

THE MANAGEMENT PLAN FOR CLINTON HARBOR

Clinton Harbor Management Commission  
Clinton, Connecticut

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Many individuals have contributed to the preparation of this draft Plan, including private citizens and Town officials in Clinton as well as representatives of state and federal agencies.

The Plan was prepared by the Clinton Harbor Management Commission:

Stephen D. Hayes (Chairman)

Bradley J. Fallon  
Robert P. House  
Richard M. Kaufman  
Charles G. Mannix

William W. Webster  
Lorraine Joel  
Margaret E. Wright

L.R. Johnston Associates of Westport, Connecticut was consultant to the Harbor Management Commission from October 1989 to November 1990 and prepared background materials for inclusion in the Harbor Management Plan. DiCesare-Bentley Engineers of Groton, Connecticut was consultant to the Harbor Management Commission from May 1991 and completed Parts IV and V and the Appendices A-C.

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# INTRODUCTION

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Many who live and visit in the Town of Clinton believe that the waters and shoreline of Clinton Harbor contain the Town's most valuable natural resources. These resources include wetlands, intertidal flats, beaches, shellfish grounds and open waters. They support boating and other water activities, enhance the shorefront residential areas, provide valuable fish and wildlife habitat, and maintain important ecological functions and scenic qualities.

Clearly the Harbor environment has an overall positive effect on the Town's character and quality of life. Nevertheless, there are some important concerns associated with current and possible future conditions in Clinton Harbor. There are, for example, issues regarding boating congestion and safety, water pollution, loss of wetlands, expansion of marina facilities, dredging of channels and berthing areas, and other concerns as well.

Pressures for use of the Harbor's resources highlight the importance of active involvement by the Town to help protect these resources and ensure safe, equitable and efficient use of Harbor waters. Long-range planning by the Town is necessary to guide future use and development in a way that will maintain and enhance current resource values and provide for continued public enjoyment of the Harbor. Historically, however, the Town has had only limited authority in the Harbor. Most uses and activities below the high water line have been primarily subject to the control and jurisdiction of the State of Connecticut and the federal government.

## THE CLINTON HARBOR MANAGEMENT COMMISSION AND THE HARBOR MANAGEMENT PLAN

In 1988, the Town's Board of Selectmen enacted an ordinance establishing the seven-member Clinton Harbor Management Commission. The Harbor Management Commission is authorized to carry out all the powers and duties conferred on such a commission by the State Legislature through passage of the Connecticut Harbor Management Act of 1984. These powers and duties include preparing a Town harbor management plan that can be thought of as the "water-side" equivalent of Clinton's Comprehensive Plan of Development. The harbor management plan can help guide appropriate recreational, commercial and other uses of the Harbor as well as the protection of natural resources and environmental quality.

The jurisdiction of the Harbor Management Commission includes the area located in or contiguous to all tidal waters within the territorial limits of the Town and below the mean high water line. This area of jurisdiction includes the lower reaches of the Hammonasset, Indian and Hammock Rivers as they flow into Clinton Harbor and Long Island Sound as well as the inner and outer portions of the Harbor and the area adjacent to Clinton Beach.

Following its appointment by the Board of Selectmen, the Harbor Management Commission began to prepare the Harbor Management Plan. To ~~in~~ <sup>the</sup> prepare the draft plan, the Commission:

*preparing this*

- 1) analyzed existing conditions in the harbor area;
- 2) assessed the laws, programs and agencies affecting harbor management;
- 3) identified harbor area problems and issues;
- 4) prepared harbor management goals, objectives and policies for responding to the identified problems and issues;
- 5) formulated area-specific plans and guidelines; and
- 6) developed recommendations for implementing the plan.

In preparing the ~~the~~ Plan, the Commission sought input from the general public, Town officials, and state and federal agencies with roles and responsibilities affecting Clinton Harbor. Comments from a number of individuals, groups and government agencies were received and the Commission held a special public meeting on August 23, 1990 to hear comments on existing conditions and management concerns in Clinton Harbor.

In addition, the Harbor Management Commission prepared a questionnaire to gather input from local residents and others concerned with management of the Harbor. The questionnaire was printed in the Clinton Recorder in January of 1990 and all responses were analyzed by the Commission. The Commission also organized and supervised an inventory of water traffic during the summer of 1990 to develop information on the number and type of vessels using the Harbor and, in the winter and spring of 1990, conducted a survey of the facilities provided by the town's marinas and boatyards.

## **HOW WILL THE TOWN BENEFIT FROM A HARBOR MANAGEMENT PLAN?**

The Harbor Management Plan will increase and strengthen the Town's involvement in matters relating to Clinton Harbor in two important ways:

1. The Town will have a strengthened role in the planning, management and regulation of in-water and waterfront activities.

While the Town has limited stated-delegated authority to respond to some of the problems and issues affecting the Harbor, it lacks authority to address a number of important water-related concerns. All tidal waters, submerged lands and intertidal areas are held in trust by the State of Connecticut for the benefit of the general public. Most use and activities below the high water line are primarily subject to the control and jurisdiction of the state and federal governments. The State Department of Environmental Protection and the U.S. Army Corps of Engineers, for example, regulate dredging, filling and in-water structures, and the Town's Harbor Master is responsible to the state's Department of Transportation.

The Harbor Management Plan, however, will provide the basis for an increased Town role in the state and federal decisions that affect environmental resources and the boating and other activities that take place in the Harbor. Following approval and adoption of the Plan, governmental and private actions pertaining to the use and condition of Clinton Harbor should be consistent with the plan. The Harbor Master's activities should also be consistent with the plan.

2. There would be increased coordination among the different Town commissions and departments that now carry out responsibilities affecting Clinton Harbor.

A number of Town commissions and departments, including the Harbor Management Commission, Planning and Zoning Commission, Police Department, Water Pollution Control Authority, Parks Department, and Shellfish Commission have authority or influence in the Harbor area. Close coordination between these Town bodies is necessary to accomplish the best management of the Town's harbor resources. The plan will provide a guiding framework within which the existing activities of these commissions and departments can be carried out in a coordinated and effective manner. The plan will help ensure that awareness and understanding of harbor management concerns are incorporated into the actions of Town commissions and departments without removing any of their existing authorities.

By preparing a Town plan for managing the Harbor, the Town will be taking the initiative in developing its own vision for the Harbor's future. Public attention will be focused on this important resource and future management decisions will be based on established policies and guidelines rather than reactive decisions.

In preparing this draft plan, the Commission has endeavored to establish a management plan that will balance divergent demands and needs for the overall public interest. To do so requires a certain amount of compromise on the part of some or all of the different groups concerned with the Harbor. This compromise is necessary, however, if the Harbor is to be managed in a way that will accommodate the diversity of users while protecting the sensitive natural resources that provide much of Clinton Harbor's character and value.

The Draft Plan is organized in five parts: Part I describes existing conditions in and near the Harbor and the existing authorities and responsibilities for managing the Harbor; Part II describes important harbor management issues and concerns; Part III presents Town goals, objectives and policies for responding to those issues and concerns; Part IV contains more specific management guidelines for different areas within Clinton Harbor; and Part V contains recommendations for implementing the Harbor Management Plan.

## **PART I:**

# **EXISTING CONDITIONS AFFECTING HARBOR MANAGEMENT**

---

This first part of the management plan describes existing physical conditions in and near Clinton Harbor. Included is a review of the environmental setting and harbor area uses and activities, including a brief description of coastal resources, the Federal Navigation Project, water access areas, and recreational boating facilities. The significant natural features and coastal resources that characterize Clinton Harbor provide important opportunities and constraints for use and management of the Harbor. Clinton Harbor and its three tributary rivers support a variety of marinas and boatyards, facilities for commercial fishermen, public recreation areas, and shorefront residential development. In addition, the wetlands, intertidal flats, beaches and open and flowing waters of the harbor area provide important natural values related to water quality maintenance, fish and wildlife habitat, flood protection, and esthetic quality.

Also included in Part I of the management plan is a review of the various "institutional" responsibilities and authorities for controlling and regulating water-related activities in the Harbor. These authorities and responsibilities are currently shared between federal and state agencies and the Town of Clinton. The Town's Harbor Management Commission would exercise the most direct responsibilities following adoption of the Harbor Management Plan. On the state and federal levels, the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers carry out important harbor management related responsibilities. Several private groups also undertake activities pertaining to management of the Harbor, and the general public and shorefront property owners have important rights in the Harbor area.

## ENVIRONMENTAL CONDITIONS

The Town of Clinton is located in central Connecticut approximately midway between New Haven on the west and New London to the east. Clinton Harbor is the dominant feature of the Town's Long Island Sound shoreline and is, from the perspective of many Town residents, the Town's most valuable natural resource.

The environmental quality and natural beauty of Clinton Harbor, its protected anchorage with quick access to Long Island Sound, opportunities for fishing in and near the Harbor, and the small-town "feel" of the Harbor were frequently cited as Clinton Harbor's most positive aspects by respondents to the public questionnaire prepared by the Harbor Management Commission.

The Harbor's natural resources include tidal wetlands, intertidal flats, beaches, shellfish grounds and open waters. These resources are important for maintaining water quality and fish and wildlife habitat and for providing other valuable natural functions that contribute to the quality of life in Town.

The location and extent of these resources were identified by the Town in the course of preparing Clinton's Municipal Coastal Plan. (See "Municipal Coastal Plan, Addendum" by the Clinton Planning and Zoning Commission, November 1982, revised September 10, 1984.) The Town's natural coastal resources are also described in the Corps of Engineer's 1978 "Detailed Project Report, Volume I, Clinton Harbor, Water Resources Study".

Of particular significance are the extensive intertidal flats found in the Harbor and the tidal marshes associated with the Hammonasset, Indian and Hammock rivers that flow into the Harbor. Wetland vegetation is predominantly salt meadow grass and spike grass with some black rush. Smaller areas of seaside gerardia, sea lavender, saltwort, arrow grass, and salt marsh aster are also found. Almost all of the tidal wetlands have been extensively ditched for mosquito control. The outer edges of the wetlands and the edges of the "mosquito ditches" contain salt water cordgrass.

The Municipal Coastal Plan refers to approximately 765 acres of tidal wetlands in Clinton's coastal area and most of these wetlands are associated with the three rivers that enter the Harbor. The wetlands are areas of high nutrient and biological productivity. They also provide habitat, nesting, feeding and refuge areas for shorebirds, and serve as a nursery ground for larval and juvenile forms of many of the organisms found in Long Island Sound. In addition, the wetlands provide important functions related to maintaining and improving water quality by trapping sediments, reducing turbidity, restricting the passage of toxics and heavy metals, and generally serving as a "nutrient sink". Other wetland values are related to: the buffering of storm and wave energy; stabilization of the shoreline; the provision of recreational opportunities such as fishing, hunting and wildlife observation; and the provision of scientific and educational opportunities.

The intertidal flats provide natural values very similar to the wetland values. The flats serve as sources and reservoirs of nutrients for a variety of Long Island Sound organisms. The fisheries resources of the Sound are dependent, in part, on the capabilities of the intertidal flats to provide food, shelter and nursery habitat. In addition, the intertidal flats provide significant shellfish habitat and contribute to the maintenance and improvement of water quality by acting as a sink for toxic materials and other pollutants.

The tide has been described as the most significant factor affecting the Clinton Harbor ecosystem as the daily flushing movement of salt water, combined with the inflow of fresh water, creates the highly valuable and productive estuarine environment. The mean tidal range is 4.7 feet.

### THE INNER AND OUTER HARBORS

Clinton Harbor consists of "Inner Harbor" and "Outer Harbor" areas separated by the Cedar Island peninsula. (See Figure 1.) The Outer Harbor is framed by Hammonasset Point on the west and Hammock Point on the east. The Inner Harbor, sheltered from the open waters of Long Island Sound by Cedar Island, is an estuarine embayment fed by the Hammonasset, Indian and Hammock rivers.

The distance across the Outer Harbor is about one mile from Hammonasset Point to Hammock Point. Water depths in the Outer Harbor are generally in the range of 1-3 feet at mean low water with some areas of exposed intertidal flats and rocks. At low tide, much of the area between the federal navigation channel and the eastern shoreline of the Outer Harbor north of Hammock Point is an exposed mudflat. The area to the west of the channel is only slightly less shallow. The state water quality classification in the Outer Harbor is "SA", the highest state classification, (suitable for marine fish, shellfish and wildlife habitat, shellfish harvesting for direct human consumption, recreation, and all other legitimate uses including navigation).

Much of the Inner Harbor is also quite shallow and is characterized by extensive intertidal flats that leave only the dredged federal channel and a narrow and very shallow natural channel at low tide. The width of the Inner Harbor ranges from about 1,000 to 1,500 feet and its east-west length is about 1.2 miles. It is served by the federal navigation channel (described in the later section on Harbor Uses and Activities) and a privately marked channel that follows the Hammonasset River's natural channel.



**Figure 1. Clinton Inner Harbor, Cedar Island, and Clinton Outer Harbor Looking Toward the Northeast.**

Shellfish resources are significant in the Inner Harbor. Hard clams, soft clams and oysters are found in varying concentrations in different parts of the Harbor and in the tributary rivers. Conditions in the Hammonasset and Indian rivers are described as ideal for the growth and successful spawning of oysters. Shellfish grounds west and south of the natural channel of the Hammonasset River are owned by the Town of Madison and the Clinton and Madison shellfish commissions cooperate for the management of these grounds. Shellfish concentration areas for eastern oysters and hard clams are located in the Hammonasset River, the Indian River and Clinton Harbor north of Cedar Island.

Large amounts of suspended material are in continual circulation in the Inner Harbor. The material consists of silt from throughout the drainage basin that is carried to the Harbor by the tributary streams. The intertidal flats and erosion of the shoreline provide additional material and repeated deposition and re-suspension results from tidal currents and waves.

Water quality in the Inner Harbor is classified as "SB" ("suitable for bathing, other recreational purposes, industrial cooling and shellfish harvesting for human consumption after depuration; excellent fish and wildlife habitat; good esthetic value").

## CEDAR ISLAND

The Cedar Island peninsula is the most distinguishing geologic feature of Clinton Harbor. Once a true island, Cedar Island can now be described as a barrier spit extending into Clinton Harbor from Hammonasset State Park in Madison. In the 1940's, a Corps of Engineers' dike was constructed in the area known as the Dardenelles and the connection between the island and the Hammonasset Point area was established. Seasonal residences have been developed on the eastern end of the island but the island remains undeveloped at its western connection to the mainland. The peninsula contains valuable tidal wetlands as well as sandy beach and dune areas that are continually subject to the erosional forces of wind, waves and high water.

## THE RIVERS

Clinton Harbor is also distinguished by the three navigable rivers--the Hammonasset, Indian and Hammock--flowing into the Inner Harbor through extensive tidal wetlands. The largest of these rivers is the Hammonasset, which drains an area of approximately 40 square miles. All three rivers are relatively shallow.

**Hammonasset River.** The Hammonasset River (see Figures 2 and 3) forms the Town's boundary with the Town of Madison to the west, and its natural channel cuts through the Inner Harbor. Depths in the river range from 2-8 feet at mean low water and deeper draft vessels can navigate upstream only at high tide. Tidal wetlands are found on both sides of the river. One finger of wetlands has been significantly modified by dredging and filling to provide access to the Clinton Yacht Haven and Riverside Basin Marinas. Large quantities of shellfish are found throughout the river's tidal reach which extends well north of Route 1.

**Indian River.** The Indian River (see Figure 4) flows south through the center of Clinton and discharges into the Harbor just west of the mouth of the Hammock River. The river is very shallow with depths of only 1-2 feet at mean low water and is therefore navigable only by small boats. The tidal reach of the river extends north of Main Street (Route 1) and the railroad to near the outlet of Indian Lake below I-95. Tidal wetlands are found along both sides of the river and the river is considered a productive shellfish resource area.



**Figure 2.** Clinton Inner Harbor Looking Toward the East; Hammonasset River in Left Foreground.



**Figure 3.** Hammonasset River and Tidal Wetlands Looking Toward the East.



Figure 4. Indian River and Tidal Wetlands Looking Toward the Harbor.

**Hammock River.** The Hammock River (see Figure 5) also flows through an extensive tidal wetland area, especially on the north side, prior to entering Clinton Harbor from the east. The bridge over the river at its mouth provides access to the Town Beach and effectively limits upstream navigation to only very small boats.



Figure 5. Hammock River and Tidal Wetlands Looking Toward the Harbor.

## **HARBOR USES AND ACTIVITIES**

As described in the Town's Municipal Coastal Plan, Clinton Harbor played a major role in the historical development of the Town. The Harbor was once a seaport for lumber, shipbuilding and fishing. Three shipyards were active along the Indian River until the late 1800's.

Today, Clinton Harbor and its tributary rivers support a combination of marinas and boatyards, facilities for commercial fishermen, Town recreation areas, and shorefront residential development. Because the Inner Harbor is well protected and because of the natural beauty of the Harbor and waterfront, Clinton Harbor is a popular stopover for transient boaters. Several of the marinas in the Harbor provide docking space and other services specifically for transient boaters.

A total of 13 commercial marinas (see Figure 6) provide slip and docking space for approximately 1,150 recreational boaters in the Inner Harbor area. The Harbor is served by a federal navigation channel and anchorage. Several proposals have been made over the years to expand the existing navigation channel and dredge additional area for marina development. There is no industrial development along the waterfront.

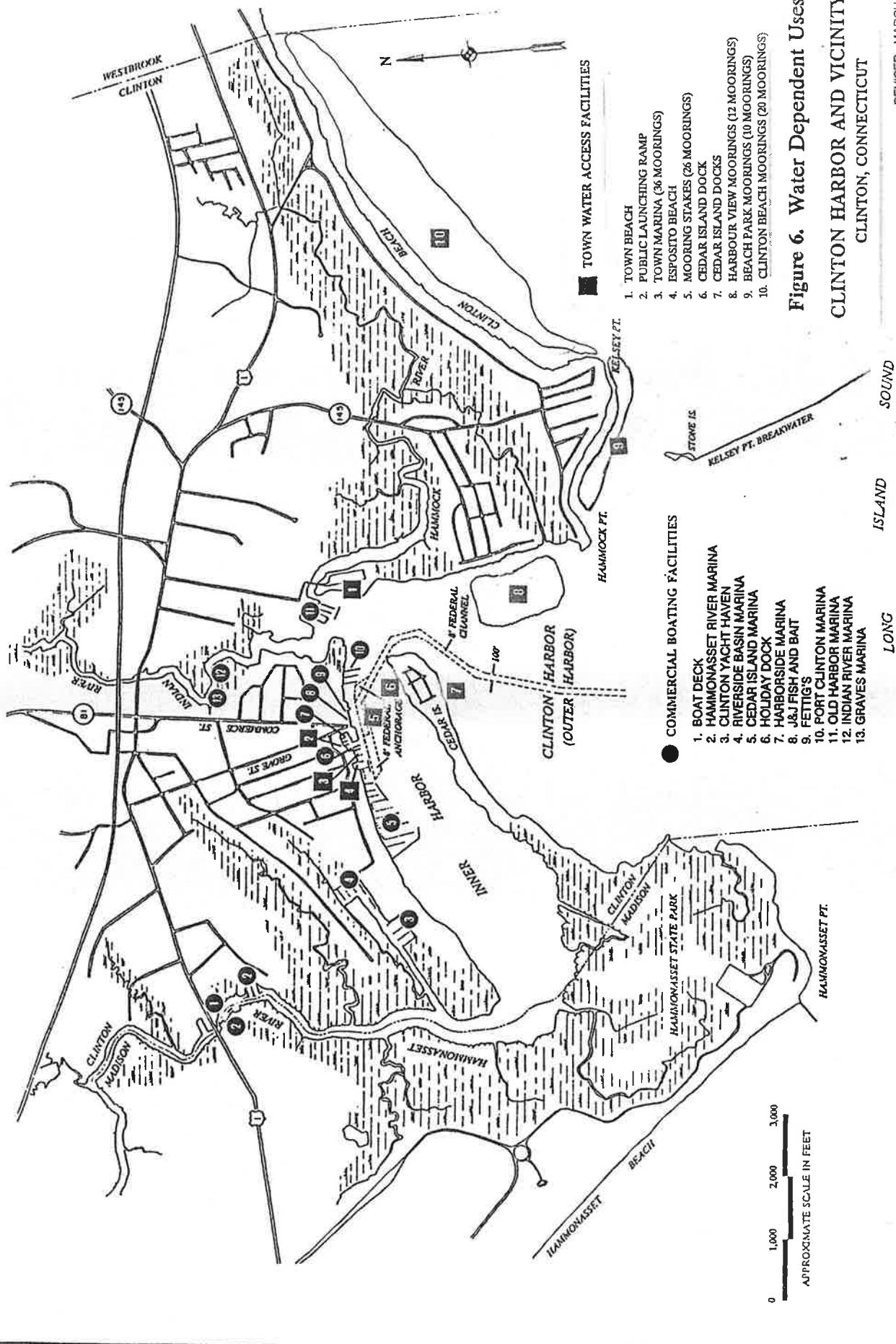
## **FEDERAL NAVIGATION PROJECT**

Federal navigation improvements in the Clinton Harbor area consist of the Kelsey Point breakwater and the federal channel and anchorage areas in Clinton Harbor.

• **Kelsey Point Breakwater.** The Kelsey point breakwater is located offshore between Hammock Point and Kelsey Point. It was completed by the Corps of Engineers in 1917. The riprap breakwater, part of the authorized federal project for Duck Island Harbor in Westbrook, extends southeast from Stone Island about 3,750 feet to Stone Island Reef. It provides limited protection to the Outer Harbor from southeast winds.

• **Clinton Harbor Navigation Project.** Access to Clinton Harbor from Long Island Sound is provided by a federal navigation channel constructed and maintained by the U.S. Army Corps of Engineers. The original project, adopted in 1882 and completed in 1893, provided for an entrance channel 6 feet deep and the construction of a stone dike between Cedar Island and the mainland in the area known as the Dardenelles to form a protected Inner Harbor. (Prior to the construction of this dike, Cedar Island was a true island as described previously.) The existing federal project, authorized in 1945 and completed in 1950, consists of:

- A 1.1 mile channel eight feet deep and 100 feet wide, extending from Long Island Sound at Wheeler Rock, to the Town landing in the Inner Harbor.
- An anchorage area 8 feet deep, approximately 600 feet long and 150 feet wide at the end of the navigation channel and a smaller triangular area in the vicinity of Port Clinton Marina.
- Maintenance of the Cedar Island Dike.



**Figure 6. Water Dependent Uses.**

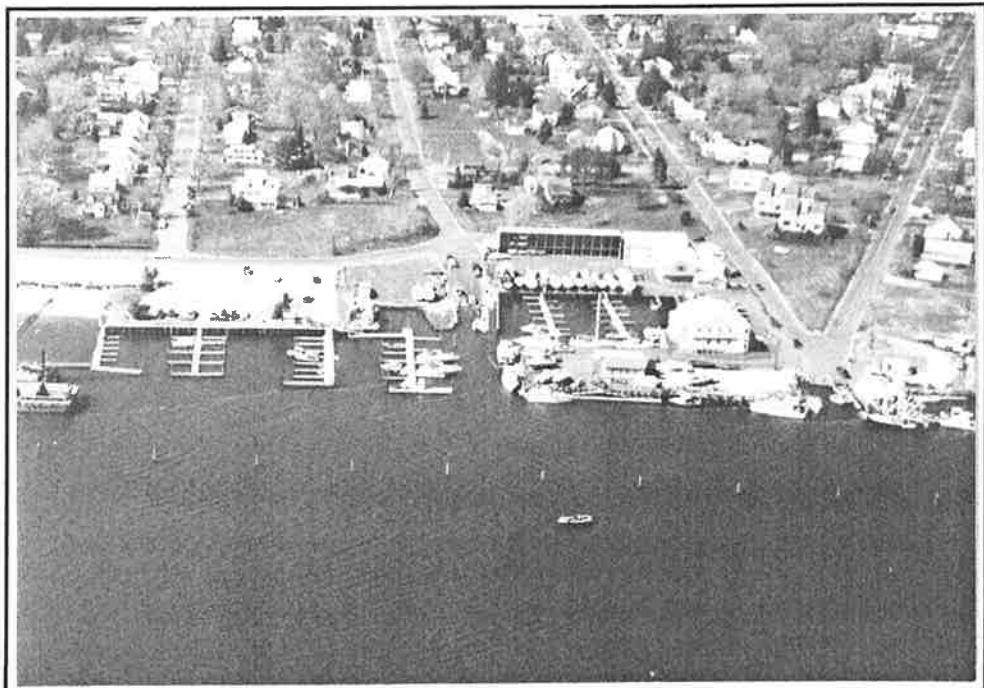
From the end of the federal channel through the remainder of the Inner Harbor and up the Hammonasset River is a very shallow natural channel. Water depth in this channel varies from 2.5 to 5 feet at mean low water. As part of proposed improvements to the federal project in the late 1970's, this natural channel would have been dredged to a depth of 6 feet for a width of 75 feet and extended up the Hammonasset River to just below Route 1. An additional 75 foot wide spur off the main channel to the mouth of the Indian and Hammock Rivers was also proposed. Due in part to local cost-sharing requirements, this proposal to expand the federal project was never authorized.

The last maintenance dredging of the federal channel took place in 1984-85.

## TOWN WATER ACCESS FACILITIES AND AREAS

Town facilities and areas providing access to the Harbor include the following boating facilities and beach areas in the Inner Harbor (see Figure 6).

**1. Town Beach.** The Clinton Town Beach is located on the eastern shore of the Inner Harbor at the end of the Waterside Lane extension. Access to the beach is by bridge across the Hammock River. The beach has nearly 550 feet of water frontage and approximately 1.3 acres of developed area including a pavilion, toilet facilities and a play area for children. Parking is available for about 75 cars. At low tide, swimming is not possible because intertidal flats extend from the beach almost to the navigation channel. During the summer months, a permit is required for access to the beach. Residents may obtain permits on a seasonal basis at nominal cost while non-residents may obtain daily permits for a small cost. The Town also owns additional land directly to the south of the currently developed beach area.



**Figure 7.** Inner Harbor Waterfront. From the left: Esposito Beach; Town Marina; Holiday Dock; Town Launching Ramp; Harborside Marina; the Intersection of Grove and Commerce Streets; J&J Fish and Bait.

**2. Boat Launching Ramp.** The Town boat launching ramp (see Figure 7) is at the foot of Cedar Island Avenue. The ramp is narrow and allows use by only one boat trailer at a time. A floating dock is alongside the eastern edge of the ramp. Town residents and non-residents must purchase either a daily or seasonal permit to use the ramp. Parking for vehicles and trailers is available at the nearby Town Marina to the west.

**3. Town Marina.** The Town Marina (see Figure 7) is just to the west of the launching ramp and provides slips for approximately 36 boats (including 4 transients). An additional 25 boats are moored to pilings (stakes) located alongside the southern edge of the federal navigation channel and anchorage. Parking space is provided for about 49 cars and 11 cars and boat trailers. 110-volt electrical hookups are provided at most of the boat slips.

**4. Esposito Beach.** Esposito Beach (see Figure 7) is a small public beach only about 100 feet wide just west of the Town Marina. It is located off Riverside Drive at the foot of Maplewood Drive.

## **COMMERCIAL MARINAS AND BOATYARDS**

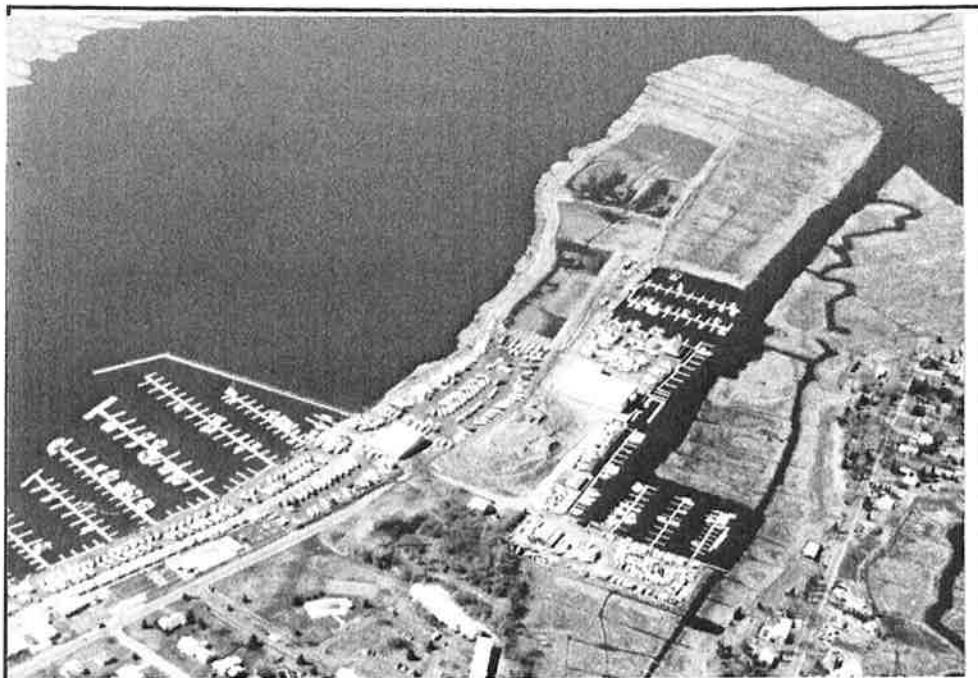
Thirteen commercial boating facilities are located in the Inner Harbor and on the Hammonasset and Indian rivers. In addition to the commercial boating facilities, a number of private docks extend to navigable water from storefront residences.

**1. Boat Deck.** The Boat Deck (180 West Main St.) is a small year-round facility on the Hammonasset River just below Route 1. Primarily providing marine supplies, it also offers a launch ramp and dock space for 3 boats.

**2. Hammonasset River Marine.** Hammonasset River Marine (18 Stony Point Rd.) is a year-round facility on the Hammonasset River about 800 feet south of West Main Street (Route 1). It has approximately 62 slips, including 25 transient slips, able to accommodate boats up to 44 feet in length. Hammonasset's has a 25-ton lift and provides engine, propeller and hull repairs. There is no launching ramp. Hammonasset's also operates a marina and boatyard on the Madison side of the Hammonasset River.

**3. Clinton Yacht Haven.** Clinton Yacht Haven (70 Riverside Drive) on the site of the former Yorkhaven Marina is a year-round facility located on a privately dredged channel off the Hammonasset River (see Figure 8). It can accommodate 133 boats, including 5 transient berths, with a maximum length of 50 feet. Slips are sold as dockominiums and have water, electric, cable television, and telephone hookups. The marina offers a sewage pump-out station and winter storage. A rack storage building can accommodate 120 boats. There is also a clubhouse with bathroom facilities, showers, meeting room/lounge, galley kitchen and swimming pool. Service and repair facilities are also provided and the marina has a 30-ton travel lift. The marina has placed day markers to mark the natural Hammonasset River channel in the western part of the Inner Harbor.

**4. Riverside Basin Marina.** Riverside Basin Marina (45 Riverside Drive) is a year-round marina located at the eastern end of the same dredged channel as Clinton Yacht Haven (see Figure 8). It can accommodate approximately 196 boats with 4 transient slips and a maximum boat size of 39 feet. The marina has a 16-ton lift, provides 110-volt electrical hookups at slips as well as showers, marina supplies and ice. It also provides repairs for gasoline engines and propellers.



**Figure 8.** Cedar Island Marina in Left Foreground and Dredged Material Disposal Sites; Clinton Yacht Haven and Riverside Marina to the Right.

**5. Cedar Island Marina.** Cedar Island Marina (see Figure 8) is located on Riverside Drive and is the largest marina in Clinton. It has approximately 400 boat slips, including 70 slips for transients, with a maximum boat size of 120 feet. The marina provides both gasoline and diesel fuel, boat repair and maintenance, a 35-ton boat lift, 110-and 220-volt electrical hookups at slips, on-site winter storage, and numerous support facilities including a swimming pool, recreational facilities for children, marine supplies, and groceries. A waterfront restaurant is also found on this site. To the west of the marina facilities are upland dredged material disposal sites owned by the marina and used to deposit material from maintenance dredging.

**6. Holiday Dock.** Holiday Dock (37 Riverside Avenue) is located just west of the Town boat launching ramp (see Figure 7). It provides slips for approximately 27 boats, including 2 transient slips, with a maximum length of 38 feet. Holiday Dock provides gas, 110-volt electrical hookups, marine supplies, snack bar, ice, and repairs for gasoline engines.

**7. Harborside Marine.** Located at the end of Grove Street, this marina (see Figure 7) has slip space for approximately 55 boats with a maximum length of 90 feet and a rack storage facility. It provides a ramp and a 12-ton boat lift, marine supplies, ice, 110-volt electrical hookups as well as hull and engine (gas and diesel) repair services.

**8. J & J Fish and Bait.** Located at the foot of Grove and Commerce Streets, this facility (see Figure 7) provides slips for boats with a maximum size of 45 feet. It serves primarily commercial shellfishermen and lobstermen. It provides bait, ice and 110-volt electrical connections.

**9. Fettig's.** This facility is also located at the end of Grove St. on a small parcel of land along the bulkhead. It is owned by independent lobstermen and used for storing lobster pots and other gear. Parking takes place on the site and lobster boats dock here.

**10. Port Clinton Marina.** Port Clinton Marina (33 Indian Drive) is a seasonal facility located just west of the mouth of the Indian River (see Figure 9). The marina accommodates approximately 96 boats with a maximum size of 50 feet. It has a 50-ton lift, sewage pump-out station, 110-and 200-volt electrical connections, showers, marine supplies and ice. It provides gasoline engine repairs, propeller and hull repairs, and on-site winter storage.



**Figure 9.** Port Clinton Marina; Indian River to Right and Cedar Island in Foreground.

**11. Old Harbor Marina.** This marina is a year-round facility located at the mouth of the Hammock River (see Figure 10). It provides slips for 120 boats, with a maximum size of 100 feet and has a 10-ton boat lift and 110-volt electrical hookups. The marina also provides on-site winter storage, gas and diesel engine repairs, and propeller and hull repairs. The marina area and private channel to the federal navigation channel were recently dredged to a depth of -8 feet at mean low water.

**12. Indian River Marina.** This marina on the Indian River (58 Commerce Street) provides slip space for approximately 35 boats. On-site winter storage is also available.

**13. Graves Marina.** Just upstream from the Indian River Marina (52 Commerce Street) provides docking space for approximately 22 boats, winter storage, and engine repair.

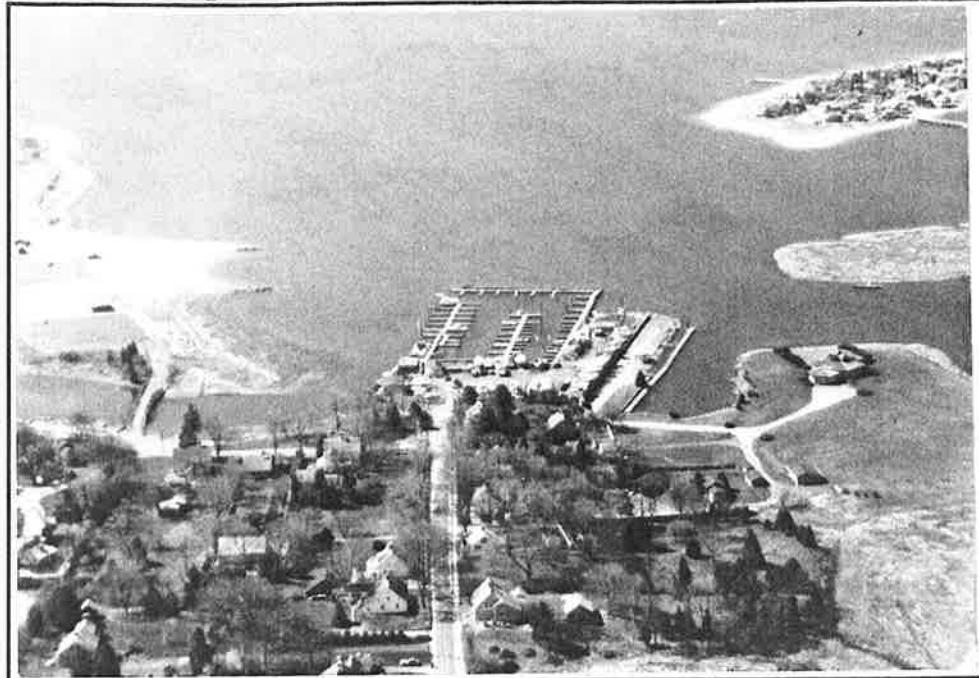


Figure 10. Old Harbor Marina; Town Beach and Mouth of the Hammock River to the Left.

## RESIDENTIAL WATER ACCESS FACILITIES

Private docks providing boating access for shorefront property owners have been constructed along the Hammonasset and Indian rivers. Very few residences are located along the Hammonasset River. Only one private dock extends into the river from the east (Clinton) side and none from the west (Madison) side. On the Indian River, numerous residences are located along the west shore of the river. Most of these are considerably separated from the river channel by tidal wetlands but a number of docks do extend into the river from the western shore. Few homes are located along the east shore of the river because of the wide expanses of tidal wetlands and a small number of docks extend into the river from the east. There are a very limited number of boating access facilities directly on the Hammock River.

The eastern part of Cedar Island is occupied by approximately 40 seasonal homes served by a seasonal water system. The only access to the residential area here is by boat, and several docks have been constructed at points around the island. In addition, numerous pilings for tying up boats have been constructed at points around the island. In addition, numerous pilings for tying up boats have been placed just offshore. The Town owns a small parcel of land on the western end of the island that is used as a beach area by residents of Cedar Island and by others who have access to the area by boat and owns and maintains a dock at the eastern end (north side) of the island.

## BEACH COMMUNITIES

The jurisdiction of Clinton Harbor also includes the nearshore area between Hammock and Kelsey Points and along Clinton Beach. The shoreline in these areas contains beachfront residential communities. A number of small boating moorings have been established in these areas, including Harbor View just east of the Federal navigation channel in Clinton Outer Harbor (8-10 moorings), Beach Park between the north extension of the Kelsey Point Breakwater easterly to Kelsey Point (10-12 moorings) and Clinton Beach (20-25 moorings).

## MANAGEMENT AUTHORITIES AND ACTIVITIES

A number of government entities at the federal, state and Town levels have roles and responsibilities pertaining to harbor management in Clinton. These roles and responsibilities include reviewing in-water or shorefront development proposals, managing coastal resources, issuing permits, enforcing state and local boating laws, guiding the placement of moorings, and many other activities. Private individuals and organizations also undertake harbor management related activities and have important rights pertaining to waterfront and harbor management in the Town. A brief overview of the most important authorities and activities follows.<sup>1</sup>

### FEDERAL AGENCIES

The principal federal agencies with roles and responsibilities affecting management of Clinton Harbor are the U.S. Army Corps of Engineers and the U.S. Coast Guard. Several other federal agencies also have roles and responsibilities.

#### U.S. Army, Corps of Engineers

Clinton Harbor is within the jurisdiction of the New England Division of the U.S. Army Corps of Engineers. The Corps has a number of responsibilities relating to harbor management. In Clinton, the most prominent of these responsibilities are related to: 1) the Corps' programs for regulating development in wetlands and navigable waters; and 2) the Corps' responsibilities for maintaining the Federal Navigation Project in Clinton Harbor. In addition, in accordance with the Connecticut Harbor Management Act, any harbor management plan proposed by a municipality must be submitted to the Corps of Engineers for review, comments and recommendations.

In general, a permit must be received from the Corps for: a) any filling in wetlands and navigable water; b) placement of structures in navigable water; and c) dredging and disposal of dredged material. Docks, piers, pilings, bulkheads and moorings are all structures in navigable water that require Corps permits.

The Congressionally authorized navigation project in Clinton Harbor consists of a designated channel and anchorage areas. The Corps of Engineers is responsible for periodic maintenance dredging of the project as necessary. Corps of Engineers' policies specify that no piers, docks, moorings or other obstructions are permitted within a federal navigation channel and that any public facilities such as a dock or launching ramp making use of a federal project must be available to all users without discrimination according to residence or other criteria.

#### U.S. Coast Guard

Coast Guard responsibilities related to harbor management include: placement and maintenance of aids to navigation; search and rescue; responding to oil and hazardous materials spills;

<sup>1</sup> A more detailed review of federal and state agencies and authorities pertaining to harbor management is contained in the report entitled "Draft Report, Clinton Harbor Management Plan, Part I: Existing Conditions" prepared for the Clinton Harbor Management Commission by L.R. Johnston Associates and dated April 26, 1990.

enforcement of federal boating laws and regulations; and education for navigation and boating safety. Clinton and Long Island Sound are within the First Coast Guard District South which is headquartered in Boston. Coast Guard stations at New London and New Haven, under the direction of Group Long Island Sound in New Haven, and at Eaton's Neck on Long Island, have responsibility for carrying out different Coast Guard functions in the Clinton area.

### **Other Federal Agencies**

Other federal agencies have less direct roles and responsibilities affecting harbor management in Clinton. These include the U.S. Fish and Wildlife Service and the National Marine Fisheries Service which provide advice and comments to the Corps of Engineers regarding the potential impacts that proposed development activities requiring a Corps' permit may have on marine resources. The U.S. Environmental Protection Agency also comments on applications submitted to the Corps of Engineers for dredging and filling in navigable waters and is responsible for setting standards for discharge of wastewater. Approval by this agency is also required to designate Clinton Harbor as a no-discharge zone pursuant to the federal Clean Water Act. The Federal Emergency Management Agency is responsible for conducting studies and publishing maps to determine flood vulnerability and for providing flood insurance to communities (including Clinton) participating in the National Flood Insurance Program. Within the National Oceanic and Atmospheric Administration the federal Coastal Zone Management Program which authorizes and funds Connecticut's Coastal Area Management Program is administered, the National Weather Service issues weather forecasts and the National Ocean Service conducts bathymetric surveys, prepares navigation charts and determines changes in sea level. In addition, the Food and Drug Administration regulates the interstate movement and sale of shellfish to ensure that all shellfish transported from one state to another are safe for human consumption. The FDA imposes standards for monitoring water quality in areas where shellfish are cultivated and harvested. In the early part of 1989, the FDA announced that it would not issue FDA interstate shipping certificates to Connecticut commercial shellfishermen unless the state developed an acceptable plan to meet new federal standards for monitoring shellfish grounds.

### **STATE AGENCIES AND OFFICIALS**

A number of state agencies and officials carry out roles and responsibilities pertaining to management of Clinton Harbor. The most prominent agencies are the Department of Transportation and various units of the Department of Environmental Protection. Because the Clinton Harbor Master is appointed by the Governor and his authorities are established by state statute, the Harbor Master is also included in this section on state agencies and officials.

#### **Department of Transportation, Bureau of Water Transportation**

The DOT has jurisdiction over the harbors and navigable waterways of the state. Harbor Masters and Deputy Harbor Masters appointed by the Governor are subject to the direction and control of the Commissioner of Transportation and are responsible to the Commissioner for the safe and efficient operation of the harbors over which they have jurisdiction.

The DOT's Bureau of Water Transportation is responsible for establishing a variety of navigation-related regulations, and reviews and comments on applications submitted to the Connecticut DEP's Coastal Resources Management Division for dredging, filling and structures in waterways. Any proposed Harbor Management Plan must be submitted to the

DOT for approval (approval by the DEP is also required) before it can be adopted by a municipality.

### **Harbor Master**

The Clinton Harbor Master is appointed by the Governor for an indefinite period and is responsible for the general care and supervision of Clinton Harbor and its navigable waterways, subject to the direction and control of the Commissioner of Transportation. Principal duties of the Harbor Master as described in Sections 15-1 through 15-12 of the Connecticut General Statutes are to: a) determine the anchoring/mooring location of all vessels in the Harbor so that they do not obstruct navigable waterways; and b) remove, when necessary, vessels moored or anchored or other obstructions to the navigable waterways. In addition, the Harbor Master is empowered to enforce, within Clinton Harbor, all of the boating laws of the state.

### **Department of Environmental Protection, Coastal Resources Management Division**

The DEP's Office of Long Island Sound Programs (OLISP) provides technical assistance for harbor management planning and is the coordinating and principal reviewing office to ensure that the Clinton Harbor Management Plan conforms with the requirements of the state's Harbor Management Act and the Connecticut Coastal Management Act. The DEP (along with the DOT) must approve any proposed Harbor Management Plan before it can be adopted by the Town.

The OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures below the high tide line; placement of structures in wetlands; filling in wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; and construction and maintenance of non-federal channels. The OLISP works closely with the Corps of Engineers in processing permit applications involving filling, dredging or structures in wetlands or coastal waters.

### **Other Divisions of the Department of Environmental Protection**

Other divisions of the DEP also carry out important harbor management related activities. For example, the Planning and Standards Division is responsible for: a) issuance of discharge permits under the National Pollution Discharge Elimination System; b) emergency response to oil and chemical spills; and c) development of requirements for marine sanitation devices. The Marine Fisheries Division is responsible for the management of finfish, lobster, squid, and crab resources living within the waters of the state and has licensing and reporting requirements for commercial fisheries. The Law Enforcement Division has responsibility for enforcing state boating laws, fish and wildlife laws, and other state laws and regulations. Jurisdiction of the Marine Unit is often shared with the marine units of local police departments. The Law Enforcement Division must also approve any local boating regulations before they can be adopted by a municipality, including any that may be included in a local harbor management ordinance.

### **Department of Motor Vehicles**

The only harbor management related responsibility of the DMV is for boat registration. Connecticut law requires that all boats with motors, regardless of size, and all boats 19 1/2 feet in length or over powered by sail alone be registered and numbered before launching. Boating registration fees are collected by the DMV and turned over to the DEP. The DEP reimburses a portion of the fees collected to the municipalities.

## **Department of Agriculture, Aquaculture Division**

Under authority provided by C.G.S. Section 26-192a, the Department of Agriculture now carries out responsibilities for monitoring and licensing of the shellfish industry in Connecticut. (These responsibilities were previously carried out by the Department of Health Services which continues to carry out laboratory testing of water samples and makes recommendations to the Department of Agriculture pertaining to shellfish management.) The Aquaculture Division is now the state's lead shellfish management agency in accordance with a state plan to reorganize Connecticut's shellfish monitoring program in response to threatened sanctions by the federal Food and Drug Administration. The Aquaculture Division is responsible for evaluating and classifying waters for shellfishing and licensing shellfish activities, coordinates all activities of other state agencies with regard to shellfish and acts as liaison between the state and municipalities, including local shellfish commissions.

## **TOWN OF CLINTON**

While the Clinton Harbor Management Commission has the most direct responsibilities with regard to management of Clinton Harbor, other Town commissions, boards and departments also carry out harbor management responsibilities.

### **Clinton Harbor Management Commission**

On October 26, 1988, the Town Meeting created a seven-member Clinton Harbor Management Commission by adoption of a local ordinance entitled "An Ordinance Creating a Harbor Management Commission." The Commission, which is appointed by the Board of Selectmen, has jurisdiction over the Town's territorial waters.

As specified in the Town Ordinance, the purpose of the Harbor Management Commission is to prepare a Harbor Management Plan in accordance with Section 22a-113m through 22a-113o of the Connecticut General Statutes (the State Harbor Management Act). The Ordinance also specifies a number of other powers, duties and responsibilities of the Commission. These include:

- Supervising use of navigable waters and the mooring, docking, landing and other facilities appurtenant to navigation.
- Recommending to the Board of Selectmen rules and fees relating to the use of Town mooring, docking, landing and other facilities appurtenant to navigation.
- Recommending to the Board of Selectmen ordinances to implement the Harbor Management Plan and which may specify fines for violation of those ordinances.
- Assisting the Harbor Master and/or the Dock Master in the assignment of any moorings and in the management of mooring and anchorage areas.
- Preparing an operating budget for submission to the Board of Selectmen and Board of Finance.
- Assisting in the coordination of all public and private agencies, commissions and other organizations with an interest or jurisdiction in the Harbor.
- Reviewing for consistency with the Harbor Management Plan any public notice of an application for a local, state or federal permit for an activity taking place within

the commission's jurisdiction.

- Conducting studies of the conditions and operations in and adjacent to the Harbor and presenting to the Board of Selectmen proposals for the Harbor's efficient operation.
- Reviewing and making recommendations, consistent with the approved and adopted Harbor Management Plan, on any proposal affecting real property on, in, or contiguous to the Harbor, as submitted to the Planning and Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, or Shellfish Commission.

### **Other Town Commissions and Authorities**

The following Town commissions, departments, boards and authorities have roles and responsibilities that affect Clinton Harbor.

- **Town Meeting.** The Town Meeting is the legislative body of the Town of Clinton and is responsible for approval and adoption of all Town ordinances. The Town Meeting adopted the ordinance establishing the Harbor Management Commission and authorizing preparation of the Harbor Management Plan. Any changes to this ordinance must also be adopted by the Town Meeting.

The Town Meeting must adopt the Harbor Management Plan and any ordinance governing enforcement of the approved Plan before the Plan and ordinance can take effect. After initial adoption, any changes to the Plan and related ordinances must also be adopted by the Town Meeting.

- **Board of Selectmen.** As the principal executive agency of the Town of Clinton, the Board of Selectmen exercises certain authorities, (including appointment of the Harbor Management Commission) that may directly and indirectly affect actions within Clinton Harbor. The Board of Selectmen reviews the budget requests of the Harbor Management Commission before these requests are sent to the Board of Finance. The First Selectman or such other Selectman whom he may appoint serves as an ex-officio member of the Harbor Management Commission.

- **Planning and Zoning Commission.** The Town Planning and Zoning Commission has jurisdictional authority over all land use in the Town of Clinton. In addition to planning responsibilities, the Planning and Zoning Commission is responsible for the Town's Municipal Coastal Plan which guides land use and protection of coastal resources in the Town's coastal area and for conducting coastal site plan reviews on most activities occurring within the municipal coastal boundary.

- **Shellfish Commission.** The Shellfish Commission has jurisdiction within the territorial waters of Clinton over the use and management of shellfish resources. The Commission is concerned with preserving and restoring water quality, shellfish habitat and the estuarine ecosystem upon which the resource depends, and with the monitoring of water quality in the Harbor.

- **Park and Recreation Commission.** The Park and Recreation Commission has responsibility for maintenance of the Town Beach and establishes rules and regulations for use of the Beach.

- **Inland Wetlands /Conservation Commission.** The Inland Wetlands/Conservation Commission has jurisdictional authority over inland wetlands and watercourses. In its recently established role as the Town's Conservation Commission, it is also responsible for managing conservation and open space areas owned by the Town and serves in an advisory role on land use activities affecting the natural resources of the Town.
- **Clinton Health Department.** The Health Department regulates discharges and waste disposal and is responsible for water quality monitoring of beach areas and enforcement of the State Health Codes in Town waters. The Health Department monitors septic systems in and around the Harbor area, including systems on Cedar Island, and has cooperated with the Shellfish Commission to conduct water quality monitoring.
- **Clinton Police Department.** The Police Department is responsible for enforcement of Town laws as well as state boating laws within Town waters. The Police Department operates a 27-foot vessel with rescue, towing and fire fighting capabilities. This boat is berthed at the Town Marina from April to December. The Clinton Police Department assists the adjoining towns of Madison and Westbrook as necessary with marine patrols and other actions.
- **Fire Department.** The Fire Department works closely with the Police Department for marine rescue, fire prevention and fire fighting. The Fire Department also operates a boat with rescue and fire fighting capabilities that is berthed at the Town Marina. The fire boat can be used to respond to fires on Cedar Island and to other in-water and waterfront emergencies.
- **Water Pollution Control Authority.** The Water Pollution Control Authority is primarily involved with planning for future waste water treatment and regional sewer systems development.

## INDIVIDUALS AND PRIVATE GROUPS

Private individuals and groups have important rights and also carry out certain activities pertaining to management of Clinton Harbor. Consistent with the Public Trust Doctrine<sup>2</sup>, individuals and groups do not own underwater land or land subject to the ebb and flow of the tide. The State of Connecticut owns the foreshore, open tidal waters and submerged land under tidal waters seaward of the mean high water line. These resources are held by the State in trust for the benefit of all residents of the State. Both the general public and shorefront property owners have important rights below the mean high water line.

### The General Public

The general public has important rights of navigation and access to the shoreline seaward of mean high water.

*. Public Rights of Navigation.* In general, navigational rights are paramount to other in-water rights. Boaters have the right of free navigation, commerce and

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<sup>2</sup> The Public Trust Doctrine is based on the common law principle that certain lands and waters are so important to the public for purposes of commerce, fishing and navigation that private ownership or other impediments to these public uses should not be permitted.

recreational activities, such as fishing, subject to lawfully enacted restrictions. The right of navigation includes the right to anchor, but does not include the right to a mooring (a mooring is a structure subject to a permit from the Corps of Engineers and the Harbor Master).

*. Public Rights of Access to the Public Beach.* Section 22a-93 (6) of the Connecticut General Statutes defines "public beach" as "that portion of the shoreline held in public fee ownership by the State or that portion of the shoreline below the mean high tide elevation that is held in public trust by the state". Individuals have the right of passage along this public beach area, known as the "foreshore" between mean high tide and mean low tide. However, a person may not unlawfully cross private property to gain access to the foreshore.

### **Shorefront Property Owners**

Certain rights -- referred to as riparian or littoral rights<sup>3</sup> -- are inherent in the ownership of lands bordering navigable waters.

*. The Right to Wharf Out.* The Connecticut Courts have held that the owner of upland property adjacent to navigable water has "certain exclusive yet qualified rights and privileges" in the adjoining submerged land, including the exclusive regulated right to build piers from the upland to reach deep water (often referred to as "wharfing out"), as long as the methods by which this right is exercised do not interfere with free navigation and other public trust uses, do not adversely impact coastal resources, and are acceptable under other regulatory statutes and regulations, such as those that protect wetlands. Also, the littoral owner can not exercise the right to build out from the shore in a manner that interferes with the littoral rights of abutting property owners. Where a wharf or pier is to be constructed in a navigable water of the U.S., a permit from the Corps of Engineers must first be obtained, as well as a permit from the DEP in the coastal, tidal or navigable waters of the state.

*. Right to a Mooring.* Unlike the right to access navigable water, a shorefront property owner does not have an exclusive right to a mooring in the waters adjacent to his property. Anyone else may moor a vessel in the adjacent waters subject to the permitting requirements of the Corps of Engineers, Harbor Master and the DEP. However, both the Corps and the DEP have indicated that the littoral/riparian land owners may receive preference over other applicants for one private, individual mooring space in waters adjacent to his property, if all applicants cannot be accommodated.

### **Private Organizations and Groups**

Several private organizations also have some jurisdiction, control, or interest with regard to the management of Clinton Harbor. These include:

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<sup>3</sup> With regard to water rights law, water rights arise when property either abuts or contains water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, or is located on a lakeshore, the rights are said to be littoral rights. Despite these distinctions, the terms "riparian" or "littoral" are commonly used interchangeably. Littoral rights are usually defined to include: a) the use of the water for general purposes such as swimming; and b) the right of access to navigable waters, including the right to reasonably access navigable water.

• **Neighborhood Groups and Associations:** Several beachfront property owners' associations also have an interest in the future use and protection of the Harbor. These associations include the Cedar Island Improvement Association, Harbor View Association, Beach Park Association, and Grove Beach Association.

• **Citizens for a Clinton Harbor Plan:** This is a non-profit citizen's group dedicated to the betterment of Clinton Harbor. Formed in 1988, the group is concerned with a number of harbor management issues and believes that a comprehensive Harbor Management Plan is critical to the well-being of Clinton Harbor. The group's goal is the "protection, preservation and non-destructive use of Clinton Harbor".

#### **Owners of Rights to Shellfish Grounds**

Those who own the rights to any shellfish grounds designated by the Town also have important rights in the Harbor area. A state statute (26-157a (e)) requires that "No person shall set, tend or assist in setting or tending any lobster pot, trap or similar device for the catching of lobsters or set any mooring on any oyster bed without the permission of the owner or lessee of such bed". This requirement may affect the placement of in-water structures, including moorings, in the Harbor.

## **PART II:**

# **HARBOR MANAGEMENT ISSUES AND CONCERNS**

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This part of the Harbor Management Plan describes issues and concerns pertaining to the use and management of Clinton Harbor. Some require immediate attention while others may be of more significance in the future and can be addressed over a longer period of time. The existence of these issues and concerns points to the need for an effective management plan to guide the use and protection of Clinton Harbor into the future.

Identification of the issues and concerns by the Harbor Management Commission is based on input received by the Commission from concerned Town residents and officials, including input from the Commission's harbor management questionnaire, and on the Commission's own first-hand knowledge of existing conditions in Clinton Harbor. Additional information was obtained from the local knowledge of "old-timers," marina owners, published reports, public hearing and commission meetings.

Harbor management related problems and issues of concern can be grouped into different categories related, for example, to: the natural environment, dredging, boating safety, boating facility expansion, public access and harbor administration. No matter what categories are used, however, there will be interrelationships between issues and some overlap.

## ENVIRONMENTAL CONCERNS

### ● POOR WATER QUALITY IN CLINTON HARBOR

Poor water quality, including "black mayonnaise" type bottom sediments, in Clinton Harbor is a well-discussed local issue and was the concern most cited by the public. Existing and potential sources of water quality problems include:

- Boating-related activities, particularly the discharge of sewage from boats, but also the dumping of other wastes along with oil and gas discharges and other spills associated with boating.
- Fuel spillage from marina fuel docks.
- Seepage from improperly functioning septic systems in areas around the Harbor.
- Discharges from industries located away from the shoreline in the Town of Clinton that reach the Harbor through tributary rivers and streams.
- Chemicals and nutrients applied to lawns within the watershed that drains into the Harbor.
- General non-point sources of pollutants that reach the Harbor through tributary rivers and streams.

Poor water quality adversely affects fish and wildlife in the Harbor as well as swimming, boating, fishing and other recreational activities, and generally reduces the enjoyment of those who use the Harbor for both in-water and shore activities.

### ● RESTORATION OF DEGRADED COASTAL RESOURCES

Because of the negative impacts of water pollution and other conditions on Harbor resources, there is concern for the improvement of degraded environmental quality and coastal resources in the Harbor. Most recommendations for doing so relate to improving water quality through control of pollutant discharges. Improved water quality is expected to have beneficial impacts on fish and wildlife populations and other coastal resources.

Restoration of wetlands has been suggested through, for example, replacement of the common reed (phragmites) with more productive marsh species such as marsh grass (spartina). Protecting marsh and other open space areas from development has also been suggested as a way of maintaining and perhaps restoring the diversity and abundance of wildlife in and around the Harbor. Another wildlife-related issue that has been raised concerns the practice of feeding mute swans, Canada geese and other species that are not native to the area or that change their migratory habitats as a result of the availability of food year-round.

In addition, it has been pointed out that several historically intertidal areas around the Harbor have been cut off from tidal flow, which has resulted in the growth of different vegetation and the loss of the beneficial natural values previously associated with these areas.

#### **• PROTECTION OF THE CEDAR ISLAND BARRIER**

Cedar Island, now connected to the Hammonasset Peninsula, is a fragile coastal barrier that protects Clinton's Inner Harbor from the open waters of Long Island Sound. At times of exceptionally high tides, particularly during winter storms, a portion of the island is under water. The size and shape of the island have changed dramatically within the lifetime of present Cedar Island residents. The island is subject to on-going erosional forces, and every two or three years a severe winter storm will have a major impact on the island's dunes and shoreline. In some years large amounts of sand and marsh area are lost; in other years large piles of sand are deposited on the island.

Most of the Cedar trees from which the island gets its name were cut down many years ago. The marsh areas have been eroded from the tip of the island (on the shore side) back to almost the end of the residential area within the last fifty years. The marsh areas on the Sound side have been seriously eroded from the end of the residential area to Meg's Point on the Hammonasset Peninsula.

#### **• IMPACTS ON WATERFRONT RESIDENTIAL AREAS**

Concerns have been expressed that uses and conditions in Clinton Harbor can have adverse impacts on residential areas. Of particular concern is the impact of heavy traffic on local roads generated by boaters and other waterfront users travelling to and from marinas, the Town beach and other water access areas that may be developed in the future. Parking of cars and boat trailers along local roads is also of concern. Other adverse impacts on shorefront neighborhoods that have been noted include excessive noise and other nuisance impacts caused by boating activity as well as the blocking of water views by new development.

#### **DREDGING CONCERNS**

Dredging to accomplish several different purposes has been proposed for areas of Clinton Harbor and the Hammonasset, Indian and Hammock rivers flowing into the Harbor. While necessary to maintain navigation requirements, dredging also raises the possibility of potential environmental and other impacts.

### o DREDGING TO EXPAND THE FEDERAL NAVIGATION CHANNEL

The federal navigation channel extends from approximately Wheeler Rock in the Outer Harbor to about opposite the Town boat launching area in the Inner Harbor, a distance of just over 1 mile. The authorized dimensions of the channel are 100 feet wide and 8 feet deep and there are many who feel that it is neither deep enough nor wide enough to support the heavy volume of boat traffic in and out of the Harbor. The channel width is reviewed as particularly limiting, since at low tide there is little if any maneuvering space outside of the channel. Suggestions have been made for deepening and widening the channel to improve navigation safety, attract larger vessels and provide economic benefits.

While the law provides the army with the authority to make small navigational improvements without specific authorization from Congress, there has not been any funds budgeted for recreational navigational improvements in the past few years and no money is expected to be budgeted for the foreseeable future. The Clinton Harbor Management Commission feels that widening and deepening the federal channel is worthy of further study.

As local marina interests have offered to subsidize the cost, the possibility of expanding the Federal channel should be realistically investigated by evaluating: (1) coastal resources in and adjacent to the channel; (2) consistency of dredging with applicable CCMA resource policies; (3) applicable CCMA use policies which encourage the maintenance and enhancement of existing federal channels and discourage the dredging of new channels; (4) potential benefits of navigational safety and economics; (5) effects on circulation and flushing in the harbor.

### o MAINTENANCE DREDGING OF THE FEDERAL NAVIGATION CHANNEL

Periodic maintenance dredging is needed to maintain the authorized width and depth of the federal channel. The Corps of Engineers is responsible for this maintenance dredging in response to demonstrated need. Maintenance dredging (which was last carried out in 1984-85), however, may not occur as frequently as local users would like. This is largely because the federal funds that are now available for dredging are limited and there is competition for these funds among the communities that have federal navigation projects. The Corps must follow the same permitting procedures for conducting this dredging as others must follow to conduct private dredging activities. As a result, it typically takes about three years from the time that the Corps concurs with

the need for maintenance dredging until such dredging actually occurs.

#### o DREDGING OF THE NATURAL CHANNEL IN CLINTON HARBOR

The federal Channel ends approximately opposite the Town launch ramp and a federal anchorage extends 600 feet west of the end of the channel and includes a triangular area in the vicinity of Port Clinton Marina. Still further west, dredging for the Cedar Island Marina provides adequate depths for navigation at low tide. West of the marina, however, navigation must take place in the shallow, narrow and natural channel of the Hammonasset River as it flows into the Inner Harbor. Private marinas located on the Hammonasset River have proposed dredging this natural channel, but no dredging permits have been issued by the Corps of Engineers. A major concern is the potential impact such dredging might have on shellfish as this area contains natural shellfish grounds under control of the Town of Madison.

#### o DREDGING OF THE INDIAN RIVER

At the present time, the Indian River is only navigable by small, shallow-draft boats at mid to high tides. During the late 1970's a plan was conceived to develop a public landing on the River upstream in the vicinity of the Police Station and to dredge the River to allow small boat traffic to reach the landing. Because the Indian River flows through an extensive and healthy coastal marsh, the potential environmental impacts of dredging the River are significant and include possible damage to the marsh and disruption or destruction of habitat for shellfish, finfish and benthic (bottom dwelling) organisms in the River. Costs to local residents for dredging and site development and the difficulty of dredging without significantly affecting the marsh are constraints to this proposal. The principal benefit would be provision of an opportunity for transient boaters to more easily reach the downtown area.

#### o DREDGING OF THE HAMMOCK RIVER

Dredging of the Hammock River, along with replacement of the existing bridge with a drawbridge, has been suggested to allow small, shallow-draft vessels to travel upstream. Both dredging and bridge replacement, however, would be costly for the Town and, if carried out, would increase the potential for construction of private piers and docks in the Hammock River. As with dredging of the Indian River, potential

impacts on the coastal marsh and river bed would be a major concern here.

#### o DREDGING OF THE HAMMONASSET RIVER

Sections of the Hammonasset River have already been dredged to support the marinas located on the river. Some sections of the river have adequate depth and width for navigation, while other sections are quite restricted and permit passage only by small, shallow draft vessels or only at mid to high tide. Dredging would benefit the existing marinas by allowing safer and easier navigation to and from the marina facilities and possibly providing opportunities for expansion of the existing facilities. As with the Indian and Hammock Rivers, the primary dredging constraints are cost and potential environmental impacts.

#### o OPENING OF THE DARDENELLES

Suggestions are periodically put forth to open a channel through the area known as the Dardenelles at the western end of Cedar Island. It has been suggested that opening (actually re-opening, since a natural channel was closed off here many years ago) of the Dardenelles could help to improve water circulation and water quality. Opening a new channel here could also provide an alternate route for boats to travel to and from the Inner Harbor, thereby alleviating some of the boating congestion in the federal channel. The impacts of opening such a channel, however, would need to be carefully investigated, since such actions could have significant consequences (positive and negative) on water circulation in the Harbor and on the coastal marshes and wildlife. Water circulation modelling or other detailed analyses would likely be required prior to consideration of any such action.

#### o DREDGING NEAR THE TOWN BEACH

Dredging has also been proposed for the mudflats adjacent to the Town beach. At low tide this area is completely exposed and swimming is not feasible, except in or very near the navigation channel. Dredging of an area adjacent to the beach could provide swimming under all tide conditions but also raises cost and environmental impact concerns.

## BOATING SAFETY CONCERNS

## o BOATING SAFETY CONCERNS AND THE NUISANCE IMPACTS OF BOATING ACTIVITIES IN THE HARBOR

Several boating activities in Clinton Harbor have given rise to safety and nuisance concerns, particularly with regard to speeding or excessive wakes, excessive noise, unsafe operation of "jet ski" type personal watercraft, and waterskiing.

. **Speeding.** Speeding in excess of the posted speed limit sign and/or leaving excessive wake in the navigation channel is reported to be a problem. Speeding and excessive wakes, of course, can endanger public safety, threaten other vessels and shoreline property, and cause erosion of the shoreline and coastal marshes.

. **Noise.** Excessive noise from high powered boats (e.g. cigarette type boats), boats without adequate muffling devices, and "jet ski" type vessels are considered a nuisance by many. Excessive noise can adversely affect other boaters and those on shore.

. **Unsafe Operation of "Jet Skis" and Similar Personal Watercraft.** "Jet skis" and similar personal watercraft are much more maneuverable than other vessels and provide enjoyment to users when operated at relatively high speeds. Users frequently enjoy jumping boat wakes, changing directions abruptly, and traveling at high speeds. All of these activities can present a navigation hazard to less maneuverable vessels.

## o ADEQUACY OF AIDS TO NAVIGATION

Concern has also been expressed about the adequacy of the aids to navigation marking the federal navigation channel and the natural channel of the Hammonasset River through the Inner Harbor.

Several years ago the Coast Guard reduced the number of aids to navigation it maintains along the federal channel and the Harbor Management Commission has assumed responsibility for maintaining the aids in the inner harbor abandoned by the Coast Guard, while the USCG has retained responsibility over the remaining aids. Some local boaters have commented that the federal channel is not adequately marked, particularly at the outer entrance to the channel.

The narrow, shallow and natural channel in the Inner Harbor west of Cedar Island Marina and leading to the Hammonasset River has historically been marked with only limited aids to navigation. Recently, however, Clinton Yacht

Haven Marina received permits from the Corps of Engineers and DEP to install private aids to navigation along this channel. With the installation of the aids, this channel is now well marked. The principal remaining issue concerns ensuring proper maintenance of these aids.

#### BOATING FACILITY EXPANSION CONCERNS

Aside from water pollution concerns, issues associated with expansion of marinas and other boating facilities and the possible environmental and other impacts of such expansion were most frequently commented on. Several concerns have been identified:

- o EXPANSION OF COMMERCIAL MARINA FACILITIES TO ADD NEW DOCKS AND SLIPS

A principal argument against expansion is based on concern that the Harbor's capacity for accommodating additional boating use without unacceptable adverse impacts on navigation safety and natural resources has been exceeded or is close to being exceeded. The main arguments in favor of expansion are that demands for additional berthing space would be met, access to Clinton Harbor for tourists and other visitors would be enhanced, and there would be associated economic benefits for the Town. Expressed opinion is divided over whether or not additional marina development will contribute to further degradation of water quality. Many feel strongly that additional boating activities would only increase water quality problems, while others feel that if properly constructed, operated and maintained, marina expansion would not contribute to poor water quality.

- o DOCKOMINIUM DEVELOPMENT

An argument in favor of dockominiums is that they provide a profitable waterfront use and without them, waterfront land may be converted to some other, non-water dependent use. An argument against dockominiums is that they typically provide space for primarily large boats and contribute to the exclusion of small boats and moderate income boaters. In addition, some argue that the concept of a dockominium conflicts with the state's public trust doctrine by which lands below the mean high water mark are held in trust by the state for the use and benefit of the general public and can not be sold for private use. It should be noted that all permits and Certificates of Permission granted by the DEP specifically assert that the authorization does not derogate any present or future property rights or powers of the State

of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges.

**o EXPANSION OF THE TOWN MARINA TO ADD MORE SLIPS**

Many residents have indicated that they would like to see Town dock space expanded. Many have indicated they would support the creation of additional Town and transient moorings in a suitable location. One reason for expanding the Town controlled slips and moorings would be to provide in-water berthing space at a reasonable cost for those who may not be able to afford the cost of commercial slips. Others feel that the Town marina should not be expanded for the same reasons that no further expansion of commercial marinas should be allowed -- that is, the Harbor is already at capacity.

**o EXPANSION OF THE PARKING AREA AT THE TOWN MARINA**

Many residents have expressed concern that parking at the Town marina is not adequate. This parking area is the only public lot on the waterfront (except for the Town beach parking area) and is used by those who have a Town slip or mooring stake, those who launch a boat from the Town launch ramp, those who use Esposito Beach, and those who just wish to park and enjoy views of the waterfront. The limited number of spaces for vehicles with boat trailers is of particular concern. The small parking area limits the number of people who can launch small boats. Several people noted that the launch ramp can be crowded at busy times. The principal question is whether the parking area should be expanded, remain the same, or be modified so that it can handle more vehicles (including vehicles with trailers) without expanding the lot.

**o PROVIDING SPACE FOR COMMERCIAL ACTIVITIES**

Several commercial fishermen now berth their vessels at private marinas. In addition, a marine construction firm sometimes maintains a dredge, barge and other vessels and equipment at a commercial marina or moors its vessels in the federal anchorage. These commercial activities are considered desirable by some and undesirable by others. Generally, state and federal policies favor commercial activities and priority for maintenance dredging by the Corps of Engineers of federal navigation projects usually increases with the amount of commercial activity.

- o DEVELOPMENT OF PRIVATE DOCKS

Some concern has been expressed about the potential for development of additional private docks and the impacts that unrestricted dock development may have on tidal marshes and on the aesthetic quality of the waterfront.

#### PUBLIC ACCESS CONCERNS

- o IMPROVEMENT OF TOWN WATERFRONT FACILITIES

There are several important concerns associated with the use and improvement of Town waterfront facilities. In addition to the concerns associated with expansion of the Town marina as discussed previously, suggestions have been made regarding possible improvements at the Town dock and the Town beach. Specific recommendations for the Town dock include repairing the existing docks, expanding or reorganizing the parking area to accommodate additional vehicles (especially vehicles with boat trailers), keeping the docks clean, and providing toilet facilities.

Suggestions for Town beach improvements include more frequent cleaning and raking of sand, dredging of the area adjacent to the beach (as previously discussed) and expanding the beach area into the undeveloped land immediately to the south of the present beach. While a number of Town residents have indicated they would like to see the Town beach expanded, others do not want it expanded.

A related suggestion is that the Town or a private interest provide a ferry service to the unofficial Town beach on Cedar Island.

- o LIMITING THE USE OF TOWN FACILITIES (DOCKS, LAUNCH RAMP AND PARKING) TO ONLY TOWN RESIDENTS

Some felt that use of Town facilities should be limited to Town residents. Two reasons given for this viewpoint are that local taxpayers support these facilities and that non-resident use limits the opportunity for Town residents to use the same facilities. However, the existence of the federal navigation project (including channel and anchorage areas constructed and maintained entirely with federal funds by the Corps of Engineers) means that the Town must make the Harbor open to all without discrimination on the basis of residence.

- o TOWN ACQUISITION OF WATERFRONT LAND

An important harbor management related concern is whether or not the Town should acquire additional waterfront land for public recreation use. A number of citizens indicated they would support Town acquisition of waterfront land for public use as such land may become available. A number of specific reasons for supporting public land acquisition have been provided, but most relate in some way to the perceived need for additional open space to support passive waterfront activities. It has been noted that use of the waterfront is essentially limited to marinas, private residences and the Town beach and does not provide an adequate variety of recreational opportunities. Suggestions for additional types of water front uses include open space use for passive recreational activities and habitat and wildlife preservation, as well as restaurants and other commercial uses.

The questionnaire respondents opposed to Town acquisition of waterfront land generally cited the high cost involved and the potential tax burden on Town residents to support acquisition.

A related issue concerns whether or not newly acquired public land should be restricted to Town residents or be open to non-residents as well. In some instances, such as development of a public landing on the Indian River to allow transient boaters access to the downtown area, non-resident use of the Town facilities would be essential. In other cases, such as the establishment of a waterfront park for passive recreation, non-resident use is not essential and, depending on how the land is purchased, this type of facility could be restricted to Town residents. To reduce the economic impacts of land acquisition on Town residents, the Town could seek grants or other types of financial assistance from state and federal agencies to aid in acquiring and/or developing waterfront land. Use of state or federal funds for this purpose, however, usually carries with it a requirement that anyone be allowed to use the property and facilities. Property acquired and developed with only Town or private funds can usually be restricted to Town residents.

#### HARBOR ADMINISTRATION CONCERNS

- o ENFORCEMENT OF EXISTING LAWS

Some of the harbor management issues and concerns that have been identified point to the need for effective enforcement of existing boating and water use regulations. Stricter enforcement of existing laws is often seen as a way to correct existing problems and to keep others from becoming

more serious.

- o Enforcement of Speed Limits and Other Boating Laws. Speeding in the federal channel is a concern expressed by a number of area boaters. One approach for addressing the speeding problem is to increase the frequency of marine patrols.
- o Enforcement of Pollution Laws. Along with the belief that water quality in the Harbor is degraded, is the view that enforcement of existing requirements to reduce or even prevent pollution is inadequate and should be strengthened. Tough penalties for violators of pollution laws have been suggested. Many people indicated they supported more stringent monitoring of Harbor area septic systems.

#### o REQUIREMENTS TO GUIDE NEW OR EXPANDED FACILITIES

While many would prefer to prevent new or expanded marinas and similar waterfront development in order to protect environmental quality and the existing character of the Harbor, such an approach is not always possible and not supported by everyone. Another approach for protecting resources and waterfront character is to impose strict requirements or controls on any new or expanded development to ensure that existing problems are not made worse and that new problems do not develop. Requirements most often suggested are those that would avoid and actually reduce water pollution as well as those that would minimize boating traffic congestion.

#### o NEED FOR ACTIVE MANAGEMENT

In addition to the need for establishing a management plan for Clinton Harbor, many have indicated concern that development and adoption of a plan without actively pursuing the implementation of its components may not be sufficient for addressing the identified issues and concerns.

#### o JURISDICTION OF THE HARBOR MANAGEMENT COMMISSION

Some of the harbor management issues identified related to waterfront use and development rather than in-water activities. Clearly, waterfront and in-water activities are closely linked and the use of waterfront land has a major influence on in-water uses. Conversely, in-water activities can have positive or negative impacts on waterfront activities. Decisions regarding waterfront use and development, however, are outside of the jurisdictional authority of the Harbor Management Commission. Some of the significant problems and issues relating to Clinton Harbor

are therefore seen to extend beyond the direct authority of the Harbor Management Commission to influence. Some of the identified concerns can be addressed more directly by other Town commissions and departments and this points to the need for all Town commissions with roles and responsibilities affecting the Harbor to work together to achieve effective management of Harbor resources. This work can be enhanced by the development consistency review provisions for waterfront projects and activities mandated by CCMA.

#### o FUNCTION AND ROLE OF THE HARBOR MASTER

Some questions have arisen with regard to the current function and role of the Harbor Master and there have been some suggestions that his role should become more active and expanded. A number of possible measures for addressing problems and issues in the Harbor would require an increased role for the Harbor Master. The Harbor Master is appointed by the Governor, derives his authority from the Connecticut General Statutes and is subject to the direction and control of the state's Commissioner of Transportation. Once a management plan for Clinton Harbor is in place, however, the duties of the current Harbor Master and any future Harbor Master would have to be carried out in accordance with the Plan. In the absence of an overall Town plan for guiding the actions of the Harbor Master, there is no assurance that future Harbor Masters will carry out their duties in a consistent manner.

#### o FUNDING OF FUTURE HARBOR MANAGEMENT ACTIVITIES

Following approval and adoption of the management plan for Clinton Harbor, various activities related to implementation and enforcement of the Plan may require the expenditure of funds and therefore the designation of a specific local source of funding. The opportunities for raising municipal revenue through mooring permit fees is limited but other sources of funds may be available. A capital reserve account should be established for funds generated by fees collected to assist in plan implementation and offset operating expenses.

## **PART III:**

# **GOALS, OBJECTIVES AND POLICIES FOR MANAGING CLINTON HARBOR**

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This part of the Harbor Management Plan contains Town goals, objectives and policies for guiding management of Clinton Harbor. These goals, objectives and policies are consistent with the Town's Municipal Coastal Plan and with established state coastal area management policies and applicable federal policies.

The goals and objectives are directed toward achieving "balance" in the harbor management area--balance between the use of harbor resources for recreational and other purposes on the one hand, and protection of environmental resources and the existing quality of life in the Town on the other. The broad goals and objectives establish the basis for managing the Harbor and the framework for more specific management policies that follow.

The policies are grouped into five main categories: 1) boating and water use policies; 2) waterfront use and development policies; 3) water access policies; 4) coastal resource policies; and 5) harbor administration policies. The policies will guide the Harbor Management Commission and other Town, state and federal agencies in making decisions affecting Clinton Harbor.

The goals and policies are numbered for reference purposes, not to denote priority.

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## **GOALS AND OBJECTIVES**

**Goal 1:** **To strengthen the role of the Town of Clinton in the planning, management and regulation of water and waterfront activities in the harbor management area.**

**Objectives:**

- a. To apply short and long-term policies, guidelines and strategies to guide decisions and actions affecting use and development within the harbor management area.
- b. To enact necessary Town ordinances for implementing the Harbor Management Plan and to achieve effective enforcement of existing and future Town regulations for guiding use and development in the harbor management area.
- c. To implement specific procedures and responsibilities for efficient and coordinated management of uses and activities in the harbor management area by Town authorities in coordination with state and federal authorities.
- d. To obtain funds to be used specifically for future operation and management of the Harbor.
- e. To increase public awareness and understanding of water and waterfront resources and support for harbor management activities.
- f. To ensure that the actions of the state-appointed Harbor Master are consistent with the Clinton Harbor Management Plan.

**Goal 2:** **To recognize that the Harbor and waterfront are sensitive environments with a limited capacity to support development and use, and to plan for and manage the Harbor and waterfront with due consideration of this limited capacity.**

**Objectives:**

- a. To carefully evaluate possible impacts on natural coastal resources in reviewing proposals for waterfront uses and activities.
- b. To develop and maintain appropriate data on resources and uses in the harbor management area and to use this data to help determine the carrying capacity of water and waterfront resources to support additional use and development.
- c. To avoid new or expanded uses and development that are inconsistent with the capabilities of the natural and man-made environment to support such uses and development.

- d. To support appropriate new, expanded or enhanced water dependent uses that will not exceed the carrying capacity of waterfront and harbor resources to support such uses.
- e. To recognize that the carrying capacity of waterfront and harbor resources to accommodate human use and development is subject to change over time.
- f. To insure that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources and water quality.

**Goal 3:** **To maintain a diversity of water-based uses and activities within the harbor management area that individually and collectively enhance the quality of the Harbor and waterfront environment and the overall quality of life in the Town.**

**Objectives:**

- a. To recognize that the harbor and waterfront provide important economic, social and other benefits to all residents of the Town of Clinton and that the Harbor and waterfront should be managed for the benefit of all Town residents and Harbor users.
- b. To support the continued operation and enhancement of existing boating related facilities and uses including marina and boatyard facilities, recreational boating, commercial fishing and shellfishing, and vessel-based recreational fishing and shellfishing.
- c. To support the continued operation and appropriate expansion of non-boating related facilities and uses that provide opportunities for harbor and waterfront access. These facilities and uses include: public beaches, passive recreational uses such as walking along the shore and nature observations; and uses that afford people an opportunity to view the beauty of the Harbor and the activities that occur in the Harbor. Certain non-water dependent uses may be acceptable at waterfront sites within the context of a mixed use project containing significant water dependent uses or involve locations that are clearly unsuitable for any water dependent uses.
- d. To improve access to the harbor and waterfront for each of the diverse uses that may be established on the harbor and waterfront.
- e. To encourage the use of moorings and short docks or floats for small, shallow-draft vessels, and shared docks where appropriate.

**Goal 4:** **To protect and, where feasible, improve the quality of the natural environmental resources within the harbor management area.**

**Objectives:**

- a. To improve water quality in Clinton Harbor and in the Hammonasset,

Indian and Hammock Rivers that flow into the Harbor.

- b. To properly manage and protect tidal wetlands, shellfish and shellfish beds, fisheries habitat, intertidal flats, beaches and other natural coastal resources.
- c. To recognize that the natural resources of harbor and waterfront are part of the total Long Island Sound estuarine system and that the quality of the natural resources within any one part of this system can have important effects on the larger system.

**Goal 5:** **To plan for and regulate boating and other in-water activities to assure safe, orderly and efficient use of the water and waterfront.**

**Objectives:**

- a. To support the continued and timely maintenance of the existing federal navigation project in Clinton Harbor.
- b. To achieve optimum use of anchorage, fairway and navigation areas through the establishment of area-specific water use plans and guidelines.
- c. To avoid unauthorized uses and structures (encroachments) in channels, mooring areas and other water areas which are limited to designated uses.

**Goal 6:** **To protect and enhance the existing quality of life in shorefront residential neighborhoods.**

**Objectives:**

- a. To ensure that current and future water uses and activities do not adversely affect the character of shorefront neighborhoods.
- b. To provide a public forum for the presentation of all concerns, including those of shorefront residents, related to the quality and character of the Town's waterfront and harbor resources.

## **BOATING AND WATER USE POLICIES**

### **1. Encroachments into Navigable Waters**

- a. In accordance with state and federal laws and regulations, all unauthorized structures (including docks, piers, floats, and moorings and mooring stakes) and other work currently extending into the federally maintained channel or into any designated channel or fairway should be eliminated.
- b. The Harbor Management Commission and other Town commissions and boards should support and cooperate with the Harbor Master, Connecticut

Department of Environmental Protection and the U.S. Army Corps of Engineers in the identification and elimination of existing and future encroachments in the Town's harbor management area.

- c. **Existing encroachments:** Those unauthorized encroachments currently existing and identified either prior to or after the effective date of this Plan, should be evaluated individually by the Commission and specific measures developed, in cooperation with state and federal authorities, to eliminate these existing violations. An appropriate time period may be established by the Commission on a case-by-case basis to allow for the removal or correction of existing encroachments in coordination with the Corps of Engineers and the state DEP.
- d. **Future encroachments:** Any unauthorized encroachments constructed or occurring after the effective date of this Plan should be eliminated by the offending party without delay. Town, state and federal permitting agencies should take appropriate legal actions necessary to correct these violations.

## **2. Navigation Fairways**

- a. Specific water areas to be kept free of obstructions may be designated by the Harbor Management Commission where necessary to ensure safe passage of recreational and commercial vessels to, from and through navigation channels, mooring areas, anchorages and berthing areas within the harbor management area.
- b. Designated fairways should be of an appropriate width, consistent with the type of vessel use anticipated, to ensure ease and safety of navigation.

## **3. Marine Setback Standards**

- a. All piers, docks, bulkheads, pilings, moorings and other structures located below MHW should be set back from the boundaries of designated channels, mooring areas, anchorages and fairways a sufficient distance to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and free passage of any vessel using the channels, mooring areas, anchorages and fairways.
- b. Setback distances should be measured from the nearest boundary of the nearest channel, mooring area, anchorage or fairway to: 1) the nearest point of the particular structure; and 2) the nearest point to which a typical vessel docked or anchored at the structure might approach the boundary line.
- c. Appropriate setback distances for proposed structures and work below MHW will be determined on a case-by-case basis by the Harbor Management Commission based on a review of existing conditions. In the absence of compelling reasons to the contrary, however, all structures below MHW should be set back no less than 20 feet from the boundary line of the nearest channel, mooring area, anchorage or fairway, and all vessels docked or anchored at such structures should be at least 10 feet removed from the boundary line of the nearest channel, anchorage or fairway.

**4. Aids to Navigation**

- a. At the direction of the Harbor Management Commission, "private" aids to navigation, supplemental to those placed by the U.S. Coast Guard, may be placed by the Commission, the Harbor Master or the Police Department's Marine Patrol Unit to mark the federal navigation channel, fairways, mooring areas and anchorages designated in the Harbor Management Plan as well as any navigation hazards and restricted speed areas.
- b. No "private" aids to navigation should be placed without approval from the Harbor Management Commission and appropriate permits from the Coast Guard and the Connecticut Department of Environmental Protection.
- c. Placement of aids to navigation by shorefront residents, marina operators, boaters and others without appropriate permits from the state DEP and the Coast Guard may subject the owner of the aid to navigation to potential liability.
- d. The Harbor Management Commission, in coordination with the Harbor Master and the Police Department's Marine Patrol Unit, may conduct a periodic review of the number, type, location, conditions and adequacy of aids to navigation within the harbor management area and transmit the results of this review to the Coast Guard.

**5. Dredging**

- a. Future maintenance dredging of the federal channel and anchorage area should be carried out by the Corps of Engineers in the most timely manner necessary to ensure the continued viability of marina facilities and safe and efficient navigation.
- b. The Harbor Management Commission should work with the Corps of Engineers and Connecticut DEP/OLISP to establish specific procedures for determining future maintenance dredging needs of the federal channel and initiating environmental assessments and other requirements to allow timely dredging to occur.
- c. Maintenance dredging of non-federal channels, mooring areas, marinas and other areas should be undertaken in compliance with all applicable state and federal regulations and in a manner that will minimize adverse impacts on coastal resources.
- d. The Harbor Management Commission should evaluate the feasibility of obtaining a General Permit from the Corps of Engineers and permits from Connecticut DEP/OLISP that would be applicable to private maintenance dredging consistent with the Harbor Management Plan.
- e. Dredging for development of new uses and facilities in the harbor management area should be permitted only as necessary for the establishment of water dependent uses.
- f. Dredging for new and expanded water dependent uses and facilities should not result in significant adverse impacts on coastal resources.

- g. Upland disposal (as opposed to open water disposal) of dredged material from privately maintained channels and docking facilities should be encouraged where feasible and where upland disposal can occur in an environmentally sound manner.
- h. Efforts to reduce siltation and the resulting need for dredging in the harbor management area should include regular cleaning of upstream catch basins, construction of additional catch basins as necessary, control of runoff from construction site, prohibitions on the disposal of leaves, branches or other debris in public waters, and reducing or eliminating other human activities that introduce sediment into the rivers and harbor management area.

**6. Derelict Vessels and Structures**

- a. All vessels not moored, anchored or made fast to the shore and left unattended for a period greater than 24 hours, or left upon private property without consent from the property owner for a period greater than 24 hours, should be removed from the harbor management area by the last owner of record or by the Harbor Master, at the expense of the last owner of record, in accordance with Connecticut boating statutes and regulations.
- b. No building, structure or floating facility within or adjacent to the harbor management area nor any marine facility, either on land or below MHW, should be allowed to deteriorate to the point that a hazard or inconvenience to navigation may result.

**7. Recreational Boating Facilities**

- a. The Town should encourage the continued operation of commercial marinas and private boat clubs. Any future development activities that may affect existing marina and/or boatyard facilities should not result in any significant reduction of currently available boat slips and service facilities.
- b. Town planning and zoning requirements should protect and promote water dependent uses, such as private boating clubs and commercial marina and boatyard facilities.
- c. The design and review of future boating facility development proposals should take into consideration the capability of water areas to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion and supporting other recreational and commercial uses in the harbor management area.
- d. The design and review of future boating facility development proposals should take into consideration the potential cumulative impacts of this development on coastal resources and the capability of coastal resources to accommodate additional slips without significant adverse impacts on navigation requirements and natural resource values occurring.
- e. The Town should use the authority and policies of the Connecticut Coastal Management Act in developing special zoning and other regulations as well as appropriate incentives for supporting and encouraging the continued operation of commercial boat service facilities (including maintenance, repair and storage facilities).

**8. Dockominiums**

- a. The development of dockominiums, either as the principal use of a waterfront site or as a secondary use to another, non-water dependent site use, should incorporate public access to the water and facilities for use by members of the public.

**9. Moorings**

- a. The owners/users of all current and future moorings (including individual-private and commercial moorings) should receive a permit from the Harbor Master in areas designated by the Harbor Management Commission. All such moorings should be placed and maintained in accordance with procedures established by the Harbor Management Commission in coordination with the Harbor Master.
- b. No moorings should be located within channels or fairways designated in the Harbor Management Plan.
- c. Moorings located within mooring areas designated in this Plan should be placed in accordance with specific mooring plans designed to provide safe and efficient mooring of vessels and to maximize mooring area capacity.
- d. Individual-private and commercial moorings may be placed outside of mooring areas designated in this Plan only where such placement is consistent with all other Plan policies.
- e. All moorings should be served by suitable public or private (including private commercial) onshore access facilities.
- f. The placement of any mooring affecting a designated shellfish bed should be in accordance with all applicable rights of shellfish bed owners or lessees.
- g. All individual-private and commercial mooring tackle used in the harbor management area should meet minimum mooring tackle guidelines and be subject to periodic inspection.
- h. Each person mooring a vessel in the harbor management area should be responsible for any damage to their own vessel or to any other vessel or property that may be caused by their vessel.
- i. All facilities required for access to commercial moorings (including parking facilities and dinghy or launch access facilities) should be provided by the holder of the commercial mooring permit. All those applying for commercial mooring permits should demonstrate that they can provide adequate shoreside facilities to support commercial mooring use. Town-owned street ends and other water access right-of-ways should not be used for access to commercial moorings.
- j. Mooring poles should be placed and used only by littoral property owners offshore of their properties or by those securing right of access through littoral properties.

- k. Mooring poles should not be placed or used in a manner that poses a hazard or inconvenience to navigation.
- l. Mooring poles should not be placed or used in a manner that interferes with the use of Town-owned street ends or privately owned water access right-of-ways.
- m. Placement and use of mooring poles should not have a significant impact on natural resources, water access opportunities, visual quality and traditional water uses.

**10. Boating Safety**

- a. The Clinton Police Department's capital and operating budget requirements for expanding and enhancing, as necessary, the operations of its Marine Patrol Unit should be supported by the Board of Selectmen and other Town bodies.
- b. Within designated areas in the harbor management area, vessel speed should be limited to 6 miles per hour or to a speed that will not cause a damaging wake, whichever is the lesser speed as per the Boating Safety Ordinance, a copy of which is part of this plan.
- c. Any person operating a vessel within the harbor management area at such a speed as to cause a wake should be held responsible for any damage caused by the wake.
- d. Strict enforcement of vessel speed limits should be carried out by the Police Department's Marine Patrol Unit and the Department of Environmental Protection's Marine Enforcement Unit.
- e. Swimming and underwater diving (except for emergency or inspection purposes) should not occur within channels and fairways designated in the Harbor Management Plan.
- f. Water skiing should not occur within channels, fairways, anchorages and mooring areas designated in the Plan and should be conducted in accordance with the Boating Safety Ordinance.
- g. Board sailing should not occur within designated channels, fairways, mooring areas and anchorages except as necessary to cross a designated channel, fairway, mooring area or anchorage in a manner that does not pose a hazard or inconvenience to navigation.
- h. Vessel-based fishing should not occur within designated channels in a manner that poses a hazard or inconvenience to navigation.
- i. Sea plane takeoffs and landings within the harbor management area should not interfere with general navigation and recreational boating and other activities and should be conducted in accordance with state regulations. The boating public should be informed of potential takeoff and landing areas.
- j. Except by specific authorization, or in the case of an emergency, no vessel should enter into the area of any public beach as indicated by official markers placed by the Parks and Recreation Department or into any privately designated beach area.

- k. The operation of all personal watercraft in the harbor management area must be in accordance with all applicable boating laws and regulations, particularly the Boating Safety Ordinance, and should not result in undue noise or other nuisance impacts.
- l. The developers of all new marinas and other waterfront facilities should provide appropriate fire prevention and preparedness measures as required by the Fire Marshal, including adequate access for fire and other emergency vehicles and adequate water supply available on the site. Existing marinas and waterfront facilities should also provide for appropriate fire prevention and preparedness. Standards and guidelines contained in the Connecticut Fire Safety Code which incorporates codes and standards established by the National Fire Protection Association should be incorporated in the design and construction of all marinas.

#### **11. Town Boating Facilities**

- a. The existing Town marina, moorings, and boat launch should be managed to provide appropriate public access opportunities to public waters by resident, non-resident and transient boaters, with particular opportunities for small boat users.
- b. The establishment of new public facilities should be explored to provide local and transient boaters with opportunities to easily access and patronize downtown commercial establishments.

#### **12. Live-Aboard Vessels**

- a. The use of berthed, anchored or moored vessels as seasonal or permanent residences (as distinguished from short-term use of a vessel for sleeping quarters) or other non-water dependent uses should be prohibited because it is not an appropriate use of public trust waters and it may preclude recreational and commercial vessels from utilizing slips and other water areas.
- b. Short term use of a berthed, anchored or moored vessel for living quarters should be consistent with all Town, state and federal regulations that address registration, navigation, anchoring, lighting and other pertinent concerns, and with the availability of land based support facilities and utilities, including sewage disposal facilities.

#### **13. Commercial Fishing**

- a. The Town should encourage the continuation of commercial fishing and shellfishing activities and facilities for independent commercial fishermen in Clinton Harbor.
- b. The placement of all moorings in the harbor management area should be in accordance with the rights of shellfish bed owners or lessees and the provisions of applicable shellfish management plans and regulations developed by the Shellfish Commissions of Clinton and Madison.

#### **14. Boating Education**

- a. Local training and educational programs to promote boating safety should be supported.
- b. The Town should support an expanded future role for the Coast Guard Auxiliary in the Clinton area.

### **WATERFRONT USE AND DEVELOPMENT POLICIES**

#### **1. Waterfront Development Planning and Review**

- a. The Town should carefully evaluate available opportunities for stimulating economic growth through marine-related development consistent with all other Harbor Management Plan policies.
- b. All Town-supported planning and development initiatives affecting the waterfront and harbor management area should be undertaken in the most coordinated manner possible, emphasizing consistent project objectives related to future commercial and recreational uses of the harbor management area and the protection of coastal resources.
- c. The potential effects of waterfront development proposals on future water uses, activities and vessel congestion should be an important consideration in the design of future waterfront development proposals and the review of these proposals by the Harbor Management Commission, the Planning and Zoning Commission and other Town commissions as well as by state permitting agencies and the Corps of Engineers.
- d. The Town should continue to implement (through appropriate zoning and other regulations) the policies of the Clinton Municipal Coastal Plan to support and encourage the development and continued operation of water dependent land uses on waterfront sites.
- e. Public access to the waterfront should be promoted wherever feasible, but the Town should ensure, through appropriate zoning requirements and special incentives, that existing water dependent uses are not replaced by non-water dependent uses providing only public access as a mitigating factor. (See Water Access Policies.)

#### **2. Construction of In-Water Structures**

- a. Construction of private docks and piers by groups of waterfront homeowners or incorporated neighborhood associations for group use on commonly owned property should be approached with environmental and navigational concerns given priority. Structures should be designed to be consistent with existing applicable resource management policies and standards and should be of a similar nature to surrounding structures.
- b. Construction of in-water structures should not have a significant impact on natural resources, water access opportunities, visual quality and traditional water uses. In all cases, alternatives to the construction of private piers to reach navigable water should be considered. Alternatives to be considered should include floating docks and individual-private moorings.

- c. Private docks and piers should be of minimal length to reach navigable water. The appropriate extent to which private piers should extend seaward in order to reach navigable water should be evaluated by the Harbor Management Commission taking into consideration the littoral rights of waterfront property owners, existing harbor-area conditions such as distance from shore to navigable water, public access requirements, the presence of coastal resources such as intertidal flats and shellfish beds and other conditions.
- d. Boat slips should not be used for boats that exceed the design size of the slip. Boats should not be berthed so as to extend past any tie-out poles used to secure the vessel in its slip if such extension adversely affects ease and safety of navigation in surrounding waters.

**3. Filling and Stabilization of Waterfront Property**

- a. Repair of existing bulkheads and other shore protection structures on individual sites should be encouraged in coordination with waterfront redevelopment projects affecting those same sites; this policy should apply to those structures that existed prior to the effective date of the state's regulatory programs or those structures properly authorized by permit.
- b. Filling land seaward of the high tide line to create additional land area for development should be prohibited. Based on state standards, it is unlikely that a permit could be granted for filling seaward of the high tide line.

**4. Shorefront Neighborhoods**

- a. In-water and waterfront activities should not cause nuisance impacts that affect waterfront residential areas. Existing state boating regulations limiting motorboat noise levels should be strictly enforced.
- b. The planning and review of new facility development and marine area activities should take into consideration not only cumulative impacts on marine resources and the capability of marine resources to accommodate increased development but also impacts on the existing character and quality of life in shorefront residential neighborhoods. These potential impacts should be minimized or eliminated.

**5. Littoral Rights**

- a. Plans and proposals to improve existing water access facilities or to provide new water access opportunities should not interfere with the littoral rights of waterfront property owners.
- b. The exercise of littoral rights by waterfront owners should not have a significant adverse effect on coastal resources, visual quality, traditional water uses and other public values associated with the land and water resources below MHW.

- c. The construction of public and private docks and piers and the placement of swimming markers should not infringe on the littoral rights of adjoining property owners.

## **WATER ACCESS POLICIES**

### **1. Water Access Opportunities**

- a. The Town should promote and support the provision of public access to the harbor management area through existing publicly owned lands. The Town should also pursue any opportunities that may arise in the future for increased water access, including the acquisition of additional waterfront property.
- b. The Town should require the provision of well-designed public access to the water by all waterfront development subject to the Town's Coastal Site Plan Review authority. One and two family dwellings and development for principal uses that are truly water dependent should be reviewed on a case-by-case basis by applicable municipal authorities according to statutory established coastal site plan review processes to determine whether site conditions or other site-specific considerations warrant the provision of public access.

### **2. Use of Public Street End Rights-of-Way**

- a. The Harbor Management Commission should identify and evaluate opportunities for improving physical and visual access to the water through Town-owned street ends and other water access rights-of-way. Where feasible, the Town should improve Town-owned street end rights-of-way in the near term and in all cases ensure the retention of these access opportunities for future enhancement and public use.
- b. Any improvement of Town-owned street ends for public water access purposes should be consistent with existing neighborhood character and zoning designations.

### **3. Use of Town Beach Areas**

- a. Opportunities for improving public access to the water through the Town's public beach areas should be fully utilized. To the extent possible, the Town should promote and encourage enhanced water-related use and activities at the Town beaches, including visual and physical access opportunities. These uses and activities should be consistent with all applicable Harbor Management Plan policies, and consistent with the capabilities of the beach areas to accommodate enhanced or expanded use.

## **COASTAL RESOURCE POLICIES**

### **1. Capacity of Waterfront and Harbor Resources to Accommodate Additional Uses and Development**

- a. Development activities in the marine area should be balanced with the need to protect natural coastal resources and should not result in significant reductions in natural resource values.
- b. The design and review of future development proposals in or adjacent to the harbor management area should take into consideration cumulative impacts on marine resources and the capability of coastal resources to support development without significant disruption of the natural environment. The design and review of development proposals should also be guided by the recognition that there are limits to the amount of growth and development that the Town's marine environment can absorb without important public values being lost as a result of environmental degradation.
- c. Determinations of resource capabilities for accommodating new development should be carried out through the review of individual development proposals by the Harbor Management Commission and state and federal permitting agencies. This review should address: 1) the ability of coastal resources to support development; and 2) the public safety and navigation impacts associated with increased water use and activity.
- d. Development projects in already developed areas should receive a more detailed review than those proposed in undeveloped areas since concerns pertaining to issues such as increased congestion and the need to protect remaining resources may actually warrant such stringent review.

## **2. Protection and Management of Fisheries Resource Areas**

- a. The existing shellfish resources should be protected and enhanced. The number of areas currently open to recreational shellfishing should be expanded through appropriate management techniques and controls.
- b. Implementation of the Harbor Management Plan should take into consideration an assessment of current shellfish resource areas (including the location of natural grounds and private beds) and the establishment of Town regulations for shellfish resource management.
- c. The Clinton Shellfish Commission should coordinate its activities with the Madison Shellfish Commission to ensure that the management and planning activities carried out by each Commission are consistent and coordinated.
- d. Within important shellfish resource areas designated by the Clinton or Madison Shellfish Commission, the cultivation, transplantation, harvest and general management of shellfish should have priority over other uses.
- e. New navigation channels, turning basins, fairways and anchorage areas should not be dredged in important shellfish resource areas designated by the Shellfish Commission, unless such dredging can be shown to have no long-term adverse impacts on shellfish.
- f. New structures such as docks, piers and moorings should not adversely affect important shellfish resource areas, and should be in accordance with all applicable rights of shellfish bed owners and lessees.
- g. The Clinton Shellfish Commission should evaluate all proposed uses or

activities occurring below MHW within its jurisdiction for potential impacts on shellfish resources.

### **3. Protection of Intertidal Resources (Tidal Wetlands and Intertidal Flats)**

- a. The ecological values of intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions and flood hazard buffer should be protected.
- b. Unless consistent with federal, state and Town regulations, new boat basins, navigation channels, turning basins, fairways and mooring/anchorage areas should not be dredged in viable and productive intertidal resource areas.
- c. Consistent with federal, state and Town regulations, new structures such as docks and piers should not adversely affect viable and productive shellfish resource areas.

### **4. Water Quality**

- a. The Town should establish a strong program of water quality monitoring in the harbor management area and up-stream in each of the tributaries to the harbor and vigorously pursue upgrading of the current level of water quality through the correction or elimination of both point and non-point sources of pollution, including storm water runoff.
- b. Vessel holding tanks for sanitary wastes should not be discharged into the Town's harbor management area. Existing state and federal regulations controlling the disposal of wastes from vessels should be publicized for area boaters and strictly enforced.
- c. More stringent controls on disposal of treated sewage from vessels may be considered in the future, including the possibility of establishing a "no-discharge" zone pursuant to C.G.S. Section 15-170(f) in the harbor management area. State regulations pertaining to pump-out facilities must still be developed and U.S. EPA approval obtained before this designation can become effective.
- d. All new and expanded marina facilities providing additional boat slips should provide on-site pump-out facilities for marine waste, or demonstrate that available pump-out capacity exists elsewhere to accommodate their needs.
- e. In order to minimize use of marine sanitation devices in the harbor management area, all new and expanded marina facilities should be required to provide restroom facilities for marina users.
- f. To the extent possible, the Town should coordinate water quality monitoring and the formulation of pollution abatement measures with the adjacent Town of Madison.

### **5. Fuel Spill Contingency Planning**

- a. In coordination with town, state and federal government agencies, the

boating facilities dispensing fuel in Clinton Harbor, and the Hammonasset and Indian Rivers should develop appropriate fuel spill contingency plans.

- b. Equipment necessary for the control of fuel spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to fuel spill emergencies.

## **6. Coastal Hazards**

- a. All construction in designated flood hazard zones adjacent to the harbor management area should conform to state and Town floodplain regulations and construction standards.
- b. Non-structural alternatives, as encouraged by Section 22a-92(b)(2)(f) of CCMA, to the use of seawalls, breakwaters, jetties, groins and other structural measures for protecting existing development from flooding and erosion should be considered by the owners/operators of waterfront sites and facilities. The use of structural measures to protect existing development should not result in significant adverse impacts on natural resources and adjacent properties. Section 22a-92(b)(2)(J) allows the use of structural solutions only when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or inhabited structures existing prior to January 1, 1980, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.
- c. All public and private marina facilities should develop and maintain emergency procedures for securing and protecting vessels and other property from the impacts of flooding and coastal storms.

## **7. Scenic Quality**

- a. The design and review of future development proposals in the harbor management area should take into consideration cumulative impacts on coastal resources and the capability of coastal resources to support development without significant disruption of the natural environment, including existing scenic quality, in the harbor management area.

# **HARBOR ADMINISTRATION POLICIES**

## **1. Implementation and Enforcement of Harbor Management Plan Provisions**

- a. The Town should adopt a Harbor Management Ordinance consisting of a comprehensive set of rules and regulations for implementing and enforcing the goals, policies and management guidelines contained in the Plan.
- b. Through implementation of the Harbor Management Plan, the Town of Clinton and the Harbor Master should assume an increased role in the management and regulation of harbor area activities in coordination with state and federal agencies, including the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers.

**2. Review of Development Proposals Affecting the Harbor Management Area**

- a. A "Harbor Management Consistency Review" process should be established and carried out by the Harbor Management Commission to ensure effective implementation of the approved and adopted Harbor Management Plan and to provide coordinated, efficient and comprehensive local review of proposed projects affecting use and activities on, in or adjacent to the harbor management area.
- b. The Harbor Management Commission should serve in an advisory capacity on all Town-supported planning and development initiatives affecting the harbor management area.
- c. The Harbor Management Commission should function in an advisory capacity to the Town Planning and Zoning Commissions and the Zoning Board of Appeals in the review of waterfront development proposals involving a water use and/or construction.
- d. It will be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess the potential impacts of proposed development projects on marine resources and the consistency of such proposals with the Harbor Management Plan.
- e. The Harbor Management Commission should evaluate the feasibility of obtaining a General Permit from the U.S. Army Corps of Engineers applicable to specific types of proposed coastal structures and activities. This General Permit should only be accepted by the Commission if it is shown that such a permit will facilitate and accelerate review and approval of the specified structures and activities.

**3. Duties of the Harbor Master**

- a. The Harbor Master should work cooperatively with the Harbor Management Commission, including any persons assigned to assist the Commission to carry out its responsibilities, to enforce state and local boating laws and ordinances in accordance with state statutes. The Harbor Master should also work cooperatively with and assist the Commission in implementing other provisions of the Harbor Management Plan and Town Ordinance for implementing the approved Plan.
- b. The Harbor Management Commission may appoint a Dock Master, Harbor Manager or other person to assist the Commission and the Harbor Master in implementing the Harbor Management Plan and Ordinance.
- c. Pursuant to C.G.S. Section 15-1, Harbor Masters and deputy Harbor Masters must exercise their duties in a manner consistent with any approved and adopted harbor management plan.

**4. Administration of Mooring Permits**

- a. Standardized procedures for mooring permit application and issuance should be established by the Harbor Management Commission in coordination with the Harbor Master. The public should be informed of these procedures

through appropriate notices and other means. An assignment procedure should be established for all new applicants for mooring permits. Standardized mooring permit record keeping procedures to allow compilation of, and easy and complete access to, all pertinent information regarding mooring use and allocation in the harbor management area should also be maintained.

**5. Financial Management**

- a. The Harbor Management Commission should establish a fee schedule for mooring or anchorage permits and other activities within the scope of the Harbor Management Plan. Such fees should be commensurate with services provided by the Town and the Harbor Master, and all fees collected should be dedicated for the maintenance and improvement of the harbor management area for the public and for personnel and equipment directly related to the function of the Commission and the Harbor Master.
- b. An annual operating budget for harbor management should be established to include Commission activities and the administrative and maintenance costs of implementing the Plan.
- c. A Town Harbor Management Fund should be established to include all monies collected from mooring permits and other sources.

**6. Developing and Maintaining Public Support and Awareness of Plan Provisions**

- a. The Harbor Management Commission should develop an appropriate public education program designed to promote awareness of Plan provisions and requirements.

**7. Amending and Revising the Harbor Management Plan and Ordinance**

- a. To ensure continued adherence to the Plan as well as to identify needed amendments or clarifications, the Harbor Management Commission should conduct an annual review of the Plan and the status of Plan implementation.
- b. Pursuant to Section 22a-113m of the Harbor Management Act, the same process required for state approval and Town adoption of the Harbor Management Plan (review by the Corps of Engineers, approval by the state DEP and DOT and adoption by the Board of Selectmen following a public hearing) shall be required for substantial revisions or amendments to the adopted Plan and to adopt new rules and regulations for implementing the Plan.

## **PART IV:**

# **WATER USE PLANS AND MANAGEMENT GUIDELINES**

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Within the overall boundaries of the Clinton Harbor Management Area, seven "management areas" are identified based on natural features, current and potential uses, and management concerns. The seven management areas are:

Clinton Inner Harbor  
Clinton Outer Harbor  
Federal Anchorage Area  
Hammonassett River  
Indian River  
Hammock River  
Shorefront Areas

This part of the Harbor Management Plan contains management guidelines for each of these areas. The guidelines have been developed to add more specificity to the goals, objectives and policies contained in Part III of the Plan. For each management area, there is a listing of Thirteen Management Categories (A-M), in which one or more specific management guidelines are indicated. These guidelines will be utilized to create the water use plans, to establish implementation responsibilities and to formulate the Harbor Management Ordinance itself. It should be noted that the use of certain terminology, such as authorize or permit, within the management guidelines is not intended to confer or transfer any regulatory authority to or from any agency; rather it is intended to indicate that formal, coordinated action by the appropriate agencies, as identified in the Plan, is recommended to implement the particular management guideline.

Conceptual plans illustrating the application of the area guidelines are shown in Figures 11-17.

## **CLINTON INNER HARBOR**

**(Water Use Plan - Figure 11)**

### **1. Channels**

- a. Arrange with the Army Corps of Engineers for the timely maintenance of the 8 foot deep federal navigation channel in its authorized location as the principal means of access to and from the Inner Harbor.
- b. Designate and encourage the maintenance of the existing natural channel from the end of the Federal Channel to the mouth of the Hammonassett River.

### **2. Fairways**

- a. Designate a fairway from the Federal Channel to the mouth of the Indian River.
- b. Designate a fairway from the Federal Channel to the mouth of the Hammock River.
- c. Designate a fairway from the west end of the Federal anchorage to a point west of the Cedar Island Marina.
- d. Designate a fairway from the Federal Channel to the east end of Cedar Island at the existing dock structure.

**NOTE:** The maintenance of the fairways is a priority and will be accomplished with minimal disturbance to other resources near the fairway. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:

- 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
- 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
- 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
- 4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

**3. Anchorages**

- a. Arrange with the Army Corps of Engineers for the timely maintenance of the existing 8 foot deep Federal anchorage. (Resolve apparent discrepancy in limits.)

**4. Mooring Areas**

- a. Establish a mooring grid in the Federal anchorage area with four permanent moorings and the balance to be for transient use.
- b. Maintain the existing mooring piles for permanent usage for 25 boats.
- c. Reserve, for a future mooring area, an area north of the Hammonassett Channel and west of the Cedar Island Marina bulkhead. Usage could be 25% transient/75% permanent and dinghy dock access would have to be determined. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:
  - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
  - 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
  - 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
  - 4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

**5. Loading/Access**

- a. Maintain the Town Beach as a point of access to the water area for recreational swimming and passive water activities including fishing and certain water sports.
- b. Maintain the Public Launching Ramp as a point of access and loading for non-commercial vessels.
- c. Maintain the Town Marine facility as a point of public access to the water for recreational and commercial boating and municipal use.
- d. Maintain Esposito Beach as a point of pedestrian access to the waterfront for swimming, passive recreation and dinghy access.
- e. Maintain and encourage the expansion of loading and access opportunities

provided at the seven private boating facilities in the Inner Harbor. Expanded facilities should include landing and launching facilities, dinghy docks and land side support facilities.

- f. Maintain public access to Cedar Island for swimming, fishing and passive recreational use.
- g. Permit and encourage the use of the two street ends at Grove and Commerce Streets for access to the waterfront.

## **6. Resource Areas**

- a. Identify shellfish concentration areas for future usage; permit other water based activities if it is determined that there is no reasonable conflict with sound resource management practices.
- b. Identify intertidal flats and tidal wetlands as valuable resource areas and discourage activities that are not consistent with this guideline. Use and preservation of this area should be consistent with the following CCMA policies:
  - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92(b) (2) (D)
  - 2) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
  - 3) To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions. C.G.S. Section 22a-92(b) (2) (E)
  - 4) To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. C.G.S. Section 22a-92(c) (1) (B)
  - 5) To encourage the rehabilitation and restoration of degraded tidal wetlands. C.G.S. Section 22a-92(b) (2) (E)
- c. Maintain and protect the existing beach facilities to provide high quality opportunities for swimming and passive water based recreation and resource protection.

## **7. Swimming Beaches**

- a. Reserve the Town Beach as the primary public swimming area within the Town.
- b. Reserve Esposito Beach as a secondary swimming facility and as a primary water contact point for wading and access.
- c. Reserve the Cedar Island Beach as a secondary swimming facility with limited

access and minimal physical improvements or support facilities.

**8. Open Water**

- a. Designate the water areas outside of channels, fairways, anchorages as open water areas. In the Inner Harbor, this includes the water areas immediately north of Cedar Island and the future mooring area north of the Hammonassett River channel.
- b. Open water areas are to be the "open space" in the water use plan and should be managed accordingly.

**9. Motor Use**

- a. There are no restrictions on the use of or size of motors in this area.

**10. Wake**

- a. Establish "No Wake" restrictions in the Inner Harbor Federal Channel, Hammonassett River channel, anchorages and fairways.

**11. Speed Limit**

- a. Regulate boat operating speeds in the entire Inner Harbor area, including anchorages and fairways as per Town Boating Safety Ordinance.

**12. Personal Watercraft**

- a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.
- b. Permit the limited use of personal watercraft at the Town Beach as per Town Boating Safety Ordinance.

**13. Aids to Navigation**

- a. Establish and maintain appropriate aids to navigation to delineate channels, fairways and swimming areas, as required. Authorize the placement of any privately maintained aids to navigation.

**CLINTON OUTER HARBOR**

(Water Use Plan - Figure 12)

**1. Channels**

- a. Arrange with the Army Corps of Engineers for the timely maintenance of the 8 foot deep Federal navigation channel in its authorized location as the principal means of access to and from the Harbor area.

- 2. Fairways**
  - a. No fairways are to be designated in the Outer Harbor area.
- 3. Anchorages**
  - a. Establish an anchorage area for transient use immediately east of the Federal channel at Wheeler Rock and west of the south end of Kelsey breakwater.
- 4. Mooring Areas**
  - a. Establish a mooring area for small boats in the Harbor View area east of the federal navigation channel. Due to its distance from the channel and shallow depths, it is not recommended to be designated as an anchorage or proposed for a grid at this time.
  - b. Reserve as a future mooring area the water area as defined by the anchorage described above.
- 5. Loading/Access**
  - a. No loading/access locations have been designated in this area.
- 6. Resource Areas**
  - a. Reserve the intertidal flats at Cedar Island and east of the Federal channel and the tidal wetlands in this area; discourage any activities that would degrade these resource areas.
  - b. Reserve the beach area on the south side of Cedar Island.
- 7. Swimming Beaches**
  - a. Reserve the use of Cedar Island beach (south side) for passive recreational swimming activities subject to resource limitation and property rights.
- 8. Open Water**
  - a. Designate the water areas outside of the Federal navigation channel and anchorage/mooring areas as open water for unrestricted use. This includes large areas to the north and south of Wheeler Rock and all the areas outside of these points.
- 9. Motor Use**
  - a. There are no restrictions on motor use within this area.
- 10. Wake**
  - a. Establish "No Wake" Restrictions within the Federal navigation channel and in the anchorage/mooring area.

**11. Speed Limit**

- a. Regulate boat operating speeds from Wheeler Rock to the Inner Harbor and within any established mooring area as per Town Boating Safety Ordinance.

**12. Personal Watercraft**

- a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.

**13. Aids to Navigation**

- a. The aids to navigation in the area are owned and operated by the U.S. Coast Guard. Arrange for the Coast Guard for timely maintenance and positioning, as required.

**FEDERAL ANCHORAGE AREA**

(Water Use Plan - Figure 13)

**1. Channels**

- a. Arrange with the Army Corps of Engineers for the timely maintenance of the Federal Navigation Channel as a means of access to and from the anchorage area.

**2. Fairways**

- a. None

**3. Anchorages**

- a. Utilize same guidelines as Inner Harbor

**4. Mooring Areas**

- a. Establish a mooring grid in the Federal anchorage area with four permanent moorings and the balance to be for transient use.

**5. Loading/Access**

- a. Same as Inner Harbor

**6. Resource Areas**

- a. Same as Inner Harbor

**7. Swimming Beaches**

- a. No Locations

8. **Open Water**
  - a. None
9. **Motor Use**
  - a. No restrictions on motor use and operation
10. **Wake**
  - a. Same as Inner Harbor
11. **Speed Limit**
  - a. Same as Inner Harbor
12. **Personal Watercraft**
  - a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.
13. **Aids to Navigation**
  - a. None

### **HAMMONASSETT RIVER**

(Water Use Plan - Figure 14)

1. **Channels**
  - a. Encourage the continued maintenance of the natural channel from the Inner Harbor to Route 1.
2. **Fairways**
  - a. Designate the natural channel of the Hammonassett River as a fairway. The west side designation is under the jurisdiction of the Town of Madison. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:
    - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
    - 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
    - 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)

4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

b. Encourage the continued use of the fairway which is the access to Clinton Yacht Haven and Riverside Basin Marina as a fairway.

**3. Anchorages**

a. None Designated

**4. Mooring Areas**

a. None Designated

**5. Loading/Access**

a. Encourage the commercial boating facilities along the River to provide for loading and access.

b. Permit individual private property owners to have access to the River for activities consistent with the use of their properties for residential purposes.

**6. Resource Areas**

a. Identify shellfish concentration areas for future usage; permit other water based activities only if it is determined that there is no reasonable conflict with sound resource management practices.

b. Identify intertidal flats and tidal wetlands as valuable resource areas and discourage activities that are not consistent with this guideline. Use and preservation of this area should be consistent with the following CCMA policies:

1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92(b) (2) (D)

2) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)

3) To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions. C.G.S. Section 22a-92(b) (2) (E)

4) To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. C.G.S. Section 22a-92(c) (1) (B)

5) To encourage the rehabilitation and restoration of degraded tidal wetlands.  
C.G.S. Section 22a-92(b) (2) (E)

**7. Swimming Beaches**

a. None designated

**8. Open Water**

a. Designate the areas outside of channels, fairways and marina facilities as open water, except for the access to the Clinton and Riverside facilities.

**9. Motor Use**

a. No Restrictions

**10. Wake**

a. Establish "No Wake" restrictions in all areas of the River in accordance with the existing Boating Safety Ordinance.

**11. Speed Limit**

a. Regulate boat operating speeds in all areas of the River in accordance with the existing Boating Safety Ordinance.

**12. Personal Watercraft**

a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.

**13. Aids to Navigation**

a. Authorize the placement of appropriate aids to navigation to delineate channels, fairways and swimming areas.

**INDIAN RIVER**

(Water Use Plan - Figure 15)

**1. Channels**

a. None designated

**2. Fairways**

a. Designate a fairway from the mouth of the Indian River to the possible future facilities behind the Police Station to follow the existing natural channel. This designation must be coordinated with Shellfish Commission designation of beds in this area. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:

- 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
- 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
- 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
- 4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

**3. Anchorages**

- a. None Designated

**4. Mooring Areas**

- a. None Designated

**5. Loading/Access**

- a. Permit and encourage marine commercial facilities to provide for loading and access.
- b. Consider private property owners rights to have access to the River for activities consistent with the use of their properties for residential purposes and applicable CCMA and other state resource policies.
- c. Promote the creation of a launch ramp and dinghy dock facilities behind the Police Station. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:
  - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
  - 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
  - 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
  - 4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing

opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

**6. Resource Areas**

- a. Identify shellfish concentration areas for future usage; permit other water based activities only if it is determined that there is no conflict with sound resource management practices.
- b. Identify intertidal flats and tidal wetlands as valuable resource areas and discourage activities that are not consistent with this guideline. Use and preservation of this area should be consistent with the following CCMA policies:
  - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92(b) (2) (D)
  - 2) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
  - 3) To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions. C.G.S. Section 22a-92(b) (2) (E)
  - 4) To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. C.G.S. Section 22a-92(c) (1) (B)
  - 5) To encourage the rehabilitation and restoration of degraded tidal wetlands. C.G.S. Section 22a-92(b) (2) (E)

**7. Swimming Beaches**

- a. Recognize the private association beach and encourage its continued use and maintenance.

**8. Open Water**

- a. None

**9. Motor Use**

- a. No restrictions

**10. Wake**

- a. Establish "No Wake" Restrictions in all areas of the River, in accordance with existing Boating Safety Ordinance.

**11. Speed Limit**

- a. Regulate boat operating speeds in all areas of the River, in accordance with existing Boating Safety Ordinance.

**12. Personal Watercraft**

- a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.

**13. Aids to Navigation**

- a. Authorize the placement of appropriate aids to navigation to delineate channels, fairways and swimming areas.

**HAMMOCK RIVER**

(Water Use Plan - Figure 16)

**1. Channels**

- a. Encourage the maintenance of the channel which exists from the Federal Channel to the commercial marinas.

**2. Fairways**

- a. Designate a fairway from the mouth of the River to the Waterside Lane Bridge. The feasibility of this project is contingent upon a future determination of compliance with applicable CCMA policies and standards, including the following:

- 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92-(b) (2) (D)
- 2) To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions. C.G.S. Section 22a-92-(b) (2) (D)
- 3) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
- 4) To manage the state's fisheries in order to promote the economic benefits of commercial and recreational fishing, enhance recreational fishing opportunities, optimize the yield of all species, prevent the depletion or extinction of indigenous species, maintain and enhance the productivity of natural estuarine resources and preserve healthy fisheries resources for future generations. C.G.S. Section 22a-92(c) (1) (I)

**3. Anchorages**

- a. None Designated.

**4. Mooring Areas**

- a. None Designated.

**5. Loading/Access**

- a. Encourage marine commercial facilities to provide for loading and access.
- b. Encourage the use of the end of Waterside Lane for non-commercial access to the waterfront.
- c. Encourage the Parks Department to maintain the Town Beach as a point of access to the water area for recreational swimming and passive water activities including fishing and certain water sports.

**6. Resource Areas**

- a. Reserve tidal wetlands as valuable resource areas and discourage activities that are not consistent with this guideline.
- b. Reserve the Town Beach as a resource area consistent with recreational use. Use and preservation of this area should be consistent with the following CCMA policies:
  - 1) To manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds. C.G.S. Section 22a-92(b) (2) (D)
  - 2) To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats. C.G.S. Section 22a-92(b) (2) (D)
  - 3) To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions. C.G.S. Section 22a-92(b) (2) (E)
  - 4) To disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal. C.G.S. Section 22a-92(c) (1) (B)
  - 5) To encourage the rehabilitation and restoration of degraded tidal wetlands. C.G.S. Section 22a-92(b) (2) (E)

**7. Swimming Beaches**

- a. Maintain and upgrade the Town Beach as the primary public swimming area within the Town.

**8. Open Water**

- a. Designate the balance of the River from the end of the fairway to Beach Park Road as open water.

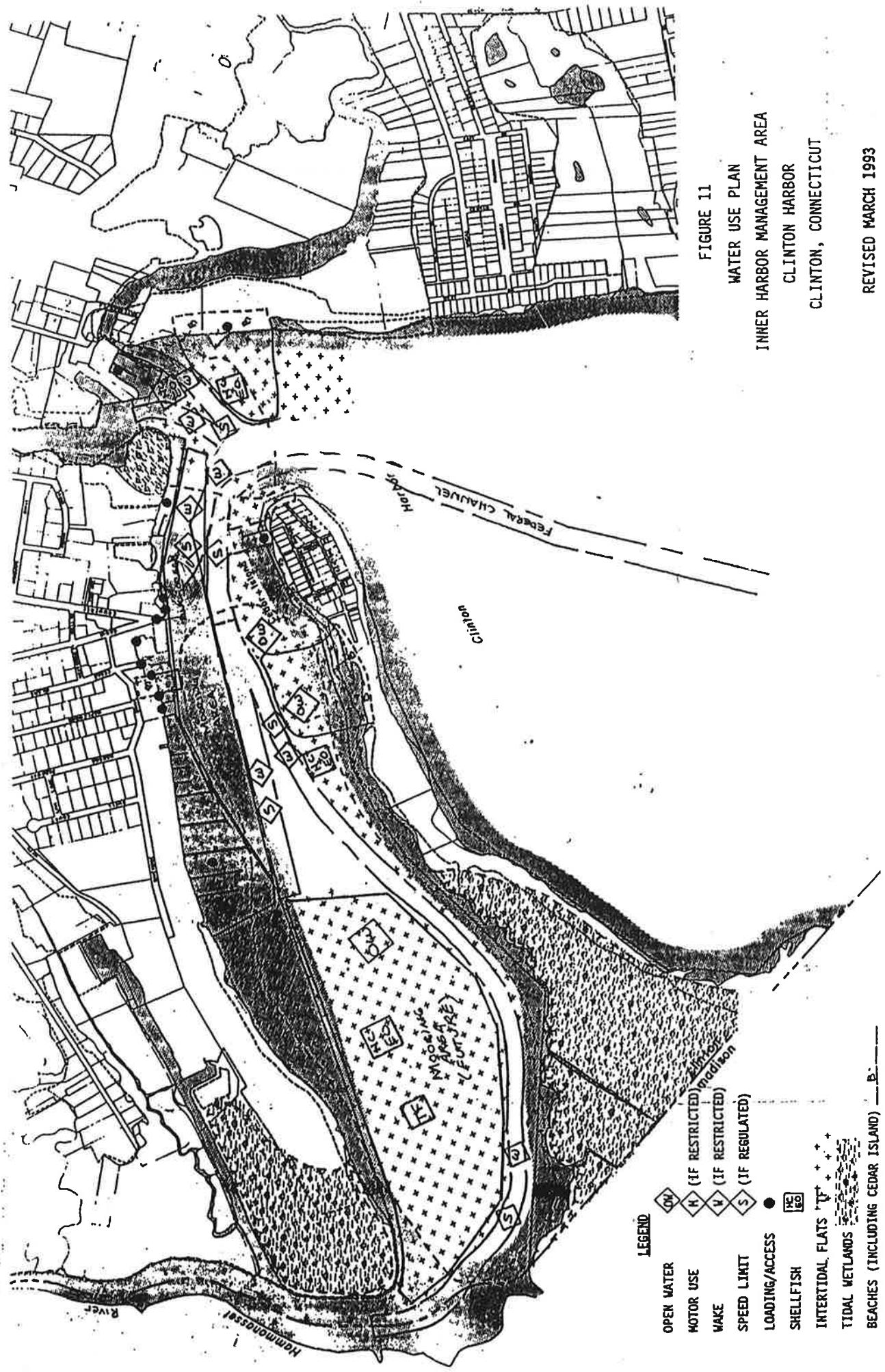
- 9. Motor Use**
  - a. No restrictions**
- 10. Wake**
  - a. Establish "No Wake" Restrictions in all areas of the River, in accordance with the existing Boating Safety Ordinance.**
- 11. Speed Limit**
  - a. Regulate boat operating speeds in all areas of the River, in accordance with the existing Boating Safety Ordinance.**
- 12. Personal Watercraft**
  - a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.**
- 13. Aids to Navigation**
  - a. Authorize the placement of appropriate aids to navigation to delineate channels, fairways and swimming areas.**

#### **SHOREFRONT AREAS**

**(Water Use Plan - Figure 17)**

- 1. Channels**
  - a. None Designated.**
- 2. Fairways**
  - a. None Designated.**
- 3. Anchorages**
  - a. None Designated.**
- 4. Mooring Areas**
  - a. Establish a mooring area in the Beach Park area between Hammock Point and Kelsey Point; sailboats and motor boats have moored in this area for several years. Due to its location and usage, it is not recommended that this area be designated as an anchorage or provided with a grid at this time.**
  - b. Establish a mooring area for small boats in the Clinton Beach area between Kelsey Point and the Clinton/Westbrook town line. Due to its location and usage, it is not recommended that this area be designated as an anchorage or provided with a grid at this time.**

- 5. Loading/Access**
  - a. Consider the rights of individual private property owners to have access to the shorefront for activities consistent with the use of their properties for residential purposes.
- 6. Resource Areas**
  - a. Encourage the maintenance of private beach areas as valuable resource areas.
- 7. Swimming Beaches**
  - a. Permit and encourage the use of private beaches for swimming purposes.
- 8. Open Water**
  - a. Designate all water areas outside of beaches and anchorage areas as open water.
- 9. Motor Use**
  - a. No restrictions
- 10. Wake**
  - a. Reserve the right to establish "No Wake" Restrictions in mooring area only, if established, in accordance with the existing Boating Safety Ordinance.
- 11. Speed Limit**
  - a. Regulate boat operating speeds in mooring area only, if established, in accordance with the existing Boating Safety Ordinance.
- 12. Personal Watercraft**
  - a. Encourage safe and responsible use and operation of personal watercraft in appropriate areas, per Town Boating Safety Ordinance.
- 13. Aids to Navigation**
  - a. None Designated.



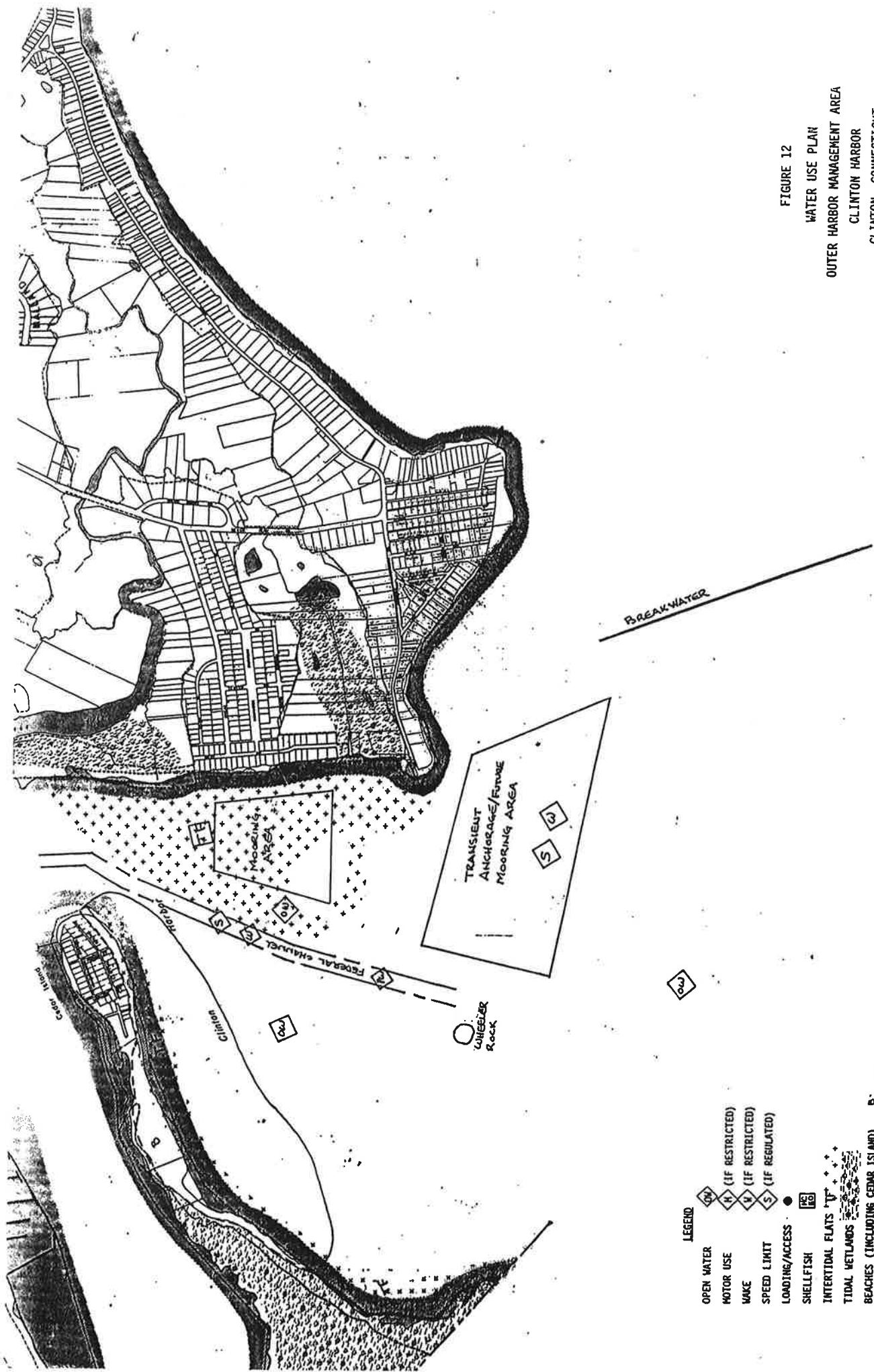


FIGURE 12

WATER USE PLAN  
OUTER HARBOR MANAGEMENT AREA  
CLINTON HARBOR  
CLINTON, CONNECTICUT

REVISED MARCH 1993

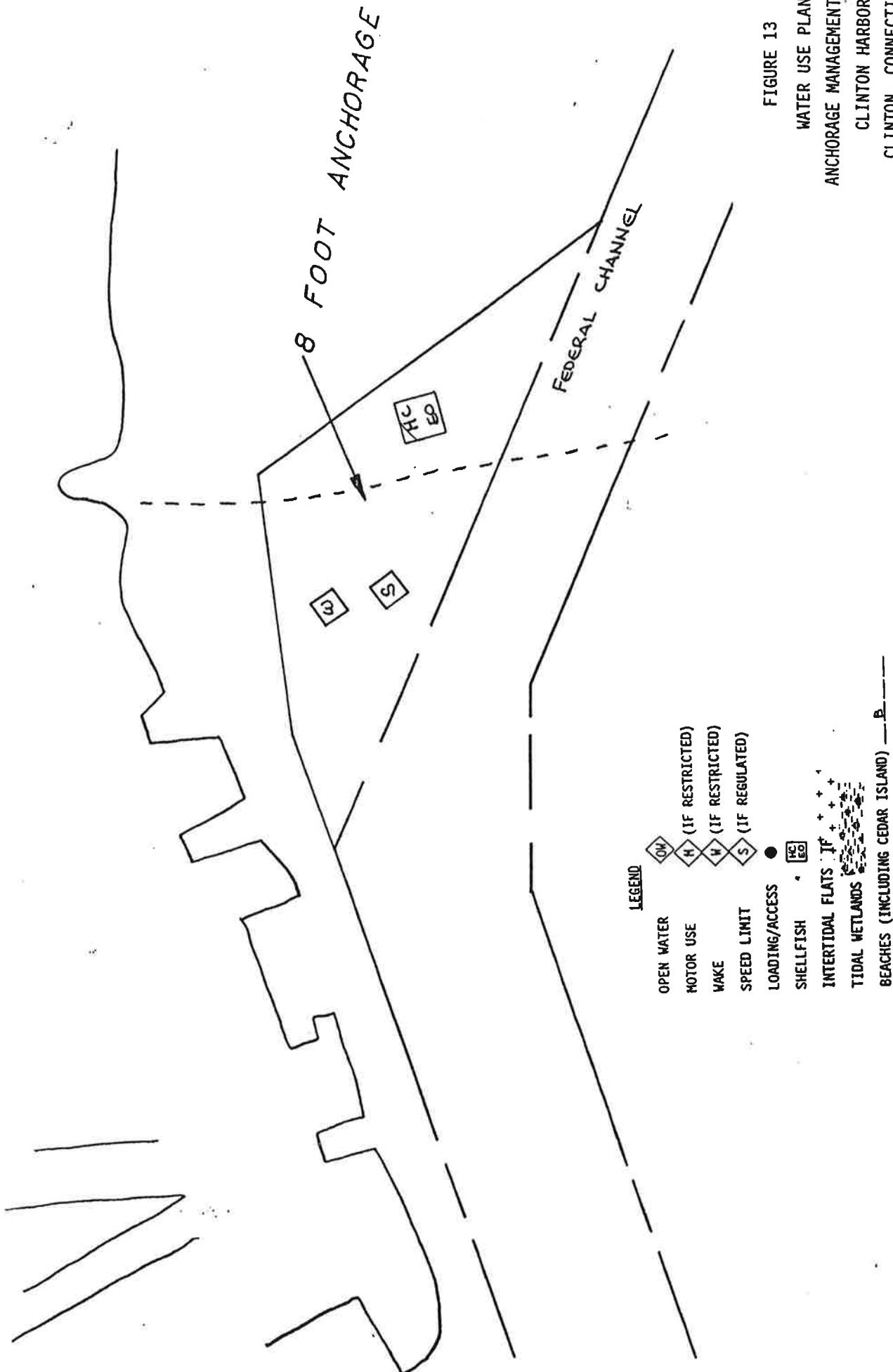


FIGURE 13  
WATER USE PLAN  
ANCHORAGE MANAGEMENT AREA  
CLINTON HARBOR  
CLINTON, CONNECTICUT



FIGURE 14  
WATER USE PLAN  
HAMMONASSET RIVER MANAGEMENT AREA  
CLINTON HARBOR  
CLINTON, CONNECTICUT

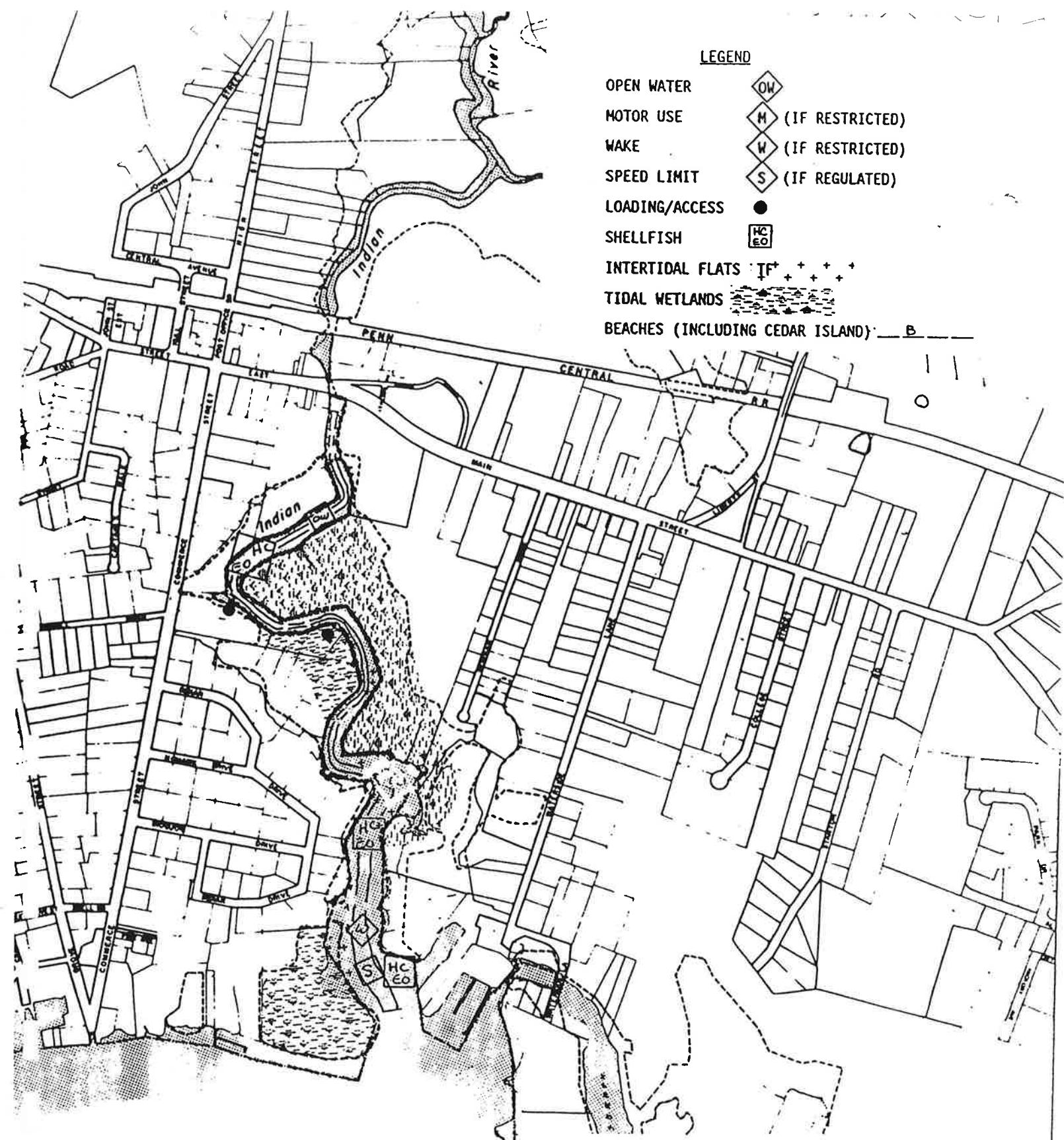


FIGURE 15  
WATER USE PLAN  
INDIAN RIVER MANAGEMENT AREA  
CLINTON HARBOR  
CLINTON, CONNECTICUT  
REVISED MARCH 1993

LEGEND

OPEN WATER	OW
MOTOR USE	M (IF RESTRICTED)
WAKE	W (IF RESTRICTED)
SPEED LIMIT	S (IF REGULATED)
LOADING/ACCESS	●
SHELLFISH	HC EO
INTERTIDAL FLATS	TF + + +
TIDAL WETLANDS	
BEACHES (INCLUDING CEDAR ISLAND)	B

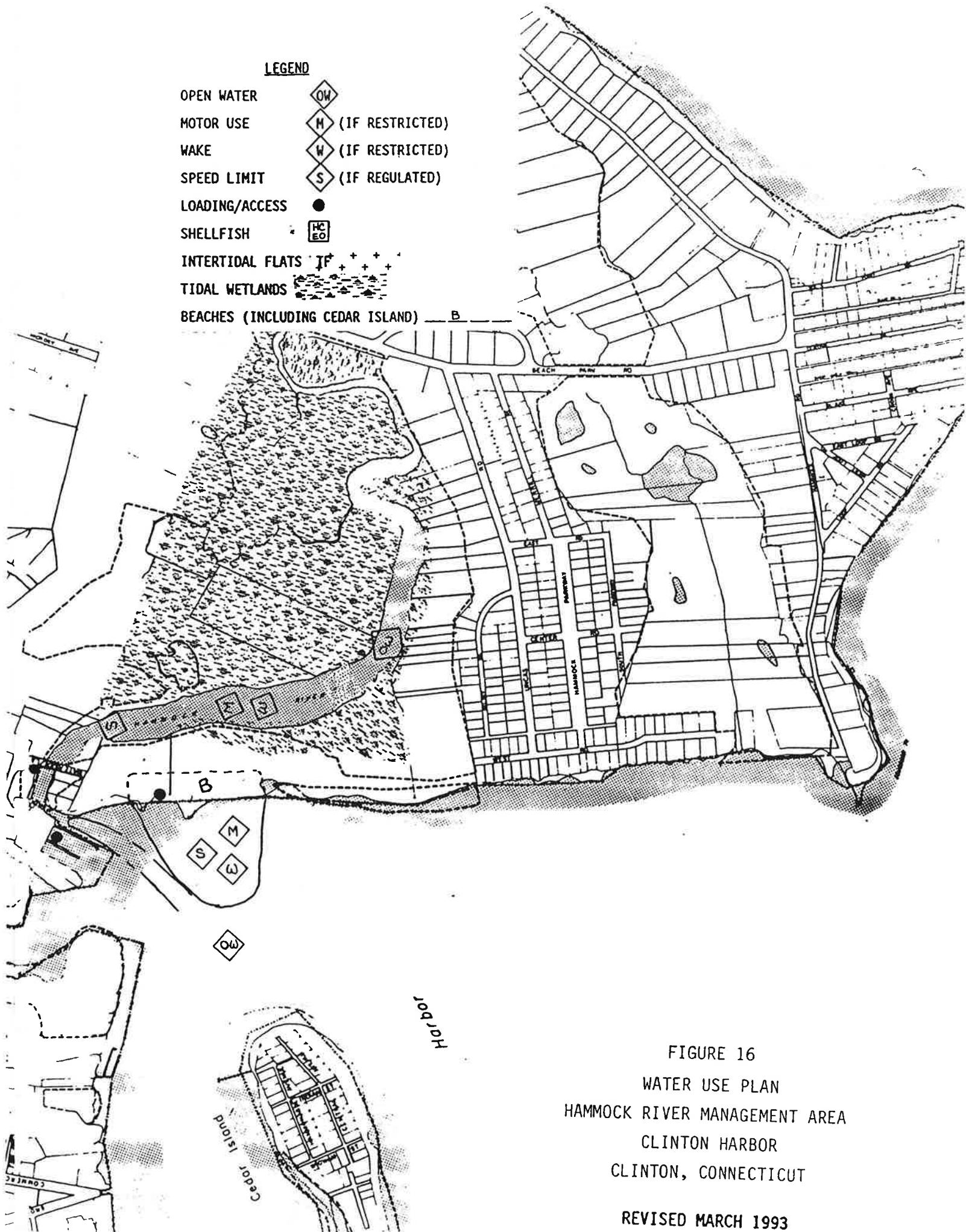
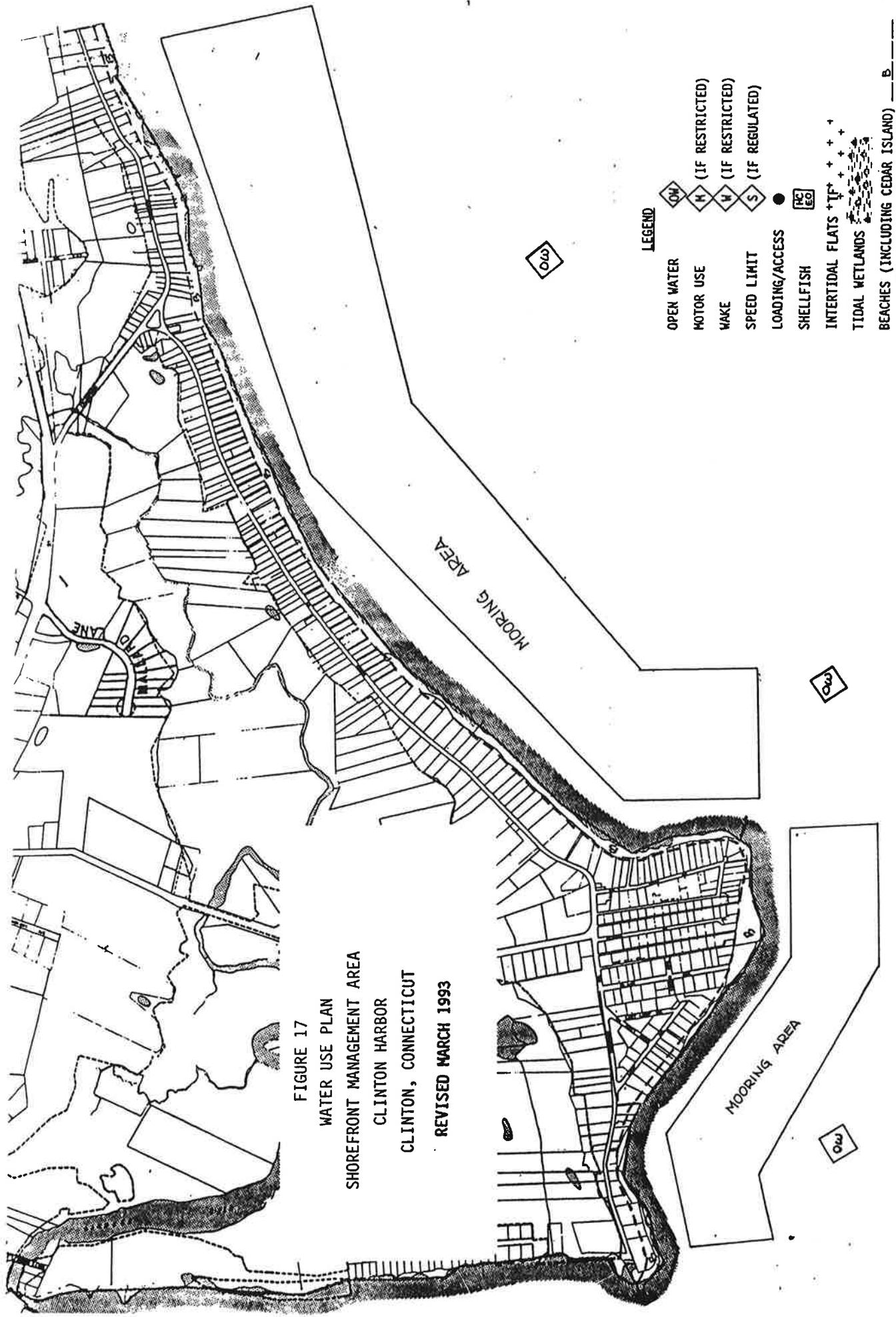


FIGURE 16  
WATER USE PLAN  
HAMMONSET RIVER MANAGEMENT AREA  
CLINTON HARBOR  
CLINTON, CONNECTICUT

REVISED MARCH 1993



## **PART V:**

# **RECOMMENDATIONS AND RESPONSIBILITIES FOR IMPLEMENTATION**

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This part of the Harbor Management Plan contains recommendations for implementing Clinton's goals, objectives, policies and guidelines for harbor management presented in Parts III and IV. The recommendations are directed toward necessary actions and responsibilities of: 1) the Board of Selectmen and Town Meeting; 2) the Harbor Management Commission; 3) other Town commissions and departments; 4) the Harbor Master; 5) relevant state and federal government agencies; and 6) private individuals and groups.

In order to facilitate understanding of the actions and responsibilities of the various agencies, a matrix has been prepared which includes all of the agencies and the policies contained in Part III. For each policy, the agency action has been defined as lead (L), supportive (S) or coordinating (C). A lead agency has the primary responsibility for implementation of the policy through statutory or regulatory authority. A supportive agency has an interest in the particular policy and may influence or be affected by any decision involving that policy. A coordinating agency has planning or referral responsibility through statutory, regulatory or customary procedures.

## BOATING AND WATER USE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
<b>FEDERAL</b>																
A) USACOE	L	L	C	L	C	L	L	L	L	L	L	L	C	C	C	C
B) USCG	L	L	L	L	C	C	C	C	C	C	C	C	L	C	L	C
C) USFW	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
D) USEPA			C	C	C	C	C	C	C	C	C	C	C	C	C	C
E) FEMA				C	C	C	C	C	C	C	C	C	C	C	C	C
F) NOAA / OCRM		C	C	C	C	S	S	S	S	S	S	S	S	S	S	S
G) FDA																
<b>STATE</b>																
A) DOT/WATERWAYS	S	C	C	C	S	C	C	C	C	C	C	C	C	C	C	C
B) HARORMASTER	C	C	C	C	C	L	L	C	L	L	L	C	C	C	C	C
C) DEP/OLSP	L	C	C	C	L	C	L	L	C	L	C	C	C	C	C	L
D) DEP/PLANNING / WQ					C	C	C	C	C	C	C	C	C	C	C	C
E) DEP/MARINE FISHERIES	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L
F) LAW ENFORCEMENT						L		L		L		C	L	C	L	
G) DMAV						L						C		C		
H) AGRICULTURE/AQUACULTURE	C	C	C	C	C	C	C	C	C	C	C	C	C	C	L	

## BOATING AND WATER USE

TOWN	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
A) HMC	C	C	L	C	C	C	C	L	L	L	L	C	L			
B) TOWN MEETING																
C) BOARD OF SELECTMEN										L	S					
D) PLANNING AND ZONING	C				C	C	C	C	C	C	C	C	C	C	C	C
E) SHELLFISH COMM.	C				C	C	C	C	C	C	C	C	L	S	S	S
F) PARKS AND RECREATION					S	S	S	S	C	C	C	C				
G) INLAND WETLANDS COMM.					S	S	S	S	C	C	C	C				
H) CONSERVATION COMM.					C	S	S	S	C	C	C	C	L	S	C	
I) HEALTH DEPARTMENT																
J) POLICE DEPARTMENT	C				S				L	S	S					
K) FIRE DEPARTMENT						S			C							
L) WPCA					S	C		C	C	C	C	C	C	C	C	
<b>INTEREST GROUPS</b>																
A) GENERAL PUBLIC	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
B) SHOREFRONT PROP. OWNERS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
C) PRIVATE ORGS/GROUPS	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
D) OWNERS OF SHELLFISH RIGHTS	C		C	C	C	C	C	C	C	S	C	S	S	S	S	S

TOWN	WATERFRONT USE AND DEVELOPMENT			WATER ACCESS				
	1	2	3	4	5	1	2	3
A) HMC	L	L	C	L	C	L	L	L
B) TOWN MEETING				L		L	L	L
C) BOARD OF SELECTMEN	S			L		L	C	L
D) PLANNING AND ZONING	C	C	L/C	L	S		L	S
E) SHELLFISH COMM.	C	C	C	S				
F) PARKS AND RECREATION	S	S				C	C	L
G) INLAND WETLANDS COMM.	S							
H) CONSERVATION COMM.	S	S						S
I) HEALTH DEPARTMENT	C			L				S
J) POLICE DEPARTMENT	C			L		S	L	S
K) FIRE DEPARTMENT				L		C		
L) WPCA				L				
INTEREST GROUPS								
A) GENERAL PUBLIC	C	C	S	S	S	S	S	C
B) SHOREFRONT PROP. OWNERS	S	C	S	C	L	C	S	S
C) PRIVATE ORGS/GROUPS	S	S	S	S		S	S	S
D) OWNERS OF	C	C	C	S		S	S	
SHELLFISH RIGHTS								



## COASTAL RESOURCES HARBOR ADMINISTRATION

	1	2	3	4	5	6	7	1	2	3	4	5	6	7
<b>FEDERAL</b>														
A) USACOE	C	C	C	L	C			L	L	L	L	L	L	
B) USCG	C				L			C	C	C	C	C	C	
C) USFW	C	L	S	L				C	C	C	C	C	C	
D) USEPA	C	C	C	L	C	C	C	S	C	C	C	C	C	
E) FEMA					L	C								
F) NOAA							S				C			
G) FDA	C	L	C						S		C			
<b>STATE</b>														
A) DOT/WATERWAYS	C				C			L	L	L	L	C	L	
B) HARBORMASTER	L				C			L	L	L	L	L	L	
C) DEP/OLISP	L	C	L	L	C	L	L	L	C	L	C	C	L	
D) DEP/PLANNING	C	C		L	C							C		
E) DEP/MARINE FISHERIES	C	L	C	C					C		C			
F) LAW ENFORCEMENT		L								L	C			
G) DAV									L					
H) AGRICULTURE/AQUACULTURE	C	L	L						C	C	C			

## COASTAL RESOURCES      HARBOR ADMINISTRATION

## COASTAL RESOURCES      HARBOR ADMINISTRATION

APPENDIX A

DRAFT ORDINANCE ESTABLISHING

RULES AND REGULATIONS FOR THE USE

AND ENJOYMENT OF CLINTON'S HARBOR

MANAGEMENT AREA

ARTICLE I

GENERAL PROVISIONS

Section 1. Applicability. The provisions of this ordinance and any rules and regulations adopted pursuant thereto shall be applicable, and shall govern the use of harbor waters and facilities under the jurisdiction of the Town of Clinton Harbor Management Commission. The Harbor Commission may from time to time amend the following rules and regulations.

Section 2. Invalidity of Provisions. Should any provision or provisions of this 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.

Section 3. Authorities. The Harbormaster or duly designated Deputy Harbormaster shall have the authority to carry out harbor management directives and enforce all provisions of the Harbor Management Plan, including this ordinance. The Harbormaster or Deputy Harbormaster may cite any alleged violators of this ordinance.

The Harbor Management Commission shall review and make recommendations regarding all applications for permits or approvals for all floats, structures, and other marine facilities within harbors under its jurisdiction.

Section 4. Violations. Any violation of this ordinance shall be a municipal infraction and is punishable by a fine not to exceed \$100.00, or by imprisonment for not more than 6 months, and shall be imposed for each violation hereunder as provided under Connecticut General Statutes Section 7-148(c)(10). Each day of violation shall be considered a separate offense and subject to separate citations. A fine not to exceed \$100.00 shall be imposed for each offense. Fines levied under the provisions of this ordinance shall be collected and deposited into the Clinton Harbor Management Fund. Nothing in this section shall preclude the imposition of a greater penalty as provided for under Federal Statutes or the laws of the State of Connecticut.

Section 5. Harbor Management Fund. A Harbor Management Fund is hereby created to receive and expend monies for harbor management purposes determined by the Harbor Management Commission. All revenues generated by 1) mooring permits, 2) Fines levied under the provisions of this ordinance, 3) 25% of the boating registration fee that is returned to the Town, and 4) other fees generated shall be deposited into this Fund. Funds shall be disbursed for purposes directly associated with the management of harbors and implementation of the Harbor Management Plan. Monies from this Fund may be allocated to the Harbormaster or Deputy Harbormaster for the purpose of enforcing the provisions of the Harbor Management Plan and/or the Harbor Management ordinance. The Harbor Management Fund shall be established, budgeted, and administered in a manner consistent with the Town Charter.

Section 6. Water Use Plan Map. Proposed uses, structures, and activities within the harbor shall be consistent with the adopted Water Use Plan Maps. The Water Use Plan Maps may be amended by the Harbor Management Commission in accordance with the procedure for Harbor Management Plan modifications in the Connecticut Harbor Management Act, Section 22a-113m.

## ARTICLE II

### Section 7. Definitions

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.

Berth means berthing space for a single vessel alongside a pier, finger float, or other structure.

Channel means any water areas officially marked and maintained to permit unobstructed movements of vessels.

Commercial Mooring means the rental or lease of a mooring.

Commercial Vessel means any vessel used or engaged for any type of commercial venture.

Distress means a state of disability or a present or obviously imminent danger which if unduly prolonged could endanger life or property.

Emergency means a state of imminent or proximate danger to life or property in which time is of the essence.

Fairway means any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.

Harbor Facility means any area or structure providing private or public access to the water.

Harbor Management Act means the legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t and as may be amended.

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

Harbormaster means an official appointed in accordance with the Connecticut General Statutes.

Marine Facilities means any and all facilities of a harbor either publicly or privately owned affecting the use and operations of vessels located within the area of jurisdiction.

Moor means to secure a vessel to a mooring.

Mooring means a place where vessels are secured to the bottom of a waterbody by mooring tackle for long term use.

Mooring Buoy marks a Mooring.

Mooring Tackle means the hardware and cordage used to secure a vessel at a mooring.

Open Water means an area reserved and designated on the Water Use Plan where moorings and structures will be restricted to preserve the area for navigation, natural resources, and public recreational purposes.

Personal Watercraft, as defined in C.G.S. Section 15-140j, means any Class A inboard vessel which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing or kneeling.

Public Area means all areas of any harbor except those areas under specific lease to private persons or firms, or owned privately.

Shore means that part of the land in immediate contact with a body of water, including the area between high and low water lines.

Shall and May "Shall" is mandatory, "May" is permissive.

State means the State of Connecticut.

Structure means docks, piers, pilings, breakwaters, groins, and seawalls.

Transient Anchorage means any area reserved and designated on the Water Use Plan for the exclusive short term use of commercial and recreational vessels.

Underway means the condition of a vessel not at anchor, without moorings, and not made fast to the shore nor aground.

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

## ARTICLE III

### Harbor Regulations

Section 8. Liability. The Town of Clinton Harbor Management Commission, and Harbormaster shall not by adoption or administration of these regulations assume any risk of personal injury, and damage or loss to property on account of accident, fire, theft, storm, vandalism or acts of God.

Section 9. Traffic Control Authority. The Harbormaster shall have all authority as provided under the laws of the State of Connecticut with particular reference to Connecticut General Statutes Section 15-154 and Chapter 263 (Connecticut General Statutes Section 15-1 et seq.) and Chapter 268 (Connecticut General Statutes Section 15-121 et seq.) for the Commissioner of D.E.P. The operation of any vessel within the harbor area shall not exceed posted speed limits as provided for under Connecticut General Statutes Section 15-16 so as to create a wake which endangers persons or property and shall be enforced according to C.G.S. Section 15-140m.

Section 10. Obstruction of Channels, Fairways, and Berthing Space. No vessel shall be moored, anchored, or berthed so as to interfere with the free and unobstructed use of the channels, fairways or berthing spaces.

Fixed fishing gear and fixed commercial fishing gear is prohibited in all designated navigable channels, fairways and mooring areas as specified in Section 142a-3a(d) of the Regulations of Connecticut State Agencies.

Section 11. Swimming. Swimming is prohibited in all designated channels and fairways. Vessel use of designated swimming areas established by DEP permit pursuant to Section 15-121-B12 of the Regulations of Connecticut State Agencies may be restricted by the Harbor Management Commission.

Section 12. Waterskiing and Vessel Speed.

(a) Every motor boat operating within the waters under the jurisdiction of the Town of Clinton shall not travel at a rate of speed to cause a hazardous wake or wash, or greater than 6 miles per hour, upon the waters of the Hammonasset River from the bridge on the Boston Post Road, U.S. Route 1, to a point designated by Green Marker No. 11, situated in Clinton Harbor, excepting those boats lawfully towing water skiers in the area permitted by Subsection (b) which are operating in that portion where water skiing is permitted by Subsection (b), or on the waters of the Indian River from the bridge on the Boston Post Road, U.S. Route 1, to a

point designated by Green Marker No. 11 situated in Clinton Harbor; or on any portion of the Hammock River; or in that portion of the Channel of Clinton Harbor from Green Marker No. 11 to Marker No. 3 marking Wheeler Rock situated at the outlying entrance of said Harbor.

- (b) No person shall engage in water skiing, which for the purpose of this ordinance is defined as any water sport performed with a tow boat using skis, kneeboards, inner tubes, or other similar towing devices, and no person shall operate a motor boat towing a person so engaged on any water area designated in Subsection (a) except that area bounded on the east by the water main to Cedar Island, on the south by the south bank of the Hammonasset River, on the west by the west bank of the Hammonasset River, and on the north by a line 100 feet south of the southerly border of the maintained channel of Clinton Harbor until the channel ends, then by the north bank of the Hammonasset River.
- (c) For purposes of this ordinance, Jet Skis and all similarly powered personal watercraft are considered motor boats and are subject to the speed regulations in the areas designated in Subsection (a).

Section 13. Discharge of Refuse. The provisions of Connecticut General Statutes 22a-250 shall be strictly enforced with respect to discharge of refuse.

Section 14. Marine Toilets. The provisions of Connecticut General Statutes 15-170 through 15-175 shall be strictly enforced with respect to marine toilets.

Section 15. Lost and Found Property. The finder of lost property within the harbor shall deliver or report its identity and location to the Clinton Town Police.

Section 16. Launch Service Signal. A "T" flag or radio is recommended. No person shall use an audible signal to call a launch, except when fog obstructs vision to the shore.

Section 17. Signs, Erection and Maintenance. The Harbormaster may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signals buoys or control devices in accordance with regulations established by the Commissioner of Environmental Protection (under Connecticut General Statutes Section 15-121) and in accordance with Federal statutes and regulations to carry out the provisions of this ordinance, or to secure public safety and the orderly and efficient use of a harbor or marine facility.

Section 18. Abandoned Vessels. When a vessel has been abandoned in the harbor, the Harbormaster may take custody and control of such vessel in accordance with Connecticut General Statutes Section 15-140c and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. See Connecticut General Statutes Sections 15-8a and 15-9.

Section 19. Mooring or Berthing. A person having charge of any vessel shall not make it fast or secure it to any dock, jetty, breakwater, bulkhead, wharf pier or mooring without the consent of the owner thereof except in an emergency, in which case such person shall forthwith report the emergency to the Harbormaster and thereafter act in accordance with the Harbormaster's instructions.

Section 20. Unseaworthy Vessels Prohibited in Harbor. A person shall not moor or berth or permit to be moored or berthed in the harbor a vessel which is unseaworthy, in a badly deteriorated condition and which is likely to sink or to damage docks, wharfs, floats or other vessels or which may become a menace to navigation, except in cases of emergency and/or it shall be treated as an abandoned vessel.

Section 21. Fees Incidental to Recovery, Movement and Storage. Charges may be imposed by the Harbormaster for recovery and/or movement of vessels whenever a vessel is moved, impounded, or held as a result of violations of this ordinance.

Section 22. Noise Abatement. The provisions of Connecticut General Statutes Section 15-129 shall be strictly enforced with regard to vessel noise limits. No person shall operate, occupy or leave a vessel in such a manner as to create an audible nuisance. This prohibition includes, but is not limited to, loud, offensive or obscene language.

## ARTICLE IV

### Regulations Concerning Moorings, Anchoring and Securing Vessels; Use of Town Dock, Ramp and Stakes

Section 23. Placement of Private and Commercial Moorings. It shall be prohibited to place any mooring in all water areas subject to this harbor management plan and under the Harbor Management Commission's jurisdiction without a permit from the Harbormaster. No vessel moored or anchored shall extend beyond the mooring area into any designated channels, fairways, turning basins, or transient anchorages. Unpermitted moorings may be removed by the Harbormaster subject to the following: owner thereof shall be notified if possible. If not possible, equipment shall be treated as lost items.

#### Section 24. Mooring Records.

- A) The Harbormaster shall maintain a record of each mooring, its location, and the owner's name, home and business address, telephone number, date mooring was set, and name, length, draft registration number or documentation number, and type of boat to be attached thereto. Commercial operators shall maintain the required data as to owner and vessel and make same available to the Harbormaster.
- B) The Harbormaster shall maintain in a public place a list of applications for mooring locations which shall be updated periodically.

#### Section 25. Allocation of Mooring and Berthing Locations.

- A) The Harbor Management Commission shall establish and post in a public place a mooring allocation procedure.
- B) A determination has been made as to what vessel size range can be safely berthed in a given slip. There are approximately 10 slips for vessels 8' to 15', 18 slips for vessels 16' to 20', and 8 slips for vessels 21' to 28'. There are 25 stakes for vessels up to 38'.
- C) Previous season's tenants have the option to keep their slip or stake providing renewal applications are received no later than October 1. Once all slips have been re-assigned, the number of slips, stakes and the size of vessel they can accommodate would be known for new assignments.

- D) All new applications will be received up to, but no later than November 1. As they are received, the application will be put into a blank envelope with the size of the vessel clearly written on the sealed envelope.
- E) There will be separate "containers" maintained for each size category and the mooring stakes. All applications will be placed in the appropriate size container for a drawing which will be held at the November commission meeting.
- F) A drawing will be held to fill the vacant slips and stakes, drawing the appropriate number of applications from the appropriate size container. The separate containers will be retained so that in the event that one of the applicants drawn does not take the slip or stake, a drawing to fill that slip or stake can be held at any time prior to the start of the season. This process will begin anew each year.
- G) Mooring Rights, Shorefront Property Owners - The owner of private shorefront property can, upon application to the Harbormaster for a mooring permit for a mooring location, be offered priority in obtaining one mooring location for private use adjacent to their property if the use of the mooring is the preferred means of exercising a riparian right to access navigable water. Property owners who already exercise a riparian right in some other fashion (i.e., private dock) are still eligible to apply for a mooring, but will not be offered priority over other applicants.
- H) Mooring locations may be transferred within immediate family members; parents, children, or siblings.

Section 26. Transient Anchorage. Space for transient anchorage designated in areas on the Water Use Plan is available on a first-come, first-served basis. These areas are reserved for the exclusive short-term use of commercial and recreational vessels. Accordingly, the following regulations shall apply to the use and users of designated transient anchorages:

- A) Vessels may remain at the transient anchorage areas for a period not to exceed 7 consecutive days except in cases of special circumstances and after notification of and approval by the Harbormaster.
- B) Vessels shall be anchored securely and properly.
- C) Vessels may be left unattended up to 24 hours. The vessel's operator shall not leave the immediate area

without notifying the Harbormaster and providing a shipkeeper for the vessel.

Section 27. Use of Town Dock/Ramp/Stakes.

- A) The Harbor Management Commission shall formulate and maintain rules and regulations for the safety and convenience of all users of Town Dock, Town Ramp and Boat Stake Facilities.
- B) The Harbor Management Commission may also establish terms to be applicable to docking agreements for use of Town Dock, Ramp and Stakes and related shore facilities.
- C) The following rules and regulations shall apply to the Town Ramp, Town Dock and Stake Facilities.

RAMP

1. All users of the Town Ramp must display sticker or pay for daily use at posted rates
2. Trailers must park in designated areas.
3. Vessels moored at Town Docks or Stakes may launch boats at beginning and end of season at no charge.

DOCKS/STAKES

1. All docks and stakes are rented on an annual basis to residents and non-residents at fees established by the HMC and approved by the Board of Selectmen.
2. Persons renting space on the stakes are entitled to one space on docks for a dinghy. A sticker issued by the Town of Clinton must be displayed at all times. Transient dinghys will be charged the prevailing overnight fee. Dinghys will be properly secured at the dock in the space as designated by the Dockmaster on the east and west ends of the docks.

TRANSIENTS

1. Any vessel may dock for a period not to exceed 30 minutes in the area designated by the Dockmaster.
2. Transient vessels docked overnight or for periods exceeding 30 minutes will be charged at the prevailing per foot rate as set by the Harbor Management Commission and which is posted.

PARKING

1. All cars must park in the designated areas.
2. Trailers must also park in designated areas as determined by the Dockmaster.

3. No parking is permitted in fire lanes and other designated areas as specified.
4. Extended parking (exceeding 72 hours) must be authorized by the Harbor Management Commission or its representative.

WATER/ELECTRIC

1. Owners of vessels using the docks on a transient fee or annual basis are entitled to the use of water and electric.

FISHING

1. Fishing is allowed from the Town Docks, preferably from but not limited to, the designated Fishing Dock.

Section 28. Mooring Specifications and Inspection. The Harbor Management Commission shall provide specifications for mooring tackle and procedures for periodic inspection of the tackle.

Section 29. Storm Precautions. Owners may and should, without penalty, add reasonable scope, weights, or extra anchors in anticipation of storm conditions. Prompt return to usual mooring provisions shall be effected within 7 days after such storm.

APPENDIX B  
DRAFT  
MINIMUM STANDARDS  
FOR MOORING TACKLE

1. It is the intent of these standards to provide for minimum guidelines to be followed when applying for a mooring permit within Clinton Harbor under the jurisdiction of the Town of Clinton Harbor Management Commission.
2. The mooring tackle standards included in the plan are advisory; the Town of Clinton assumes no responsibility for personal injury or property damage from mooring tackle which meets or exceeds the recommendations.
3. No representation as to adequacy is made by the publication of these draft standards; the particular conditions at a mooring location may allow for variation in the application of these standards.
4. Minimum Mooring Table Specifications:

Boat Size	Anchor	Chain 1/2"	1"	Pennant
up to 25 ft.	300 lbs.	50 ft.	—	15' - 5/8"
>25 to 30 ft.	500 lbs.	45 ft.	15 ft.	15' - 3/4"
>30 to 40 ft.	750 lbs.	50 ft.	20 ft.	15' - 3/4"
>40 to 45 ft.	1000 lbs.	50 ft.	20 ft.	15' - 1"

5. In addition, the following specifications shall apply:
  - A) Float - Float size to be adequate to support weight of chain
    - Owner's name and mushroom weight on float in two inch letters
    - Rod through float to be same size or larger than chain
    - Anti-Fowling paint on bottom
    - Color adequate to be seen at night
  - B) Optional Float
    - Rubber inflatable #NB40
    - Spliced to pennant with 3/8 inch (min.) line
    - Owner's name and mushroom weight on float in two inch letters

- C) Mooring Pennant - 15 ft maximum to bow chuck
  - Shackled to ring on float or may be shackled to chain under float
  - Must be spliced, no knots allowed
  - Galvanized steel thimbled splice on shackle end
  - Chafing gear recommended
  - Second backup pennant is recommended
  - Use of pickup float is optional
- D) Shackles - Galvanized welders drop forged
  - All shackles to be same size or larger than chain
  - All shackles to be safety wired with stainless steel wire
- E) Swivels - Galvanized, Drop forged
  - Same size or larger than chain
  - Safety wired with stainless steel wire

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APPENDIX C  
AN ORDINANCE CREATING A HARBOR MANAGEMENT COMMISSION

Section 1. Purposes

The Town of Clinton wishes to protect its marine-historic resources and sensitive natural resource areas found along its harbor and in near-shore coastal waters; to provide greater opportunities for water-based recreational activities; to maintain and enhance navigational facilities for the benefit of all harbor users; to allocate land and water resources in an economically and environmentally sound manner.

Section 2. Creation of Harbor Management Commission

Pursuant to the authority granted by Chapter 444a (Sections 22a-113k through 22a-113t) of the General Statutes of the State of Connecticut, Revision of 1958, as amended, there is hereby created a Harbor Management Commission, with all of the powers and duties specified in said Chapter 444a for the Town of Clinton.

Section 3. Commission Composition

The Harbor Management Commission shall consist of seven (7) members who must be electors of the Town of Clinton. The provisions of Section 9-167a of the Connecticut General Statutes shall apply. These members shall be appointed by the Board of Selectmen.

The First Selectman, or such other Selectman as he may appoint, and the Harbor Master shall serve as ex-officio members of the Commission, without vote.

No member of the Harbor Management Commission shall receive compensation for service but may be reimbursed for any necessary expenses, but such provision shall not apply to the First Selectman, or such Selectman as he has appointed, and the Harbor Master.

Section 4. Commission Member Tenure

Within fifteen (15) days after the effective date of this Ordinance, the Board of Selectmen shall appoint four (4) members to serve for a term ending on the first Monday of January, 1990 and three (3) members to serve for a term ending on the first Monday of January, 1992. Thereafter, the terms of members shall run for four (4) years. Members shall continue to serve until their successors are appointed and duly qualified.

If a member resigns or is removed for any reason before his or her term expires, a replacement shall be appointed by the Board of Selectmen to complete that term.

Section 5. Officers and Committees

Upon the appointment of a Commission under this Ordinance, the Commission shall hold an organizational meeting at which it shall elect a chairperson and secretary and such other officers as it may desire to serve until the following January. During the month of January and annually thereafter, the Commission shall elect a chairperson and secretary and such other officers as it may desire for a one (1) year term and until their successors are duly qualified. The Commission can form subcommittees to address specific duties of the Commission.

## Section 6. Jurisdiction of the Harbor Management Commission

The Harbor Management Commission shall have jurisdiction within the area located in or contiguous to all tidal waters which are within the territorial limits of the Town of Clinton and are below the mean high water line, bounded by the projection of the boundary line of neighboring towns.

## Section 7. Harbor Management Commission Powers, Duties and Responsibilities.

The purposes of the Harbor Management Commission shall be to prepare a harbor management plan for the harbor in accordance with Section 22a-113m through 22a-113o of the Connecticut General Statutes. The Commission may hire staff and consultants for the preparation of a plan and to assist with any subsequent powers, duties and responsibilities, subject to the appropriation of funds for this purpose by the Town of Clinton.

Upon adoption of the plan the Commission shall provide for the annual review of the harbor management plan and shall make any additions and/or modifications to the plan that may be deemed appropriate subject to the process set forth in Section 22a-113m through 22a-113o of the Connecticut General Statutes or other subsequent harbor management legislation enacted by the General Assembly.

In addition, the Commission shall have and may exercise the following powers, duties and responsibilities:

a. to supervise the use of the navigable waters of the Town of Clinton and the mooring, docking, landing and other facilities appurtenant to navigation, to the extent of the Town's authority therein;

b. to recommend to the Board of Selectmen rules and fees relating to the use of Town mooring, docking, landing, and other facilities appurtenant to navigation;

c. to recommend to the Board of Selectmen ordinances which implement the harbor management plan, which may specify lines for violations of those ordinances, in accordance with Section 22a-113n of the Connecticut General Statutes;

d. to assist the Harbor Master and/or the Dock Master in the assignment of any moorings and in the management of mooring and anchorage areas within his jurisdictions;

e. to prepare an operating budget for the commission for submission to the Board of Selectmen and Board of Finance, in accordance with Town Charter.

f. to assist in the coordination of all public and private agencies, commissions and other organizations which have interest or jurisdiction within the harbor area.

g. to review for consistency with the harbor management plan any public notice of an application for a local, state or federal permit for an activity taking place within the commission's jurisdiction as described in this ordinance, and to respond with recommendations to the regulating agencies;

h. to conduct or cause to be conducted, studies of the conditions and operations in and adjacent to Clinton waters and to present to the Board of Selectmen proposals for the harbor's efficient operation; and

i. to request, when appropriate, a general permit from the United States Army Corps of Engineers and/or delegation of state enforcement authority pursuant to Section 22a-2a of the Connecticut General Statutes.

Harbor Management con't

#### Section B. Referral of Proposals Submitted to Other Municipal Agencies

Pursuant to Section 22a-113p of the Connecticut General Statutes, the Harbor Management Commission shall review and make recommendations, consistent with the adopted harbor management plan, on any proposal affecting the real property on, in or contiguous to the harbor, submitted to the Planning and Zoning Commission, Zoning Board of Appeals, Water Pollution Control Authority, or Shellfish Commission. The Harbor Management Commission shall be notified in writing of any such proposal at least thirty-five days prior to the commencement of the hearing thereon, or, where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. Such primary reviewing agency shall send a copy of the proposal or application to the Commission upon request of the Commission.

The primary reviewing agency authorized to act on the proposal shall consider the recommendations of the Harbor Management Commission. A two-thirds vote of all the members of the said agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the Commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the Commission to submit a recommendation on or before the date of the hearing or action on such a proposal shall be deemed an approval.

#### Section 9. Severability

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this ordinance which can be given effect without the invalid provisions or application and to this end, all the provisions of this ordinance are hereby declared to be severable.

II. The Board of Selectmen proposed to repeal the ordinance regarding a Harbor Commission, which was enacted by a Special Town Meeting on February 21, 1952.

III. The Board of Selectmen proposed to repeal the ordinance entitled: "Ordinance Establishing a Harbor Commission", which was enacted by a Special Town Meeting on May 4, 1967.

IV. The Board of Selectmen proposes to modify and amend the ordinance entitled: "An Ordinance Establishing Regulations for the use of Property of the Town of Clinton including the Town Green, Public Playgrounds, Town Dock, Mooring Sites and Marina, Beaches, Town Roads, Sidewalks and Parking Areas and School Grounds", which was enacted on June 25, 1986 and was effective on August 2, 1986 by repealing Section I.E. of such ordinance and substituting in its place the following:

"E. The Harbor Management Commission in matters involving the Town Dock, Mooring Sites, Marina and Esposito Beach."

This Ordinance shall become effective in accordance with Section 5-5, paragraph E of the Town Charter.

Dated at Clinton, Connecticut this 26th day of October, 1988.

Virginia D. Hawoy  
James M. McCusker, Jr.  
Edward A. Miller, III

Date of Legal Notice of Enactment: 11/5/88

Newspaper: New Haven Register

Effective date: 12/5/88

(Effective 30 days after publication of Legal Notice of Enactment,  
unless petition has been received.)

RESOLVED: That the ordinance entitled "An Ordinance Creating a Harbor Management Commission, which became effective on December 5, 1988, is hereby amended as follows:

Section 10 Applicability - The provisions of this Ordinance as amended, shall be applicable and shall govern the use of harbor waters and facilities under the jurisdiction of the Town of Clinton Harbor Management Commission.

Section 11 Invalidity of Provisions - Should any provision or provisions of this 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.

Section 12 Regulations - The Town of Clinton has, pursuant to an ordinance adopting a certain Harbor Management Plan entitled "The Management Plan for Clinton Harbor", adopted certain regulations governing the use of harbor waters and facilities. All new regulations, and any amendments to such regulations previously adopted, shall be adopted by ordinance. The Harbor Management Commission shall have the authority to propose regulations governing the use of harbor waters and facilities in accordance with C.G.S. 22a-113m of the Harbor Management Act. Said regulations shall be reviewed by all appropriate jurisdictions prior to their being forwarded to the Board of Selectmen, which shall consider and act upon said proposals as ordinances in the manner set forth in the Town Charter.

Section 13 Authorities - The Harbormaster or duly designated Deputy Harbormaster shall have the authority to carry out harbor management directives and enforce all provisions of the Harbor Management Plan, including the authority to issue citations by way of warnings and impose fines for violations pursuant to Section 14 of this Ordinance. The Harbor Management Commission shall be responsible for the administration of the Harbor Management Plan, and may review and make recommendations to the appropriate jurisdictional entities regarding all applications for permits or approvals for all floats, structures, and other marine facilities within harbors under its jurisdiction in accordance with C.G.S. 27a-113p of the Harbor Management Act. The Harbor Management Commission shall also submit recommendations to the DEP and the US Army Corps of Engineers as well.

Section 14 Violations - Any violation of this ordinance or any regulations in the Harbor Management Plan or any subsequent regulations adopted by ordinance shall be a municipal infraction and is punishable by a fine not to exceed \$100.00, or by imprisonment for not more than 6 months, and shall be imposed for each violation hereunder as provided under Connecticut General Statutes Section 7-148(c)(10); provided, however, the violator has first been issued a written warning for said violation. Each day of violation shall be considered a separate offense and

subject to separate citations. A fine not to exceed \$100.00 shall be imposed for each offense. Nothing in this section shall preclude the imposition by other jurisdictional authorities of a greater penalty as provided for under Federal Statutes or the laws of the State of Connecticut.

Section 15 Harbor Management Fund - Pursuant to Connecticut General Statute 22-113t, a Harbor Management Fund is hereby created to receive for deposit monies for harbor management purposes as set forth in said statute.

Section 16 Water Use Plan Map - Proposed uses, structures, and activities within the harbor shall be consistent with the adopted Water Use Plan Maps. The Water Use Plan Maps may be amended by the Harbor Management Commission in accordance with the procedure for Harbor Management Plan modifications in the Connecticut Harbor Management Act, Section 22a-113m.

WHEREAS, the Town of Clinton has established a Harbor Management Commission pursuant to Connecticut General Statutes Section 22a-113k; and

WHEREAS, the Commission has, pursuant to Connecticut General Statutes Section 22a-113m, prepared a Harbor Management Plan, entitled "The Management Plan for Clinton Harbor" and dated May 1995 which plan, including all appendices thereto, has been reviewed and approved by all relevant jurisdictions; and

WHEREAS, the Harbor Management Commission has submitted said plan to be approved by the legislative body of the Town pursuant to said statute;

NOW THEREFORE, it is hereby RESOLVED: That the Harbor Management Plan entitled "The Management Plan for Clinton Harbor," including all appendices thereto, and dated May 1995 is hereby adopted in accordance with Connecticut General Statutes Section 22a-113m.

ORDINANCE CONCERNING BOATING SAFETY IN THE WATERS WITHIN THE JURISDICTION OF THE TOWN OF CLINTON

SECTION I

Every motor boat operating within the waters under the jurisdiction of the Town of Clinton shall not travel at a rate of speed to cause a hazardous wake or wash, or greater than 6 miles per hour, upon the waters of the Hammonassett River from the bridge on the Boston Post Road, U.S. Route 1, to a point designated by Green Marker No. 11, situated in Clinton Harbor, excepting those boats lawfully towing water skiers in the area permitted by Section II and except in that portion where water skiing is permitted by Section II; or on the waters of the Indian River from the bridge on the Boston Post Road, U.S. Route 1, to a point designated by Green Marker No. 11 situated in Clinton Harbor; or on any portion of the Hammock River; or in that portion of the Channel of Clinton Harbor from Green Marker No. 11 to Marker No. 3 marking Wheeler Rock situated at the outlying entrance of said Harbor.

SECTION II

No person shall engage in water skiing, which for the purpose of this ordinance is defined as any water sport performed with a tow boat using inner tubes, kneeboards, or other inflatable towing devices, and no person shall operate a motor boat a person so engaged on any water area designated in Section I except that area bounded on the east by the water main to Cedar Island, on the south by the south bank of the Hammonassett River, on the west by the west bank of the Hammonassett River, and on the north by a line 100 feet south of the southerly border of the maintained channel of Clinton harbor until the channel ends, than by the north bank of the Hammonassett River.

SECTION III

For purposes of this ordinance, Jet Skis and all similarly powered personal watercraft are considered motor boats and are subject to the speed regulations in the areas designated in Section I.

Any person who violates the provisions of any of these sections shall be fined not more than \$100.

This ordinance repeals and replaces the existing ordinance adopted January 11, 1962, TM - V.6, p.179.

## TERMS OF DOCKING AGREEMENT

1. **OWNER'S RISK:** All docking, undocking, mooring, use of docks, floats, moorings and shore facilities including parking and all maneuvering in and around Marina shall be at the user's risk without liability on the part of the Dockmaster, the Harbor Management Commission or the Town of Clinton.
2. Starting November 1st of any year, ALL applications and applications for larger size slips may be made at the Selectman's Office. These applications will be maintained at the Selectman's Office and docking assignments will be made in strict accordance with the order in which applications are received as well as priorities listed on the face of this application. **CURRENT SLIP OR STAKE HOLDERS HAVE UNTIL NOVEMBER 30 TO APPLY FOR REASSIGNMENT OF SLIP OR STAKE.**
3. Space assignments are made for full season and shall be NON-TRANSFERABLE.
4. Slip owners must be prepared to have parking privileges suspended and to be inconvenienced during any periods which Public Affairs are held at the Town Dock area.
5. Slip and stake mooring spaces shall be assigned by the Harbor Management Commission through its duly authorized agent. The Harbor Management Commission RESERVES THE RIGHT TO REASSIGN SPACE as they may deem necessary to assure the optimum use of the facilities available. No boats over 30' long are permitted space at the Town Dock.
6. Owner agrees to have his boat insured by complete marine coverage including liability. Each owner will be held responsible for damage which may be incurred by his boat to other boats or to the structures or facilities.
7. Docking season shall be approximately from April 1st to December 1st.
8. Floats shall be put into position on or about April 1st and removed on or about December 1st, weather permitting. Owners shall remove all boats and gear from the area prior to these dates so as not to obstruct operations. Any boat not so removed shall be removed by the Harbor Management Commission at the Owner's expense.
9. Any unauthorized boat utilizing any town dock or stake shall be removed by the Harbor Management Commission, after proper warning, at the owner's expense.
10. Holders of channel stake moorings are entitled to tie up to the Town Dock for loading and unloading purposes only and for more than 20 minutes. Stays longer than 20 minutes will subject the boat to the prevailing overnight fee for transients.
11. No alterations to the Town Dock property shall be made without Dockmaster approval. This includes installation of protective (fendering) gear.
12. Multiple boat rental operations are prohibited within Town Dock facilities.
13. **NON-USE OF ASSIGNED SPACE:** Dockmaster shall make periodic checks of the Town Dock or stakes for unused space. With agreement of assignee, Dockmaster may rent space on a short term basis to others. If permanently assigned space is not used for the entire season, priority and space rights may be forfeited.
14. Boats **MUST BE PROPERLY** moored and cared for so as not to endanger others or become a nuisance. A minimum of 3/8" nylon or dacron line in good condition is to be used for all moorings. Owners of improperly moored boats shall be warned by the Dockmaster, and, if corrections are not made, docking privileges, including priority, may be suspended by the Harbor Management Commission.
15. All sailboats shall be equipped with auxiliary power for use in mooring within the Town Dock area.
16. The cleanliness of the Dock around each boat is the responsibility of the owner of such boat. There will be no discharging of materials harmful to the dock or environment. No lobster pots or baits on the Docks.
17. In the case of storms or emergencies, dock privileges may be suspended by the Dockmaster.
18. If it is considered by the Harbor Management Commission to be in its best interests or that of its tenants, it reserves the right, after 10 days notice, to cancel this agreement with the tenant removing his or her boat forthwith. A pro-rata reimbursement will be made for the docking fee.
19. No tenant may "loan" his or her slip or stake for any period whatsoever. A strange boat appearing in a regular tenant's slip or stake will be subject to regular transient fees.
20. Stakeholders agree to secure their dinghies to the town dock in strict accordance with instructions of the Dockmaster or Dock Supervisor. Violators will lose the privilege of docking dinghies at the Town Dock.
21. To optimize use of the facilities by the greatest number of boat owners, only one slip or stakes will be assigned to any individual or residential address. Applications received that are deemed to be duplicate in nature by the Harbor Management Commission are subject to revision or rejection. In all cases, the Harbor Management Commission reserves the right to make final decisions pertaining to slip and stake assignment.

