

June 6, 2016

Planning and Zoning Commission
54 East Main Street
Clinton, CT 06413

RE: Zoning text amendment to allow multiple dwelling units in the Marine (M) zone; Cedar Island Marina, applicant

Dear Commissioners:

Thank you for referring this zoning text amendment to us for review and comment. Pursuant to Section 22a-104 (e) of the Connecticut General Statutes, we have reviewed the proposed amendment for consistency with CCMA policies and offer the following comments for your consideration. Our Office had previously reviewed a similar zoning text amendment submitted to the town in January 2016 and we are enclosing our previous letter to the Commission as a reference since most of our concerns still apply to this new amendment proposal. We still believe that any upland area at marinas can be successfully utilized for marine uses. We strongly recommend that the Commission deny this zoning text amendment.

Zoning text amendment

The proposed zoning text amendment would allow common interest community developments as a Special Exception use in the marine (M) zone which was created as a waterfront district to accommodate water-dependent marine commercial uses. Currently, the zoning regulations do not allow residential uses at all within the marine zone. As we explained in our previous letter, water-dependent uses cannot be located inland and must have direct access to the water, whereas non-water-dependent uses such as multi-family housing can be located inland. Marine uses on the upland which support in-water uses are preferred to residences which are not a water-dependent use and may conflict with marine uses.

Passage of this zoning text amendment would have an adverse impact on existing and future water-dependent opportunities for reasons outlined in our previous letter.

In addition, much of the waterfront land held by marinas is flood-prone, zoned either Flood Zone A or Flood Zone V and thus not ideal for residential uses. Non-residential uses are preferred to residential uses in flood zones for many safety reasons. In a flooding event, individuals are far more likely to evacuate non-residential uses rather than their year round homes.

Lastly, the Town of Clinton is aware that it is under order from the Connecticut Department of Energy and Environmental Protection (DEEP) to resolve ongoing community pollution problems from existing septic systems in certain areas of town, including portions of the waterfront area of town zoned M for marine uses where this proposed text amendment would apply.

Suitable Uses for Upland in M Zone

While the proposed zone change would affect the entire M zone, a February 1, 2016 letter from Kristopher Shapiro suggests that the goal of the proposal is to facilitate the development of part of the Cedar Island Marina property.

We encourage the Commission to explore the various marine uses that may be suitable for the site, such as upland disposal of dredged material, boat storage and maintenance or other upland support of marine operations.

Conclusion

We strongly recommend that the Commission deny this zoning text amendment for the various reasons stated in this letter and our previous letter of January 14, 2016. We believe this text amendment would adversely impact both existing and future water-dependent uses which define and enhance the town of Clinton as a vibrant and unique coastal community with a variety of water-based opportunities for its citizens and tourists and expose more residents and property to coastal hazards. Pursuant to CGS Section 22a-104 (e), we request that these comments be read into the record at a Public Hearing for this application. If we can be of further assistance to you in this or any other coastal management or Long Island Sound related matter, please feel free to contact Carol Szymanski of my staff at 860-424-3138.

Sincerely,

Brian Thompson, Director
Office of Long Island Sound Programs
Bureau of Water Protection and Land Reuse

Encl.

cc: Carlos Esguerra, DEEP
Matthew Kennedy, WPCA