

Section 18

Coastal Area Management Zone

Coastal Site Plan Review

18.1 Policy: It is the policy of the Commission that continued development and sound economic growth of Clinton's coastal area shall take place in such manner that the coastal resources shall be preserved and enhanced. To this end the Commission adopted a Municipal Coastal Plan effective August 8, 2005 with revisions under the authority of the Connecticut Coastal Management Act (CCMA) of January 1, 1980 and the following regulations and standards are in accordance with the recommendations of such program and such Act.

(Amended 10/1/2013)

18.2 Coastal Site Plan Review: All buildings, uses and structures lying fully or partly within the coastal boundary, as defined by CGS Section 22a-94 and as delineated on the Coastal Boundary Map for the Town of Clinton, shall be subject to the coastal site plan review requirements and procedures in CGS Section 22a-105 through 22a-109, unless specifically exempted below.

(Amended 10/1/2013)

18.3 Coastal Site Plan Review Exemptions: Pursuant to CGS Section 22a-109(b) the following activities are exempt from coastal site plan review requirements:

18.3.1 Exterior modification of, or minor additions to existing buildings or detached accessory buildings, such as garages and utility sheds, except in or within one hundred (100') of tidal wetlands, coastal bluffs and escarpments, beaches and dunes.

18.3.2 Construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to, walks, terraces, decks, driveways, swimming pools, tennis courts, docks and detached accessory buildings, except in or within one hundred feet (100') of tidal wetlands.

18.3.3 Construction of new or modification of existing on-premises fences, walls, pedestrian walks or terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by CGS Section 22a-93(7), or restricted access along the public beach.

18.3.4 Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources.

18.3.5 Interior modifications to buildings.

18.3.6 Minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters.

18.3.7 Gardening, grazing and the harvesting of crops.

18.4 Application: Except as exempted above, applicants for Zoning Permits, Site Plans, Special Exceptions, Variances, Subdivision or Re-subdivision approval, municipal improvements or multi-unit development within the coastal boundary shall file with the PZC or ZBA, as the case may be, a Coastal Site Plan and application on such forms as are prescribed by the Commission. Such applicant and site plan shall include, but not be limited to, the following information:

(Amended 10/1/2013)

18.4.1 General Requirements: Pursuant to CGS Section 22a-105 and Section 22a-106:

- (a) A plan showing the location and spatial relationship of coastal resources contiguous to the site.
- (b) A description of the entire project with appropriate plans, indicating project location, design, timing and method of construction.
- (c) An assessment of the capability of the resources to accommodate the proposed use.
- (d) An assessment of the suitability of the project for the proposed site.
- (e) An evaluation of the potential beneficial and adverse impacts of the project.
- (f) A description of proposed methods to mitigate adverse effects on coastal resources.
- (g) A statement demonstrating that the adverse impacts of the proposed activity are acceptable and that such activity is consistent with the coastal policies of CGS Section 22a-92 and that the proposed project is in compliance with all pertinent zoning regulations and the following special standards.

18.4.2 Special Standards and Criteria for Waterfront Property: All property abutting Long Island Sound, the Hammonasset, Indian, Hammock and Menunketesuck Rivers within the Clinton Coastal Area Boundary shall be subject, where applicable, to the following special requirements in addition to those listed elsewhere in these Regulations:

- (a) Visual Access: Waterfront property shall be developed in a manner that is consistent with a waterfront setting and so that visual access to and from the water is maximized. In reviewing Coastal Site Plans for development of waterfront property, the Commission shall consider the following guidelines:
 - (1) The quality and extent of views from adjacent public streets through the property to the water.

(2) The design and relationship of the development to the waterfront as viewed from the water.

(3) The quality and extent of view of adjacent property owners.

(b) **Pump-out Facilities for Marinas:** Construction of any new or the expansion of any existing commercial marina with mooring slips capable of handling boats nineteen feet (19') or greater in length shall provide, on the marina site, an approved pump-out facility for the disposal of sanitary wastes as follows:

(1) The pump-out facility must be of adequate design and capacity to properly handle the wastes from all boats over nineteen feet (19') with approved marine sanitation devices that are moored at the marina. In addition, the pump-out facility must provide sufficient capacity and be capable of accepting sanitary wastes from portable toilets on boats of less than nineteen feet (19') and those without approved marine sanitation devices. The pump-out facility must be approved by the Director of Health and be submitted for review by the Department of Environmental Protection.

(2) The Commission may, at its option, permit a marina to enter into a suitable agreement with other marinas to share a single pump-out facility. In any such case, the pump-out facility must be of suitable design and capacity to handle the sanitary wastes from boats of all the marinas using the facility. In addition, the agreement between the marinas must be approved by the Director of Health and the Harbor Management Commission and the pump-out facility must be approved by the Director of Health.

(c) **Marina Expansion:**

(1) No expansion of slips and moorings for boats within Clinton Harbor will be permitted unless applicant can demonstrate to the Commission that adequate measures will be taken to protect water quality consistent with State DEEP Water Quality Standards and Classifications for Clinton Harbor and adjacent waters and their tributaries.

(2) No expansion of mooring slips will be permitted unless adequate pump-out facilities exist and adequate shore services such as parking and refuse collection are provided.

18.5 **Application Fee:** All applications for Coastal Site Plan Review shall be accompanied by an application fee as specified in Section 7: Fees.

18.6 Any reference made in these Sections (18.7 through and including 18.7.3) or in the Connecticut General Statutes referenced in said Sections, to the term "water dependent uses" shall have as its meaning the definition supplied by CGS Section 22a-93(16).

18.7 Consideration of the Application: In addition to reviewing Coastal Site Plans for compliance with the applicable standards, requirements or criteria set forth elsewhere in these Regulations, the Commission or Board, as the case may be, shall take into consideration compliance with the following criteria:

- 18.7.1 Consistency of the proposed activity with the applicable coastal policies in CGS Section 22a-92.
- 18.7.2 The acceptability of potential adverse impacts of the proposed activity on coastal resources as defined in CGS Section 22a-93(15).
- 18.7.3 The acceptability of potential adverse impacts of the proposed activity on future water dependent development opportunities as defined in CGS Section 22a-93(17) for the Marine Zone.
- 18.7.4 The adequacy of measures to mitigate adverse impacts of the proposed activity on coastal resources, and for the Marine Zone, future water dependent development opportunities.

18.8 The Commission or Board, as the case may be, shall approve, modify, condition, or deny the activity proposed in a Coastal Site Plan on the basis of the criteria listed in CGS Section 22a-106, to ensure that the proposed activity is consistent with the coastal policies in CGS Section 22a-92, and that the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development opportunities are acceptable.

18.9 Pursuant to CGS Section 22a-106, the Commission or Board, as the case may be, shall state in writing the finding and reasons for its action with respect to any Coastal Site Plan, the Commission or Board shall make a written finding that:

- 18.9.1 The proposed activity with any conditions or modifications imposed by the Commission or Board is consistent with the coastal policies in CGS Section 22a-92.
- 18.9.2 That the proposed activity incorporated as condition or modifications, all reasonable measures which would mitigate potential adverse impacts on both coastal resources, and for the Marine Zone, future water dependent development activities.
- 18.9.3 That the potential adverse impacts of the proposed activity on coastal resources, and for the Marine Zone, future water dependent development opportunities with any conditions or modifications imposed by the Commission or Board are acceptable.

18.10 Pursuant to PA 84-53, CGS Section 22a-105(e), nothing in these Regulations shall be deemed to deny the right of reconstruction of a building after a casualty loss.

18.11 Violations: In accordance with CGS Section 22a-108, any activity undertaken within the coastal boundary without the required Coastal Site Plan review and approval shall be considered a public nuisance and shall be subject to enforcement remedies authorized in that Section.