, which also included the land on the east side of the river now known as Lyme and Old Lyme. Almost from the start, colonists began exploring the Old Lyme side of the river for potential future settlement. Upon his return to England in 1645, the Colony's first magistrate George Fenwick, gave his business agent Mathew Griswold a large tract of land on the east side of the river. Dwellings, cultivated fields and livestock were in existence by 1649 and when there were enough families living there around 1665, an official settlement that met all of the ecclesiastical requirements of the day was established. The amicable separation of the area now known as Lyme and Old Lyme from the rest of the Saybrook Colony is historically known as the “Loving Parting”. By 1667 the settlement was named Lyme, likely derived from Lyme Regis in Dorset,

England, from whence a number of the settlers came. It is worthy to note that descendants of Mathew Griswold still own land and live in the Black Hall area of Old Lyme adjacent to the mouth of the Connecticut River and Long Island Sound. Finally, in 1855, Lyme was split into the two municipalities that are familiar today – the towns of Lyme and Old Lyme.

### **Historical Use of the Waters of Old Lyme**

Because of its location at the confluence of the Connecticut River and Long Island Sound, the Saybrook Colony and the area now known as Lyme and Old Lyme were important locations connecting water transportation routes to interior parts of the colony and New England. Like other areas of the Colony, early use of the waters off Old Lyme was for support of the colonists who established homesteads on the east side of the river. Those uses likely included fishing and hunting as well as the transport of materials and people back and forth from the parent colony located across the river at Saybrook Point. The waters were also used to transport salt hay in scows from the tidal marshes in and around Old Lyme to the colonist's farms for use as bedding for livestock. Although almost every farmer either owned or had harvesting rights to salt hay "meadows" in and around the lower Connecticut River, historians indicate that they were not permitted to fence off their salt meadows. In fact, verbal agreements permitted farmers to access "their" salt meadows over the private property of others. In order to settle inevitable vessel docking or landing disagreements, several public landing places were authorized to allow for non-exclusive access to the waters. Clearly, the waters in and around Old Lyme and Lyme were recognized as being necessary for the use of all to the exclusion of none and were important in order for the colonists to carry out the tasks and activities that were necessary to live in this environment.

During the mid-eighteenth century, the area in and around the mouth of the Lieutenant River, the first major tributary to the Connecticut River, became a thriving center for shipbuilding and foreign trade. During this time, the area was transformed from a community based on agriculture to one that supported a substantial maritime trade industry. Large commercial wharves and warehouses were soon to follow in the area below the "Great Bridge", now the location of the highway bridge where Route 156 crosses the Lieutenant River near Ferry Road. Although no vestiges of these activities remain today, it was this area just upstream from the Connecticut River that the area's oldest and largest shipyard was located. In this yard, coastal-size sailing vessels were built, the largest of which were skidded for launch directly to the Connecticut River rather into the shallower Lieutenant River. Records indicate that the largest ship built was the 93-foot, 290-ton privateer *Meteor*, built in 1813. As stated on Page 5 of the Old Lyme Harbor Management Plan, over 300 registered ships were built in Old Lyme between the close of the 18<sup>th</sup> century and the latter part of the 19<sup>th</sup> century. Although less significant in size, the area's first major area of commerce, Deming's Landing, was located further up the Lieutenant River near the Lyme Art Academy. The location of the numerous warehouses on the Lieutenant River at Deming's Landing further attests to the importance of that waterway and the lower Connecticut River for transport and commerce.

Through succeeding years, waterborne transportation and the commerce that it supported gave way to upland transportation such as railroads and, finally, automobiles and trucks.

Although waterborne transportation is an important part of the history of Old Lyme and of the lower Connecticut River and continues to serve a commercial purpose to a limited extent, waterborne commerce in the Connecticut River and its tributaries is not nearly as significant as it once was. The use of the tidal waters of Old Lyme for transportation and commerce has largely been replaced by recreational boating.

### **Image and Character of Old Lyme**

Old Lyme's 2000 Plan of Conservation and Development (PC&D) describes the Town as being blessed with "...a great abundance and variety of natural resources..." and being "...a peaceful, serene haven with its people strongly in tune with the natural world around them". Residents are said to have a real appreciation for its small town sense of community. Further, the Plan states that earlier in its history, Old Lyme was an industrial area, but little remains of the mills and shipyards that were common. Old Lyme, it is acknowledged, was "...a center of transportation as passengers awaited the ferries carrying people, goods and even railroad cars across the river". Old Lyme's interests are focused on "...providing basic services and amenities for year round and summer residents and guests".

Although significant maritime industry existed along the shorefront of Old Lyme in the seventeenth and eighteenth centuries, very little evidence of such activity remains. When the industrialization of the major ports of Connecticut commenced in the harbors of Bridgeport, New Haven and New London, the physical characteristics of the mouth of the lower Connecticut River and Old Lyme led to the Town being primarily bypassed by similar industrial facilities and activities. As indicated in the 2000 PC&D, the lack of industrial development has resulted in the preservation of the picturesque landscape of rolling, treed hillsides, bluffs, significant wetlands colonies and winding tidal creeks absent the look of factories and waterfront port facilities.

Within the past several decades, Old Lyme and the entire Connecticut River Estuary Region have become such a desirable place to live that the resulting increased development pressures have required a much more proactive approach to retaining the image and character of individual towns. A significant portion of the increased development pressure is experienced in the highly desirable residential waterfront areas of Old Lyme. In that Old Lyme enjoys frontage on both the Connecticut River and Long Island Sound, increased waterfront development has had significant impact on the visual quality of the Town's waterfront. One highly visible aspect of the increased development has been the prominent homes built in areas cleared of trees along the hillsides of the Connecticut River. A somewhat less visibly-prominent but every bit as controversial aspect of the increased waterfront residential development has been what some describe as a proliferation of private residential docks along the shoreline of the lower Connecticut River and its tributaries and, to a lesser extent, Long Island Sound. Recent studies suggest that up to 25% of the residential properties in the Gateway region of the lower Connecticut River (Haddam and East Haddam south to Long Island Sound and including Old Lyme) have private residential docks. An extrapolation of the recent submission and approval rate of private dock permit applications during the thirteen year period between 1990 and 2003 suggests that the remaining residential properties in the lower Connecticut River could be "built out" within 25 years (CRERPA, 2003).

## **Commercial vs. Recreational Use of Docks, Wharves and Piers**

Docks, wharves and piers have long been a part of development along New England's waterfront. In the lower Connecticut River, earliest piers and wharves date back as far as the mid to late 1600's, the time of the Saybrook Colony. In Old Saybrook across the river, North Cove was the first major port-of-call for ships entering the Connecticut River, a port that provided berths for major sail-powered vessels of the day. For the most part, those North Cove piers and wharves tended to be extensive in length and large in area, serving the larger vessels that were used at that time as the primary mode of transportation and commerce. In Old Lyme, the piers and wharves serving the shipyards and warehouses were likely every bit as substantial. With the river serving as the major transportation route at that time, the piers and wharves can be looked at as the *driveways* to the river's *highway* – the piers and wharves were a commerce and transportation necessity. Government policies encouraging "wharfing out" with docks, wharves and piers were ***directly related to*** the necessity to promote thriving commerce which served the residents of the area and the state as a whole.

Today most would agree that access to navigable waters in the lower Connecticut River and the waters of Old Lyme is no longer primarily for purposes of commerce or transportation. Rather, access to navigable waters is primarily for purposes of recreational boating – acknowledged to be an important and major economic factor in Old Lyme and the Estuary Region. One has only to look at the boats present in the marinas in the lower river and Long Island Sound area and that pass up and down the lower river to realize that, today, most usage is recreational in nature. In addition to significant numbers of power and sail craft, an increase in human-powered paddlecraft has occurred as well. Indeed, ecotourism, including canoeing and kayaking, has become an increasingly important part of the local economy. The first of four Connecticut River Estuary Canoe and Kayak Trails was established by the Connecticut River Estuary Regional Planning Agency in Old Lyme waters in 1997.

As a result of this shift from the use of area waterways for waterborne transportation and commerce toward use for recreational purposes, it is the opinion of the Old Lyme Harbor Management Commission that such a shift requires the revisiting of the concept of "*reasonable riparian access to navigable waters*" and the ability of waterfront property owners to "*wharf out*" in order to achieve such reasonable access. The Old Lyme Harbor Management Commission In response to recent increasing development pressures, Old Lyme, through the efforts of its many boards, commissions and citizen groups, is in the process of making great strides in the protection and enhancement of the valuable public resources throughout town, including those of Old Lyme's waterfront and municipal waters. From the standpoint of the protection and enhancement of the waters of Old Lyme, the Old Lyme Harbor Management Commission adopted a far-reaching Harbor Management Plan in 1993 (later revised in 1999) that has established policies for the use of Old Lyme's harbors. One aspect of waterfront development that the Commission would like to manage in a more thorough and proactive way is that of private residential docks. The standards developed as a part of this amendment to the Old Lyme Harbor Management Plan reflect a desire on the part of the Commission to enhance the Town's

ability to further manage it's harbor and the structures built along its shores in a way that will continue to protect, preserve and enhance the image and character of Old Lyme's waterfront well into the future.

### **Management of Private Residential Docks**

It has long been understood that, as well as private docks are managed at the State level (CRERPA, 2003), the overall policies utilized by the Office of Long Island Sound may be such that they address extremely variable conditions along Connecticut's shoreline from Greenwich to Stonington. What is missing are planning initiatives developed at the municipal level which are tailored to unique uses, coastal, scenic and cultural resources of a town. Such plans would more precisely and effectively guide decision makers as they make their permitting analyses and decisions. This proposed amendment to the Old Lyme Harbor Management Plan has been developed from and is based upon such local planning initiatives.

From the perspective of municipal harbor management and local jurisdictions, one important aspect of waterfront development that hasn't been significantly addressed in Old Lyme and most other Connecticut shoreline towns is that of the proliferation of private recreational docks in recent years. The main reason for this is that public trust waters of the State, including the harbors of Old Lyme waterward of the Mean High Water line, come under the permitting authority of the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers. A clear understanding of the mechanism through which a local Harbor Management Commission could more effectively manage private residential docks according to local planning initiatives while at the same time not be in conflict with state and federal authorities has been elusive. With a few exceptions, municipalities haven't developed local plans or addendums to their original plans which address private residential docks in a way that can be included as a part of a town's harbor management authority.

In an effort to take a more proactive role in the planning for uses of its harbors, including private residential docks, the Old Lyme Harbor Management Commission, in cooperation with other Town agencies and citizen groups and consistent with other Town Plans, has established a set of townwide goals for Old Lyme's harbor areas. Based on these overall goals, the Commission has established five (5) harbor use zones (HUZ) as shown on the attached map (Figure 1). Each of the five (5) harbor use zones has been assigned a series of townwide objectives toward meeting the townwide goals. Finally, townwide and specific water use standards have been developed in order to meet those goals and objectives.

The Commission understands that the application of these goals, objectives and standards does not replace the ultimate permitting authority of the State and Federal agencies, rather providing the Commission with the ability to further the goals and objectives and findings of consistency that are authorized under the Connecticut General Statutes through the Harbor Management Act. The goals, objectives and standards and the local process that will be based in part on their use is intended to provide more of a partnership between local and state authority and provide more of a local approach to the management of private recreation docks. Rather, the municipal process, to be approved by the DEP as an

amendment to the existing Old Lyme Harbor Management Plan, is an effort to further guide State permitting decisions in a way which will be consistent with the desire of Old Lyme's municipal authority as provided in the Harbor Management Act.

### **Reasonable Riparian Access to Navigable Waters of Old Lyme**

The goals, objectives and standards developed by the Old Lyme Harbor Management Commission as a part of their ongoing mission to protect and enhance the use and quality of the waters for the citizens of Old Lyme are intended to protect, preserve and enhance the resources of Old Lyme's municipal waters including environmental/ecological resources, navigational resources and aesthetic resources. The standards are based in part on those developed by CRERPA for the lower Connecticut River and are based on the following important overall policy governing the waters of the Town of Old Lyme:

In defined sensitive resource areas, the Old Lyme Harbor Management Commission considers "*reasonable riparian access to navigational waters*" as that gained through *non-structural methods*. **Simply speaking, non-structural access amounts to the access that can be gained through the launching of a small boat from the shoreline without the benefit of the construction of a private residential dock or any other structure as well as access opportunities offered at Town mooring fields.**

## **Townwide Goals and Objectives**

The following Townwide Goals and Objectives support the standards that have been developed as part of this Harbor Management Plan addendum. The Goals and Objectives shall be the overriding policies that guide all shoreline development in the harbors of the Town of Old Lyme:

### **Townwide Goals**

The following Townwide Goals are proposed to protect, preserve and enhance the resources of the Old Lyme waterfront and harbors:

- To ***protect, restore***, and ***enhance*** the historic and natural landscape of Old Lyme.
- To ***preserve, protect and enhance*** the natural and traditional riverway scene of the Connecticut River.
- To ***preserve, protect and enhance*** scenic vistas through minimizing or eliminating the visual impacts caused by dock structures.
- To ***promote*** a safe and attractive area and appropriate facilities for all types of recreational boating, including commercial marinas, moorings for local and transient vessels and paddlecraft trails and launch sites.
- To ***balance*** the rights of private property riparian/littoral property owners and the public trust, assuring reasonable water access to riparian property owners and unrestricted use of public trust waters to the public.
- To ***manage*** uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas.
- To ***minimize or eliminate*** encroachment of structures into public trust waters so as to minimize or eliminate adverse impacts to identified resources. In specific sensitive resource areas, reasonable access will be considered that gained through the launching of personal human-powered watercraft including but not limited to canoes and kayaks. In addition, the development of new mooring field opportunities will also achieve such minimization or elimination of structure encroachment.
- To ***preserve, protect and enhance*** unimpeded general public access along Old Lyme's shoreline, particularly its public beaches.
- To ***enhance existing*** public access to the waters of Old Lyme, especially with respect to the launching of human-powered paddlecraft and the viewing of scenic vistas.
- To ***develop new*** points of public access for the purpose of water access, fishing

and crabbing and the viewing of scenic vistas.

- To ***develop*** new mooring opportunities for residents of the Town.
- To ***protect, preserve and enhance*** the natural resources of Old Lyme.
- To ***preserve, protect and enhance*** large, intact expanses of tidal marsh by minimizing or eliminating fragmentation by docks which traverse those resources.
- To ***preserve, protect and enhance*** shellfish habitat and resources wherever possible.
- To ***promote and encourage*** reasonable riparian access via private residential docks in less resource-sensitive areas of the Old Lyme shoreline.
- To ***preserve and enhance*** Town facilities that support the ever-dwindling population of fisherman who earn a living through that profession.
- To ***maintain*** the viability of existing marinas within Old Lyme consistent with the water-dependent use criteria of the Connecticut Coastal Management Act.
- To ***preserve, protect and encourage*** the restoration of coastal resources consistent with the Connecticut Coastal Management Act.
- To ***promote and encourage*** the preservation of water-dependent uses.

### **Townwide Objectives**

The following Townwide Objectives are proposed to guide the implementation of the Townwide Goals in order to protect, preserve and enhance the resources of the Old Lyme waterfront and waters:

- To ***establish*** that, in particularly sensitive environmental/ecological, navigational, public access and aesthetic resource areas, “*reasonable riparian access to navigable waters*” will be achieved through non-structural means.
- To ***discourage*** the proliferation of private residential docks by prohibiting additional structures associated with a waterfront easement or right-of-way, so that only one dock per residential property will be allowed.
- To ***eliminate*** new riparian/littoral rights-of-way for non-riparian/littoral land owners by prohibiting structures on easements granted to properties other than those immediately adjacent to the waterfront.
- To ***prohibit*** the use or structural alteration of docks for any use other than water-related access opportunities.

- To *minimize or eliminate* visual impacts caused by waterside structures as well as the vessels which are berthed at such structures.
- To *encourage* the sharing of a private residential dock between abutting riparian/littoral properties.
- To *traverse* tidal wetlands at the narrowest stretch measured between the shore and mean high water, subject to the standards in this Plan addendum, in order to minimize shading, fragmentation of the wetlands and the visual impact of docks.
- To *minimize* riparian/littoral conflicts between abutting properties through proper location of proposed docks.
- *Categorize* the shoreline of Old Lyme into five (5) distinct districts with differing characteristics for the purpose of development of varying dock standards.
- *Develop* distinct and separate sets of standards that will promote preservation, protection and enhancement of environmental/ecological, navigational, public access and aesthetic resource areas for each of the established shoreline districts.
- *Develop* a coordinated and cooperative approach for dock and pier management between the Harbor Management Commission and the upland land use agencies of the Town including the Zoning Commission, Planning Commission, Zoning Board of Appeals, the Conservation Commission and Watercourses Commission as well as the Board of Selectmen.
- *Revise* the Old Lyme 2000 Plan of Conservation & Development and Municipal Coastal Plan to reflect the enhanced protection, preservation and improvement of Old Lyme's municipal waters as established through the updated Policies and Goals of this Harbor Management Plan.

### **Standards for Docks Constructed in Old Lyme Waters**

One of the most significant attractions of Old Lyme is its natural beauty, especially its waterfront and natural resources. These standards have been developed to implement the Townwide Goals and Objectives. The intent of the standards is to sustain the relatively benign impact that human activity has on the waters of Old Lyme by minimizing the size and associated visual impacts of structures placed within or near its waters. In addition, the standards are presented to better manage the structures built on the shoreline in an effort to minimize adverse impacts to coastal waters and coastal resources for all.

### **Definitions**

The following definitions apply to the terminology used in the Old Lyme Harbor Management Plan:

Dock: A structure to which any form of watercraft may be secured. Such structure may be either floating, at any depth of water, or non-floating.

Not to be construed as a float used for swimming.

**Bulkhead:** A structure built parallel, or nearly so, to the shore at the interface of the land and water.

**Floating Dock:** A platform designed to rise and fall with the tide which is connected to the shoreline or fixed dock, pier, wharf or walkway by a ramp.

**Pier:** A structure extending waterward from land which is intended to provide access to or for water related activities such as boating and fishing.

**Walkway:** A narrow structure designed for non-vehicular use.

**Wharf:** Same as pier.

### **Townwide General Standards**

The following general standards apply to all construction of structures within the jurisdiction of the Old Lyme Harbor Management Commission. Note that these standards apply to each of the five (5) HUZ areas. Standards that are specific to each of the harbor use zones appear under those zone designations presented below. Note that all docks located in tidal, coastal and navigable waters are subject to DEP's jurisdiction and following these standards does not guarantee that a permit will be issued by the DEP.

### **Townwide Aesthetic Standards**

The following Townwide Standards have been established to guide the implementation of the Townwide Goals and Townwide Objectives in order to protect, preserve and enhance the resources of the Old Lyme waterfront and harbors.

- No floating dock shall be greater than 100 square feet. No one side shall be less than 5 feet nor more than 20 feet. The floating dock shall have its longest side parallel to shore unless environmental factors or DEP requirements dictate otherwise.
- The color of a dock and associated structures shall be white, natural or wood-color stain.
- The height of pilings associated with floating docks shall not exceed an elevation of 8 feet above Mean High High Water (MHHW) unless consistent with the standards herein established. The height of pilings associated with the fixed portion of the dock structure shall not exceed the permitted handrail height.
- The visible portion of all shoreline structures shall be built with wood or wood-appearing composite materials. The tops and sides of all floats, pontoons and foam shall be hidden with wood or wood-appearing composite materials.

- The following shall apply to equipments attached to docks, piers, wharves and walkways:
  - Three (3) foot or less post to hold life saving equipment, hose, electrical or water supply
  - A storage box not to exceed 30 cubic feet
  - Cleats, Samson posts, or rings for securing vessels
  - Minimal, low-level lighting (both brightness and height). Any lighting shall be directed so as to have minimal impact on any vessel operator's night vision or on neighboring properties
  - Barbeques, gazebos, canoe racks or roofed structures shall NOT be permitted
- Walkways, piers, docks and ramps that comprise private residential dock structures shall generally be no wider than five (5) feet in the Connecticut River and no wider than four (4) feet in waterways other than the Connecticut River.
- Where hand railings are necessary, the elevation of such railings shall be no higher than 3.5 feet above the walking surface to which they are attached with horizontal members being composed of wood, rope or other similar materials with the intent of minimizing or eliminating visual impacts and generally limiting the hindrance of views and vistas.
- Height for fixed piers shall be no higher than required by the DEP in order to minimize adverse impacts to tidal wetlands vegetation. Proposed dock locations will be chosen, among other reasons, to traverse areas which will allow for the lowest possible fixed pier elevation.
- In general, dock components such as mechanical lifts (including the vessel), davits], pilings, handrails, or ladders shall not substantially raise the visual profile of the dock above the level of the decking.

### **Townwide Non-Aesthetic Standards**

The following Townwide Non-Aesthetic Standards have been established to guide the implementation of the Townwide Goals and Townwide Objectives in order to protect, preserve and enhance the resources of the Old Lyme waterfront and harbors.

- Floating docks may not extend more than ¼ the width of any waterway as measure from Mean Low Water (MLW) or beyond twenty (20) feet waterward from Mean Low Water (MLW), whichever is less.
- The waterward extent of any dock structure or a vessel secured to such structure shall not be located any closer than forty five (45) feet from the edge of any designated Federal Channel, including the Connecticut River federal navigation channel which exists offshore of the Old Lyme shoreline. Note that the referenced 45 foot setback supersedes the 15 foot setback noted on Page 24 of the original Old Lyme Harbor Management Plan in so far as it applies to the federal navigation area only.

- Pilings securing floating docks shall be no more than three (3) feet from the floating dock for which they provide securing.
- There shall be only one pier, dock, wharf, ramp or floating dock per property.
- A pier, dock, wharf, ramp or floating dock shall be located no closer to an adjacent riparian area than twenty five (25) feet unless the DEP determines that a lower impact on tidal wetlands will occur by locating such structure closer to the property line.
- All walkways must be secured to the property owner's real property located landward of the Mean High Water line.
- No vessels or any form of watercraft may be tied or attached to walkway.
- No docks, walkways or other similar structures may be placed in Old Lyme waters adjoining properties zoned or occupied with non-residential uses. This standard does not apply, however, to existing and future marinas, boatyards or other similar water-dependent facilities as defined in the Connecticut Coastal Management Act.
- Accessory structures are expressly prohibited. Note that if conditions exist such that a floating dock is not acceptable to the DEP, no float will be permitted.
- With the exception of shared docking facilities, private residential docks, in most cases, are limited to a fixed pier to Mean Low Water with a ramp and 100SF float beyond.
- No more than fifty (50) feet of low marsh shall be traversed by any pier, dock or walkway. Where more than fifty (50) feet of contiguous low marsh is to be traversed by a pier, dock or walkway, "*reasonable riparian access to navigable waters*" shall be that gained through the construction of an elevated, pile supported platform that will not exceed 100 square feet attached to a ramp and floating dock that shall not exceed 100 square feet located at the boundary between the tidal marsh and the tidal creek. Such a platform will be elevated to the minimum extent possible but will be of sufficient elevation so as not to adversely impact underlying tidal wetlands vegetation.
- Location of dock facilities will be such that construction and use of the structure will minimize adverse impacts on shellfish habitat and resources to the greatest extent practicable.

## **Harbor Use Zones and Applicable Standards**

The following descriptions summarize the characteristics of the five (5) harbor use zone (HUZ) areas, each having differing environmental/ecological, navigational and aesthetic/visual qualities, and establish standards which implement Townwide Goals and Objectives in order to protect, preserve and enhance the resources of the Old Lyme waterfront and harbor areas. The description for each harbor use zone is intended to be interpreted in conjunction with the HUZ Map for the Town of Old Lyme. In the event of conflict or disagreement over which Harbor Use Zone (HUZ) an individual property falls within, the Old Lyme Harbor Management Commission shall have the final authority to make such determinations:

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### **Preserved Connecticut River Tidal Wetlands (PCRTW)**

Area #1: From the Lyme/Old Lyme waterfront municipal boundary south along the shores throughout Lord Cove (with the exception of the mainland properties not associated with the islands), thence south along all shores of Goose Island to its southern tip, thence south along the all shores of Calves Island to that island's southern tip (See Map)

Area #2: The Great Island Wildlife Preserve Area south from the mouth of the Lieutenant River to and including the Griswold Point area and Duck River Cove.

Area #3: The west bank of the Three Mile River and its associated tidal wetlands extending from its southerly-most point on Hatchett Point north to the railroad.

Area #4: The shorefront extending eastward from Point'O'Woods immediately adjacent to the railroad embankment, then extending north of said embankment and around the northwesterly end of the point of land and into the embayment opposite the "Old Cart Path" off Oakridge Drive.

#### **Discussion:**

These shoreline areas are located on open expanses of the Connecticut River from the Lyme/Old Lyme town line south to the mouth of the Lieutenant River, within the protected areas of the Black Hall River, and through the Mile Creek area where Mile Creek flows from Route 156 to its mouth at Long Island Sound. To the north along the Connecticut River where the mainland areas to the east of Lord Cove and Calves and Goose Islands areas are designated as Developed Connecticut River Tidal Wetlands (DCRTW), acknowledging the existence of permitted docks and the ability to construct private residential under limited circumstances and protective standards, the Lord Cove areas, Calves and Goose Island are those where private residential docks are not to be built. These shoreline areas and their wetlands and vistas are to be protected from shoreline development and include preserved and non-developed shoreline areas.

These areas of the Old Lyme shore are presently undeveloped and, in many cases, are

preserved through ownership by environmental organizations including the Connecticut DEP, The Nature Conservancy and the Town of Old Lyme through their Conservation Commission. In addition, this area has been awarded numerous environmental citations for its environmental value, including the Ramsar designation as a Wetlands of International Significance, The Nature Conservancy's "*One of the World's 40 Last Great Places*", the mouth of an American Heritage River, as well as others. The pristine and undeveloped nature of these shoreline segments results in areas with critical habitat value to the abundant wildlife that both inhabits within and moves through the area. In addition, the undeveloped nature of these shorelines makes the construction of a single structure that much more significant. If one structure were allowed under any circumstance, it would certainly be more difficult to not allow construction of additional structures. Where most of the Connecticut shoreline tends to be developed, those areas where little or no development has occurred, at least with respect to shoreline structures such as private residential docks, should be protected from development of any kind.

On the mainland to the landward side of Goose and Calves Island and the Lord Cove areas, the shorelines have been designated using the Tidal Rivers and Waterways (TR&W) category as well as the Marina (M) designation, differentiating the conditions existing to the east of these islands. Being located within the quieter waters of the river and due to the more restricted nature of the waterways and proximity to shore, water depths tend to be more shallow which results in longer docks in order to reach sufficient water depths. Different standards which are designed to effectively manage private docks in these areas of different physical conditions are found in succeeding sections below.

#### Harbor Use Objectives:

- ***Eliminate*** the construction of shoreline structures for the purpose of navigational access where few or no structures exist. Rather, reasonable riparian access will be gained through non-structural means.
- ***Eliminate*** the possibility of visual impairment within these pristine environments by allowing only non-structural access for the purpose of navigation.
- ***Maximize*** protection of these areas from the standpoint of the physical environment and the non-human habitat that such areas provide to the abundant wildlife, both resident and transient, that exists in these areas.
- ***Protect, preserve*** and ***enhance*** resources and habitat for endangered and threatened species.

#### Standards:

- (1) Structures in this zone will only be considered consistent with this Plan if they (1) are absolutely necessary for riparian access to this pristine area where non-structural access is not feasible, (2) will create no adverse visual impacts to the location of the structure nor block the view of the public along any town or state roads or public viewing areas, and (3) will not interfere with public access along the shorefront. Docks and other waterfront structures shall not interfere with paddlecraft access afforded by the Old Lyme Canoe and Kayak Trail.

## **Developed Connecticut River Tidal Wetlands (DCRTW)**

Area #1: Beginning where the Lyme/Old Lyme municipal boundary intersects the riverfront opposite the small island known as Oliver's Hole, thence south along the mainland shore to the northeastern point of Goose Island where the waterway narrows on the east side of Lord Cove.

Area #2: Beginning from a point on the mainland to the east southeast of the southern point of Goose Island, south to a point on the mainland at the north end of the marina (Old Lyme Dock Company) at the end of Ferry Road and north of the town owned access/dinghy dock and DEP LIS Headquarters.

### Discussion:

These shoreline areas are primarily located along the mainland opposite the shoreline areas designated as Preserved Connecticut River Tidal Wetlands (PCRTW), within the protected waters landward of the Lords Cove, Calves and Goose Island, south along the open Connecticut River waterfront to the mouth of the Lieutenant River, off the Black Hall River north to Route 156, and within the Mile Creek area from Route 156 south to the mouth of Mile Creek where it enters Long Island Sound (Figure #1). These areas tend to have existing residential development along most of the shorelines that include tidal wetlands. Existing permitted docks are found throughout these areas and it is anticipated that private residential docks will be constructed in the future, but only under very limited circumstances and according to standards that will protect the tidal wetlands, coastal resources and the vistas that they afford the public.

This category has been defined acknowledging that, in developed areas that *include* fringing tidal wetlands, structures do presently exist and have been built consistent with permits issued by the Connecticut DEP. Although structures have been built, this category acts to enhance management efforts for the construction of private residential docks that may be built along these shorelines in the future. Enhanced management efforts are deemed to be necessary as a result of the presence of coastal resources including subaquatic vegetation (SAV) and soft clams. Such structures will only be built consistent with these standards and in a way that will minimize physical impacts to the wetlands, navigational fairways as well as aesthetic impacts to the vistas such shoreline areas provide.

Within the Developed Connecticut River Tidal Wetlands (DCRTW) category, sensitive environmental/ecological resource constraints and potential navigational conflicts immediately adjacent to the shore tend to be more significant, in part because of the fact that the tidal wetlands act as a significant physical and visual buffer between developed uplands and the quiet water areas that they fringe. The wetlands in these areas act as filters for upland stormwater flow and provide important habitat for wildlife that moves back and forth from uplands to the river environment. In addition, it is these fringing areas where

private residential docks are built and create some of the most significant impacts on the wetlands themselves (shading effects), on waterfowl that utilize those wetlands (fragmentation of open expanses of fringing tidal wetlands) and on the vistas the public can see from the uplands areas adjacent to such fringing tidal marshes.

In these shoreline areas, shallow water depths are most common, resulting in the necessity for longer docks and/or the potential for boat lifts or davits that will keep boats off mud flats. Although more docks have been permitted and built along these sections of the Old Lyme shoreline, there remain areas free of docks where more substantial standards will enhance management efforts, further supporting the general objectives of protecting the harbors of Old Lyme from the impacts of shoreline structures including private residential docks.

It is acknowledged that, within the quiet water mainland shoreline to the landward side of Calves Island and within the inner harbor of Point'O'Woods, several marinas, boat basins and mooring fields presently exist. These relatively isolated areas have been categorized as Marina and Water-Dependent Commercial (M) harbor use zones. Such areas have differing and somewhat less restrictive standards than the surrounding Developed Connecticut River Tidal Wetlands (DCRTW) harbor use zone in order to allow for and promote these important categories of Old Lyme's waterfront development, consistent with CCMA water-dependent use standards.

#### Harbor Use Objectives:

- **Minimize** visual impairment to vistas to the greatest extent practicable.
- **Minimize** environmental impacts to tidal wetlands and other associated coastal resources, including wildlife and wildlife habitat.
- **Minimize** impacts to navigation of sail, power and human-powered vessels
- **Control** non-point source pollution from existing and future water-dependent uses.
- **Preserve** and **enhance** residential, commercial and municipal recreational boating access.
- **Establish** transient and overflow moorings to accommodate any mooring waiting list that has or will be established for Old Lyme waters.
- **Consistency** with CCMA water-dependent use policies.

#### Standards:

- (1) The proposed location of any private residential dock shall minimize adverse impacts to submerged aquatic vegetation to the greatest extent practicable.
- (2) Private residential docks will, in most cases, be limited to a fixed pile and timber pier to Mean Low Water with a ramp and 100SF float beyond.
- (3) Dock components such as pilings, handrails, or ladders shall not substantially raise the visual profile of the dock above the level of the decking. Pilings shall be cut off at an elevation no higher than the elevation of the deck of the dock unless demonstration can be made that increased piling height is necessary.
- (4) Total dock length shall not exceed the length of any DEP-permitted private residential docks located within 500 feet along the shoreline of the proposed dock location or a length sufficient to reach four (4) feet of water depth during Mean Low Water at the

dock terminus, whichever is less. The existence of a dock within 500 feet does not imply or guarantee the issuance of a permit from the DEP for any length dock or imply any guarantees regarding water depth.

### **Long Island Sound (LIS)**

Area #1: From the westward most point of the Black Hall area east to the Three Mile River at the Point'O'Woods boat basin. Then from the east side of the boat basin along the eastern shorefront of Point'O'Woods to the railroad embankment. .

#### Discussion:

This segment of shoreline is considered as a sensitive and valuable resource area for several significant reasons (Figure #1). For stretches of Old Lyme's LIS shoreline segment that are comprised of public and private beaches of the Town, unobstructed, unhindered and visually un-impacted beaches are considered to be of critical importance and value to the residents of Old Lyme and the Connecticut public at large, so much so that "*reasonable riparian access to navigable waters*" in these shoreline areas will be gained through non-structural means. Of particular interest is protection of the vistas of Long Island Sound and the shoreline in general that can be seen as members of the public walk the sands of the beach waterward of the Mean High Water line, the area held in trust by the Connecticut DEP for residents of the State. It is the opinion of the Commission that the necessity for non-structural access far outweighs the necessity for individual property owners to build private residential docks.

In addition to the conflict between private water access by private docks and the public and recreational use of beach areas, the Commission feels that open frontage on Long Island Sound is often considered to be undesirable for docks due to the dynamic nature of beaches and the exposure of structures to extreme wind and wave conditions.

#### Harbor Use Zone Objectives:

- To ***protect, preserve*** and ***enhance*** the shorefront views and vistas available to Old Lyme residents and residents of the state by allowing reasonable navigational access by non-structural means only.
- To ***protect, preserve*** and ***enhance*** shorefront public access along the public portions of the Old Lyme shorefront.

#### Standards:

- (1) In all shoreline areas identified as LIS, "*reasonable riparian access to navigable waters*" will be gained through non-structural means.

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### **Tidal Rivers, Waterways and Associated Wetlands (TR&W)**

Area #1: The mainland shoreline segment opposite the easternmost point of Goose Island

south to the mainland shoreline segment opposite the easternmost point of Calves Island.

Area #2: The complex of tidal river channels from the mouth of the Lieutenant River, in the backwater areas of the Great Island Wildlife Preserve Area and the Duck River.

Area #3: The Black Hall River and its associated complex of tidal wetlands located in and around the mouth of the river and extending to the northeast beyond Route 156 to Interstate 95.

Area #4: Mile Creek and its associated tidal wetlands beginning at the mouth of the creek at Long Island Sound and extending northerly past Route 156 to the railroad embankment.

Area #5: The east bank of the Three Mile River and its associated tidal wetlands from Long Island Sound north to the railroad and including the creek leading to the Point'O'Woods beach area.

Area #6: On the Four Mile River, from a point opposite the "Old Cart Path" and extending north to Interstate 95 EXCLUSIVE of the State Boat Launch off Oakridge Drive and the marina areas off Bank Road (See Areas #4 and #5, Marina and Water-Dependent Uses (M)).

#### Discussion:

These shoreline areas are typified in some areas by wide expanses of tidal wetlands, some hummocks and narrow, relatively shallow tidal channels (Figure #1). Channels are for the most part restricted and narrow producing the potential for navigational conflict. Although a significant number of private docks already extend across and fragment sections of this harbor use zone, most significantly, lower and upper areas of the Lieutenant River, the upper reaches of the Black Hall River and the upper reaches of the Duck River, other areas continue to be somewhat devoid of such waterfront structures. Significant impacts within these shoreline areas include the potential fragmentation of open expanses of tidal wetlands created by the extension of long fixed timber piers, the visual impact of elevated fixed piers including hand rails, pilings and ladders which are elevated above wetlands vegetation in order to minimize shading impacts, and potential navigational impacts of ramps and floats extending into narrow waterways. Different standards which are designed to more effectively manage private residential docks in these restricted areas of different physical conditions are delineated.

After significant research, analysis and discussion, the Commission finds that in Tidal River & Wetlands (TR&W) areas, shoreline structures should be limited to those absolutely necessary in order to protect the relatively unfragmented wetlands existing in much of this harbor use zone area. This will protect these wetlands resources from direct impacts and habitat fragmentation – occasional foot traffic from residents walking across the marsh surface is considered less of an environmental and *visual* impact than permanent structures.

#### Harbor Use Zone Objectives:

- **Protect, preserve** and **enhance** the natural characteristics of the landscape for scenic and environmental values.
- **Minimize** visual impairment to vistas.
- **Minimize** impacts to navigation of sail, power and human-powered vessels
- **Minimize** environmental impacts to tidal wetlands and other associated coastal resources, including wildlife and wildlife habitat.
- **Control** non-point source pollution from existing and future water-dependent uses.
- **Minimize** wetlands fragmentation that results from the construction of permanent private residential docks across expanses of tidal wetlands where structures are separated by greater than 500 feet in order to avoid or minimize habitat fragmentation.
- **Protect, preserve** and **enhance** resources and habitat for endangered and threatened species.

#### Standards:

- (1) Private residential docks will, in most cases, be limited to a fixed pile and timber pier to Mean Low Water with a ramp and 100SF float beyond.
- (2) Deck height for fixed timber piers will be limited to one (1) foot above the top of any tidal wetlands vegetation. Hand rails are prohibited with the exception of portions of the fixed timber pier that are elevated more than three (3) feet in height above the marsh surface as a result of taller varieties of tidal wetlands vegetation (i.e. *Spartina alterniflora*). Proposed dock locations will be chosen, among other reasons, to traverse areas which will allow for the lowest possible fixed pier elevation.
- (3) Dock components such as pilings, handrails, or ladders shall not substantially raise the visual profile of the dock above the level of the decking. Pilings shall be cut off at an elevation no higher than the elevation of the deck of the dock unless demonstration can be made that increased piling height is necessary. It will be necessary to demonstrate that the additional piling height outweighs the importance of the potential blocking of vistas that may result. Handrails shall be prohibited in locations where the dock is located less than three (3) feet above the top of tidal marsh vegetation.
- (4) Total dock length shall not exceed the length of *DEP-permitted* private residential docks located within 200 feet of the proposed dock location or four (4) feet of water depth during Mean Low Water, whichever is less. The existence of a dock within 200 feet does not imply or guarantee the issuance of a permit from the DEP for any length dock or imply any guarantees regarding water depth.
- (5) Docks shall be set back from the nearest adjacent dock to the maximum extent possible and docks which include fixed piers of more than 100 square feet in area shall be set back a minimum of 300 feet from adjacent docks unless the dock is a shared dock or unless the DEP determines that a lower environmental impact will occur with the dock at a different location.
- (6) The terminus of any dock shall not exceed a point located closer than twenty (20) feet from the deepest part of the channel as measured by a series of depth soundings extending perpendicular to the channel axis from a point opposite the location of the

proposed dock (see illustration).

### **Marina & Water-Dependent Use (M)**

Area #1: The mainland shoreline segment to the east of Calves Island and north of the railroad bridge including Old Lyme Marina, Town of Old Lyme dinghy dock, Old Lyme Dock Company marina and the DEP Ferry Landing facility. This includes any existing and future mooring fields located in this area.

Area #2: The shoreline in and around the Black Hall Marina.

Area #3: The inner boat basin of the Point'O'Woods Beach Association.

Area #4: The State Boat Launch off Oakridge Drive.

Area #5: Beginning at the southerly-most boat basin of the marinas off Bank Road and extending north and into the northerly-most boat basin off Bank Road where said road curves west and away from the Four Mile River.

#### Harbor Use Zone Objectives:

- **Enhance** recreational boating access in this zone, particularly traffic to and from, and transient docking opportunities within all Old Lyme marinas.
- **Enhance** and, in some cases **expand** marina operations, particularly within existing marina basins as highest priority and only when all resource impacts have been minimized, including visual and aesthetic impacts.
- **Expand** existing marina basins outside of existing marina basins only when expansion within an existing basin is infeasible and only as a secondary priority when all resource impacts have been minimized, including visual and aesthetic impacts.

#### Discussion:

These shoreline segments that include the Old Lyme Marina to the east of Calves Island and the Point'O'Woods Association (Figure #1) boat basin have been developed over the years as public boating areas where a higher density of boats are located. Developed marina and association basins include a high density of commercial docks and recreational boats and are periodically deepened through maintenance dredging operations. Of the two areas designated as Marina & Water-Dependent Use (M), the Point'O'Woods boat basin is more significantly developed with few significant coastal resources remaining with the exception of small pockets of tidal wetlands. Beach areas are used by the residents of the Association.

The designation of a Marina & Water-Dependent Use (M) area was done with the intent of providing the facilities in those shoreline segments the greatest latitude in the enhancement of these public and quasi-public facilities. Owners and operators of these facilities should be provided the ability to maintain and enhance their operations, particularly within their existing basins, for purposes of serving the recreational boating public. Standards are provided which continue to encourage the provision of facilities for the general public including general parking and vista-viewing locations, especially along

the more easily accessible Connecticut River along Route 156 as long as all coastal resource impacts have been avoided or minimized.

From the perspective of vistas, the area of the Old Lyme Marina and the area of the Connecticut River accessed by that site provide an important *public* viewing point. The facility, although somewhat restricted with respect to parking facilities open to those outside of boat owners and guests, provides visual access to the Connecticut River from a somewhat elevated perspective. The Point'O'Woods boat basin also provides significant vista viewing opportunities, but the area is a private association where access is challenged at best. Facilities in the Point'O'Woods area, including the boat basin, are dedicated to residents of the Association.

Standards\*:

- (1) Expansion of marina operations and boat basin operations should, as a highest priority, be considered within existing dredged basins, and as a secondary priority within areas outside of existing dredged basins as long as all coastal resource impacts have been minimized.
- (2) Any marina structures in the River should be configured generally parallel to the federal navigation channel or commonly used fairways opposite marinas in order to minimize impacts to navigation including paddlecraft as well as traditional fishing operations.
- (3) In areas in and around the Marina & Water-Dependent Use (M) harbor use zone areas, only the most minimal docks shall be allowed, in most cases a small platform for canoe, kayak or dinghy launching, without a fixed walkway over tidal wetlands.
- (4) Dock components such as pilings, handrails, or ladders shall not substantially raise the visual profile of the dock above the level of the decking. Pilings shall be cut off at an elevation no higher than the elevation of the deck of the dock unless demonstration can be made that increased piling height is necessary. Handrails shall be prohibited in locations where the dock is located less than three (3) feet above the top of tidal marsh vegetation.

- \* State boating facilities, including those existing in Areas #4 and #5 of the Marina & Water-Dependent Use (M) harbor use zone, are exempt from Addendum standards to the extent necessary as a result of potential conflict between HMP Addendum dock standards and the requirement for mandatory compliance with the Americans with Disabilities Act (ADA).