

**HARBOR MANAGEMENT PLAN
TOWN OF OLD LYME, CONNECTICUT
REVISED JANUARY 2012**

PREPARED BY: HARBOR MANAGEMENT COMMISSION

PREFACE

OLD LYME HARBOR MANAGEMENT PLAN

In 1984 Connecticut enacted pioneering legislation that authorizes municipalities having navigable waters to establish harbor management commissions and prepare harbor management plans. The plan may be understood as a "wet side" application of more traditional land use planning theories and techniques.

The Harbor Management Commission may be regarded as the planning and zoning commission of the water but without the clearly established legal basis of landside zoning. Its geographic jurisdiction starts at the mean high water mark (including navigable rivers and streams) and extends outward.

The Old Lyme Harbor Management Plan consists of six parts as follows:

- A. **EXISTING CONDITIONS:** The geographic extent and nature of the adjacent water, current waterfront, and water use.
- B. **HARBOR MANAGEMENT ISSUE IDENTIFICATION:** Water-related issues, problems, and needs.
- C. **HARBOR MANAGEMENT GOALS:** Using the information of A and B, identification of the goals for the preservation, use, and development of the waters. These goals to be consistent with the goals of the Old Lyme Coastal Management Program (which relate to areas inward from the mean high water mark).
- D. **POLICIES AND RECOMMENDATIONS:** The specific plan for water use., including where structures may be encouraged or prohibited.
- E. **HARBOR MANAGEMENT ORDINANCE:** Recommended ordinance.
- F. **RECOMMENDED MINIMUM TACKLE SPECIFICATIONS:** Mooring tackle recommendations. (These standards will be advisory only; the Town of Old Lyme will assume no liability for personal injury or property damage that results from the utilization of these standards.)
- G. **DOCK STANDARDS:** Standards for the placement and construction of docks and walkways.

Steven A. Ross
Chairman
Harbor Management Commission

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SUMMARY

OLD LYME HARBOR MANAGEMENT PLAN

The plan identifies existing and potential problems relating to Old Lyme waters. Based on this, the plan establishes goals and recommendations for the use and development of those waters.

Officials responsible for the enforcement of the plan are identified. The Old Lyme Town ordinance is part of the plan.

The plan includes provisions for the safe, orderly, and efficient allocation of seasonal moorings as well as unobstructed access to navigable waters.

The plan provides for the preservation and use of coastal resources in a manner consistent with the provisions of the Connecticut Coastal Management Act and the approved Old Lyme Coastal Management Plan.

The shores and coastal waters will retain their non-industrial character. The waters will be used for boating, fishing, and swimming exclusively.

The State of Connecticut gave formal approval of the plan (representing the Departments of Environmental Protection and Transportation) on April 26, 1993. The Town of Old Lyme voted for approval of the ordinance on June 14, 1993. The State (DEP) again reviewed the ordinance and gave approval except for one section relating to boating certificates. A summary of the ordinance was published on August 10, 1993. The ordinance is effective as of August 25, 1993.

OLD LYME EXISTING CONDITIONS

HISTORY

Old Lyme is bordered nautically by Long Island Sound and the Connecticut River. Connecticut in the Indian tongue means "Long River." The tide sets back this river as far as Hartford, to which point it was navigated by steamboats as well as sailing vessels. As the Connecticut River flows into the Sound, it is flanked on the east by Old Lyme and on the west by Old Saybrook. Just why the epithet "old" is needed in the names of these two historical communities often bewilders the passerby until he is told that north of Old Lyme is a newer town called "Lyme", and north of Old Saybrook there is another town called Saybrook, the name of which was officially changed to Deep River in 1947.

In 1662 ferry service between the two towns was established by the Connecticut General Court. The Connecticut River Ferry "Colonial" was the last ferry to serve the towns. At 3a.m. on the morning of June 12, 1911, apparently struck by lightning, the "Colonial" burned to the water line. The Old Lyme ferry landing has now been replaced with the town landing, not far from the old steam boat docks and the no-longer standing Ferry Tavern. The first vehicular bridge across the river opened later in 1911 and in 1948 was replaced when the Baldwin Bridge was opened to traffic. The Baldwin Bridge was replaced again in 1995.

Majestic river steamers first appeared in Old Lyme in 1824 with the arrival of the "Experiment", followed later by grand side wheelers like the "State of New York" and "City of Hartford" providing the only reliable transportation to Boston and New York.

The earliest economic base of the town was agriculture, but with a deep and powerful river offering access to inland towns and distant ports, the seaways became an increasing source of the town's income. The oldest shipyard in Old Lyme was established by Edward and Samuel Hill before the Revolutionary War on the Lieutenant River and Ferry Road. David Bushnell tested his invention, the Turtle, the first American submarine, in the Old Lyme waters off Poverty Island in 1776.

Old Lyme's second major shipyard was established by Reuben Champion on the Connecticut River by the ferry landing around 1800. The town built over 300 registered ships, of over 20 tons displacement, between the close of the 18th century and the later part of the 19th. Virtually every day from 1825 to about 1855, a ship either built in Old Lyme or commanded by one of her sons, set to sea from American ports. Old Lyme, from its forests and quarries adjacent to the river, supplied stone and firewood to the new urbanism of the Industrial Revolution. It was the sea trade more than any-thing else which built the character of the town.

In 1888 construction began at Sound View, then an elegant summer hideaway. Hatchett's Point Beach followed in 1889, Hawk's Nest Beach in 1895, Point O'Woods, the largest beach community, in 1917, Old Colony Beach in 1935, and in 1945 development started at Miami Beach and money was appropriated for the Town Beach located at White Sand Beach.

PHYSICAL SETTING

As established in conformity with the "Ordinance Creating a Harbor Management Commission", Old Lyme includes the area located in or contiguous to the waters of the Connecticut River and Long Island Sound, bounded by projection of boundary lines of neighboring towns and a boundary in Long Island Sound, set as a straight line projected due south true from the spindle, located on the north end of the east breakwater at the mouth of the Connecticut River to where it intersects with a straight line projected due south true from the Four Mile River, the eastern town boundary.

The depth of water in Old Lyme at the mean low water mark ranges from 15 feet (within the federally maintained navigation channel of the Connecticut River) to exposed intertidal flats at various locations, and in Long Island Sound from a depth of 164 feet at the approximate New York State boundary line to zero (0) where it meets the shoreline of Old Lyme.

The normal tidal range is three feet and the average "spring" tidal range is five feet. The prevailing winds in Old Lyme are primarily from the south and southwest during the summer, and tend to be from the west and northwest during the winter. The combination of wind, velocity, direction, fetch, and duration create wave action within the Connecticut River and along Long Island Sound shoreline.

The entire shoreline is within the coastal flood hazard area and is subject to flooding and/or velocity waves during coastal storm events. Coastal hazard areas are lands below eleven feet mean sea level with a high potential for damage from storms. These high hazard areas include 31 per cent of the land within Old Lyme's coastal boundary, or 1,850 acres, of which 1,535 acres are tidal wetlands or beaches. The remaining 315 acres consist of shore lands.

Historically, when coastal storms hit from the southeast, the Old Lyme shorefront, damage has been widespread. The major losses have occurred in the low-lying seasonal colonies of Hawk's Nest, Sound View, White Sands and the western side of Point O'Woods Beach at Champion Road. Flood levels, affected by heavy rains and hurricane winds, pushed the tides to 9.5 feet above mean sea level in the 1938 and 1954 storms and easily overtopped beach communities built only six to eight feet above sea level.

WATER QUALITY

Because of its small population and lack of heavy industry, Old Lyme has not been faced with pollution problems which would require construction of a multi-million-dollar sewage system. Under the state's Clean Water Program, river basins are classified according to Water Quality Standards. At the present time, Old Lyme river basins meet these standards. The Duck, Black Hall and Three Mile River Basins are rated as Class A (or Class SA). The Lieutenant River is rated as Class A north of I-95 and south of the turnpike as Class B (or Class SB). So, too, is the Four Mile River Basin. The table, which follows, lists the criteria for classes pertinent to Old Lyme.

SURFACE WATER CLASSIFICATIONS, USES AND DISCHARGES ALLOWED (¹)

| <u>Class</u> | <u>Resource Use</u> | <u>Compatible Discharges</u> |
|--------------|---|---|
| <u>A</u> | May be suitable for drinking water supply (Class A); may be suitable for all other water uses including bathing. | a) Treatment backwash from drinking water treatment facilities b) Minor cooling and cleaning water |
| <u>SA</u> | Shellfish resource character uniformly excellent, may be subject to absolute restrictions on the discharge of pollutants. | |
| <u>B</u> | Suitable for bathing, other recreational purposes. | a. Those allowed in Classes A, SA b. Major and minor discharges from municipal and industrial waste treatment. |
| <u>SB</u> | Agricultural uses, certain industrial processes and cooling, excellent fish and wildlife habitat; good aesthetic value. | |

In regard to Long Island Sound waters, DEP reports " ... that the vast majority of Long Island Sound waters meet or exceed the Water Quality Standards for its current classification of SA." (²). Areas which do not meet the Class SA standards include the major ports surrounded by areas of high-density urban development where water quality is affected by combined sewer overflows, municipal sewage discharges and industrial effluents.

COASTAL RESOURCES

Figure No. 1 depicts the coastal resources within the Town of Old Lyme. Old Lyme contains examples of every coastal resource embodied in Connecticut's Coastal Management Act. The predominant feature of the town's estuarine environment is the large amount of unspoiled tidal marsh. Large estuarine islands, embayments and rock headlands add visual interest to the shorefront. Three distinct beach strands represent valuable environmental, recreational and economic assets.

¹ Water Quality Report- Congress; Water Compliance Unit, Department of Environmental Protection, June 1982, page 5.

² Ibid, page 11.

The table below complements Figure No. 1 by showing the extent in miles of each mapped resource. Within this section is a description of each resource. (1990)

SHOREFRONT FRONTAGE BY RESOURCES AND LAND USE ⁽³⁾

| Coastal Resources | | Miles |
|-------------------|------------------|-------|
| Modified Bluffs | | 2.5 |
| Beaches | | 9.5 |
| Rocky Shorefronts | | 7.0 |
| Tidal Wetlands | | 25.0 |
| Shorelands: | | |
| | Residential | 7.4 |
| | Commercial | 0.4 |
| | Marinas | 0.1 |
| | Agriculture | 0.4 |
| | Open Lands | 2.4 |
| | Forested Uplands | 3.8 |
| | | 0 |
| Total | | 58.50 |

ROCKY SHOREFRONTS

Rocky shorefronts are a significant visual feature of Old Lyme's coastal and riverine landscape. Point O' Woods is the most predominantly rocky headland. To the west, Hatchet's Point and Salt Works Point are smaller bedrock outcroppings as is the Rocky shorefront at the end of Brighton Road. The concentration of boulders extending out into the water along a portion of the Griswold beachfront is the exposed debris of a glacial end moraine.

The riverfronts have few rocky shoreline features. Most noticeable are those along the Connecticut River. Outcroppings at Quarry Hill and other rocky points extend into Lord Cove at Landing and Tantummaheag Roads.

BLUFFS AND ESCARPEMENTS

Coastal bluffs and escarpments are scattered along the Old Lyme's shorefront. The natural conditions of these escarpments have been affected by both landside and seaward development. On the land side, cottages built close to the edges of escarpments have necessitated construction of seawalls and riprap to protect them from storms and erosion. With the exception of a short section of natural escarpments west of White Sand Beach (Griswold Beach), the remaining escarpments, measuring approximately 2.5 miles, have been modified by man-made protective walls. These are Hatchet's Point, Edge Lea, and at the end of Brighton Road.

³ Based on Coastal Management Resource Map as modified by CRERPA staff's knowledge of Old Lyme's Shorefront.

TIDAL WETLANDS

As an integral part of the estuarine system which characterizes Old Lyme shoreline, tidal marshes are a major aesthetic and functional resource. Along the Long Island Sound waterfront, major areas of wetlands, protected from the Sound, by barrier spits, are associated with the Three Mile River drainage system, Armstrong Brook, Sheffield Brook, Swan Brook, and Mile Creek. The tidal marshes of Three Mile River system could be classified as part of a barrier for the beach, which extends from the east side of Hatchett's Point headland to the boulders west of Point O' Woods, and enclose an aquatic ecosystem. This is the saltwater pond known as Big Pond.

Within the Connecticut River estuary, there are a number of significant tidal wetlands systems including those of Great Island, the Black Hall and Lieutenant Rivers, Calves and Goose Island, and the Lord Cove embayment. Great Island has been designated by the Connecticut Natural Heritage Program as a "critical natural area."

Old Lyme's tidal wetlands cover some 1550 acres composed of 1000 acres of deep coastal marsh, 500 acres of estuarine marsh and 50 acres of shallow marsh. The quality as well as the quantity of tidal marsh lands affects the productivity of finfish, shellfish and waterfowl, serve as buffers to protect some 25 miles of shoreline from storms, trap sediments, stabilize the coastline, provide scenic vistas and open space. About 916 acres are protected under the ownership of the State of Connecticut, The Nature Conservancy, Inc., and the Old Lyme Conservation Trust. The other 620 acres are in private hands and are regulated by the DEP and other government agencies.

BEACHES AND DUNES

There are three distinct beach strands along the shoreline. Each segment is delineated by recognizable rocky promontories which serve as landform divisions for the beaches located between Point O' Woods and the boulder rubble fronting Hatchett's Point (Big Pond, Three Mile River Beach, 0.9 mile); between Hatchett's Point and Brighton Road (Hawk's Nest unit, 1.3 miles); and from Brighton

Road west to the Connecticut River Estuary and Griswold Point (White Sand unit, 4.5 miles).

Within each of these three segments are barrier spits. The most important is Griswold Point, a 2.9 mile stretch of undeveloped barrier beach, although breached at times, that shelters the leeward Black Hall River, Great Island and the tidal wetlands of Smith Neck. Dune formations, beach vegetation and variety of shorebirds and waterfowl make Griswold Point a unique coastal resource and one of the best examples of barrier beach in Connecticut. It is under the protective ownership of The Nature Conservancy, Inc., as is Hatchett's Point by virtue of conservation easements.

The Mile Creek barrier spit (0.5 miles) is part of Hawk's Nest beach segment. This a privately owned, undeveloped, small barrier beach. The Hawk's Nest beach front (West End Drive) was once a functional barrier spit, probably with substantial dune formations and vegetation. Today, however, the beach and primary dune are intensively developed. There is another small barrier

spit formation in the Hatchett's Point-Point O'Woods segment shaped by the Three Mile River, Big Pond and the associated wetlands system.

Old Lyme's beaches are particularly sensitive to changes because of their windblown characteristics and the adjacent, rather thin, erodible outwash sediments that form their landward edges. Waves strike the beach at an angle; the water runs over the sand and reeds at a right angle to the shore; the receding waves pull the sand down drift of its origin. The irregular nature of the shoreline affects the direction of littoral transport of sand as do bathymetry and wave conditions.

From Brighton Road to Griswold Point, sediment moves from east to west. From Brighton Road to Hatchett's Point, sediments tend to move from west to east and from Hatchett's Point to Point O'Woods, transport is also west to east. ⁽⁴⁾

Geological studies ⁽⁵⁾ of Old Lyme's beachfront show that the erosion process is significant. In the White Sand segment and Brighton Road area, erosion of the escarpment and beachfront is estimated at an average rate of 2.5 feet per year,

INTERTIDAL FLATS

Old Lyme's intertidal flats are concentrated at the mouth of the Black Hall Estuary and along the north and south shores of Griswold Point and in Lord Cove between Calves Island and Goose Island. These areas are valuable as shellfish habitat and feeding areas for invertebrates, fish and shorebirds.

COASTAL WATERS AND ESTUARINE EMBAYMENTS

Old Lyme's location at the confluence of the Connecticut River and Long Island Sound has shaped its natural environment and strongly influenced the overall character of the town. A major factor is the unique quality of the Connecticut River Estuary, the last important estuary on the eastern seaboard unspoiled by industrial and commercial development. The Old Lyme portions of this unique estuarine system are Lord Cove, shared with the town of Lyme; the Lieutenant River, Back River-Duck River and the Black Hall River. Within these embayments are large areas of tidal marsh and intertidal flats, valuable ecosystems which contribute significantly to the visual amenities and rural character of the town.

Small streams originating in upland areas flow into Long Island Sound and are tidal for short distances. The Four Mile River forms part of the boundary with the town of East Lyme. Three Mile River, Sheffield Brook, Armstrong Brook, Swan Brook and Mile Creek drain portions of the beach communities.

SHELLFISH CONCENTRATION AREAS

Hard and soft clams and the Eastern oyster are found in the shallow intertidal flats of the Back River-Duck River, Black Hall and Four Mile Rivers. The largest concentrations of breeding oysters are believed to be within the Back River and Black Hall River Estuary. The shellfish

⁴ Shoreline Erosion Analysis and Recommended Planning Process, Planning Report No. 29, Connecticut Coastal Area Management Program, June 1979, Appendix Pages B-1, C-27-28.

⁵ The Surficial Geology of the Essex and Old Lyme Quadrangles, Report No. 31, 1975, Connecticut DEP Page No. 34.

beds within this intertidal zone are part of the aquatic habitat protected by the Griswold Point barrier spit. Large beds of non-breeding oysters are also located in the Connecticut River. Water quality in these areas requires that oysters be depurated to assure that they are fit for human consumption.

In 1983, the town, by ordinance, created a Shellfish Commission which is responsible for monitoring the health of shell fish beds for the town..

ISLANDS

There are three sizable islands located within the Connecticut River Estuary: Calves Island, Goose Island and Great Island. With the exception of a small, sandy beach along the northern side of Calves Island, these are adequately protected under the ownership of the state, the Old Lyme Conservation Trust, the Nature Conservancy, Inc., and a private gun club.

EXISTING LAND USES

Old Lyme is a recreation oriented, rural residential community. Commercial and manufacturing enterprises are relatively few in number and small in size. The predominant land use is single-family residential, both year-round and seasonal. Seasonal communities along the shore supplement the tax base and are often called Old Lyme's major industry.

Early development took place on land well suited for building purposes and, for the most part, in areas with easy access to Long Island Sound or the Connecticut River. The result is crescent-shaped development pattern which, starting in Rogers Lake neighborhood, runs southwesterly along the Boston Post Road through Lyme Street and McCurdy Road to the Shore Road (Route 156), then along the Shore Road to the East Lyme boundary. Within the crescent are three concentrations of development: the Rogers Lake community, the village center and the seasonal communities. Over the past 15 to 20 years, most new residential development has occurred in the southeastern section of town along Mile Creek Road and Brown's Lane, an area adjacent to but outside the municipal coastal boundary.

Old Lyme's total land area amounts to 15,612 acres. Of this, 6,266 acres, or 40%, lie within the coastal boundary and contain two of the development concentrations: the village center and seasonal communities. The village's main artery, Lyme Street, serves a mixture of land uses: the school complex containing an elementary, middle and high school, playing fields and tennis courts; the town hall, the public library, two churches and retail stores, one fire house, and some of the town's oldest houses and some of the more recent vintage. Because of its architectural merit Lyme Street has been designated a Historic District and is listed on the National Register. One of its outstanding features is the Florence Griswold Museum owned by the Lyme Historical Society. Adjacent to this property, at the corner of Lyme Street is the Lyme Art Association. South of I-95 on Lyme Street is the campus of the Lyme Academy College of Fine Arts. Together these properties form the nucleus of an art center. Halls Road, which runs east and west from Lyme Street to Route 156, is the town's major commercial area.

BEACH AND SEASONAL COMMUNITIES

At the beginning of this century, developers recognized the attractiveness of Old Lyme's beaches and began to build seasonal colonies on the low-lying coastal plain. These are known as Point O'Woods, Old Lyme Shores, Old Colony Beach, Sound View, Miami Beach, Hawk's Nest and White Sand Beach. With the exceptions of Sound View and Hawk's Nest, these summer communities have been granted charters by the General Assembly. Although each charter contains slightly different provisions, all permit the association to levy a small tax for maintenance of the private roads and recreational facilities within its boundaries. The town supplements these levies with yearly appropriations as well as providing other services, among which are year round trash collection, police and fire protection, and extra trash collections and police protection during the summer season.

The same area known as Sound View has no charter. Its three streets (Portland, Hartford and Swan Avenues) are town-owned and maintained. Hartford Avenue contains residential and commercial uses with the commercial predominating. (Sound View's chief attraction is its exceptionally fine beach used by as many as 5,000 people on a hot summer weekend.) A 35' wide section of beach is reserved for boat landing; there is no land-side access. (See Fig. 3b)

The town maintains life lines; there are no lifeguards.

White Sand Beach is town owned, maintained, staffed for the use of town taxpayers only. It is operated by the Park and Recreation Commission, who issue parking permits for an annual fee.

STATE PARK

At the site of the old ferry landing the Boating Safety Division of the Department of Environmental Protection has its headquarters. In addition there is a waterfront park, Ferry Point State Park, which has picnic facilities and docks for transient boats.

VACANT LAND WITHIN OLD LYME~S COASTAL AREA BY ZONE DISTRICT (1982, no significant changes through 1991)

| Residential | Acres | Totals |
|----------------------------|--------------|---------------|
| MF | 16 | |
| R-10 | 457 | |
| R-15 | 160 | |
| R-20 | 100 | |
| R-40 | 2400 | |
| R-80 | 1160 | 4293 |
| | | |
| Commercial | | |
| C-10 | 5 | |
| C-30 | 190 | 195 |
| | | |
| Waterfront Business | | |
| WF-20 | 23 | 23 |

| | | |
|-------------------------------------|-----|-------------|
| | | |
| Industrial | | |
| LI-80 | 170 | 170 |
| | | |
| Total Estimated Vacant Acres | | 4681 |
| | | |

VACANT LAND WITHIN OLD LYME--S COASTAL AREA
BY ZONE CLASSIFICATION AND DEVELOPMENT POTENTIAL

| <u>Classification</u> | <u>Restricted Acreage*</u> | <u>Net Usable. Acreage</u> |
|----------------------------|----------------------------|----------------------------|
| | | |
| Residential | 2039 | 2254 |
| Commercial | 95 | 100 |
| Waterfront Business | 8 | 15 |
| Industrial | 58 | 112 |
| | | |
| | | |
| Totals | 2200 | 2481 |

* Restricted acreage is based on the recommendation that tidal and freshwater wetlands, flood hazard areas, and beaches not be used for intensive development.

UTILITIES

Old Lyme has no municipal public water supply or sewage system. Year round residents are served by individual wells and on-site septic systems. The beach communities, however, are served by seasonal water systems except for Miami Beach and White Sand Beach, which has a year round system. These water companies are privately owned. Nonetheless, they are classified and regulated under Connecticut "law (CGS Sec. 25-32a) as "public" water companies because they supply water to two or more customers.

MARINAS

At present (2010), there are five commercial marinas. Three are limited to shallow draft (outboard type) boats due to fixed bridges and depth of water. All five are privately owned with one functioning as a full-service boat yard. None, at present, offer pump out facilities for holding tanks. The DEP operates a pump out facility at its Long Island Sound headquarters next to the railroad bridge. This facility is open 7 days a week seasonally. The DEP also operates a pump out boat that services boats at marinas in the lower Ct River valley, including Old Lyme.

| | <u>Slips</u> | <u>Mooring</u> |
|--------------------|--------------|----------------|
| 1) Old Lyme Marina | 25 | 65 |

| | | | |
|-------|---|-----|----|
| 2) | Old Lyme Dock Co. (Ferry Rd.) | 20 | 4 |
| 3) | Black Hall Bait & Tackle | 50 | |
| 4) | Four Mile River Marina (small power boats) | 84 | |
| 5) | South Lyme Marina (small power boats) | 55 | |
| Total | | 234 | 69 |

There are seven launching sites for small boats. Two of these are state owned and maintained, and three are town owned. In addition, one commercial marina offers a launching ramp for a fee.

- 1) Four Mile River Landing (state) (55 cars w/trailers)
- 2) Back River - Great Island (state) (30 cars w/trailers), sanitary facility
- 3) Ferry Road (town) (not usable)
- 4) Tantummaheag (town) - limited parking (1 car)
- 5) Pilgrim Landing (town) - very limited parking (3 cars)
- 6) Academy Lane (town) (barricaded) - no parking:
- 7) Town Landing Road (town) (hand launching, no trailers) – limited parking 6 cars
- 8) Lieutenant River (state) 15 car parking, sanitary facility

Note: There is a boat landing area at Sound View but there is no land-side access.

WATER USE

Figure No.2 illustrates the current water use of Old Lyme waters. Old Lyme contains a substantial number of structures located below mean high water including slips, piers, and moorings, and private docks, and groins and breakwaters.

The U.S. Army Corps of Engineers maintains the federal navigation channel, which is approximately the western boundary of the town, and which has a dredged depth of minus 13 to 14 feet at mean low water. Portions of this channel were dredged about 1984 and, as a result of sedimentation and shoaling, will require future dredging. Dredging has been performed approximately every six to eight years in the past. Prior to passage of the state's tidal wetlands statutes, disposal was accomplished by placing spoils on several wetland parcels. Because the town lacks any land environmentally suitable for upland disposal, other than Calves Island, most material is transported to offshore disposal sites.

In Old Lyme, there are approximately 240 pleasure boat slips. To date, the placement of moorings has not occurred under any general plan. Behind Calves Island and the town's back waters, there are approximately 125 moorings. The number of moorings along Long Island Sound beach areas fluctuates seasonally. A recent survey indicates that 69 moorings are rented commercially and the rest are used privately. The number and control of private moorings is achieving greater organization.

At present, the town of Old Lyme offers two moorings for use free of charge for up to 48 hours. Moorings for transient boaters are also taken care of by one marina operator. Given the lack of land side access and the limited amount of water area suitable for moorings, a transient anchorage has not been designated. Thus far, there has been no demand beyond that which can be readily handled by the commercial marina operator.

Swimming, water skiing, jet skis, and other recreational boating, along with fishing and hunting, are additional seasonal uses of the waters of Old Lyme. These uses conflict when they occur within the same general area. Furthermore, there are areas where water use disturbs natural wildlife.

Living aboard vessels is popular in some parts of the state, and it appears that such use could be anticipated in Old Lyme in the future.

JETTIES

There are, in Old Lyme, twenty (20) jetties or groins. The following is a brief description on construction and length. (1990)

The following jetties are located at Old Lyme Shores, starting with the most eastern one and working west:

1. Stone construction starts approximately 21 feet above high tide line and continues approximately 90 feet into the water.

2. Stone construction starts at the high tide line and is approximately 210 feet long.
3. Stone construction starts approximately 93 feet above the high tide line and continues approximately 43 feet.

The following jetties are located at Hawk's Nest Beach, starting with the most eastern one and working west:

1. Wood construction double approximately 90 feet long by 10 feet wide allows drainage for Swan Brook, rebuilt approximately 1985.
2. Steel and wood construction on old part starts 38 feet above high tide line and continues approximately 144 feet, which is new wood construction.
3. Wood planks fitted into concrete piles starts approximately 24 feet above high tide line and continuing approximately 88 feet.
4. Wood planks fitted into concrete piles which starts 28 feet above high tide line and continues approximately 193 feet, which is stone construction.
5. All wood construction starts approximately 90 feet above high tide line and continues approximately 56 feet, which is constructed of wood planks fitted into concrete piles.
6. Stone construction starts approximately 36 feet above high tide line and continues for approximately 170 feet.
7. Stone construction starts approximately 36 feet above high tide line and continues approximately 83 feet.

No.8, 9, 10, 11 and 12 are approximately same as listed for No.7.

13. Wood planks fitted into concrete piles starts approximately 24 feet above high tide line and continuing approximately 20 feet.
14. All wood construction starts at high tide line and continues approximately 90 feet.

The following jetties are located at White Sand Beach, starting with the most eastern one and working west:

1. Stone construction starts at high tide line and continues approximately 183 feet.
2. Stone construction starts at high tide line and continues approximately 176 feet.
3. Stone construction starts above high tide line and continues approximately 245 feet.

OLD LYME HARBOR MANAGEMENT ISSUES

1. Restrictions and regulations are needed along with communication of these regulations necessary to assure the safety of those on the water and the adjacent shore area. Includes competing activities such as water skiing, swimming, use of power boats, and sailing within the same area.
2. There is a shortage of mooring areas. Mooring areas need to be arranged efficiently and not encroach on federal channels. (There is no encroachment presently.) Furthermore, the designation of mooring or anchorage areas should not adversely affect the rights of waterfront property owners.
3. Discharge of treated and untreated sewage.
4. Beach front erosion.
5. Periodic water testing needs to be accomplished and published in a timely fashion.
6. Shortage of public and private marina space, as well as launching areas with adequate parking.
7. Protection of wildlife.
8. Safe use of moorings and anchorages by transient vessels.
9. Noise pollution.
10. Pump-out facilities for private vessel holding tanks, originally identified in 1990, is available at the DEP LIS HQ and DEP pump out boat.
11. Expanded and improved public recreational facilities are needed.
12. Damage to beach and river front areas as a result of periodic flooding and storms.
13. Dealing with flotsam, garbage and logs, both above and below the high water mark.
14. Commercial ventures in beach areas, such as rental of jet skis, parasailing, boat rentals, etc., has become a nuisance in some instances.
15. Live-aboard vessels need to be prohibited or regulated.
16. Lack of staff, facilities and resources to enforce regulations.
17. Shore access is difficult from moored boats. In addition to a commercial marina, there is also a dinghy dock at the Ferry Road Park site.

18. Poor communication with private beach associations noting there is no plan and there was no commission.
19. Unregistered boats docked or moored in Old Lyme waters.
20. Regulation of fixed and floating structures, docks, rafts, ski jumps, etc., is needed.
21. Dealing with abandoned and derelict boats.
22. Regulation of the size of vessels for the safe and efficient use of Old Lyme waters is needed. For example, owners of large ocean-going yachts may wrongfully expect that designated mooring areas or waterfront owner moorings must be compromised in order for them to operate their large yacht.

The most important issue, which relates to all those listed, is that Old Lyme (as a municipality) has no jurisdiction beyond the high water mark and consequently cannot address these issues in streams, rivers, or on beach fronts.

ONGOING OLD LYME HARBOR MANAGEMENT GOALS

1. Regulate and enforce all boating regulations as set forth by the State of Connecticut and the U.S. Coast Guard. Develop additional regulations that will alleviate problems germane to Old Lyme's rivers and shoreline.
2. Provide for the efficient and equitable distribution of private and commercial moorings. Provide boundaries that will ensure no encroachments into federally maintained channels.
 - a. Establish guidelines to determine mooring rights off beach front property.
 - b. Ensure that regulations recognize that waterfront property (riparian) owners have property rights to use of the water and submerged lands with their side reference lines.
3. Improve water quality in the lower Connecticut River and its tributaries, as well as the shoreline.
4. Minimize flood and erosion problems by encouraging non-structural solutions to flood and erosion problems, except for the protection of infrastructural facilities, water dependent uses or existing inhabited structures, and where there is no feasible, less environmentally damaging alternatives and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.
5. Improve upon existing waterfront facilities such as beaches, launch areas, and recreational facilities, as needed. Pursue opportunities to create new waterfront facilities.
6. Develop a plan to ensure all wildlife sanctuaries are maintained, including fish" spawning grounds, shellfish beds and migratory bird-nesting areas.
7. Provide adequate anchorage area for transient boaters on a short term basis.
8. Help initiate, through local state legislators, new bills that would reduce noise pollution.
9. Encourage the use and availability of pump-out facilities for boaters.
10. Establish procedures to remove major forms of flotsam, logs, garbage, etc., both below and above high water mark.
11. Identify and regulate floating homes solely intended for live-aboard use.
12. Provide the Old Lyme Harbormaster with all resources required for him to ensure Item Nos. , 2a, and 8 are resolved on a seasonal basis.

13. Maintain a favorable liaison between this commission and all private beach associations in order to give the highest priority and preference to water dependent uses.
14. Ensure that all boats permanently docked or moored in Old Lyme's waters are registered properly.
15. Establish guidelines and/or regulations ensuring that all docks, rafts or recreational structures conform to existing State and Federal guidelines.
16. Establish procedures to remove and dispose of abandoned boats as well as recovering costs.
17. Regulate use of boats that are too large for safe and prudent operation, in fairways and mooring areas.
18. Attempt to obtain reasonable areas of jurisdiction (shared with the state and federal governments) in order to address issues under the authority of the municipality (Old Lyme). The easterly half of the Connecticut River and 1000 feet south into Long Island Sound.. This area would include mooring sites, swim areas, and shellfish areas. It would also be within sight of land and an ordinance could be enforced from land by town constables (police). Distances less than this would not allow Old Lyme to address issues.

POLICIES AND RECOMMENDATIONS

OLD LYME

To implement the goals presented in the previous section, the following items are included as part of the Old Lyme Harbor Management Plan: a Water Use Plan, transient anchorage, designated mooring areas and harbor administration.

1. Old Lyme Water Use Plan

The Old Lyme Water Use Plan is drawn as Figure No. 3 and presents the Harbor Management Commission's recommendations for conservation, development and use of Old Lyme waters. In accordance with Section 22a-113n of the Harbor Management Act, recommendations of the Harbor Management Commission shall be binding on any official of the state, municipality, or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the Commission's jurisdiction, unless such official shows cause why a different action should be taken.

a. Preservation of Coastal Resources

The preservation and improvement of significant natural resources in Old Lyme is consistent with the Connecticut Coastal Management Act and the Old Lyme Municipal Coastal Program and is further supported by the Old Lyme Harbor Management Plan.

i. Shellfish Resources

Significant shellfish concentration areas, as mapped by the Division of Aquaculture in the Department of Agriculture, and refined through consultation with the Old Lyme Shellfish Commission, have been designated on the Water Use Plan. The Harbor Management Commission should periodically consult with the Shellfish Commission and update the map if changes become necessary.

Within designated shellfish resource areas, following policies shall apply:

- (a) The cultivation, transplantation, harvest and general management of shellfish shall have priority over all other uses within designated shellfish resource areas. This should not, however, be construed to deny a riparian owner's access to navigable waters.
- (b) New navigation channels, fairways, mooring areas and anchorages shall not be dredged in designated shellfish concentration areas unless potential adverse impacts to coastal resource have been reviewed and found to be acceptable and that the proposed activity is

in the public interest.

- (c) New structures such as docks, pilings, breakwaters, groins, and sea walls should not be placed in designated shellfish concentration areas unless the resource impacts are found to be acceptable and no feasible alternatives exist. This should not, however, be construed to deny a riparian owner's access to navigable waters.

ii. Tidal Wetlands and Intertidal Flats

The ecological values of intertidal resources for habitat, breeding, nutrient productivity, and storm water retention are well established. Tidal wetlands as defined by state statute, are depicted on the Water Use Plan. Consistent with state statutes and regulations and the Old Lyme Municipal Coastal Program, the following policy shall apply:

- (a) The priority use for tidal wetlands and intertidal flats is preservation. Limited uses and structures may receive regulatory approval if the resource impacts are found to be acceptable and no feasible alternatives exist.

b. Structures

(This section is covered under the Addendum-perhaps state that structures must conform to the standards established by the Addendum)

To assure the orderly, safe and efficient use of designated mooring areas, anchorages, fairways and other navigation areas, the following policies shall apply:

- i. There shall be at least a 15 foot setback of all new structures from any designated channel, mooring area, or anchorage.
- ii. No vessel at a dock permitted after the adoption of this plan shall extend into the limits of the channel, fairway, or designated mooring area.
- iii. There shall be a 10 foot setback of new structures from property line extensions into navigable waters where practicable. This should not, however, be construed to deny a riparian owner's access to navigable waters.
- iv. Minimize flood and erosion problems by encouraging nonstructural solutions to flood and erosion problems except where groins, sea walls, revetments, etc., prove unavoidable for the protection of infrastructural facilities, water dependent uses or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative, and where all reasonable irrigation measures and techniques have been provided to minimize adverse environmental impacts.

- v. See Army Corps of Engineers "Guidelines for the Placement of Fixed and Floating Structures in Navigable Water."

c. Special Restrictions and Responsibilities

To resolve identified conflicts between harbor uses and to promote public safety, the following policies are incorporated into the Water Use Plan:

- i. To prohibit swimming in all designated channels.
- ii. The discharge of untreated sewage within Old Lyme waters is prohibited.
- iii. To prohibit water skiing in all channels (except those sections of the Connecticut River where speeds in excess of 6 mph are allowed), fairways, mooring and anchorages.
- iv. Parasailing is prohibited within 500' of Old Lyme shores.
- v. Periodic water testing and publication is necessary.
- vi. Town of Old Lyme will remove flotsam.
- vii. The area bounded by the westerly end of Miami Beach to a point 3 feet easterly of the easterly side of Swan Avenue is exclusively a swim area. Within the easterly boundary (to the west) there will be a second set of buoys 13' back in order to establish a buffer zone. The 35 feet to the east of the swim area is reserved as a boat landing area. See Figure No.3.
- viii. The beach associations, as well as other public, shall be kept informed and have an opportunity to present their views to the Commission.

d. Boating Safety and Traffic

To assure the safe and efficient movement of vessels in Old Lyme, it is recommended that a series of rules and regulations be enacted by ordinance to:

- i. Limit vessel speed and "wake to protect other vessels and structures, and to protect the shore from erosive wave action.
- ii. Enforce, where necessary~ any and all provisions and designations on the water use plan.
- iii. Enforce all state and federal regulations pertaining to water use by boats, jet skis.

- iv. Enforce noise pollution standards of state.

2. Harbor Administration

a. Review of Local Plans

In accordance with the provisions of Section 22a-113p of the Harbor Management Act and Section 5 of An Ordinance Creating a Harbor Management Commission, the following local boards and commissions must notify the Harbor Management Commission of any and all pending proposals for real property in, on, or contiguous to Old Lyme waters:

- i. The Planning Commission
- ii. The Zoning Commission
- iii. The Zoning Board of Appeals
- iv. Shellfish Commission
- v. Flood and Erosion Control Board
- vi. Historic District Commission

The Commission will establish a procedure to receive proper notification in conformance with Section 22a-113p of the Harbor Management Act and plans will be reviewed at regularly scheduled meetings of the Harbor Management Commission. All meetings shall be open to the public. The Commission shall determine the consistency of any such proposal with the Harbor Management Plan. Upon receipt of a finding of inconsistency by the Commission, the primary reviewing agency (e.g. Planning and Zoning Commission) may approve a project, but a two-thirds majority vote is required to do so.

b. Harbormaster

In accordance with Connecticut General Statute 22a-1131, which authorizes staff to carry out the purposes of CGS section 15-1 (appointment of harbormaster) and subsection (a) of 15-7 (general care and supervision of the harbor), the harbormaster shall be appointed by the Governor from a list of at least three nominees submitted by the Commission to the Governor. Deputy harbormasters may also be appointed. In addition to existing powers and duties, the Old Lyme Harbormaster shall assume the following duties in accordance with Sections 22a-113k, 113r, and 113s of the Harbor Management Act: (See CGS 91-404, Sec 4-9a, 15-1)

- i. Act as a non-voting, ex-officio member of the Harbor Management Commission and the mooring assignment committee.
- ii. Issue permits for all moorings and keep records.
- iii. Prepare and post in a public location a current waiting list for mooring permits, if demand is greater than the number of moorings available in any given year.

- iv. Collect mooring permit fees annually for deposit into the Harbor Management Fund.
- v. Administer the transient anchorage.
- vi. Enforce any ordinance or provision of the Harbor Management Plan including, but not limited to, citing improperly registered vessels and causing the removal of abandoned vessels.

OLD LYME

HARBOR MANAGEMENT ORDINANCE

ARTICLE I

General Provisions

Sec. 1 Title: This Ordinance shall be known as the Old Lyme Harbor Ordinance.

Sec. 2 Applicability: Unless otherwise provided, each provision of this Ordinance relating to Old Lyme waters shall apply from the mean high water mark out to:

The West from the Lyme/Old Lyme border to the middle of the Connecticut River, southerly to Long Island Sound extending 1000 feet into the sound and East to the middle of Four Mile River. See Fig. No.4.

Sec. 3 Invalidity of Provisions: Should any provision or provisions of the Ordinance be held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been determined.

Sec. 4 Harbormaster: The Harbor Management Commission shall submit to the Governor a list of not less than three nominees for appointment as harbormaster or deputy harbormaster by the Governor, pursuant to Public Act 91- 404.

Sec. 5 Harbor Management Fund: In accordance with Sees. 22a-1131 and 22a-113s of the Connecticut General Statutes, a Harbor Management Fund is hereby established to provide for the costs of administering the Harbor Management Plan.

The Commission shall propose a fee schedule for a permit for a mooring location or any other activity within the scope of the plan. The maximum annual fee for a mooring or anchorage shall be one hundred dollars (\$100.00). The Harbormaster or Deputy Harbormaster shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the Town Treasurer of the Town of Old Lyme and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the Commission and the Harbormaster or Deputy Harbormaster. All expenditures shall require the approval of the Commission with payment orders to be signed by a Selectman and the Town Treasurer and paid by the Commission Treasurer.

ARTICLE II

Traffic and Speed

Sec. 6 Traffic Control Authority: The Old Lyme Harbormaster, Marine Patrol, and Police shall have authority to control waterborne traffic as specified in Sec. 15-154 and other applicable state statutes and regulations. (For further information, see Sections, 15-127 through 15-157 CGS.)

Sec. 7 Speed and Wake Regulation: In accordance with CGS 15- 140m, no boat shall be operated in a manner which could endanger persons or property in Old Lyme waters. In accordance with DEP Regulation 15-121-B 14, no boat shall be operated at a speed to exceed 6 miles per hour within 100 feet of shore, or a dock, pier, float or anchored or moored vessels, launching areas, marinas, or other congested areas unless taking off or landing a water skier'. Consequently, except for certain sections of the Connecticut River, speeds greater than 6 miles per hour are prohibited in streams, rivers and estuaries of Old Lyme waters.

In addition, steerage speed is the maximum allowed in many areas of the Connecticut River. A current issue of the CONNECTICUT BOATERS GUIDE identifies those areas.

ARTICLE III

Harbor Use Regulations

Sec. 8 Enforcement Authority: The Old Lyme Harbormaster, Marine Patrol, and Police shall have the authority, as enforcement agents, to carry out Harbor Management directives and enforce all provisions of the Harbor Management Plan including this Ordinance.

Sec. 9. Penalties: Any person who violates any provision of this Ordinance shall, upon conviction thereof, be punished by a fine of sixty dollars (\$60) unless it is a continuing violation in which case the fine may be sixty dollars (\$60) per day. ~

Sec. 10 Liability: Any person using Old Lyme waters or its maritime facilities shall assume all risk of personal injury or damage or loss to property and the Town of Old Lyme assumes no risk on account of fire, theft, Act of God, or damages of any kind to vessels within the harbor or maritime facility.

Sec. 11 Swimming: Swimming is prohibited in all channels and fairways.

Sec. 12 Water Skiing: Water skiing is prohibited in all areas where speed in excess of 6 miles per hour is prohibited. (See Sec. 7.)

Sec. 13 Fishing: Per state regulations, no fixed fishing gear is permitted within Coast Guard designated navigation channels. No fixed commercial fishing gear is permitted within channels or fairways if it interferes with navigation. No fishing is allowed within areas bounded by swim lines. Refer to state regulation 26-142a - 3a(d).

Sec. 14 Underwater Diving: Recreational/Scuba diving is prohibited in all channels, fairways, turning basins, mooring areas, anchorages and swimming areas except for the purpose of hull work and mooring inspections. A clearly visible red flag with a white diagonal should be used.

Sec. 15 Use of Vessel as Abode: The use of vessels in Old Lyme waters as permanent or long-term (i.e. exceeding one month) abodes is specifically prohibited. Sleeping aboard vessels is allowed as a secondary use to the vessel's principal commercial or recreational use. Temporary exceptions to this for unusual circumstances may be allowed at the discretion and by permission of the Harbormaster.

Sec. 16 Safe Boating Certificate: Starting on October 1, 1992, operators less than 20 years of age must have a Safe Boating Certificate. Five years later (October 1, 1997) all operators must have a certificate to operate a registered or numbered vessel.

Sec. 17 Piers: New piers must have a setback from a channel, fairway, designated mooring area, or designated anchorage equal to the beam of a vessel using the pier or 15 feet, whichever is greater. (Additional federal guidelines apply, particularly next to a federal navigation project.) Consideration must be given to the intended use; access to a pier must not infringe on rights of others or on designated mooring areas.

Sec. 18 Races, Regattas, and Water-Carnivals: No power boat parade, regatta, race, tournament or exhibition shall be permitted in Old Lyme waters except as authorized by the U.S. Coast Guard. The Harbor Management Commission will provide comments and/or recommendations.

Sec. 19 Fireworks: No fireworks shall be detonated on Old Lyme waters within 1000 feet from shore.

Sec. 20 Swim Lines and Markers: Any individual, association or non-municipal entity desiring to place markers to designate a restricted swimming area or slalom "course shall apply to the Department of Environmental Protection having first obtained signed approval from the Old Lyme First Selectman who will consult the Harbor Management Commission.

ARTICLE IV

Regulations Concerning Anchoring, Mooring, and Security of Vessels

Sec. 21 Placement of Moorings: It shall be a violation of this Ordinance to place any mooring in Old Lyme waters without a permit from the Harbormaster. The mooring may be removed by the Harbormaster or his delegate at the owner's expense and subject to penalties as set forth in Article III, Sec. 9 of this Ordinance.

Sec. 22 Anchoring: It shall be a violation of this Ordinance to leave an anchored vessel of twenty feet or more in length unattended overnight in Old Lyme waters. Vessels in distress are excepted from this prohibition, but, as soon as practicable, the person in charge shall report the situation to the Harbormaster. A designated transient anchorage, for approximately six vessels is located between Goose Island and Calves Island. See Figure No.3. Disputes within this area are to be resolved by the Harbormaster.

Sec. 23 Obstructing Channels: It shall be a violation of this Ordinance to knowingly or willfully obstruct the free use of any channel or fairway within Old Lyme waters. Refer also to C.G.S. 15-133(b) and C.G.S. 15-140(d).

Sec. 24 Rafting: Rafting of three vessels on a single mooring will only be allowed providing it does not interfere with adjacent single moorings or anchorages. Rafting of more than three vessels is prohibited. Owners or operators of rafted vessels may go ashore, but shall not leave the raft unattended and shall be available to tend to the vessels in the event of heavy weather.

Sec. 25 Correcting an Unsafe Mooring/Anchoring Situation: If any vessel shall be found in the judgment of the Harbormaster to be anchored or moored within Old Lyme waters in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, the Harbormaster shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or his authorized agent. In an emergency situation, the Harbormaster or his delegate without liability shall board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred in effecting such correction and subject to penalties as set forth in Article III, Sec. 9 of this Ordinance.

Sec. 26 Dangerous or Disabled Vessels: Any vessel that enters Old Lyme waters in a disabled condition, or any vessel within Old Lyme waters which becomes disabled, shall immediately become subject to the orders and directions of the Harbormaster, and it shall be unlawful for any person to fail or refuse to comply with the Harbormaster's orders or directions with regard to the disposition of such vessel and subject to penalties as set forth in Article III, Sec. 9 of this ordinance.

Sec. 27 Mooring Plan Regulations:

A. Mooring Plans: Any plan of mooring areas and of segregation of vessels by types and length, in the interest of vessel safety and maximum use of available anchorage areas,

shall conform to mooring plans prepared and made available by the Harbor Management Commission.

B. Designated Mooring Areas: Some areas of Old Lyme waters are designated mooring areas and have specified mooring locations determined in order to provide for the best and most efficient arrangement of vessels. However, waterfront property owners may exercise their riparian rights for use of the waters which may have an effect on the arrangements within a designated mooring area.

C. Mooring Records: The Harbormaster shall keep description of all moorings, their locations, and the permittee's name, whether a commercial entity or private individual, home and business addresses and telephone numbers, date mooring was inspected and set. For private moorings in the designated mooring areas, the name, type, length, beam and draft of vessel to be moored thereto, and its registration or documentation number shall be recorded. (The description of the vessel is not necessary for beach front property owners.) The Harbormaster will maintain a record of annual lessees of commercial moorings. All moorings shall be identified by a permit number assigned by the Harbormaster at the time the mooring permit is issued. The Harbormaster shall present reports to the Harbor Management Commission as requested.

D. Mooring Assignment: Moorings are assigned by the Harbormaster. This Commission, when necessary, shall advise the Harbormaster and monitor placement of moorings to ensure that all mooring assignments are made in conformance with the policies of this Plan and the provisions of this Ordinance.

E. Assignment of Mooring Space in The Designated Non- Commercial Mooring Area: All assignments of mooring space in the designated non-commercial mooring area shall be made by the Harbor-master upon written application therefore by any person or person, partnership, sole proprietorship, or any corporation or other organized group recognized by and registered with the State of Connecticut or the Town of Old Lyme. However, application from entities whose: principal assets consist of the mooring applied for and a boat shall not be accepted. If the available mooring space is more than adequate for a vessel, the owner of such vessel shall nevertheless be granted that space which shall be temporary and the vessel so assigned will be moved to a more appropriate space within the aforesaid area at the first available opportunity. If the applicant shall refuse the grant of a mooring space when offered or owns no vessel within thirty days of the grant of the application, the application shall be re-dated as of the date of refusal and the applicant's name moved to the bottom of the appropriate list of applicants. Mooring permits shall be limited to one per household, corporation or organized group unless, on or after June 1st, appropriate mooring locations are unassigned and only until such time as a valid application - considering depth of water, size and type of vessel - is made by an applicant for an initial mooring. (The original permittee will be given 30 days notice.)

Sec. 28 Mooring Permits:

A. Waterfront Property Owners (Shore or Connecticut River): Permit will be granted if mooring circle is within side reference lines. (See Figure 5.) If mooring circle extends beyond side reference lines a permit may be granted depending on use of adjacent area. (See Figure 6.) The applicant must indicate requested distance from .MHW line as well as probable vessel size. However, beach front property owners may apply for a mooring permit without the requirement to define the vessel. This is done to allow landlords to rent property with the assurances a boat may be moored offshore in front. Mooring tackle

description must be included in the application and should conform to the minimums listed in this plan considering the largest vessel to be moored. Encroachment on Federal channels will not be allowed. If moorings in the designated mooring areas prohibit access to navigable waters, adjustments shall be made to grant access. If a waterfront property owner desires a mooring in front of the owned property and it would be within (or interferes with) a designated mooring area, one mooring in the designated mooring area may be granted if there is a suitable location for the displaced mooring permittee. However, the location of the mooring cannot interfere with safe use by others and may not be located beyond the half way point to property opposite the owner's shore. See Figure 7.

B. Waterfront Property Owners (Estuaries, River): Permit will be granted if mooring circle is within side reference lines and does not prevent navigation. Applicant must indicate location of mooring and probable vessel size. If moorings in the designated mooring areas prohibit access to navigable waters, adjustments shall be made to grant access. If a waterfront property owner desires a mooring in front of the owned property and it would be within (or interferes with) a designated mooring area, one mooring in the designated mooring area may be granted if there is a suitable location for the displaced mooring permittee. However, the location of the mooring cannot interfere with safe use by others and may not be located beyond the half way point to property opposite the owner's shore.

C. Designated Mooring Area, Commercial: Federal and State permits are required for each mooring and the mooring locations must conform to the area identified in the Harbor Management Plan (HMP). Note that transient boaters can normally be accommodated. See A & B. See Figure 3.

D. Designated Mooring Area, Non-Commercial: All vessels using this sector must be registered in Connecticut. Vessels numbered out of state and documented vessels must be registered and display a current Connecticut registration decal. Vessels must be owned by applicant. Waterfront property owners are not limited because of the placement of a designated mooring area. See Figure 3.

E. Application Forms: Mooring application forms will be made available by the Selectmen's Office at the Old Lyme Town Hall. Up until February 1st, renewals will have first priority. After that, applications will be considered based on the date of receipt.

F. Fees: Granting of mooring permits shall require a non-refundable application fee as set by the Harbor Management Commission.

G. Mooring Placement: When an applicant has registered for a mooring, the Harbormaster shall assign a place and number for a specific location. The applicant shall mark the mooring float with two inch letters of contrasting color with last name, permit number, and weight of mooring anchor. The mooring tackle is subject to inspection by the Harbormaster.

H. Permit Dates and Transferability: All mooring permits issued are valid from March 1st to the last day of February. No mooring permit within the designated mooring area shall be transferable except within the owner's immediate household. The Harbormaster may permit the temporary use (i.e. normally less than one month) of a mooring by another vessel upon written request by the holder of the permit in the designated mooring area.

I. Registration of Mooring Space-Previously Registered Boats:

- i Any person who, during the immediately preceding year, was a "Permit Holder" shall have until February 1st of the following year to apply for renewal of a permit. All applications for renewal of a permit shall contain the information noted in preceding paragraphs and shall be accompanied by the application fee. Applications shall be delivered on or before February 1st and addressed to:

Harbormaster
Town of Old Lyme
52 Lyme Street
Old Lyme, CT 06371

Failure to submit an application for renewal of a permit by February 1st shall result in a loss of mooring space. This application may be made in person under the same time constraints with the Selectmen's Office.

- ii If a permit holder is temporarily without a boat while planning to acquire an alternative, he may apply to the Harbormaster to retain his mooring space for a period of 30 days.
- iii Mooring Relocation: A registered holder of a permit in the designated mooring area who desires to apply for a different mooring space for a different boat shall contact the Harbormaster.

J. Request for New Space: All requests for new mooring space shall be made by an application containing the information noted in the preceding paragraphs and the application fee.

K. Waiting List: The Harbormaster shall cause to be posted in the Old Lyme Town Hall a list showing the names of persons desiring private mooring space in the designated mooring area and the date of application, the area in which such space is desired, and the size of the vessel for which such mooring space has been requested. The aforesaid list shall be compiled from all persons making application for new mooring space or for relocation.

L. Forfeiture of Mooring Space: Except as otherwise noted, any registered mooring permittee shall be deemed to have forfeited his registered mooring space by reason of the following:

- i Removal of mooring and notification to the Harbormaster that the space is available.
- ii Failure to re-register for such space by February 1st of any season or failure to replace any piece of the mooring not complying with the mooring standards within 30 days of notice to the applicant by Harbormaster.
- iii Failure to resurface or replace mooring within 30 days after being advised by the Harbormaster that the mooring buoy is down.

Sec. 29 Specification of Moorings: Moorings must meet or exceed the minimum the minimum requirements as set forth in the MINIMUM MOORING SPECIFICATIONS. It should be recognized that these standards are also used for mooring spacing.

Sec. 30 Abandonment of Mooring: Any permit holder who owns his mooring tackle and is abandoning his mooring space may offer to sell the mooring tackle occupying such space to the next person assigned the same. If such mooring tackle is not sold, it shall be removed by such permit holder. Failure of permit holder to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbormaster at the expense of such permit holder thereof. The moving of any mooring to assigned space shall be at the applicant's expense, and only with prior written approval of the Harbormaster.

Sec. 31 Inspection Procedure:

A. Mooring tackle shall be inspected before initial placement; and no permit shall be issued for the vessel to be moored thereat unless the application is accompanied by a certificate of a qualified inspector that such mooring has been inspected by him within the preceding 24 months, and that it complies with the minimum mooring standards established hereby.

B. All moorings are subject to periodic inspections by the Harbormaster or his delegate who may require hauling, repair or replacement for worn or defective tackle. All moorings are hauled and expected during presidential election years.

C. Qualification of Inspectors: Any person upon application to the Harbormaster and demonstration to him of his familiarity with the rules and regulations of the Town relating to mooring inspection shall be considered for approval as a qualified inspector. Such approval may be revoked by the Harbor Management Commission if it shall appear that the inspector has failed to exercise due diligence in performing his duties as inspector.

All inspections will be filed with the Harbormaster on the official "Mooring Inspection Form.

D. Appeals: Any person aggrieved by a decision of the Harbormaster may appeal to the DOT Bureau of Water Transportation. (It has been proposed that the appeal process be directed to the Harbor Management Commission, but this has not yet been approved.)

Sec 32 Inspection and Removal of Moorings: All mooring tackle must be removed by December 1st of presidential election years and may not be put back in until the following March 1st and then only after inspection. Moorings not pulled in accordance with this paragraph will be considered abandoned.

ARTICLE V

Sanitation Regulations

Sec. 33 Discharge of Refuse:

- A. It shall be a violation of this Ordinance to discharge any untreated (or improperly treated) sewage, refuse or waste matter, petroleum product or by-product, paint, varnish, dead animals, or debris within Old Lyme waters.
- B. No person shall operate a marine toilet at any time so as to cause or permit to pass or to be discharged within Old Lyme waters, any untreated sewage or other waste matter contaminant of any kind. Furthermore, marine sanitation devices must be securely sealed.

ARTICLE VI

Safety

Sec. 34 Defective or Dangerous Conditions: Whenever any buildings, structures, or floating facilities within Old Lyme waters are found to be defective or damaged so as to be unsafe or dangerous to persons or property, they shall be rendered safe or no longer dangerous by the owner within a reasonable time.

ARTICLE VII

Definitions

Sec. 35 Definitions:

- A. ANCHOR (v.): To temporarily secure a vessel to the bottom within a body of water by dropping an anchor or anchors from the vessel.
- B. BERTHING: Space for one or more vessels alongside a pier or other structure.
- C. BULKHEAD: A structure built parallel, or nearly so, to the shore at the interface of the land and water.
- D. BOAT: A ship, vessel, or any other type of watercraft, including, but not limited to jet skis.
- E. BULKHEAD LINE: A line seaward of which no fill or creation of land is intended to take place. The outer edge or foundation of any seawall is intended to be on or landward of the bulkhead line.
- F. CHANNEL: Any water areas reserved for un-obstructed movement of vessels and so noted on navigation charts. Normally it is Federal and marked by buoys or other aids.
- G. COMMERCIAL MOORING: A mooring intended for rental or lease along with the provision of shore side amenities including parking, launch service and bathrooms.
- H. 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.
- I. DISTRESS: A state of disability or a present or obviously imminent danger which, if unduly prolonged, could endanger life or property.
- J. EMERGENCY: A state of imminent or proximate danger to life or property in which time is of the essence.
- K. FAIRWAY: The middle 50% of any river, stream, or estuary, unless designated otherwise or any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.
- L. FLOATING DOCK: A platform designed to rise and fall with the tide which is connected to the shore, fixed dock, pier, wharf, or walkway by a ramp.

- M. HARBORMASTER: The official appointed by the Governor who has the responsibility for the general care and supervision of Old Lyme waters.
- N. HARBORSIDE REFERENCE LINE: A line defining the maximum length to which docks are recommended to extend into the harbor from mean high water line. The Harbor side Reference Line may be established by a compass direction, or may run between two known points on shore.
- O. MOOR (v.): To secure a vessel, other than by anchoring, by tying to a pier, or other permanent structure.
- P. MOORING (n.): An approved anchor and associated hardware placed in water in order to secure a vessel thereto on a semi-permanent basis. A mooring circle has a radius of 2.5 times the depth at MHW (the length of the chain) plus 10 feet (pennant) plus the length of the vessel.
- Q. DESIGNATED MOORING AREA: Those areas designated by the Harbor Management Commission for moorings only.
- R. MOORING BUOY: An approved float marking a mooring.
- S. PERSON: Individuals, corporations, societies, associations, and partnerships.
- T. PIER: A structure which is supported on piles or other open work supports, or may be floating, which may be located seaward of the bulkhead line. A pier includes a stake, isolated pile or dolphin.
- U. PIERHEAD LINE: A line seaward of which no pier is recommended to be constructed.
- V. REGISTERED OWNER: The holder of a mooring space assigned to him or her by the Harbormaster.
- W. SHALL and MAY: SHALL is mandatory; MAY is permissive.
- X. WALKWAY: A narrow structure designed for non-vehicular use.
- Y. WHARF: Same as pier, above.

**MINIMUM MOORING TACKLE SPECIFICATIONS
TOWN OF OLD LYME**

Utilization of proper mooring tackle is necessary to secure vessels adequately at their moorings. Storms, wind, waves, tides, currents, and wash must be considered when selecting appropriate hardware. There can be no guarantee that these minimum standards will ensure the safety of vessels during all conceivable storm events. The Town of Old Lyme assumes no liability for personal injury or property damage which results from the utilization of any tackle which meets or exceeds these recommendations.

Mooring tackle must meet the following standards:

| Registered Boat Length (feet) | Mooring Anchor (pounds) | Buoy to Anchor | | Pennant | |
|-------------------------------------|-------------------------------|-----------------------------|--------------------------|----------------------------------|-------------------------------|
| | | Bottom Chain (inches) | Top Chain (inches) | Nylon/Dacron Line (inches) | St. Steel Wire (inches) |
| under 16 | 75 | 3/8 | 5/16 | 1/2 | 1/4 |
| 16 - 19 | 150 | 3/8 | 5/16 | 1/2 | 1/4 |
| 20 - 22 | 200 | 1/2 | 5/16 | 5/8 | 1/4 |
| 23 - 25 | 250 | 1/2 | 5/16 | 3/4 | 1/4 |
| 26 - 30 | 300 | 5/8 | 3/8 | 3/4 | 1/4 |
| 31 - 35 | 400 | 5/8 | 3/8 | 3/4 | 1/4 |
| 36 - 40 | 500 | 3/4 | 1/2 | 7/8 | 3/8 |
| 41 - 50 | 600 | 3/4 | 1/2 | 1 | 1/2 |
| 51 - 65 | 750 | 1 | 1/2 | 1 1/4 | 1/2 |

The maximum length of the pennant is two and one-half times the distance from the bow chock to the water plus the distance from the bow chock to the mooring cleat or post.

All pennant lines running through a chock or any other object where chafing may occur should have adequate chafe guards.

The total scope of chain must be two and one-half times the depth of water at high tide. The bottom and top chain should each consist of approximately half of the scope.

All shackles, swivels, and other hardware must be proportional in size to the chain used. All shackles should be properly seized.

The pennant should be spliced or shackled into the bitter end of the top chain (below the buoy). The use of a second pennant and anchor for heavy weather is encouraged.

Mushroom and pyramid anchors of equal weight are acceptable on permanent moorings.

LIST OF FIGURES

1. Coastal Resources
2. Present Water Use Plan
3. Proposed Water Use Plan
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5. Waterfront Property Owners (Shore, CT River)
6. Mooring Circles Extending Beyond Side Reference Lines
7. Mooring Near Federal Channels

Figure 1.a
Coastal Resources, CT River to Long Island Sound

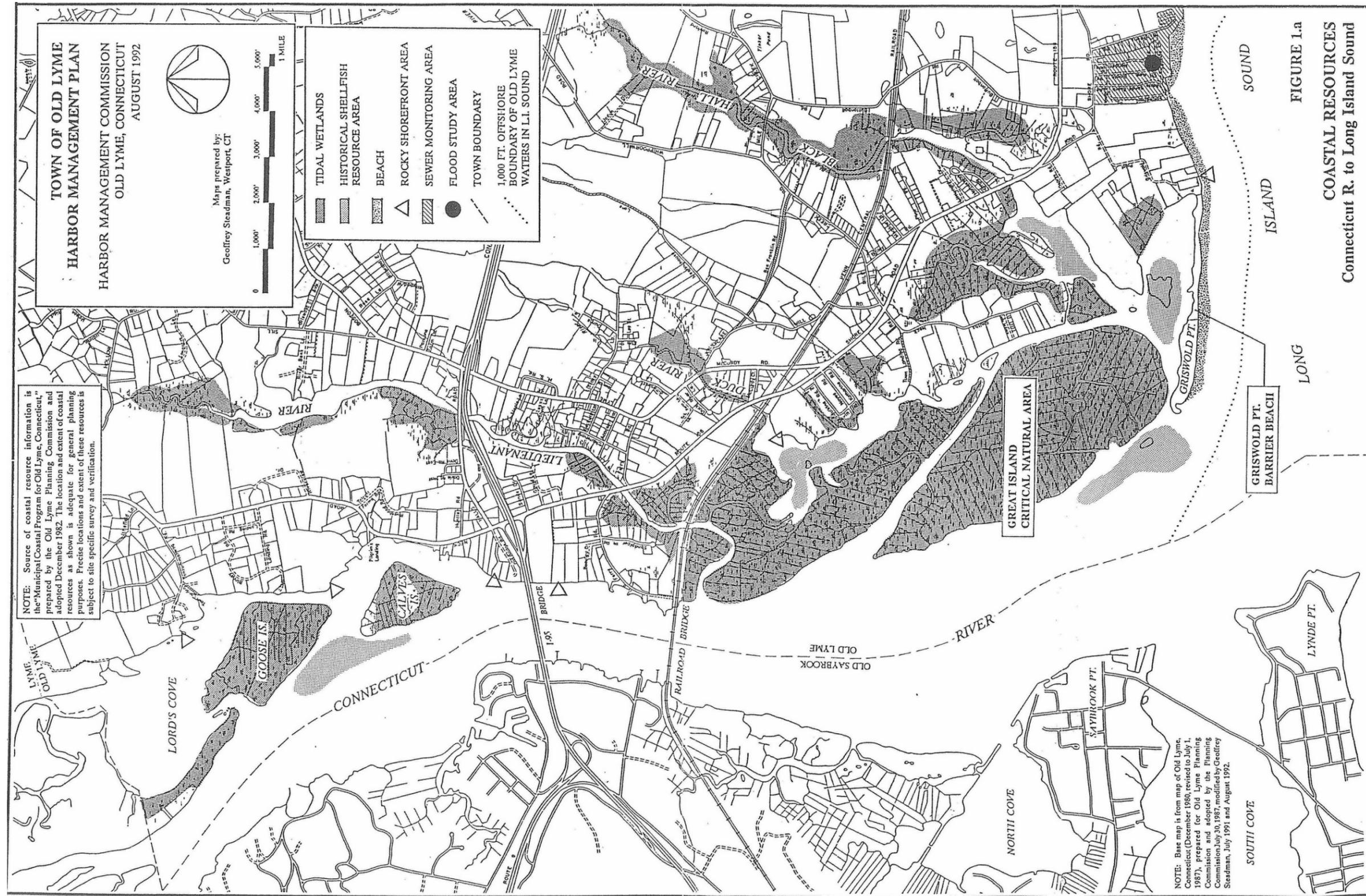


Figure 1.b – Coastal Resources
CT River to Four Mile River

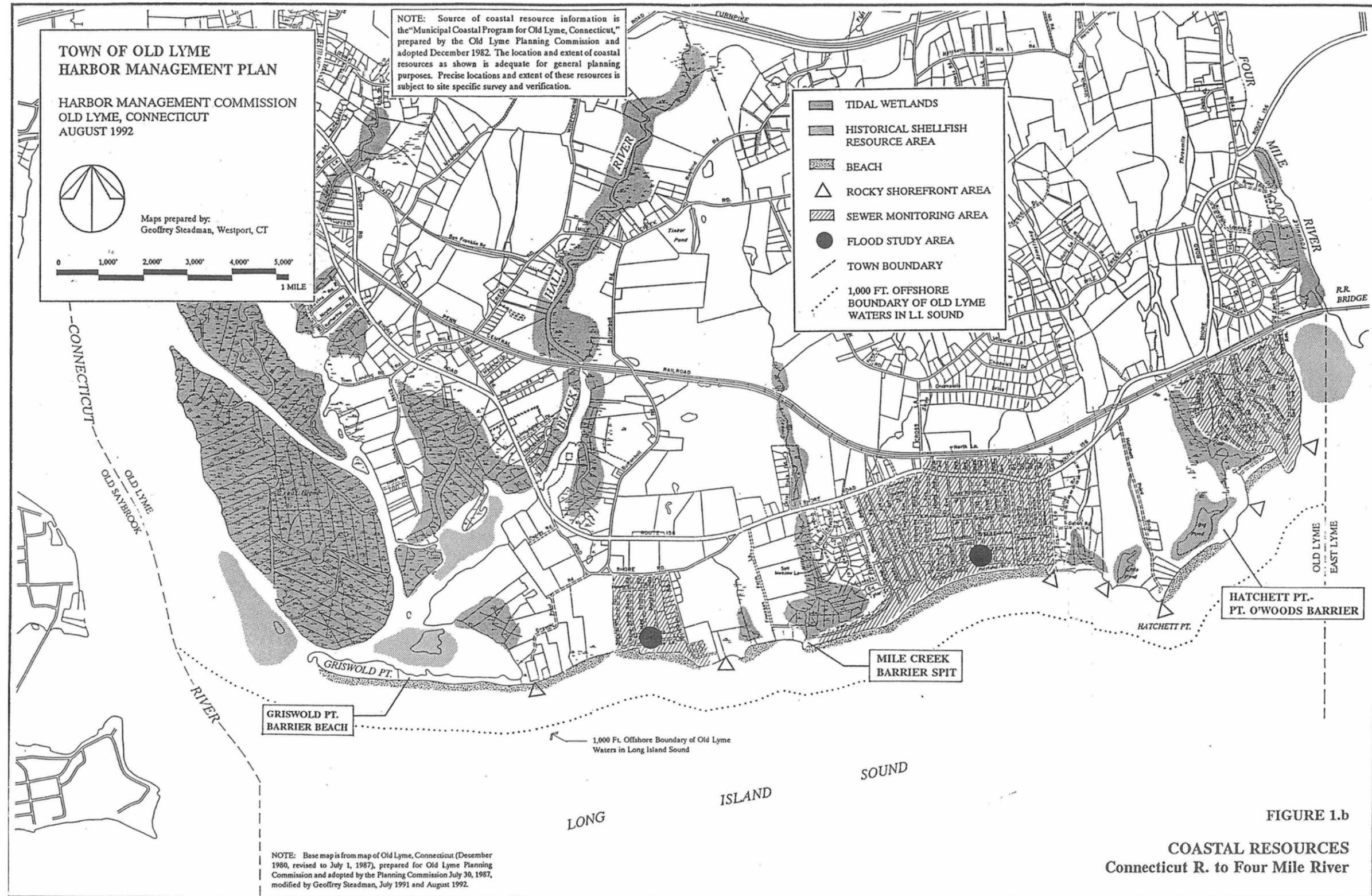


FIGURE 1.b
COASTAL RESOURCES
Connecticut R. to Four Mile River

Figure 2.b – Present Water Use
CT River to Four Mile River

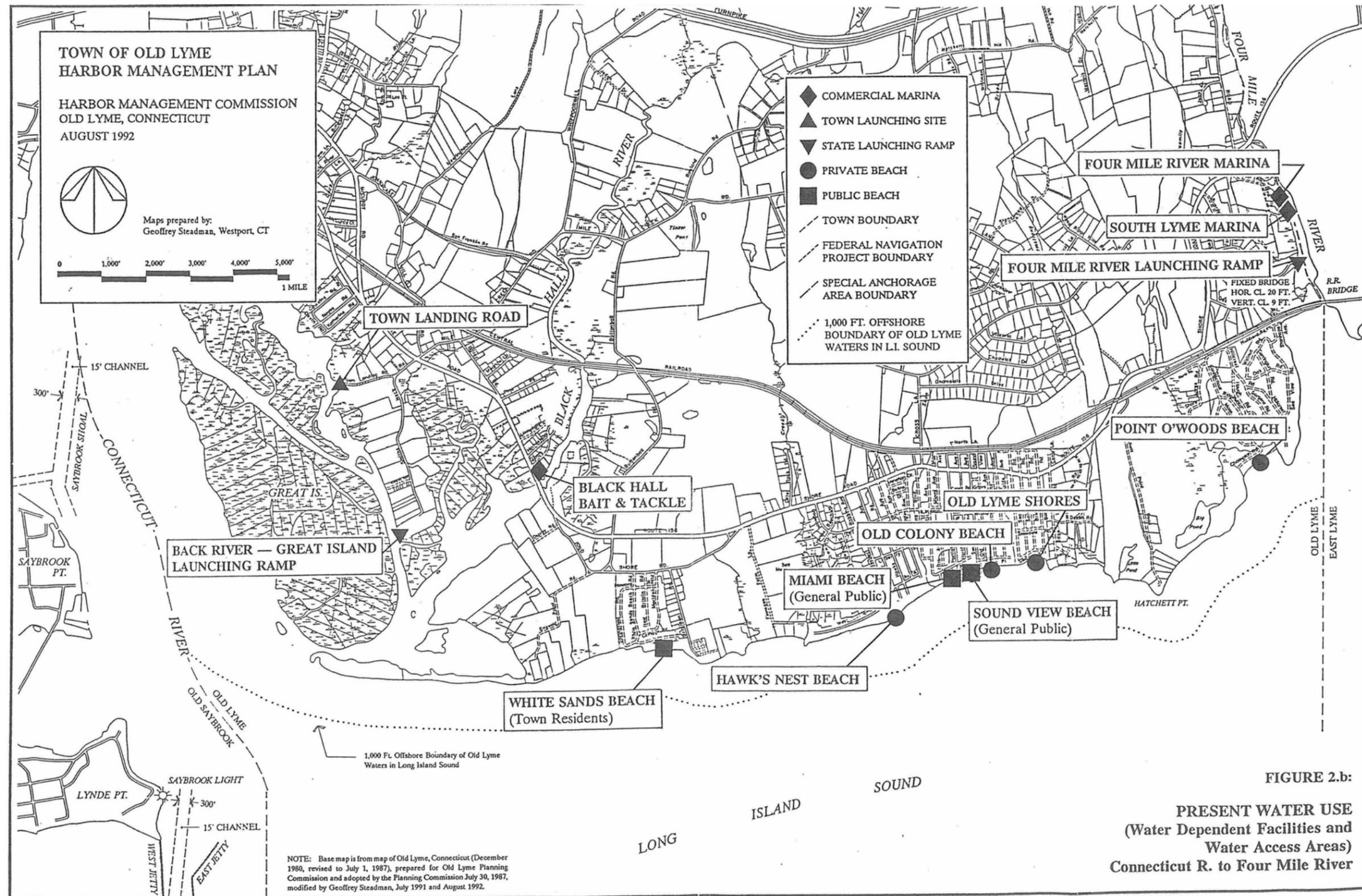


FIGURE 2.b:
PRESENT WATER USE
(Water Dependent Facilities and
Water Access Areas)
Connecticut R. to Four Mile River

Figure 3.b – Proposed Water Use Plan
CT River to Four Mile River

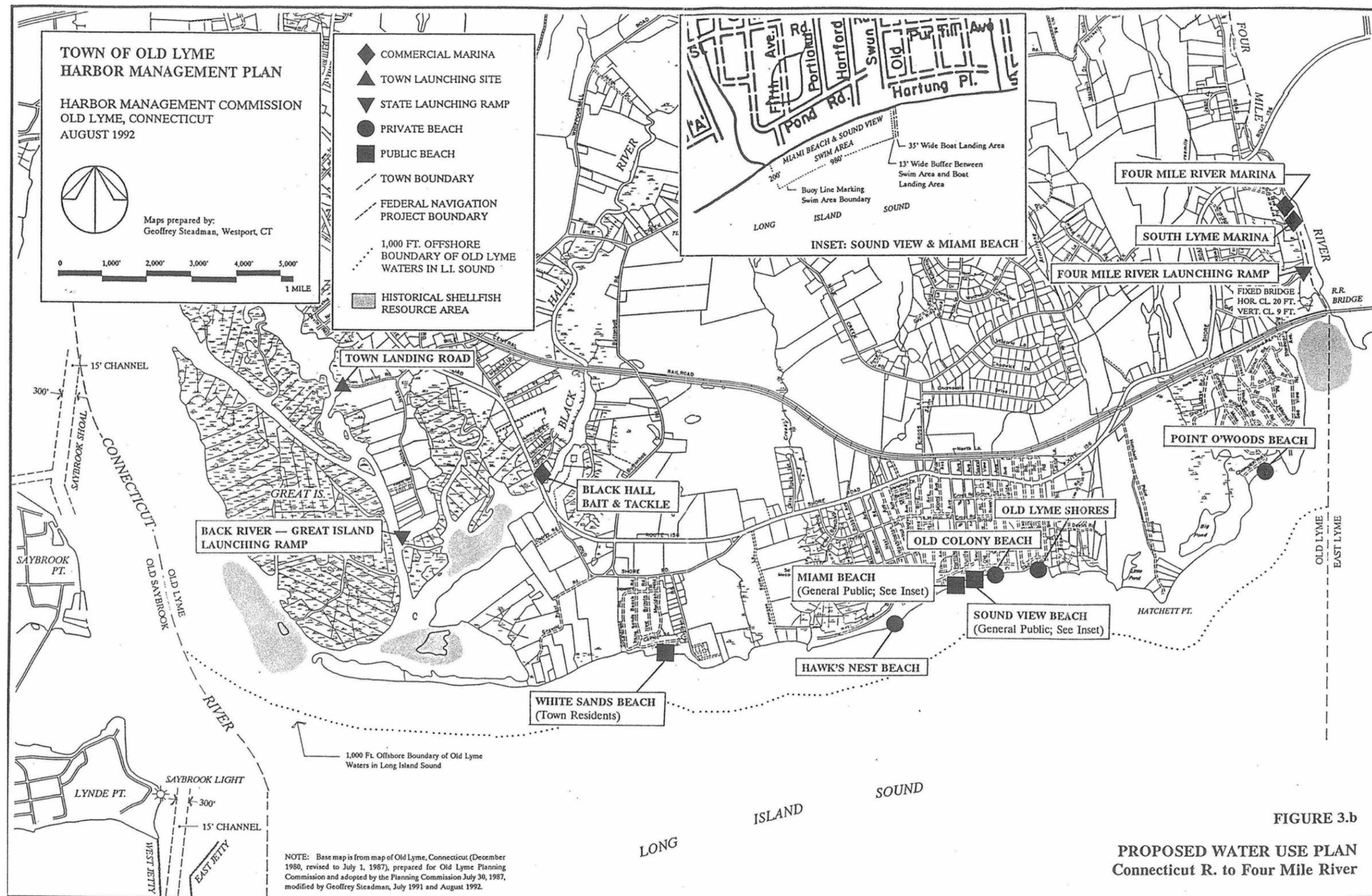


FIGURE 3.b

PROPOSED WATER USE PLAN
Connecticut R. to Four Mile River

Figure 4 – Old Lyme Waters

Replaced with Harbor Use Zones Map, page 82.

Figure 5— Mooring Permits Swing Circles Within Side Reference Lines

NOTE: Where mooring circles do not extend beyond side reference lines, mooring permits will be granted. Mooring circle radius is normally 2.5 x water depth in feet at Mean High Water + 10 ft. + length of vessel to be moored. Sketch is not to scale.

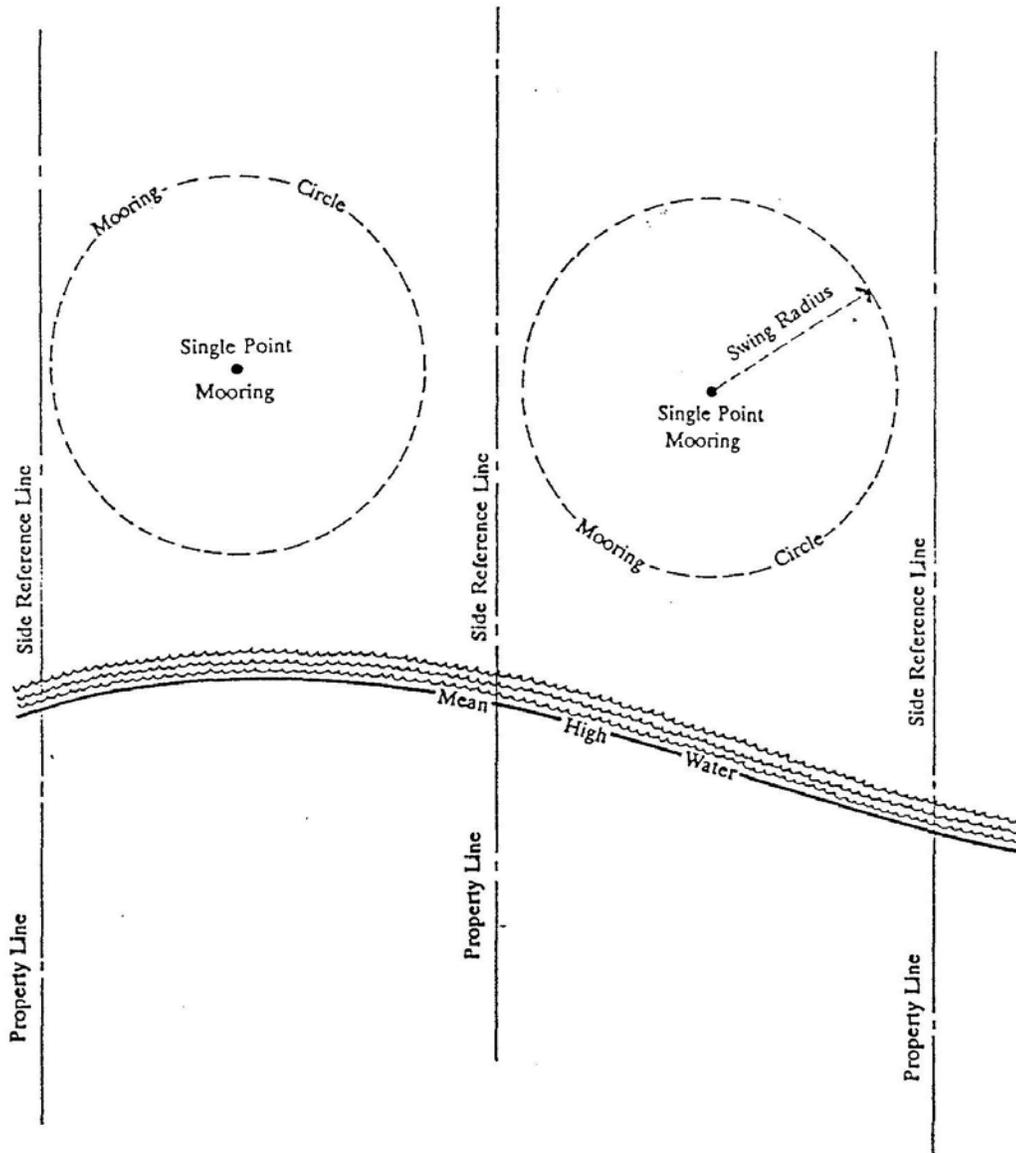


FIGURE 5:

**WATERFRONT PROPERTY OWNERS:
MOORING PERMITS WILL BE GRANTED FOR MOORING
CIRCLES WITHIN SIDE REFERENCE LINES**

Figure 6 – Mooring Permits
 Swing Circles Beyond Side Reference Lines

NOTE: Where mooring circles extend beyond side reference lines and circles do not overlap, mooring permits may be granted. Mooring circle radius is normally 2.5 x water depth in feet at Mean High Water + 10 ft. + length of vessel to be moored. Sketch is not to scale.

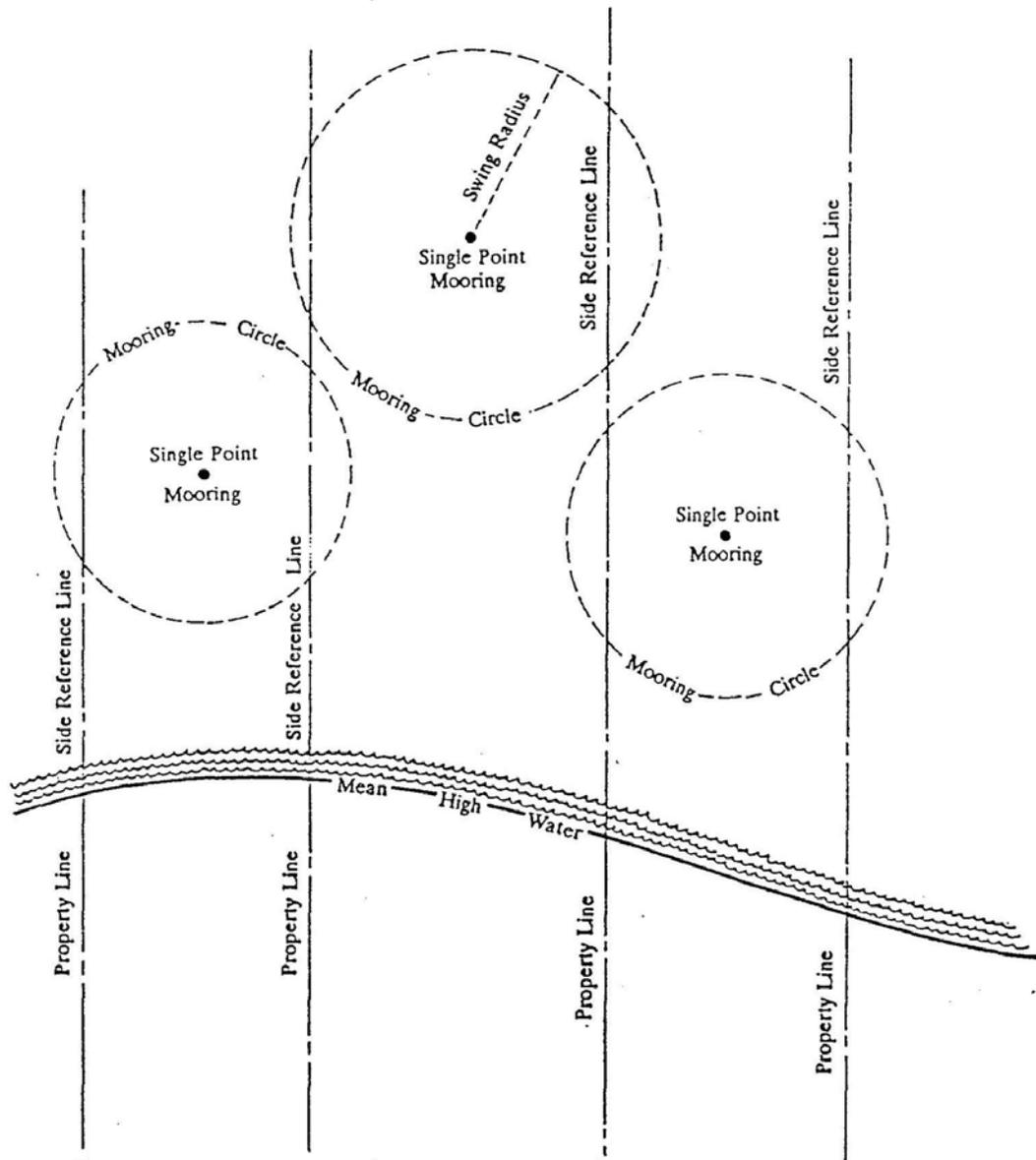


FIGURE 6:

**WATERFRONT PROPERTY OWNERS:
 MOORING CIRCLES EXTENDING BEYOND SIDE REFERENCE LINES,
 CIRCLES DO NOT OVERLAP;
 MOORING PERMIT MAY BE GRANTED**

Figure 7 – Mooring Permits Swing Circles Relative to Federal Channel

NOTE: Moorings or moored vessels that would encroach into the Federal channel will not be permitted. Mooring circle radius is normally $2.5 \times$ water depth in feet at Mean High Water + 10 ft. + length of vessel to be moored. Sketch is not to scale.

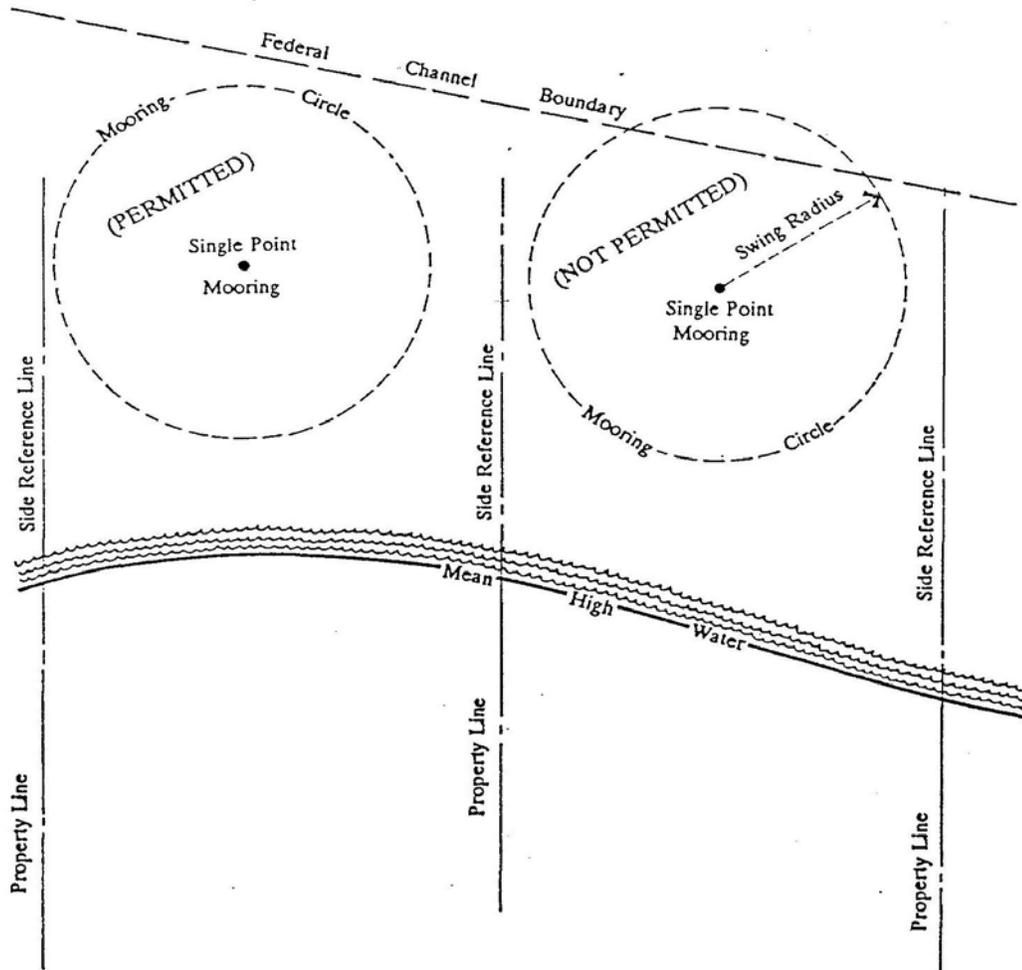


FIGURE 7:

MOORING CIRCLES RELATIVE TO FEDERAL CHANNEL

APPENDIX A

ORDINANCE/REGULATION

TITLE: Ordinance Creating a Harbor Management Commission, Page 1 EFFECTIVE DATE: Adopted October 11, 1988. Effective 15 days after publication.

Be it resolved by the Town of Old Lyme, in the Town Meeting convened, that the following Ordinance be adopted pursuant to the provisions of Secs. 22a-113k of the General Statutes of Connecticut, as amended.

Section 1. Harbor Management Commission. There shall be established a Harbor Management Commission which shall have jurisdiction over all navigable waters, as defined in Sec. 15-3a (b) of the Connecticut General Statutes, within the territorial limits of the Town of Old Lyme.

Section 2. Responsibilities. Said Harbor Management Commission shall, in consultation with the Commissioner of Environmental Protection and the Commissioner of Transportation of the State of Connecticut, prepare a management plan for the most desirable use of these bodies of water in a manner consistent with Secs. 22a-90 to 22a-112, inclusive, of the Connecticut General Statutes. Such management plan shall:

- (a) Identify existing and potential harbor problems;
- (b) establish goals and make recommendations for the use, development and preservation of said bodies of water;
- (c) include provisions for the orderly, safe and efficient allocation of said bodies of water for boating by establishing:
 - (1) the location and distribution of seasonal moorings and anchorages;
 - (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities; and
 - (3) space for moorings, anchorage for transient vessels; and
 - (4) such other provisions as the Commission shall recommend, in accordance with Secs. 22a-113m to 22a- 113s, inclusive, of the Connecticut General Statutes.

Section 3. Composition. The Harbor Management Commission shall be composed of nine (9) members and three (3) alternate members, appointed by the Board of Selectmen, who shall be legal voters of the Town of Old Lyme. The Harbormaster for the Town of Old Lyme shall be a non-voting, ex-officio member of the Commission.

Section 4. Term of Office

- (a) The initial terms of office of the members of the Harbor Management Commission for Old Lyme shall be as follows:
 - (1) Three members and one alternate shall serve for a period of two (2) years;
 - (2) Three members and one alternate delegate shall serve for a period of three (3) years;
 - (3) Three members and one alternate shall serve for a period of four (4) years.
- (b) Thereafter, at the expiration of the initial term of office of each of the original members and alternates a successor shall be appointed for a term of four (4) years.

Section 6. This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having a circulation in the Town of Old Lyme.

APPENDIX B

October 1988

James R. Rice Marvin F. Roberts Raymond M. Turrell Board of Selectmen

Mr. K. Lennart Abrahamsson 36 Neck Road

Old Lyme, CT 06371

Home Phone: 434-9008 Business Phone: 434-1272

Mr. Norman B. Carlson 29-1 Grassy Hill Road

Old Lyme, CT 06371

Home Phone: 434-5165 Business Phone: 433-5070

Mr. Bob Getman

24 Wychwood Road

Old Lyme, CT 06371 Home Phone: 434-2682 Business Phone:

Mr. Eric J. Gordon

35 Mile Creek Road, #2c Old Lyme, CT 06371 Home Phone: 434-0203 Business Phone:

Mr. Lyman B. Hoops 7 Kinner Road

Old Lyme, CT 06371 Home Phone: 434-9333 Business Phone:

Mr. Robert E. Knox

98 West End Drive

Old Lyme, CT 06371

Home Phone: 434-9119 Business Phone: 434-9119

Mr. Anthony M. Licitra

11 Miami Ave., P.O. Box 361 Old Lyme, CT 06371

Home Phone: 434-8369 Business Phone:

Term

4 years

4 years

3 years

Alternate 4 years

3 years

2 years (plus 4)

Alternate 2 years (plus 4)

APPENDIX C

OLD LYME HARBOR MANAGEMENT COMMISSION BY-LAWS

ARTICLE I ORGANIZATION

Section 1. Name. This administrative agency, established by Ordinance at an adjourned Town Meeting on October 11, 1988, pursuant to the provisions of Section 22a-113k, et seq. of the General Statutes of Connecticut, as amended, as the municipal Harbor Management Commission for the Town of Old Lyme, shall be known as the "Old Lyme Harbor Management Commission" and is hereinafter referred to as the "Commission."

Section 2. Office. The permanent office of the Commission shall be located, with the other town offices, in the Old Lyme Memorial Town Hall, Lyme Street, Old Lyme, Connecticut 06371.

Section 3. Membership. The Commission consists of nine (9) members and three (3) alternate members, appointed by the Board of Selectmen, who shall be legal voters of the Town of Old Lyme. The Harbormaster and Deputy Harbormaster for the Town of Old Lyme, as appointed by the Governor of the State of Connecticut, shall each be a non-voting ex-officio member of the Commission and may not concurrently serve as a regular or alternate member. (Note: By-laws were amended 2/13/07). Three members and one alternate shall serve for a period of two (2) years; three members and one alternate delegate shall serve for a period of three (3) years; and three members and one alternate shall serve for a period of four (4) years. Thereafter, at the expiration of the initial term of office of each of the original members and alternates, a successor shall be appointed by the Board of Selectmen for a term of four (4) years.

ARTICLE II OFFICERS AND DUTIES

Section 1. Titles. The Commission shall have a Chairman, a Vice Chairman, Secretary and Treasurer who shall be chosen from among the regular members of the Commission.

Section 2. Election of Officers. The officers of the Commission shall be elected annually by a majority vote of the regular members of the Commission. The officers shall be elected at the regular December meeting in each year and they shall hold office for a term of one (1) year and until their successors are duly elected.

Section 3. Duties of Officers. The duties and powers of the officers of the Commission shall be as follows:

Chairman

The Chairman shall preside at all meetings of the Commission and shall conduct all hearings. The Chairman may administer oaths and compel the attendance of witnesses. The Chairman shall have the authority to appoint committees, call special meetings, certify expenditures of funds up to One Hundred Dollars (\$100.00) without specific approval by the Commission, sign all contracts, and other instruments made by the Commission when approved by the Commission.

The Chairman shall meet with other municipalities as appropriate and be responsible for making reports to the Commission and the Town.

Vice Chairman

During the absence of the Chairman or his inability to act at a meeting, the duties and powers of the Chairman shall be performed and exercised by the Vice Chairman and, when so acting, he shall have all the powers and duties of the Chairman.

Secretary

The Secretary shall keep the minutes of the meetings and shall be responsible for taking the evidence at all hearings and compiling the record thereof as required by law. The Secretary shall be the custodian of the records of the Commission and shall give, serve and publish, in accordance with law, all notices of meetings, hearings and decisions of the Commission. The Secretary shall attend to all correspondence of the Commission and perform all the duties incident to the office of Secretary. The Secretary may delegate functions to a clerk when and as approved by the Commission. During the absence of both the Chairman and the Vice Chairman or their inability to act, the duties and powers of the Chairman shall be performed and exercised by the Secretary and, when so acting, the Secretary shall have all the powers and duties of the Chairman.

Treasurer

The Treasurer shall maintain a complete accounting of all money received and disbursed by the Commission and shall keep this record current at all times. The Treasurer shall provide data for the Annual Treasurer's Report which shall be timed to coincide with the fiscal year of the Town of Old Lyme and furnish a financial status report at every regularly scheduled meeting. The Treasurer shall pay all authorized bills and appropriations promptly. During the absence of the Chairman, Vice Chairman and Secretary or their inability to act, the duties and powers of the Chairman shall be performed and exercised by the Treasurer and, when so acting, the Treasurer shall have all the powers and duties of the Chairman.

Section 4. Vacancies. Vacancies in an office of the Commission shall be filled as soon as possible by the Board of Selectmen of the Town of Old Lyme.

Section 5. Resignations. The resignation of an officer of the Commission shall be in written form and transmitted to the Chairman. The resignation of the Chairman shall be in written form and transmitted to the Vice Chairman.

Section 6. Removal. A Commission member can be removed by the Board of Selectmen for good cause, upon request by the Commission. Failure to attend three (3) consecutive meetings shall constitute grounds to recommend to the Board of Selectmen that a member be removed.

ARTICLE III

COMMISSION MEETINGS

Section 1. Meeting Procedures. The Commission meetings shall be conducted in accordance with Robert's Rules of Order.

Section 2. Regular Meetings. Regular meetings of the Commission shall be held on the Second Tuesday of each calendar month at 7:00 PM at the Old Lyme Memorial Town Hall, holidays excepted.

Section 3. Special Meetings. Special meetings of the Commission may be called by the Chairman at such time and place as the Chairman shall designate. In addition, upon a written request of at least five (5) members of the Commission, a special meeting shall be called by the Secretary. Such written request shall be signed by the required number of members and shall be delivered to the Secretary at least ten (10) days prior to the time designated therein in said request shall be transacted at any such special meeting.

Section 4. Notice. At least five (5) days before each regular meeting or special meeting, the Secretary shall serve, personally or by mail, a written notice of the time and place thereof upon each member of the Commission.

Section 5. Statutory Notice. The Chairman and Secretary shall, on behalf of the Commission, file, not later than January 31st of each year, with the Town Clerk a schedule of regular meetings of the Commission for the next ensuing calendar year. In addition, notice of any special meeting of the Commission shall be given not less than twenty-four (24) hours prior to the time of such meeting by posting a notice of the time and place of such meeting in the office of the Town Clerk; provided, however, in case of emergency, any such special meeting may be held without complying with the foregoing requirement for the posting of notice, but a copy of the minutes of any such special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with the Town Clerk not later than seventy two (72) hours following the holding of such meeting.

Section 5. Agenda. The agenda of the regular meetings of the Commission shall be available to the public and shall be filed not less than twenty-four (24) hours before the meetings in the office of the Town Clerk. Upon the affirmative vote of two-thirds of the members of the Commission present and voting, any subsequent business not included in such filed agendas may be considered and acted upon at such meetings.

Section 6. Quorum. At all meetings of the Commission, the presence of five (5) members of the Commission shall be necessary to constitute a quorum for the transaction of business.

Section 7. Voting. At all meetings of the Commission, each regular member shall be entitled to one (1) vote. The act favored by a majority of the votes cast at any meeting at which a quorum is present shall be the act of the Commission, unless otherwise provided by law. A member who was not present at all public hearings upon any matter shall not be entitled to vote in the decision upon such matter. No member shall be entitled to cast a vote in absentia.

Section 8. Alternate Members. Each alternate member may take part in all discussions at any meeting, at which such alternate is present, but may not present or second a motion, nor vote unless:

(a) The alternate has been named to serve by the Chairman in place of an absent regular member, or a regular member who has been disqualified, or

(b) The vote is on a decision upon a public hearing at which the alternate served in place of an absent member or on acceptance of minutes of a previous regular meeting at which the alternate served in place of absent member. If a regular member of the Commission is absent or

disqualified, the Chairman of the Commission shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

Section 9. Public Attendance. The meetings of the Commission shall be open to the public when in session. Such meetings shall be closed to the public when in executive session as defined by Connecticut General Statutes Section 1-18a (e) when so voted by two thirds of the members of the Commission present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in Section 1-18a.

Section 10. Voting. The vote on-all questions coming before a meeting of the Commission shall be by roll call vote and the yeas and nays or abstentions shall be entered upon the minutes of each meeting, which records shall be available for public inspection as required by statute.

Section 11. Disqualification. No member of the Commission shall participate in a hearing, meeting or decision of the Commission upon any matter in which such member knowingly has a pecuniary interest. In the event of any such disqualification, such fact shall be entered on the records of the Commission, and replacement shall be made first from among the alternate members (as provided in these rules of an alternate member to act as a member of the Commission) at the hearing or meeting and determination of the particular matter or matters in respect of which the disqualification arose. No member of the Commission shall appear for or represent any person, firm or corporation or other entity in any matter pending before the Commission whether or not such member participates as a member of the Commission in respect of such matter.

ARTICLE IV

HEARINGS

Section 1. In General. The Commission shall hold public hearings.

Section 2. Notice. Notice of the time and place of each public hearing held by the Commission shall be published in accordance with Connecticut General Statutes.

Section 3. Conduct Of Hearings. Hearings shall be conducted as required by law and pursuant to Connecticut General Statutes.

ARTICLE V

RECORDS

Section 1. Public Inspection. Except as otherwise provided by any federal or state statute or regulation, all records made, maintained or kept on file by this Commission or its Secretary shall be public records and every resident of the state shall have the right to inspect or copy such records at such reasonable time as may be determined by the custodian thereof, provided, however, that such custodian shall refuse permission to so inspect or copy such records if such inspection or copying would adversely effect the public security or the financial interests of the

state or any of its political subdivisions or if such denial is necessary, to provide reasonable protection to the reputation or character or any person. Any such denial of such right of inspection shall be made to such resident, in writing, generally stating the reason therefore within eight (8) days the request of such inspection.

Section 2. Depository. The public records of this Commission and the Secretary shall be kept at the office of this Commission at the Memorial Town Hall, Old Lyme, Connecticut.

Section 3. Maintenance of Records. This Commission shall make, keep and maintain a record of the proceedings of its meetings. The votes of each member of the Commission upon issue before the Commission shall be reduced to writing and made available for public inspection within forty-eight (48) hours, excluding any Saturday, Sunday or legal holiday, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection at all reasonable times.

Section 4. Non-Public Records. The following shall not be deemed public records for the purposes of this Article:

- (a) Internal personnel rules and practices of the Commission or official, -trade secrets and commercial or financial information obtained from the public;
- (b) Personnel or medical files and similar files, the disclosure of which would constitute an invasion of personal privacy; and
- (c) Investigatory files compiled for law enforcement purposes, except to the extent available by law to a private citizen.

ARTICLE VI

MISCELLANEOUS

Section 1. Amendment Of Rules. These rules may be amended by a resolution of the Commission adopted by a two-thirds vote at any meeting provided that notice of the fact that an amendment is to be considered shall have been included in the notice of the meeting. The application of these rules may be waived at any meeting of the Commission at which all members of the Commission are present by a unanimous resolution, provided, however, that no such waiver shall be effective to permit conduct or procedure which is unlawful or unconstitutional.

Section 2. Commission Annual Report. As required by law, the Commission shall file an annual report with the legislative body of the Town of Old Lyme.

APPENDIX D

PERMIT AND REGULATORY AUTHORITIES

The list below identifies many activities that are likely to occur in a harbor, or in or adjacent to Old Lyme's coastal waters. For each activity, the relevant and applicable federal and state laws associated with that activity, as well as Old Lyme's Ordinance, are shown with a legal reference. A short description of the specific activity follows the legal reference. An asterisk indicates permit approval may be required; individuals are advised to contact the agency for further clarification.

Other additional review requirements by local authorities do exist but will vary from municipality to municipality. Therefore, this list only references generic local reviews.

CGS means Connecticut General Statutes

USC means United States Code

CFR means Code of Federal Regulations

AIDS TO NAVIGATION/BUOYS/MARKERS

Federal: *Section 10 of River and Harbor Act of 1899, structures in navigable waters of the U.S., (Corps).

*14 USC 83 and 33 CFR 60 ~ seq., aid registration, (Coast Guard).

State: Section 15-121 CGS, recreational boating, (DEP-LE).

Section 15-25 GCS, injuring, interfering with buoys, etc., (ConnDOT).

ANCHORAGES

Federal: *Section 10 of River and Harbor Act of 1899, Federal maintenance in navigable waters of the U.S., (Corps). *33 CFR 110.1, Subpart A, special anchorages, (Coast Guard).

Local: *Section 15-8 CGS, use of, (local harbor masters).

AQUACULTURE, see SHELLFISHERIES

BEACH EROSION

Federal: Section 103 of River and Harbor Act of 1962, small beach erosion control projects, (Corps).

State: Section 25-69 through 83 CGS, State assistance for projects, (DEP-WRU).

Local: Section 25-84 through 98 CGS, municipal Flood and Erosion Control Board, (local commission).

BOATING

Federal: 46 USC 25 and 33 CFR Parts 1-199, safety, (Coast Guard).

State: Section 15-121 CGS, administration, (DEP-LE).

Section 15-127 through 15-140d CGS, safety, (DEP-LE).
Section 15-16 CGS, speed, (DEP-LE).
*Section 15-136 CGS, local ordinances proposed by select persons, subject to DEP approval, (DEP-LE).
*Sections 15-141 through 157 CGS, registration of boats, (DMV).

Local: Article II, Article III, Sec. 12, 15, 16, 18.

BRIDGES see STRUCTURES etc.

BUOY, see AIDS TO NAVIGATION etc.

CHANNELS AND FAIRWAYS

Federal: Section 107 of River and Harbor Flood Control Act of 1960, small public navigation projects, (Corps). *Section 10 of Rivers and Harbors Act of 1899, construction and maintenance in navigable waters of the U.S., (Corps).
State: Sections 22a-340, and 386 CGS, layout, (DEP-CRMD). *Section 22a-361 CGS, construction and maintenance of non-Federal channels, (DEP-CRMD).
Local: Article IV, Sec. 23, Article VII, Sec. 35 E, I.

DISCHARGES

Federal: Many authorities have been delegated to state under Federal law.
State: *Sections 22a-416 through 22a-471, regulation of water pollution, (DEP-WCU). Sections 22a-448 through 22a-452, oil spills, (DEP-WCU). *Section 401 of the Clean Water Act, Water Quality Certificate, (DEP-CRMD). *Section 22a-430, point-source discharge, see also NPDES, (DEP-WCU).
Local: Article V, Sec. 33 A, B.

DOCKS see STRUCTURES

DREDGING/DREDGED MATERIAL DISPOSAL

Federal: *Section 103 of Marine Protection, Research and Sanctuaries Act of 1972, ocean dumping of dredged material, (Corps). *Section 404 of Clean Water Act, in all waters of the U.S., (Corps). *Section 10 of River and Harbor Act of 1899, in navigable waters of U.S., (Corps).
State: *Section 22a-359 through 361 CGS, for navigation, (DEPCRMD). *Sections 22a-383 through 390 CGS, sand & gravel mining, (DEP-CRMD). *Section 401 of Clean Water Act, Water Quality Certificate, see also Section 22a-430 CGS, (DEP-CRMD). *Sections 22a-28 through 45 CGS, in wetlands, (DEP-CRMD) (local wetland agency).

ENFORCEMENT

Federal: Corps and Coast Guard enforce the Federal laws; usually enforcement authorities are not delegated to state or local agents.

State: Violations are pursued under the same statutory authority that regulates the activity. For example, some of the state statutory authorities are listed below. Section 15-121 through 157 CGS, state boating statutes, (Section 15-154 CGS) can be enforced by DEP or Harbormaster, deputy Harbormaster, conservation officer, special conservation officer, state police officer, municipal police officer, special police officer (under Section 29-18 through 19 CGS), volunteer police auxiliary force (under Section 29-22 CGS), and town marine officers (appointed under Section 15-15a CGS), (DEP-LE).

Sections 22a-416 through 471 CGS, enforcement authority for water pollution/control, (DEP-WCU).

Sections 22a-28 through 45, 22a-359 through 361, 22a-383 through 390 CGS, violations in structures, dredging or filling, (DEP-CRMD).

Sections 26-205 through 206 CGS, violation of shellfish laws, (Aquaculture).

Local: Section 26-6a CGS, constables for fish and game protection, (local appointment).

Section 15-8 CGS, location of vessels in harbor, (local Harbormaster).

Article II, Sec. 6, 7; Article III, Sec. 8, 9.

FILLING

Federal: *Section 10 of River and Harbor Act of 1899, is navigable waters of the U.S., (Corps).

*Section 404 of Clean Water Act, in all waters of the U.S. (includes wetlands), (Corps).

State: *Section 22a-359 through 363 CGS, in coastal, tidal or navigable waters, (DEP-CRMD).

*Section 22a-28 through 45 CGS, in wetlands, (DEP-WRU) (local wetland agency).

FISH AND GAME REFUGES

State: Sections 26-99 through 107 CGS, establishment of boundaries, restrictions on hunting fishing, etc, (DEP-LE).

Section 26-17a CGS, acquisition and preservation of tidal wetlands, (DEP-PROP).

FISHERIES

State: *Sections 26-142 through 186a CGS, commercial, fishing, recreational fishing, lobstering, (DEP-LICENSE) (DEP- FISH).

Section 26-16 CGS, public hunting and fishing lands and waters, (DEP-LE).

FLOATS (see STRUCTURES)

FLOODPLAIN ENCROACHMENT LINES

Local: Section 7-147 CGS, setbacks landward from mean high water line, (local ordinance).

HARBOR IMPROVEMENTS

Federal: Water Resource Development Act of 1974, Federal authorization of improvements, (Corps).

Section 7 of River and Harbor Act of 1915, Federal authorization of improvements, (Corps).

Section 107 of River and Harbor Flood Control Act of 1960, redevelopment and construction of small navigation projects, (Corps).

State: Sections 13b-56 and 57 CGS, agencies, plans, grants-in-aid, (local agency, with DEP/ConnDOT approval).

HARBOR LINES-

Federal: Section 404 of Clean Water Act.

State: *Sections 22a-360 CGS, designation, (DEP-CRMD).

Local: Article I, Sec. 2.

HARBOR MANAGEMENT

State: Sections 22a-113k through 113t CGS, commissions, plans, mooring fees, (DEP-CRMD) (ConnDOT).

Local: Harbor Management Commission.

HARBOR MASTERS

State: Sections 15-1 through 10 and 13b-51 CGS, responsibilities, (ConnDOT).
Section 3-125 CGS, Attorney General appearance on behalf of Harbormaster,
(ConnDOT).

Local: Article III, Sec. 8, Article VII, Sec. 35 J.

HOUSEBOATS

State: Sections 19a-227 through 230 CGS, limitations on use, (local Director of Health).

Local: Article III, Sec. 15.

LAND DEVELOPMENT/USE ON WATERFRONT

Federal: *Section 307 of Federal Coastal Zone Management Act, Federal activities,
Federal financial assistance and Federal permits must be consistent with
Connecticut Coastal Management Program, (DEP-CRMD).

44 CFR 59 ~ seq., National Flood Insurance Program, (local ordinance) (DEP-
WRU).

State: *Section 22a-92 through 112 CGS, all state plans and actions and DEP permits
must be consistent with Coastal Management Act, (DEP-CRMD).
*Section 25-68b through 68h CGS, state-funded or state regulated actions in
floodplains, (DEP-WRU).

Local: Sections 22a-92 through 112, CGS, activities within town's coastal boundary must
be consistent with Coastal Management Act, (local land use agencies).
Variances to local flood regulations and standards must be approved by local
zoning boards of appeal and referred to DEP-WRU for approval under Section
743 of the State Building Code.

Section 22a-113p CGS, recommendation by Harbor Management Commission
(Old Lyme Harbor Management Commission).

LOBSTERING see FISHERIES

MARINE SANITATION DEVICES

Federal: Section 312 of Clean Water Act, (Coast Guard).

State: Sections 15-121(b)(8), 15-144(f) CGS, (DEP-LE).

Local: Article V, Sec. 35B.

MARKERS see AIDS TO NAVIGATION

MOORINGS

- Federal: *Section 10 of River and Harbor Act of 1899, individual or commercial moorings in navigable waters of the U.S., (Corps).
- State: *Section 15-8 CGS, individual and/or commercial moorings, separate applications required, (local Harbormaster).
- *Commercial mooring fields (DEP/CRMD).
- Local: Section 113s CGS, local mooring fee, (local Harbormaster) (Harbor Management Commission).
Article IV, Sec. 21-32.

NAVIGATION

- Federal: 33 USC 164.01 through 164.61, safety, (Coast Guard) Various River & Harbor Acts and Congressional Authorizations, dredging of authorized facilities, (Corps).
- State: Sections 15-1, 15-7b, 15-8 CGS, Harbor Masters, (ConnDOT) .

"NO DISCHARGE" ZONES see MARINE SANITATION DEVICES

OBSTRUCTIONS TO NAVIGATION

- Federal: Sections 15, 19 and 20 of River and Harbor Act of 1899, obstructions in Federal projects, wrecks or sunken vessels, removal from navigable waters of the U.S., (Corps), as amended by Section 939, Public Law 99-662.
- State: *Sections 15-11a CGS, disposal of old vessels and floating structures, (ConnDOT).
- Section 15-140d CGS, removal of hazardous structures in tidal waters, (ConnDOT).
- Local: Section 15-12 CGS, removal of obstructions from waterfront land, (local selectmen). Article VI, Sec. 34.

PIERS see STRUCTURES

POLLUTION see DISCHARGES

PORT AUTHORITIES

- State: Sections 7-329a through 7-329f CGS, formation of port authorities.

PUBLIC FACILITIES

- Local: Section 7-148 CGS, description of municipal powers to develop public facilities.

RACES, REGATTAS, MARINE PARADES

Federal: *33 CFR 100, permits, (Coast Guard).

Local: Article III, Sec. 18.

RESTRICTED BOATING AREAS

State: *Section 15-121 CGS, designation of and regulation, (DEP-LE).

Local: Article III, Sec. 20.

SHELLFISHERIES

State: *Sections 26-192 through 237 CGS, state shellfisheries, (Aquaculture).
Section 19a-95 through 101 CGS, shellfishing closures, (DOHS).

*Section 22a-361 CGS, erection of structures or placement of fill on oyster grounds, (DEP-CRMD).

Section 22-416 through 418 CGS, State Aquaculture Commission, (Aquaculture).

Local: *Section 26-238 through 294 CGS, local shellfisheries, (Old Lyme Shellfish Commission).

STREAM CHANNEL ENCROACHMENT LINES

State: *Section 22a-342 through 348 CGS, encroachments in floodways, (DEP-WRU).

STRUCTURES/BRIDGES/DOCKS/FLOATS/PIERS

Federal: *Section 10 of River and Harbor Act of 1899, in navigable waters of the U.S., (Corps).

*Section 404 of Clean Water Act, in all waters of the U.S. (includes wetlands), (Corps).

*Section 9 of river and Harbor Act of 1899, bridges, (Coast Guard).

State: *Section 22a-359 through 363 CGS, permit, (DEP-CRMD).

Section 22a-362 CGS, nuisance/violation, (DEP-CRMD). *Section 22a-28 through 45 CGS, in wetlands, (DEP-WRU) (local wetland agency).

Local: Article III, Sec. 17.

SWIMMING AREAS

Federal: 14 USC 83 and 33 CFR 60 ~ seq., floats, (Coast Guard). *Section 10 River and Harbor Act, floats, (Corps).

State: *Section 15-121 CGS, marked swimming areas, (DEP-LE)

Local: *Article III, Sec. 20.

VESSELS (removal of)

Federal: Sections 19 and 20 of River and Harbor Act of 1899, removal of wrecks from navigable waters of the U.S., (Corps).

State: Section 15-11a CGS, order for removal of sunken vessels as violation, (ConnDOT/DEP-WRU).

Section 22a-359 CGS, sunken vessels as encroachments, (DEP-CRMD).

Local: Section 15-9 through 11 CGS, moving obstructing vessels, (Old Lyme Harbormaster). Article IV, Sec. 25; Article VI, Sec. 34.

WATERFRONT DEVELOPMENT see LAND DEVELOPMENT/USE etc.

WETLAND ACTIVITIES

Federal: *Section 404 of Clean Water Act, discharges of dredged or fill material in waters of the U.S., (Corps).

State: *Section 22a-28 through 35 CGS, activities in state-mapped tidal wetlands, determined by vegetation, (DEP-CRMD).

*Section 22a-36 through 45 CGS, activities in inland wetlands, determined by soil type, (DEP-WRU).

APPENDIX E

GLOSSARY

Definitions per Connecticut General Statutes Chapter ~ Sec 22a-93

"Beaches and Dunes" means beach systems including barrier beach splits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sand flats.

"Bluffs and Escarpments" means naturally eroding shore lands marked by dynamic escarpments of sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover.

"Coastal Hazard Areas" means those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined and determined by the National Flood Insurance Act, as amended (U.S.C. 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the Commissioner.

"Coastal Waters" means those waters of Long Island Sound and its harbors, embayments, tidal rivers, streams and creeks, which contain a salinity concentration of at least five hundred parts per million under the low flow stream conditions as established by the Commissioner.

"Developed Shorefront" means those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems.

"Freshwater Wetlands and Watercourses" means wetlands and watercourses as defined by Sec. 22a-38 of the General Statutes.

"Intertidal Flats" means very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation.

"Estuarine Embayments" means a protected coastal body of water with an open connection to the sea in which saline sea water is measurable diluted by fresh water including tidal rivers, bays, lagoons and coves.

"Near shore Waters" means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour.

"Offshore Waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour.

"Rocky Shore fronts" means shore front composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms.

"Shellfish Concentration Areas" means actual, potential or historic areas in coastal waters in which one or more species of shellfish aggregate.

"Shore lands" means those land areas within the coastal boundary exclusive of coastal hazard areas which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills and drumlins.

"Water Dependent Uses" means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigational aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters.

"Abode" means the principal, non-water dependent use of a structure or vessel as a dwelling or home.

"Anchoring" means to secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors or other ground tackle from a vessel.

"Commercial Mooring" means the rental or lease of a mooring along with the provision of shore side amenities such as parking, launch service, and bathrooms.

"Harbor Management Act" means the legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t.

"Harbor Management Commission" means any local municipal commission established under and carrying out the responsibilities authorized by the Connecticut Harbor Management Act.

"Moor" means to permanently secure a vessel to the bottom of a waterbody by the use of mooring tackle.

"Mooring" means a place where buoyant vessels are permanently secured to the bottom of a water body by mooring tackle and by permit from the Town of Old Lyme.

"Mooring Tackle" means the hardware used to secure a vessel at a mooring and which is kept in place seasonally.

"Transient Anchorage" means any area reserved and designated on the Old Lyme Water Use Plan for the exclusive short term use of commercial and recreational vessels and any vessels seeking emergency shelter.

"Vessel" means description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

Section 26-17a CGS, acquisition and preservation of tidal wetlands, (DEP-PROP). Local:
*Section 22a-36 through 45 CGS, activities in inland wetlands, determined by soil type, (local inland wetland agency).

Town of Old Lyme **Harbor Management Plan Addendum**

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 18th century and the latter part of the 19th 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 paddle craft 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 recognizes that “*reasonable riparian access*” can be achieved through means other than the construction of a dock structure of some sort.

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 Town wide 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 Town wide objectives toward meeting the Town wide goals. Finally, Town wide 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.**

Town wide Goals and Objectives

The following Town wide 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:

Town wide Goals

The following Town wide 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 river way 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 paddle craft 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 paddle craft 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.

Town wide Objectives

The following Town wide Objectives are proposed to guide the implementation of the Town wide 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 Town wide 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.

Town wide 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 jurisdiction and following these standards does not guarantee that a permit will be issued by the DEP.

Town wide Aesthetic Standards

The following Town wide Standards have been established to guide the implementation of the Town wide Goals and Town wide 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.

Town wide Non-Aesthetic Standards

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

- Floating docks may not extend more than $\frac{1}{4}$ 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 Town wide 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:

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 storm water 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 unimpacted 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.



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 paddle craft 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).

Town of Old Lyme Harbor Use Zones
 Harbor Management Plan Addendum Map
 February 2009

