

Section 6: Proposed Revisions to the Clinton Plan of Conservation and Development

It is proposed that, following appropriate public hearings, the following changes to the Town Plan of Conservation and Development be adopted by the Planning and Zoning Commission as a supplement to the 2000 Plan of Conservation and Development. These proposed revisions identify changes needed to resolve inconsistencies between the Plan and existing conditions, and changes needed to help resolve the coastal issues identified in the preceding section.

Proposed Coastal Goals and Policies

Because of growing recognition of the special significance of the coastal area and the importance of coastal resources, additional policies are needed concerning future development within Clinton's coastal area and the use and maintenance of Clinton's coastal resources.

Connecticut Coastal Management Act Policies

The Connecticut Coastal Management Act (CCMA) establishes numerous policies concerning coastal land and water resources, coastal uses, and government processes. Because of their general applicability to coastal resources and uses, three of the general policies established by the CCMA are restated below:

- To preserve and enhance coastal resources in accordance with the policies established (in other Connecticut General Statutes).
- To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth.
- To resolve conflicts between conflicting uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits.

Because of their number, the other State Coastal Policies are not quoted, but are included by reference. Readers should refer to the CCMA or to the Connecticut Coastal Management Manual (Developed September 2000).

Municipal Goals and Policies

In addition to these State policies, several goals and policies that respond to the special concerns of Clinton's coastal area have been developed and included in this supplement to the Clinton Plan of Conservation and Development. Future development in the coastal area should respond to both State and municipal policies.

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Coastal Resource Protection:

1. Avoid and discourage non-essential encroachment of man-made uses into environmentally sensitive coastal resource areas.
 - a. Encourage owners of sensitive resource areas to donate land in fee-simple or to dedicated conservation easements to the Town of Clinton or a land trust.
 - b. Discourage development immediately adjacent to tidal wetlands and other sensitive coastal resources through the development of buffers.
 - c. Encourage the use of tax abatement provisions to lessen economic pressures on property owners for development of sensitive lands.
2. Improve water quality in the Town's rivers and harbor.
 - a. Upgrade water quality in the Indian and Hammock Rivers to SA classification.
 - b. Establish a sewer minimization program that will discourage or prohibit development in wetlands and other areas where on-site sewage disposal is inappropriate, and will upgrade existing inadequate systems.

The Town of Clinton, along with the neighboring towns of Old Saybrook and Westbrook, has long been involved in the issue of groundwater protection. In an effort to correct what the Connecticut Department of Environmental Protection has identified as groundwater pollution resulting primarily from non-functioning or non-code septic systems, an effort was made during the late 1980's to establish a regional sewer line originating in Clinton and terminating at a waste treatment plant on the Connecticut River in Old Saybrook. Although the voters of Clinton and Westbrook gave their towns the go ahead to participate in the consortium, the voters of the Town of Old Saybrook voted against the plan, likely because of the location of the treatment plant within their borders. As a result of the failure of this effort, Clinton, Westbrook and Old Saybrook have pursued wastewater management on their own.

The Town of Clinton continues to solve its wastewater disposal through the use of on-site septic systems. Under most circumstances, properly sited, designed, constructed and maintained subsurface septic systems are a viable long-term solution for wastewater disposal. The benefits of properly installed and maintained septic systems include protection of water quality and the public health, preservation of local control of sewage issues, protection of residential property values, and safeguarding of water resources as recreational, aesthetic, and economic assets. A septic system that is not functioning properly, however, threatens the public health by inadequately treating sewage and/or creating a potential for direct or indirect contact between sewage and the public. Improperly treated effluent from malfunctioning septic systems, or systems with poor performance can also present a threat to water quality. In the southern portion of Clinton, site conditions, including density, soil type and high water table contribute to poor performance of septic systems, which then may contribute to non-point pollution discharges into Long Island Sound.

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As in neighboring towns, the Town of Clinton continues to investigate potential off-site opportunities for wastewater management, but the main policy is to ensure that septic systems continue to be the primary method of sewage disposal as is feasibly possible while still protecting the environment, public health and general wellbeing of its citizens. This sewer minimization policy has been adopted in the 2000 Plan of Conservation and Development and is being further reinforced here in the updated Municipal Coastal Plan.

High Density Residential Development: The most significant challenge to ensuring that groundwater contamination is minimized or eliminated is found in the higher density shorefront beach developments. The reason for the challenge is threefold:

1. The higher density of such developments;
2. The exceedingly well drained sandy soils upon which the developments exist; and
3. The close proximity of sensitive coastal resources including **Tidal Wetlands, Intertidal Flats, Shellfish Concentration Areas, Clinton Harbor (Open Waters) and Long Island Sound** itself.

Recommendations: The issue of groundwater contamination has become a high priority issue in Clinton of late. Heightened efforts have been made to find a suitable site for the potential construction of a wastewater treatment facility. As recent as early 2005, the CTDEP has stepped up efforts to move Clinton forward to solve groundwater contamination that is said to exist in the southern areas of town. The following recommendations are designed to further reinforce guiding policies, goals and recommendations found in the 2000 Plan of Conservation and Development:

- On-site septic systems are and shall continue to be considered the primary means of wastewater disposal in the Town of Clinton;
- Where on-site septic systems are not feasible, only then should the Town consider off-site structural solutions to wastewater problems;
- In the event that it becomes necessary to implement off-site structural solutions to groundwater contamination in selected areas, abatement of identified pollution shall be for the purpose of correction of specific contamination only. Planning and Zoning policies regarding the limiting of development density shall not be relaxed or altered so as to allow sewer-initiated density increases;
- Clinton has a significant number of residential dwellings in high-density beach areas. Although many are season in nature, that number is declining based upon the “winterization” of cottages – the transition of seasonal cottages to year-round occupation. The Town shall continue to strictly monitor and enforce provisions allowing for “winterization” of seasonal cottages, including increased monitoring of septic systems and

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aggressively pursuing and correcting health code violations and septic system failures. More stringent standards for inspection may become a necessity if off-site structural solutions, including sewers, are to be avoided.

- Due to the nonconforming nature of many of the lots and structures located within the dense beachfront areas where the potential for groundwater contamination is greatest, the Town of Clinton, through the Zoning Board of Appeals, shall adopt a policy of strict adherence to sewer minimization when reviewing applications for variances of Zoning Regulations.
- The Town shall reinforce existing, and develop new, educational efforts in order to better inform the public regarding the care and maintenance of septic systems, including instructions and guidelines for pumping of their systems. An informed citizenry is seen as a key to the success of any sewer avoidance program relying on on-site wastewater management.
- Reduce erosion and sedimentation through appropriate regulatory controls such as the establishment of vegetative buffers between development and wetlands and watercourses, provision of adequate erosion and sedimentation control measures as part of any development, and monitoring of construction activities.
- Require appropriate disposal of all waters from boats using Clinton Harbor.
- Discharge from impervious surfaces as driveways, roofs, patios should be directed into such things as rain gardens and infiltration systems.
- Upgrade existing discharge structures by adding treatment structures and vegetative swales.
- Roadside embankments should be upgraded to provide gentler slopes and dense vegetation to help filter the sheet flow, especially along Beach Park Road, Hammock Road, Causeway, Meadow Road and the embankment of the Route 1 Fire Station, Town Hall and municipal parking lot.
- Indian River: Improvement of drainage systems from municipal parking lots, provide erosion control structures or measures to stabilize the banks along the river, especially in the area of Route 1. Provide treatment of all stormwater runoff through mechanical or vegetative methods.
- Beach Park Road: Upgrade the tidal gates at the Hammock River so that normal tidal flows are maintained and reducing flooding during major

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storm events. The embankment along the tidal marsh areas should be improved to provide a vegetative cover that is capable of reducing the contaminants from the stormwater sheet flow off the roadway.

- Causeway & Meadow Road: The reconstruction of the road to provide safe passage during flooding events, drainage analysis to improve tidal and storm event passage under the roadway and shoulder/embankment improvements to provide a vegetative filter for sheet flow off of the roadway and improve drainage systems that incorporate both mechanical and natural filters for pollutant removal.
- Route 1: A comprehensive drainage plan should be developed to improve flows under the roadway and to establish guidelines and timelines for the upgrading of stormwater runoff quality through Best Management Practices (BMP's) and modifications to the systems that bring them into compliance with the Connecticut Stormwater Quality Manual.
- Require the incorporation of Best Management Practices (BMP's) for stormwater treatment in all development proposals.

The Town should strive to improve the water quality by implementing the BMP's as prescribed by the 2004 Connecticut Stormwater Quality Manual and the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control by implementing stronger regulations through Zoning and Subdivision Regulations and Ordinances in conjunction with the Phase II Stormwater permitting of the Town. The BMP's should reduce or eliminate pollutants from stormwater runoff. Stormwater runoff is the vehicle that transports pollutants from impervious surfaces, such as roofs, patios, roads, driveways, parking lots, and from vegetative areas such as lawns, hillsides and sloping land. The pollutants are from many sources, including animal wastes, failing septic systems, fertilizers, construction sites, leaves, grass clippings, brush, fluid leaks, oil, gasoline, automotive emissions, metal roofs, herbicides, insecticides, road salt, snow melt and litter. Some of the pollutants are excess nutrients, sediments, pathogens, organic materials, hydrocarbons, metals, synthetic organic chemicals, deicing chemicals, trash and debris, freshwater impacts diluting salinity of marshes and thermal impacts changing temperature of water affecting aquatic organisms. Organic materials through decay can lower the dissolved oxygen level of water creating fish kills, algal growth and odors.

In general, all of the above pollutants can reach Long Island Sound from all areas of the Town, not only from the land adjacent to the Sound, but also from areas well inland from the coast. The Town's topography directs all stormwater and surface water towards the Sound.

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Stricter enforcement of the Regulations will improve the water quality if applied to new development and re-development in the Coastal Management Area as well as throughout the town. This can be accomplished by a coordinated effort of Planning and Zoning, Public Works, the Selectmen and the Inland Wetland Agencies.

Best Management Practices

- Biannual cleaning of all structures.
- Require that all discharge be routed through treatment structures such as oil/water separators in conjunction with swirl separators for debris. Each discharge should be through vegetative swales of sufficient dimension that will filter the stormwater prior to entering wetlands or streams.
- Limit the amount of impervious surface and to retain the first inch of rainfall from those surfaces.
- New and improvement projects should be required to provide as much infiltration of stormwater as feasible and within standard engineering practices.
- New residential construction should be required to employ the latest technology for pollutant remediation of stormwater runoff and BMP's.

The Town, through its Phase II Stormwater Permit required from the Federal Environmental Protection Agency, should establish a plan to upgrade all the drainage structures and systems that would take into account future development needs and employ technology to reduce the pollutants by at least 80% or more prior to discharge into wetlands and tributaries of Long Island Sound.

Coastal Resource Protection (Continued)

3. Renew the shellfish population and concentration areas.

The oyster population of Clinton was virtually decimated by two viruses in 1996 and 1997. In an effort to renew the shellfish population and concentration areas, the Shellfish Commission should develop a Maintenance Plan and procedures for implementation that would ensure compliance and provisions for adjustment as needed in the future.

The Shellfish Commission should re-develop an active program for managing the shellfish and improving their number and quality. This program should include obtaining oysters and clams from other areas for seeding the rivers and harbor, prohibiting the taking of shellfish until the new stock is fully developed.

The Shellfish Commission should establish procedures and a permitting process for the taking of shellfish from the Hammonasset and Indian Rivers and from the Inner Harbor. The surviving shellfish west and south of the natural channel of the

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Hammonasset River officially belong to the Town of Madison and the Shellfish Commissions from both towns should cooperate in the management of these areas.

4. Maintain and improve the quality of existing tidal wetlands and provide rehabilitation and restoration of degraded tidal wetlands.

In the Town of Clinton there are approximately 600 acres of tidal wetlands. These wetland areas extend along the inner harbor of the town and the Hammonasset, Indian and Hammock Rivers. The majority of these tidal wetlands are Grid Ditched Marshes and Drained Marshes.

All of the tidal wetlands experience some form of degradation, primarily from past development practices and lack of maintenance, allowing invasive plants to take hold. The development areas adjacent to the wetlands was prior to regulations controlling construction, stormwater runoff and density development. Accumulation of sediment in the marshes, increased fresh runoff and restriction of tidal flows from undersized structures for transportation corridors resulting from the unregulated development, caused the eventual take over of the marshes by invasive plant species such as *common reed* (*Phragmites australis*), *multiflora rose* (*Rosa multiflora*), *oriental bittersweet* (*Celastrus orbiculata*), *honeysuckle* (*Lonicera morowii*) and *autumn olive* (*Elaeagnus umbellata*), which have replaced the *saltwater cordgrass* (*Spartina patens*).

Currently, a small population of wildlife uses the marsh areas. The species of wildlife includes foxes, deer, wild turkeys, Canadian geese, glossy ibis, muskrats, egrets, great blue herons, great white egrets, kingfishers, bitterns, small green herons, yellow-crowned night herons, turkey vultures, small brown marsh hawks,

marsh sparrows, great horned owls, raccoons, skunks, opossums, and numerous types of ducks, cormorants, and ospreys.



Indian River, looking towards Route 1

The Town should perform studies to analyze and develop a long-term plan to restore approximately 225 acres of tidal wetland marshes to establish a viable ecosystem. The areas along the Indian River from Route 1 to the Interstate 95 corridor and along the Hammock River, from just west of the Causeway to the Westbrook Town Line and an area north of Shore Road and Grove Way to south of the New Haven Railroad

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right-of-way, as shown in *Figure 10: Tidal Restoration Map*. If restored, these areas would provide a larger and more productive wildlife habitat and enhance the views of the area.

The plan should include the best methods of restoration that would reduce or eliminate invasive plant species and provide for the correct water salinity and upgrade the existing drainage system to control the flow of water through the area. The plan should also include a long-term maintenance program to ensure the continued health of the tidal wetlands areas.

The Town, through various agencies and regulations, should develop a coordinated effort to ensure compliance with the plan. In addition, development in the area of the tidal wetlands should be carefully reviewed and scrutinized to be compatible with the plan.

Public Access to the Coast:

1. Increase physical access to the coast.
 - a. Identify areas appropriate for public access.

Currently there are two public beaches, which are shown on *Figure 9: Existing and Potential Public Access Plan*. The Town Beach, located at the end of Waterside Lane, has undergone several improvements in recent years. These include the construction of a viewing platform and reconstruction of the playground area.

Esposito Beach, which the town received from Louis Esposito during a harbor improvement project in the early 1950's, is located next to the Town Dock Facility. This area is to remain as a beach or the land reverts back to the Esposito family. Although this area is not utilized for swimming, it is good visual access and provides opportunities for the public to feed the wildlife, e.g. ducks and swans, without creating issues with boaters.



Launch Ramp at Waterside Lane

There are several areas of the shoreline that are private beaches. There are numerous beach and homeowner associations that maintain these beaches. However, they are not appropriate for public access at this time.

In addition, the Commission has identified on *Figure 9: Existing and Potential Public Access Plan* existing and potential public access areas. There are several town-owned parcels which should have

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appropriate signage added to identify public access to waterways. These include a launch ramp on the Hammonasset River on Route 1, a launch ramp near the Town Beach on Waterside Lane and two parcels that abut the Menunketesuck River. The Town should look into obtaining grant monies to increase the public awareness of these parcels as access to coastal resources.

The Town obtained a grant for the preliminary work on "Clinton Landings". This is going to include a viewing platform and small craft launch area on the Indian River, at the former Police Station building.

- b. Encourage development of a long-term program of public acquisition of selected waterfront and wetland areas.

The Town should develop a long-term plan, to be utilized by the Open Space Advisory Committee, for the acquisition of open space along waterfront and wetland areas by the Town.

There is approximately 104 acres located at the end of Highland Drive along the Hammonasset River that the Town should study as potential open space. Currently it is zoned for industrial use, however, it is mostly salt marsh that cannot be utilized as such.

- c. Develop public walkways along portions of the Hammonasset, Indian and Hammock Rivers.

The Clinton Land Conservation Trust recently obtained a large parcel of open space located on the Hammock River. The donor of this land is in the process of constructing a public walkway that will extend from Beach Park Road to Waterside Lane, with access to Stanton Road.

Identified on *Figure 5: Open Space and Public Facilities Plan* are potential open space areas that the Town should study and try to obtain. While a large percentage of this potential open space is salt marsh, walkways might be able to be constructed for public access.

- d. Improve vehicular traffic flow to and from the harbor by improving street conditions on existing access roads.

2. Increase visual access to the coast.



Future site of "Clinton Landings"

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- a. Provide flexibility and/or restrictions in Zoning Regulations so that new development can be designed to have the least impact on visual access to the waterfront.

Development Patterns within the Coastal Area

1. Continue periodic maintenance dredging of the existing Federal Navigation Channel.

The dimensions of the Federal Channel were long ago established by the United States Congress who authorized the Army Corps of Engineers (USACE) to maintain this project. In recent years, due to funding constraints, the USACE has put a higher priority in performing maintenance dredging projects on harbors that support greater levels of commercial and fishing activity over those harbors where recreational boating is the primary activity. Unfortunately, Clinton Harbor is considered by the USACE as more a recreational harbor than a center of commercial activity. This means that the Town must be proactive and persistent in making the need for maintenance dredging known to the USACE. Interaction with our congressional representatives to assist the Town in pursuing its dredging request is necessary to be successful in this endeavor as well as the active support of the public, both boaters and marina operators alike to make our needs known.

2. Restrict, through appropriate regulatory measures, the expansion of marinas and boats using the harbor to a level that will not overtax land support facilities, including existing transportation routes.
3. Discourage new, non-water dependent uses along the Hammonasset, Indian and Hammock Rivers and Clinton Harbor.
4. Reduce the density of new developments within the Coastal Area.

Proposed Land Use Changes

1. Indicate undeveloped portions of Cedar Island as proposed open space on the Future Lane Use Plan and the Open Space and Public Facilities Plan.
2. Areas identified in the Sewer Minimization Program as potentially requiring development of a community sewer system should be shown on the Open Space and Public Facilities Plan.

Since the Plan of Conservation and Development was revised in 2000, the Town has moved from a sewer avoidance program to a sewer minimization program. This program identifies two areas within the coastal boundary, as shown in *Figure 10: Wastewater Facilities Plan*, as potential problem areas that must be closely monitored and, if necessary, placed on a community sewer system.

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3. A long-term plan to acquire the additional public beach and park areas shown in *Figure 5: Open Space and Public Facilities Plan* should be prepared. This plan should indicate priorities and method of acquisition.
4. The two town-owned beaches should be retained in their present use.

The need for open space and public beach area is greater than the need for additional public boating facilities.

5. Coastal high hazard areas (V-zones) as determined by the Federal Emergency Management Agency and shown on Flood Insurance Rate Maps for Clinton, should be maintained as open space and developed areas should be monitored and/or controlled to reduce losses of personal property and to ensure the safety of all occupants in this area.
6. The number of permitted slips/moorings in the harbor should be limited to between 1,400 and 1,700 provided that water quality in the harbor is maintained or improved.

The number of boat slips in all of Clinton Harbor in all of the marinas was counted at 1,450 in 2001 with another 20 private moorings located to the east of the channel off of Harbor View Beach Associations. Additionally, there are approximately 75 boats stored in vertical land rack storage structures within Clinton. Further boating activity is generated by the popularity of the Town owned launch ramp, which gets heavy usage in the summer months.

Currently there are no large scale plans to expand the facilities in town as the available space to do that is prohibitive.

7. Traffic movement on Main Street through the Central Business District should be improved by coordinating signal lights, eliminating or restricting on-street parking and providing additional exclusive turning lanes.
8. Undeveloped parcels greater than 10 acres should be zones to reduce the density of development.