

Terms and Conditions

Bidders shall familiarize themselves with all provisions of the specifications and shall not at any time after submitting bid, dispute any of the specifications or assert that there was any misunderstanding in regard to the furnishing and delivering of the items called for in the proposal.

The Town of Greenwich reserves the right to issue addenda as needed on bids/proposals.

The Town of Greenwich reserves the right to reject any and all bids not deemed to be in the best interest of the Town of Greenwich, or to accept that bid which appears to be in the best interest of the Town of Greenwich. The Town of Greenwich reserves the right to waive any informalities in or reject any or all bids, or any part of any bid.

References to a particular trade name or manufacturer's catalog or model number are made for descriptive purposes to guide the bidder in interpreting the requirements of the Town of Greenwich. They should not be construed as, nor are they intended to exclude proposals on other types of materials, equipment and supplies. However, the bidder, if awarded a contract will be required to furnish the particular item referred to in the specification or description unless a departure or substitution is clearly noted and described in the proposal.

Respondents shall provide one proposal and bidders one bid price for each specified required line item with no more than one total lump sum bid, unless allowed to do otherwise by the solicitation. Respondents shall provide no more than one bid reply unless allowed by the solicitation. Bidders shall not include in their prices any Federal or State taxes from which the Town of Greenwich is exempt.

The successful bidder/s shall indemnify the Town of Greenwich against all losses, claims, actions and judgments brought or recovered against the contractor or the Town of Greenwich.

No proposal shall be received from, or contract awarded to, any person, firm or corporation who is in default or in debt to the Town of Greenwich for non-performance of any contract, or who is a defaulter as surety or otherwise from any obligation to the Town of Greenwich.

Bids must be signed in ink by the vendor. No bids shall be made in pencil. Any bids showing any erasures or alterations must be initialed by the bidder in ink. Failure to sign and give all information requested in the proposal may result in the bid being rejected.

Quantities as listed on the bid sheets are estimated for bidding purposes only. Award of contract shall be for the quantities actually ordered as needed during the contract period. However, the Town of Greenwich reserves the right to increase or decrease the quantities by 10%.

Unit prices quoted shall be net exclusive of all taxes, and must include all transportation, delivery and unloading costs; fully prepaid F.O.B. destination in place inside delivery. Debris, if any, removed.

The Town of Greenwich reserves the right to make awards on an item by item, total or lump sum basis. Where an award is made on an item by item basis, the unit price prevails. The Town reserves the right to make award in best interest of its own operation. All awards are contingent upon certification by the Town Comptroller that funds are available in appropriate accounts.

It is understood that prices shall hold firm and prevail for the actual quantities required or ordered as needed during the life of the contract whether more or less than estimated quantities. Unit prices shall not be subject to any increase during the life of the contract.

All deliveries are to be made within the time period specified in the bid proposal upon receipt of written purchase order or authorized verbal requests except as may be otherwise arranged by Supplier and Purchaser. Receipt of contract is not authority to ship. Emergency deliveries are to be made within twenty-four (24) hours from receipt of a telephone request from the Director of Purchasing and Supply. All deliveries are to be made on business weekdays between the hours of 9:00 A.M. and 4:00 P.M. except as may be otherwise arranged by the Supplier and Purchaser.

In the event deliveries are not made as specified to a Town delivery point, the Director of Purchasing and Supply shall reserve the right to purchase any such bid item on the open market and to charge any increase in price paid over the current contract price to the account of the vendor.

All bids will be awarded or rejected within sixty (60) days of bid opening date or for the stated period of validity, if different. Therefore, bidder agrees that prices will remain firm for acceptance for that period.

The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin. The contractor, however, will take affirmative action to insure that minority group members are employed and are not discriminated against during employment. Such actions shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection of training, including apprenticeship.

The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex or national origin. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract of understanding, a notice advising the labor union or worker's representative of the contractors' commitments under this specification and under rules, regulations and orders promulgated by the State.

"Affirmative Action" means procedures which establish hiring and employment goals, timetables, and practices to be implemented, with good faith efforts, for minority group members.

"Minority Group Members" as identified in EEO-4 reports shall mean Black, Hispanic, Asian or Pacific Islanders, American Indian, and Alaskan Natives.

The contractor or subcontractor offers and agrees to assign to the public purchasing body all right, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act, 15 U.S.C. Section 15, or under Chapter 624 of the General Statutes of Connecticut, arising out of the purchase of services, property or intangibles of any kind pursuant to a public purchase contract or subcontract. This assignment shall be made and become effective at the time the public purchasing body awards or accepts such contract, without further acknowledgment by the parties.

TOWN OF GREENWICH, CT

REQUEST FOR PROPOSAL #7185 DEADLINE: 12/16/15 AT 3:00 PM

WATER FRONT BUSINESS ZONE REVIEW

BACKGROUND

The Town of Greenwich Purchasing Department on behalf of the Planning and Zoning Commission is seeking proposals for the review of the Water Front Business Zone.

STATEMENT OF PROJECT OBJECTIVES AND /GOALS

The purpose of this project is to address the goals of the 2009 Plan of Conservation and Development and the Byram and Cos Cob Neighborhood Plans that call for a review of the zone.

The Waterfront Business Zone is applied to four separate locations on the Greenwich coastline. The purpose of the WB Zone regulations, pursuant to Section 6-107 of the Greenwich Building Zone Regulations is:

to regulate the type and size of development in business zoned waterfront properties in order to: (5/11/87)

- (1) Implement the goals of the Connecticut Coastal Area Management Act and Sec. 6-111 of the Building Zone Regulations – The Coastal Overlay Zone; (5/11/87)*
- (2) Preserve scenic vistas by permitting development of a height and mass which will be compatible with the public enjoyment of waterfront views; (5/11/87)*
- (3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters; (5/11/87)*
- (4) To capitalize on the waterfront's unique attributes as a recreational resource accessible either through publicly owned land or commercial water dependent establishments; and to assure that these limited waterfront areas are reserved for the uses they are uniquely suited for and are not pre-empted by uses which can be more appropriately located elsewhere. (5/11/87)."*

Uses permitted in the WB Zone are water-dependent uses such as recreational and commercial boating and fishing facilities, water-based recreational uses, and dock and port facilities. Specified uses that provide accessory, subordinate, or supportive services to a water-dependent use may be permitted by a Special Permit granted by the Commission. Nonwater-dependent uses such as office, retail, and residential uses are not currently permitted in the WB Zone.

Given the number of non-conforming uses in the WB Zone, how can the regulations be amended to promote development that has a water-dependent component that is not overly restrictive and maintains the viability of existing boating facilities, enhance property values and stimulate beneficial development; while avoiding adverse impacts on adjoining neighborhoods, including impacts caused by increased traffic and loss of visual and physical access to the water?

The capacity of the navigable waters and coastal resources of the harbors to accommodate boating and other water and waterfront businesses in an environmentally sound manner is limited. The Harbor Management Commission should be consulted to ensure that the harbors can support viable water-dependent uses. Ideally, access to the waterways by water-dependent uses should not be replaced by nonwater-dependent uses providing only limited pedestrian and visual access to the GHA.

PLANS CALLING FOR ACTION

2009 PLAN OF CONSERVATION AND DEVELOPMENT

Coordinate Waterfront Development:

Greenwich's commercial waterfront areas are largely within the Waterfront Business (WB) Zone. The requirements in this zone are consistent with State coastal management objectives and water-dependent developments are given primary consideration.

Careful planning has already resulted in significant water dependent and water-related developments including public access along River Road, Mianus River, Steamboat Road and the Byram River waterfronts.

Waterfront business areas in Greenwich and the waterfronts they occupy are each different. Greenwich may benefit from having more than one waterfront business zone to address these areas.

P&Z has developed an overall plan for the Byram waterfront and should consider using this plan to develop a specific Byram WB zone along South Water Street for appropriate uses along the waterfront.

ACTIONS

- 1.1 Continue to protect water-dependent and water-related land-use activities.
- 1.2 Consider modifying the WB zoning designation into three areas: River Road, Steamboat Road and Byram.

Create Additional Coastal Public Access

Public access to the coast is an important issue, as most of Connecticut's shoreline is in private ownership but is vital to Greenwich residents. Greenwich has several public access areas, such as Greenwich Point Park, boat launches, and the ferry service to offshore islands that provide a variety of recreational opportunities.

Greenwich also has five Town-owned public boating facilities. Maintenance of, and improvements to, these facilities could be addressed by creating a revolving fund for boating activities similar to the Golf Fund which is administered by the Department of Parks and Recreation. Because the Town-owned boating facilities are public, the potential for additional public access is worth exploring.

The *Waterfront Access Planning and Design Study* (2004) and the *Byram Comprehensive Plan* (2008) contain an up-to-date inventory of Town-owned waterfront properties and note that several of these offer opportunities to increase waterfront access.

Greenwich Board of Parks and Recreation, in consultation with the State of Connecticut, should investigate the identified site under the I-95 Bridge at River Road for potential development as a public boat ramp/access area and/or other water-dependent uses. Development of any docks along this area of State property would be managed and controlled by the State of Connecticut.

The *Waterfront Access Planning and Design Study* identifies several Town-owned waterfront parcels within the Byram River WB zoning district with high potential for reuse as pocket parks as keystones of a linear riverfront walkway and park system to encourage community connections to the waterfront.

These include a Department of Public Works (DPW) storage yard and a combination Public Works storage yard/municipal parking lot. These two sites have been earmarked as public access and public pocket park areas if relocation of DPW trucks and materials from the sewer pump station site is funded.

ACTIONS	
1.3	Removed – outside of the scope of this study
1.4	Adopt the public access design standards in the <i>Waterfront Access Planning and Design Study</i> .
1.5	Continue to expand opportunities for water-dependent land-use activities and public access points along coastal areas.

NEIGHBORHOOD PLANS

The Byram Plan called for Study of the Waterfront Business Zone and the Cos Cob Plan listed as a goal to:

Maintain existing provisions of the WB zone, but review the list of Special Permit uses and consider whether it should be expanded or clarified to add predictability to the land-use process.

Statutory Authority

One of the most significant provisions of the CCMA concerns the priority and preference that must be given to water-dependent uses. A basic legislative policy is "To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters." (Connecticut General Statutes Sec. 22a-92(a)(3).) Another basic policy is "To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state ... siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas." (Connecticut General Statutes Sec. 22a-92(b)(1).)

The CCMA contains the following definition of "water-dependent uses":

Water-dependent uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, waterbased recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water and which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93(16).)

A notable feature of this definition is that a use or facility is water-dependent if it provides general public access to marine or tidal waters. In accordance with the CCMA, when a local commission or board reviews a coastal site plan, it must "determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable." (Connecticut General Statutes Sec. 22a-106(a).)

Adverse impacts on future water-dependent development activities are defined by the CCMA as including but not limited to:

(A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93(17).)

TERMS AND CONDITIONS

In addition to the Town's standard terms and conditions that appear on the reverse side of the cover page of this RFP the following shall also apply:

Issuing Authority

Mr. James Giarraputo Latham, CPPB, Senior Buyer has been designated to be responsible for the conduct of this procurement. Any inquiries or requests regarding this procurement must be submitted in writing to Mr. Latham to the address below by **December 8, 2015 at 11:00 AM.**

Town of Greenwich
Purchasing Department
101 Field Point Road
Greenwich, CT 06830

Fax: 1-203-622-7776
Email: jlatham@greenwichct.org

Issuance of Addenda

The Town of Greenwich reserves the right to amend this solicitation by addenda. Addenda will be posted to the Town's website (www.greenwichct.org/bids) up to 48 hours in advance of the bid/proposal's due date and time. **It is the bidder's responsibility to check the Town's website for addenda.** If in the Town's opinion revisions are of such a magnitude, the deadline for this solicitation may be extended in an addendum. In addition, addenda can change specifications, reply sheets, and times and dates for prebid meetings as well as due dates/deadlines for questions and bids/proposals. **No notification of addenda issuance will be made other than on the Town's website.**

Taxes

The Town of Greenwich is exempt from the payment of taxes imposed by the federal government and or state of Connecticut, and such taxes shall not be in the prices.

Packaging

Each proposal must be sealed to provide confidentiality of the information prior to the submission date and time. The Town will not be responsible for premature opening of proposals not properly labeled.

Proposal Costs

The respondent shall be responsible for all costs incurred in the development and submission of this proposal.

Selected respondents may be required to present their proposals to the Evaluation Committee. The costs of such presentations and interviews and transportation shall be borne solely by the respondents.

State, Local and Federal Laws

The respondent shall acknowledge and agree that, should it be awarded the Contract, it shall be solely responsible for strict compliance with all federal, state and local statutes, laws, codes, rules, regulations and ordinances, and for the procurement and maintenance of all necessary licenses and permits relating to the performance of services.

Applicable Law

The laws of the State of Connecticut shall govern this Contract and any and all litigation related to this Contract. In the event of litigation related to this Contract, the exclusive forum shall be the State of Connecticut and the exclusive venue for such litigation shall be the Judicial District for Stamford/Norwalk at Stamford.

Contract Format

The Town of Greenwich has included, for reference by the respondents, **Exhibit C**, the sample contract format that will be used for this procurement.

Withdrawal of Bids (Or Proposals) Prior to Deadline

A bidder wishing to withdraw a bid/proposal prior to the deadline may do so by preparing a formal written request on company letterhead. The person who signs the letter must be the same person who signs the reply sheets. The Town will verify that the signature on the letter matches the signature on the reply sheets.

The Town will also verify the request to withdraw the bid/proposal by calling the bidder at the telephone number supplied on the reply sheets.

After the Town is satisfied that a request to withdraw a bid/proposal before the established deadline is valid, the bid/proposal will be returned to the bidder. The bidder may then withdraw completely from the bidding process, or may modify the bid/proposal and resubmit before the deadline.

Withdrawal of Bids (Or Proposals) After the Deadline

If bid security is required and a bidder does not honor his/her bid for the specified time, the bid check shall become the property of the Town; or, if a bid bond was furnished, the bid bond shall become payable to the Town.

After the bid/proposal deadline has passed, the submitted bids/proposals become the property of the Town and are valid offers to be honored by the bidder for sixty (60) days or longer, as specified in the Request for Bid/Proposal.

Bidders who do not honor their bids/proposals for the sixty (60) day (or as specified) period, shall be declared irresponsible bidders.

Insurance Requirements

The **awarded** vendor will be required to provide insurance coverage as specified on the Insurance Requirements Sheet, **Exhibit A**, of this RFB. The **Acord certificate of insurance form** must be executed by your insurance agent/broker and returned to this office. The most current Acord form should be used for insurance documentation purposes. Company name and address must conform on all documents including insurance documentation. It is required that the agent/broker note the individual insurance companies providing coverage, rather than the insurance group, on the Acord form. The Contract number (provided to the awarded Contractor), project name and a brief description must be inserted in the "Description of Operations" field. It must be confirmed on the Acord Form that the Town of Greenwich is endorsed as an additional insured by having the appropriate box checked off and stating such in the "Description of Operations" field.

A letter from the awarded vendor's agent/broker certifying that the Town of Greenwich has been endorsed onto the general liability policy as an additional insured is also mandatory. This letter shall be addressed to the Town's Director of Purchasing and **must follow exactly** the format of the letter attached as **Exhibit B**. **It must be signed by the same individual authorized representative who signed the Acord form. Both the certificate of insurance and the letter must be signed with original ink "wet" signatures.** If the insurance coverage required is provided on more than one Acord certificate of insurance, then additional agent/broker letters are also required. Contract development will begin upon receipt of complete, correct insurance documentation.

The Contractor shall be responsible for maintaining the above insurance coverages in force to secure all of the Contractor's obligations under the Contract with an insurance company or companies with an AM Best Rating of B+:VII or better, licensed to write such insurance in Connecticut and acceptable to the Risk Manager, Town of Greenwich. For excess liability only, non-admitted insurers are acceptable, provided they are permitted to do business through Connecticut excess line brokers per listing on the current list of Licensed Insurance Companies, Approved Reinsurers, Surplus Lines Insurers and Risk Retention Groups issued by the State of Connecticut Insurance Department.

The vendor should submit with the proposal the signed, original "**Insurance Procedure**" form, **page 18**, which states that the vendor agrees to provide the specified insurance coverage for this proposal at no additional charge above any insurance charge declared in the bid.

SCOPE OF WORK

The selected consultant shall perform the following services:

1. ***Gather Base Data for Analysis.*** Summarize the WB Zone in terms of conformity to existing zoning regulations including use, setbacks, lot size, floor area, and height restrictions in addition to development and re-development trends. The composition of uses within each of the four zones is critical given the potential impact on parking, traffic, and infrastructure needs.
 - a. Are there areas of historic preservation that the zoning regulations should take into consideration?
 - b. What upland uses can the channels, waterways, and harbors support? What type of industry (uses) would best be supported?
 - c. Consider the appropriateness of the proposed parking standards for the various contemplated uses.
 - d. Review the list of Special Permit uses and consider whether it should be expanded or clarified to add predictability to the land-use process.
 - e. What are current market conditions and how are they impacting development on the waterfront?
 - f. And any other information deemed necessary.
2. ***Interviews.*** The Consultant will interview appropriate stakeholders. These interviews will include groups and individuals including elected officials, nonprofit organization leaders, property owners, Harbor Management Commission, Shellfish Commission, Selectman's Economic Advisory Commission, Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Energy and Environmental Protection, Town Harbor Master, neighborhood representatives, local design professionals, developers, business organizations, and municipal staff.
3. ***Site Analysis.*** The Consultant will become familiar with the physical details of the WB properties and the historic patterns of development and architecture.
 - a. Form - Are there different forms, architectural character, and/or design to structures in geographically discernible areas of the WB? Could areas that share a form be easily regulated differently than others to protect the aesthetic fabric?
 - b. Infrastructure analysis - road capacity, parking, sewers, traffic congestion, pedestrian orientation.
 - c. Public Access – What is existing? A plan for consistent, yet flexible waterfront access should be incorporated in to the regulation (see 2003 Waterfront Access Report –**Exhibit E**)
 - d. Historic Preservation – Any future re-development should be in context and consideration should be given to the history of the waterfront areas in Town (see Draft Harbor Management Plan – Chapter 2)
 - e. And any other information deemed necessary.
4. ***Website.*** The Consultant will provide information for Greenwich's website. As the Town deems appropriate, the Consultant will provide materials including text, photographs, maps,

renderings, and other images for the web site. This material will describe the Consultant's credentials and help explain the project's process.

5. ***Generate necessary background maps.*** Greenwich will provide all necessary base map information as needed by the Consultant. These documents will be used to produce the maps that will be used during the charrettes and presentations.
6. ***Public Workshop and/or Design Charrette.*** The Consultant will organize and lead charrettes to engage the community, gather ideas and goals, and formulate implementation strategies. The Consultant will tailor the workshop or charrette to obtain maximum community input so as to produce the best possible master plan on which to base the regulation. These may include a mailing to each property owner within the zone or announcements through the school community. The charrette format will also take into consideration the findings of the interviews, initial site analysis, input from staff, and information obtained at previous meetings, workshops, and interviews. While the end result will be proposed zoning regulations, the public process should include discussions of possible alternatives for future study and/or next steps. Plans, renderings, and initial regulatory ideas that reflect ideas articulated in the workshops will be publicly presented, posted on the Town website through Town Planning Staff, and further feedback solicited from the community. The Planning and Zoning Commission and Town Planning Staff will attend this presentation along with citizens, stakeholders and technicians.
7. ***Prepare Draft Regulations, Present them to the Public, Amend as Necessary:*** A successful regulation will include definitions, principles, and intent. The presentation to the public must include an explanation of the regulations and process in clear, user-friendly language.
 - a) Review and update the following studies –
 - a. Update the 1997 Steadman Report (see **Exhibit D**); review and update the 2003 Waterfront Access report. (see **Exhibit E**).
 - b) Public access must be a dominant feature of the regulation.
 - a. This may include a different plan for each of the four waterfront business areas.
 - b. Establish minimum standards for public access (width of walkways and requirements for dedicating easements, for example) in their zoning regulations.
 - c. Determine and possibly define how much public access (size, form, amenities, etc), given that a site has been deemed suitable, is sufficient to qualify as a water-dependent use. While there is no standard, we do know by experience what improvements go virtually unused by the general public. Demand is important. A number of public access fishing piers are extremely popular and highly used, for example. Long, linear walkways also invite heavy use if well designed. The most successful projects incorporate public access in a way that also serves to enhance the use of the remainder of the parcel(s). This is why most public access projects that are coincident with residential use are rarely used.
 - d. Incorporate the public access design standards in the Waterfront Access Planning and Design Study where applicable into a regulation.

- c) The regulation shall consider the following:
 - a. Continue to expand opportunities for water-dependent land-use activities and public access points along coastal areas while ensuring a viable and sustainable relationship between the land and the water. The Town should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the POCD to support and encourage the development and continued operation of water-dependent land uses on waterfront sites.
 - b. Continue to protect water-dependent and water-related land-use activities.
 - c. Consider modifying the WB zoning designation into three areas: River Road, Steamboat Road and Byram.
 - d. Consider a) how to ensure that well-designed and meaningful provisions for public access are incorporated into development; and b) how to retain and encourage truly water-dependent uses such as recreational boating, commercial fishing, and other uses that require direct access to the water. Consider current economic and regulatory conditions. Are they constraints to expansion of existing water-dependent facilities, including recreational boating facilities?
 - e. The regulation must balance flexibility in zoning standards addressing water dependency and public access issues. Regulations should establish minimum requirements but leave room for negotiation to adjust for things like harbor limits, topography and the like.

- 8. ***Integration of the Regulation.*** The regulation must be integrated into Greenwich's existing regulatory framework (zoning and land development regulations) in a manner that insures procedural consistency, agrees with state and local legal requirements, provides clarity as to applicability of existing regulations, and maximizes the effectiveness of the regulation.

The selected consultant shall follow the following approval process:

- 1. ***Public Hearing Presentations.*** The consultant will make formal presentations to the Planning and Zoning Commission and the public on proposed regulations.
- 2. ***Additional Revisions.*** The Consultant will be responsible for two rounds of revisions that may become necessary between presentations. The consultant will be responsible for taking all collected comments, questions, and suggestions for refinements and consolidating them into a series of action items for revision or responses.

TOWN/ P&Z TO PROVIDE

P&Z will provide the following information to the selected consultant:

1. Map of existing land uses and inventory of existing historic and cultural resources, buildings and uses, zoning maps in the study area. Access to the Town of Greenwich GIS database, subject to the terms of the data use and data release agreement (see **Exhibit F**). Tax Assessor data, latest Town studies (referenced above) and all available data on traffic, parking and bike/pedestrian safety for use and analysis.
2. Capital Improvement Program which outlines Town departments on long term construction, improvements and upgrading of infrastructure and community facilities in the study area.
3. Planning and Zoning (P&Z) will maintain its web page on the Town's website for ongoing activities, survey data, questions from the community, digital copies of Plan drafts and the like.
4. Town staff will participate throughout the process including identifying stakeholders, coordinating and scheduling meetings held in Town, and participating in public events, work sessions and public hearings.

PROJECT TIMETABLE

The project shall begin in February/March 2016 and it must be completed ideally by February/March 2017.

PROPOSAL FORMAT AND SUBMISSION REQUIREMENTS

The respondent shall deliver one (1) complete original proposal, and ten (10) complete copies of the proposal to the Purchasing Department before the deadline. Respondents should also include one CD or Flash Drive containing a PDF of the complete original proposal submission(s).

At the very beginning of the proposal, the respondent should include a letter of transmittal signed by an individual authorized to bind the contractor.

The respondent should repeat each of the following questions, followed by the answer and/or form. Answers should be concise, but complete. Respondents are expected to respond specifically to each question in this section. Failure to respond to all applicable questions and form requirements in this section may result in rejection of the proposal.

1. State the firm's full company name and home office address. Describe the organizational structure (e.g., publicly held corporation private non-profit, partnership, etc.) If it is incorporated, the respondent shall indicate the state in which it is incorporated and the date of incorporation or founding date.
2. List the name, title, mailing address, telephone number, fax number and email address of the primary contact person for this proposal. The contact person must be authorized to sign this contract.
3. Describe the organization and provide a brief history of the company.
4. Indicate how long the respondent has been providing consulting services, the type of services and reports the respondent has been involved with as the primary consultant.
5. Provide three (3) letters of reference from recent clients. Provide the name, title, company address and phone number for each reference.
6. Describe any professional or ethical conflicts that may interfere with the handling of this contract.
7. Discuss the respondent's resources and personnel that help distinguish the consultant from the consultant's competition.
8. Attach copies of the résumé(s) of the staff that will be assigned to work on this project. Highlight the expertise of the team assembled by Consultant to carry out the work.
9. Provide a timetable of events covering the entire scope of work of this project.
10. Provide a written description of the consultant's approach to the project.

11. Provide a list of comparable projects undertaken by Consultant and/or team members. Include with the proposal at least three (3) samples of residential zoning regulations dealing with similar densities and issues or writing samples performed within the past eight (8) years by the staff who will be assigned to work on this project.
12. Provide a copy of at least two municipal residential regulations previously created by the Consultant and adopted into law.
13. Complete and submit with the proposal all required forms, including all Reply Sheets, the Insurance Procedure Form, etc.

EVALUATION PROCESS

Proposals will be evaluated by the Evaluation Committee using the following criteria:

CRITERIA	MAXIMUM POINTS
Expertise of the team assembled by consultant to carry out the work	30
Consultant's approach to this project including obtaining community input	30
Comparable projects undertaken by consultant and/or team members	20
Proposed project schedule	10
Proposed prices for services to complete the scope of work	10
Total	100

Evaluation Committee

The Evaluation Committee members will read and grade (privately and individually) all responsive proposals based on the evaluation criteria specified in this RFP. Each respondent will be ranked by the Senior Buyer based on the Evaluation Committee's scores of the proposals. The highest ranked respondents will be identified as finalists.

The finalists may be interviewed by the Evaluation Committee: the interviews will be graded and the finalists will be ranked based on the grades they receive for the interviews.

The financial strength of the highest ranked finalist(s) and the results of reference checks may also be considered during the evaluation process. In addition, exceptions raised by the highest ranked finalist (if any) will need to be reconciled to the mutual satisfaction of both parties.

If the Town elects to make an award for this project, the highest ranked responsive, responsible finalist will receive the award.

Observers & Advisors

The Town of Greenwich may elect to have individuals serve as observers and advisors during the evaluation process. The observers and advisors will be permitted to read the proposals of the finalists; will be permitted to attend the interviews; and will be permitted to ask questions at the interviews. The observers and advisors will not be permitted to grade the proposals or the interviews.

TOWN OF GREENWICH, CT

REQUEST FOR PROPOSAL #7185 DEADLINE: 12/16/15 AT 3:00 PM

WATER FRONT BUSINESS ZONE REVIEW

REPLY SHEET (Page 2 of 3)

Non-collusion Language

In submitting this bid/proposal, the undersigned declares that this is made without any connection with any persons making another bid/proposal on the same contract; that the bid/proposal is in all respects fair and without collusion, fraud or mental reservation; and that no official of the Town, or any person in the employ of the Town, is directly or indirectly interested in said bid/proposal or in the supplies or work to which it relates, or in any portion of the profits thereof.

Compliance with Ethics Code

In submitting this bid, the undersigned further declares that it has not, and will not, induce or attempt to induce any Town of Greenwich employee or officer to violate the Greenwich Code of Ethics in connection with its offer to provide goods or services under, or otherwise in the performance of, such contract.

The undersigned further understands that the above declarations are material representations to the Town of Greenwich made as a condition to the acceptance of the bid/proposal. If found to be false, the Town of Greenwich retains the right to reject said bid/proposal and rescind any resulting contract and/or purchase order and notify the undersigned accordingly, thereby declaring as void said bid/proposal and contract or purchase order.

RESPONDENT INFORMATION:

BIDDER'S COMPANY NAME _____

ADDRESS _____

TELEPHONE # _____ **FAX #** _____

E-MAIL ADDRESS _____

WEB SITE _____

AUTHORIZED SIGNATURE _____

PRINT NAME _____

TITLE _____

STATE OF CT TAXPAYER ID # _____

FEDERAL TAXPAYER ID # _____

INCORPORATED IN THE STATE OF _____ **Corporate Seal** Yes No

TOWN OF GREENWICH, CT

REQUEST FOR PROPOSAL #7185 DEADLINE: 12/16/15 AT 3:00 PM

WATER FRONT BUSINESS ZONE REVIEW

REPLY SHEET (Page 3 of 3)

NON- COLLUSION LANGUAGE CONTINUED

The Greenwich Code of Ethics can be found at www.greenwichct.org. Relevant provisions of the Code of Ethics state as follows:

2. **DEFINITION.** (1) Indirect interest, without limiting its generality, shall mean and include the interest of any subcontractor in any prime contract with the town and the interest of any person or his immediate family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the town. (2) Substantial financial interest shall mean any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the town. (3) Town officer shall mean and include any official, employee, agent, consultant or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the town. (4) Transaction shall mean and include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the town for a valuable consideration, excepting the services of any person as a town officer.
3. **GIFTS AND FAVORS.** No town officer or his immediate family shall accept any valuable gift, thing, favor, loan or promise which might tend to influence the performance or nonperformance of his official duties.
4. **IMPROPER INFLUENCE.** No town officer having a substantial financial interest in any transaction with the town or in any action to be taken by the town shall use his office to exert his influence or to vote on such transaction or action.

By signing below, the undersigned declares that he/she has read the non-collusion language contained herein and agrees to abide by its contents:

AUTHORIZED SIGNATURE _____

PRINT NAME _____

BIDDER'S COMPANY NAME _____

Contract Signature

The respondent shall indicate below, the full name, title, and the complete mailing address of the authorized person who will sign the contract (if one is needed) for this procurement:

TOWN OF GREENWICH
INSURANCE PROCEDURE

PLEASE NOTE:

RETURN THIS COMPLETED FORM WITH YOUR BID/PROPOSAL. FAILURE TO DO SO MAY RESULT IN YOUR BID/PROPOSAL BEING REJECTED.

Please take the insurance requirements of the Contract to your agent/broker immediately upon receipt of the bid documents to determine your existing coverage and any costs for new or additional coverage required for the work noted in this Request for Bid/Proposal. Any bids/proposals which contain exceptions to the insurance requirements may be considered nonresponsive and may be rejected.

STATEMENT OF VENDOR:

I have read the insurance requirements for this work and have taken the documentation to my insurance agent/broker. The bid/proposal cost reflects any additional costs relating to insurance requirements for this work.

If I am awarded this contract, I or my insurance agent shall submit all of the required insurance documentation to the Town of Greenwich Purchasing Department within ten (10) days after the date of the award of the contract.

Signature

Date

Contractor

TOWN OF GREENWICH, CT
REQUEST FOR PROPOSAL #7185 DEADLINE: 12/16/15 AT 3:00 PM
WATER FRONT BUSINESS ZONE REVIEW

TABLE OF EXHIBITS

EXHIBIT A	Insurance Requirement Sheet
EXHIBIT B	Insurance - Agent Broker Letter
EXHIBIT C	Sample of Personal Service Contract
EXHIBIT D	1997 Steadman Report and Steadman Report Addendum
EXHIBIT E	2003 Waterfront Access Report
EXHIBIT F	Data Release Agreement and Data Use Agreement

Insurance Requirement Sheet

Insurance Requirements: Before starting and until final completion and acceptance of the work called for in the Contract and expiration of the guarantee period provided for in the Contract, the Contractor and its subcontractors, if any, shall procure and maintain insurance of the types and amounts checked in paragraphs A through F below for all Contract operations.

- A. **General Liability, with minimum coverages for combined bodily injury and property damage liability of \$2,000,000 general aggregate, \$1,000,000 per occurrence including:**
- 1. **Commercial General Liability.**
 - 2. **Town as additional insured.**
 - 3. **Owners and Contractors Protective Liability (separate policy in the name of the Town).**
- B. **Comprehensive Automobile Liability, with minimum coverages of \$1,000,000 combined single limit for bodily injury and property damage, including, where applicable, coverage for any vehicle, all owned vehicles, scheduled vehicles, hired vehicles, non-owned vehicles and garage liability.**
- C. **Excess Liability, with minimum coverage of \$5,000,000 in umbrella form, or such other form as approved by Town Department Head and Risk Management Director.**
- D. **Workers' Compensation and Employer's Liability, with minimum coverages as provided by Connecticut State Statutes.**
- E. **Professional Liability (for design and other professionals for Errors and Omissions), with minimum coverage of \$5,000,000. If the policy is on a claims-made basis, coverage shall be continually renewed or extended for five (5) years after work is completed under the Contract. Town of Greenwich shall NOT be named Additional Insured under the Professional Liability policy.**
- F. **Other (Builder's Risk, etc.): _____.**
- G. **CERTIFICATE HOLDER: TOWN OF GREENWICH
ATTN: PURCHASING DEPT. (Also fill in on ACORD Certificate of Insurance)
101 Field Point Road, Greenwich, CT 06830.**

The Acord certificate of insurance form must be executed by your insurance agent/broker and returned to this office. The most current Acord form should be used for insurance documentation purposes. Company name and address must conform on all documents including insurance documentation. It is required that the agent/broker note the individual insurance companies providing coverage, rather than the insurance group, on the Acord form. The Contract number (provided to the awarded Contractor), project name and a brief description must be inserted in the "Description of Operations" field. It must be confirmed on the Acord Form that the Town of Greenwich is endorsed as an additional insured by having the appropriate box checked off and stating such in the "Description of Operations" field. A letter from the awarded vendor's agent/broker certifying that the Town of Greenwich has been endorsed onto the general liability policy as an additional insured is also mandatory. This letter must follow exactly the format provided by the Purchasing Department and must be signed by the same individual authorized representative who signed the Acord form, both of which must be signed with original ink "wet" signatures. If the insurance coverage required is provided on more than one Acord certificate of insurance, then additional agent/broker letters are also required. Contract development will begin upon receipt of complete, correct insurance documentation.

The Contractor shall be responsible for maintaining the above insurance coverages in force to secure all of the Contractor's obligations under the Contract with an insurance company or companies with an AM Best Rating of B+:VII or better, licensed to write such insurance in Connecticut and acceptable to the Risk Manager, Town of Greenwich. For excess liability only, non-admitted insurers are acceptable, provided they are permitted to do business through Connecticut excess line brokers per listing on the current list of Licensed Insurance Companies, Approved Reinsurers, Surplus Lines Insurers and Risk Retention Groups issued by the State of Connecticut Insurance Department.

AGENT/BROKER
(LETTERHEAD)

(Date)

Town of Greenwich
Joan T. Sullivan, Director of Purchasing
101 Field Point Road
Greenwich, CT 06830

Re: **(Name of the Insured)**
Town of Greenwich Contract No. XXXX

Dear Mrs. Sullivan:

The undersigned hereby certifies as follows:

- (1) I am a duly licensed insurance agent under the laws of the State of **[insert state]** and an authorized representative of all companies affording coverage under the Acord form submitted herewith;
- (2) The Town of Greenwich has been endorsed as an additional insured under general liability policy no. **[insert policy number]**, issued by **[insert company affording coverage]** to **[name of insured]**;
- (3) The general liability policy referenced in paragraph (2) above meets or exceeds the coverage in Commercial General Liability ISO form CG 00 01 10 01, including contractual liability;
- (4) The policies listed in the Acord form submitted to the Town of Greenwich in connection with the above referenced contract have been issued to the insured in the amounts stated and for the periods indicated in the Acord form; and
- (5) The Town of Greenwich shall be given thirty (30) days prior written notice of cancellation, lapse or restrictive amendment (except ten days notice of nonpayment) of the policies listed in the Acord form.

Sincerely,

(Signature)

Type Name
Authorized Representative for all companies listed in the Acord form

PERSONAL SERVICE CONTRACT

Contract No.

THIS AGREEMENT made and entered into this _____ day of _____ 2015, by and between the TOWN OF GREENWICH (hereinafter referred to as "Town"), acting herein by the undersigned official, and _____ (hereinafter referred to as "Contractor"), whose principal office is located at _____, acting herein by _____ its _____, hereunto duly authorized,

WITNESSETH:

WHEREAS, the Town contemplates:

WHEREAS, the Town desires to retain the services of the Contractor to perform the following work:

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. Describe services to be performed:

2. Describe method and terms of payment:

This agreement consists of:

Personal Service Contract form (pp. 1-7);

Exhibit A, Insurance Requirements & Certificate of Insurance (pp. XX-XX);

Other exhibit(s) (yes/no) entitled _____ (pp. _____);

Other attachment(s) (yes/no) entitled _____ (pp. _____);

for a total number of _____ numbered pages (hereinafter collectively referred to as "Contract").

3. Any conflict between this Contract and any invitation to bid, request for proposal, bid or response to request for proposal shall be resolved in favor of this Contract, with the exception that any provision of an invitation to bid, request for proposal, bid or response to request for proposal, that is attached as an Exhibit to this Contract, which Exhibit provides for a higher standard of obligation or service by Contractor, shall control as to the standard of obligation and service required of the Contractor and shall thereby supplement this Contract.

4. The Town may at any time, and for any reason, direct the discontinuance of the services and work contemplated under this Contract for a period of time. Such direction shall be in writing and shall specify the period during which the work shall be discontinued. The work shall be resumed on the dates specified in such direction, or upon such other date as the Town may thereafter specify in writing. The period during which such work shall have been discontinued shall be deemed added to the time for performance. Stoppage of work under this article shall not give rise to any claim against the Town.

5. The service and work contemplated under this Contract shall be completed in full on or before .

6. The Town may at any time and for any reason terminate this Contract by written notice specifying the termination date, which shall be not less than seven (7) days from the date such notice is given. In the event of such termination, services shall be paid for in such amount as shall compensate for the portion of the work satisfactorily performed prior to termination. Such amount shall be fixed by the Town after consultation with the Contractor and shall be subject to audit by the Town Comptroller. Termination under this section shall not give rise to any claim against the Town for damages for compensation in addition to that provided hereunder.

7. It is the intent of this Contract to secure the personal services of the Contractor or a duly authorized and competent representative(s) of the Contractor acceptable to the Town. Failure of the Contractor for any reason to make the personal service of such a person available to the Town to the extent necessary to perform the services required skillfully and promptly shall be cause for termination of this Contract.

8. The Contractor shall not assign this Contract without prior consent of the Town in writing.

9. In the event of death or disability of the principal of the Contractor, any qualified partner or associate of the Contractor may be authorized, at the option of the Town, to continue to perform and complete all the terms, covenants and provisions contained in this Contract.

10. If the Contractor has been delayed and as a result will be unable, in the opinion of the Town, to complete performance fully and satisfactorily within the time allowed therefor, the Contractor, upon submission of evidence of the cause of the delay, satisfactory to the Town, shall at the discretion of the Town, be granted an extension of time for performance equal to the period that the Contractor was actually and necessarily delayed.

11. When the Town shall have reasonable grounds for believing that a) the Contractor will be unable to perform this Contract fully and satisfactorily within the time fixed for performance, or b) a meritorious claim exists or will exist against the Contractor or the Town arising out of the negligence of the Contractor or the Contractor's breach of any provision of this Contract, then the Town may withhold payment of any amount otherwise due and payable to the Contractor hereunder. Any amount so withheld may be retained by the Town for such period as it may deem advisable to protect the Town against any loss and may, after written notice to the Contractor, be applied in satisfaction of any claim herein described. This provision is intended solely for the benefit of the Town. No person shall have any right against the Town or claim against the Town by reason of the Town's failure or refusal to withhold monies. No interest shall be payable by the Town on any amounts withheld under this provision. This provision is not intended to limit or in any way prejudice any other right of the Town.

12. The acceptance by the Contractor, his successors or assigns, of any payment made on the final requisition under this Contract, or of any final payment due on termination of this Contract, shall constitute a full and complete release of the Town from any and all claims, demands and causes of action whatsoever which the Contractor, his successors or assigns, have or may have against the Town under the provisions of this Contract.

13. The Contractor shall not assert any claim arising out of any supervisory act or omission by any agent, officer or employee of the Town in the execution or performance of this Contract against any such agent, officer or employee. The Contractor shall require each person supplying labor or materials to the Contractor to agree in writing to the Contractor not to make any claim against the Town, its officers, agents or employees by reason of such labor or materials, or by reason of any acts or omissions of the Contractor.

14. The Contractor shall indemnify and save harmless the Town and its officers, agents, servants and employees, from and against any and all claims, demands, suits, proceedings, liabilities, judgments, awards, losses, damages, costs and expenses, including attorneys' fees, on account of bodily injury, sickness, disease, death or other damages sustained by any person or persons injury or damage to or destruction of any property, directly or indirectly arising out of, relating to, or in connection with the work called for in the Contract, whether or not due or claimed to be due in whole or in part to the active, passive or concurrent negligence, fault, or contractual default of the Contractor, its officers, agents, servants or employees, any of its subcontractors, the Town, any of its respective officers, agents, servants, or employees and/or any other person or persons, and whether or not such claims, demands, suits or proceedings are just, unjust, groundless, false, or fraudulent, and the Contractor shall and does hereby assume and agrees to pay for the defense of all such claims, demands, suits and proceedings, provided, however, that the Contractor shall not be required to indemnify the Town, its officers, agents, servants, or employees, against any such damages occasioned solely by acts or omissions of the Town, its officers, agents, servants or employees, other than supervisory acts or omissions of the Town, its officers, agents, servants, or employees, in connection with the work called for in the Contract.

15. The Contractor shall take out and maintain during the life of this Contract the types and amounts of insurance as are set forth in the attached Exhibit A. Before commencing the work called for in this Contract, the Contractor shall furnish the Town with a completed certificate of insurance on the Acord form that is referenced in the attached Exhibit A evidencing such coverage.

16. Contractor agrees to comply in every respect with applicable State and Town laws, regulations and ordinances.

17. Contractor shall at all times be deemed to be an independent contractor and shall be wholly responsible for the manner in which it performs the services required of it by the terms of this Contract. Nothing herein contained shall be construed as creating the relationship of employer and employee or principal and agent, between the Town, its agencies, employees, agents and Contractor, its employees and agents. Contractor assumes exclusively the responsibility for the acts of its employees and agents as they relate to the services to be provided during the course and scope of their employment. Contractor, its agents and employees shall not be entitled to any rights and privileges of Town employees and shall not be considered in any manner to be Town employees.

18. The laws of the State of Connecticut shall govern this Contract and any and all litigation related to this Contract. In the event of litigation related to this Contract, the exclusive forum shall be the State of Connecticut and the exclusive venue for such litigation shall be the Judicial District for Stamford/Norwalk at Stamford.

Dated at Greenwich, Connecticut,
this _____ day of _____ 2015.

Witnessed by:

Witnessed by:

THE TOWN OF GREENWICH

By _____ L.S.

Its _____

THE CONTRACTOR

By _____ L.S.

Its _____

STATUTORY SHORT FORMS OF ACKNOWLEDGMENT

FOR AN INDIVIDUAL ACTING IN HIS OWN RIGHT:

STATE OF _____)
) ss: _____
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, by _____
(name of person acknowledged)

Notary Public
My Commission Expires:

FOR A CORPORATION:

STATE OF _____)
) ss: _____
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____ 2015 by _____
name and title of officer/agent
of _____ a _____
name of corporation State or place of incorporation
corporation, on behalf of the corporation.

Notary Public
My Commission Expires:

GEOFFREY B. STEADMAN

Land and Water Resources Planning • Coastal Area Management

September 8, 1997

DRAFT

MEMORANDUM

TO: Greenwich Planning and Zoning Commission
FROM: Geoff Steadman *G.S.*
SUBJECT: Additional research concerning waterfront zoning for inclusion in the "Report on Zoning Approaches by Connecticut Municipalities to Address Coastal Management Issues of Water-Dependency and Public Access" (April 1997).

At Hiram Peck's request, I have conducted some additional research concerning waterfront zoning by Connecticut municipalities. The results of that research are presented in this memorandum. Specifically, I have addressed the following question raised by the Planning and Zoning Commission after the Commission's review of my above-referenced report.

To what extent did towns surveyed for your report consider the size and shape of waterfront lots when establishing waterfront zoning districts permitting nonwater-dependent uses in addition to truly water-dependent uses?

I recently discussed this question with some of the local planning officials who I interviewed in the course of preparing the report. I put the question to officials from the cities of Stamford and Norwalk and the towns of Stratford, East Lyme, Waterford, and Groton - municipalities that have given careful consideration to water-dependency and public access issues through establishment of waterfront zoning provisions.¹

Based on my conversations with the contacted officials, the short answer to the Commission's question is that size and shape of waterfront lots were not significant considerations in decisions to establish the waterfront zoning regulations described in the report. Those regulations permit some type of nonwater-dependent use, either "as-of-right" or by special permit, in addition to the principal water-dependent site use. The municipalities' decisions

¹ Persons contacted for this additional research are: Norman Cole, Principal Planner, City of Stamford; Michael Greene, Director of Planning and Zoning, City of Norwalk; Dave Killeen, Town Planner, Town of Stratford; Jean Davies, Town Planner, Town of East Lyme; David Martin, Town Planner, Town of Waterford; and James Bulter, Director of Planning, Town of Groton.

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to establish these zoning requirements were independent of any detailed analysis of the size and shape of properties to which the requirements would be applied.

This is not to say, however, that the zoning requirements were adopted without any consideration of lot size and shape or that lot configuration need not be considered when preparing waterfront zoning regulations. Remember that waterfront planning studies preceded the adoption of waterfront zoning requirements in the municipalities surveyed. When preparing the regulations described in my report, zoning officials had a vision of the type of waterfront development they were hoping to achieve (and/or maintain), were knowledgeable of the general configuration of the lots on which they intended to impose the regulations, and believed that the type of waterfront development enabled by their waterfront zoning regulations could be achieved on the affected properties.

The parcels included in the waterfront zoning districts reviewed in the report are a variety of shapes and sizes; many are less than one acre in size (some as small as $\frac{1}{4}$ -acre); some are larger. Contacted officials say that redevelopment of small lots in accordance with waterfront zoning regulations may require that several lots be assembled to create a redevelopment parcel.

City of Stamford: In Stamford, properties within the Coastal Water-Dependent (C-WD) District that are at least three acres in size and meet other criteria may be considered for designation as a Designed Waterfront Development (DW-D) District. The DW-D District is essentially a "floating" zone, subject to special standards and review procedures, that allows more development opportunities than the C-WD District. How did the City determine that three acres was the appropriate size for designation of this zoning district? City officials did not undertake a "scientific" analysis or survey of parcel sizes, but they applied their judgement while considering parking, floor area ratio, and other zoning requirements. Also, they knew which waterfront sites were particularly subject to redevelopment pressures and that those sites were at least three acres. Based on their understanding of the type of redevelopment being considered for the Stamford waterfront, they believed that three acres would provide for a redevelopment project of sufficient size to make it worthwhile for a developer to go through the process of applying for DW-D rezoning.

City of Norwalk: Norwalk zoning officials did not study parcel size or shape when they made, in the words of the Director of Planning and Zoning, a "philosophical" decision to establish the City's Marine Commercial Zone which provides for some nonwater-dependent development in addition to water-dependent uses. The parcels included in this zone are generally one acre or less except for the larger Cove Marina site where development opportunities are clearly not limited by any constraints related to the size of the site. The Director of Planning and Zoning says that parcels

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included in the Marine Commercial Zone include "long and skinny" sites and "short and wide" sites. No minimum lot size is specified in the zoning regulation. Zoning officials believe the zone can apply on the smallest sites by enabling, for example, nonwater-dependent use on the second floor of a building used to support a water-dependent use on the first floor. In addition, officials see the opportunity for consolidation of smaller parcels within the zone to enable larger redevelopment projects. The possibility of such consolidation, in fact, was described by some affected property owners during public comments prior to adoption of the Marine Commercial Zone.

The Norwalk Director of Planning and Zoning reports that following adoption of the Marine Commercial Zone, Planning and Zoning staff prepared conceptual site plans for redevelopment of five or six prominent properties within the zone. The purpose of this conceptual planning exercise was to confirm that mixed use redevelopment projects incorporating retail, residential, and water-dependent uses were feasible on those properties in accordance with the Marine Commercial Zoning requirements. This feasibility was confirmed by the exercise.

Town of Stratford: Stratford's Waterfront Business (WF) District enables marine (water-dependent) uses as well as mixed use waterfront projects with restaurants and retail and service establishments. The minimum lot area is 10,000 square feet (less than $\frac{1}{4}$ acre) for both marine uses and mixed uses within the zone. The Town Planner says this minimum lot area is probably too small; it is a carry-over, he says, from the previous commercial zoning requirements that applied to waterfront sites. Most of the sites included in the WF District are one to five acres in size.

As in Norwalk, Stratford zoning officials began with the basic policy decision to provide opportunity for some nonwater-dependent use that is secondary to, and supportive of, the primary water-dependent site use. After making this decision, they amended the Zoning Map to apply the new zoning district to specific waterfront sites. The Town Planner says that the Zoning Map was amended within a year and a half of adoption of the new regulation.

Town of East Lyme: East Lyme's experience is similar to Norwalk's and Stratford's. The Town Planner says that zoning officials first agreed on the concept of a Marine Commercial (CM) District; this agreement was reached without any detailed consideration of the size and shape of waterfront properties. The zone allows for mixed use development with some combination of retail, office, restaurant, residential, and other uses in addition to the principal water-dependent site use. A basic purpose of the zone, however, is not to promote new development but to emphasize and maintain the Town's existing water-dependent uses. The zone is applied to a relatively small section of the Town's overall waterfront formerly part of the Town's Central Business District (CBD) Zone. The parcels affected are generally under one acre in size. The minimum

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lot area specified in the CM District is 10,000 square feet; the Town Planner says this is a carry-over from the previous CBD zoning.

Town of Waterford: In Waterford, the Town's Waterfront Development (WD) District encompasses parcels described by the Town Planner as mostly well under one acre in size. The Town Planner says that the minimum lot size of 20,000 square feet specified in the zoning regulation was determined after some preliminary planning analysis of parking, buffer, and other site development considerations. He now thinks that this minimum requirement may be too small, especially since large buffers may be appropriate between some adjoining properties.

Town of Groton: Groton's Director of Planning describes most of the properties included in the Town's Waterfront Design District (WDD) as "postage-stamp" lots that he says were already developed when the zone was enacted. There is no minimum lot size requirement in the WDD. This district permits any residential, office, or commercial use or mix of uses not detrimental to the unique waterfront character of the district. An important purpose of this regulation is to enhance and preserve physical and visual public access to the water; protection of existing water-dependent uses is not emphasized.

CONCLUDING OBSERVATIONS

In conclusion, I offer the following observations based on my additional research:

- The municipalities contacted did not decide on the uses to include in their waterfront zoning districts based on analysis of lot size and shape.
- Contacted officials believe that both water-dependent and nonwater-dependent uses may be accommodated on relatively small lots (e.g., an acre or less).
- Information obtained from contacted officials does not enable any substantial conclusions concerning the effect of lot size and shape on the development of viable site plans for water-dependent and nonwater-dependent uses.
- Waterfront planning studies and establishment of Town goals for future waterfront use and development (a "waterfront vision") should be completed prior to any decisions concerning the need to amend the existing Town of Greenwich Waterfront Business (WB) Zone.
- If, following amendment of the Town Plan of Development and Conservation, it is determined that some amendment of the existing WB Zone is needed to achieve planning goals, the Planning and Zoning Commission may wish to conduct some concep-

tual site planning exercises to determine the feasibility of accommodating alternative uses that are secondary to, and supportive of, the principal water-dependent uses on the WB sites.

I hope the preceding information is helpful. If you have any questions or require any additional information, please call me.

It should be added that I provided copies of the "Report on Zoning by Connecticut Municipalities to Address Coastal Management Issues of Water-Dependency and Public Access" to all persons interviewed for that report. I asked to be provided with comments concerning any additions or corrections that might be needed; no comments were received.

DRAFT

RECEIVED

OCT 19 2015

**PLANNING & ZONING
COMMISSION**

**REPORT ON ZONING
BY CONNECTICUT MUNICIPALITIES
TO ADDRESS COASTAL MANAGEMENT ISSUES
OF WATER-DEPENDENCY AND PUBLIC ACCESS**

Prepared For:

PLANNING AND ZONING COMMISSION
Greenwich, Connecticut

Prepared By:

GEOFFREY STEADMAN
Westport, Connecticut

February 1997

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INTRODUCTION

The Town of Greenwich Planning and Zoning Commission in 1997 is reviewing and updating the Town Plan of Development and Conservation. As part of this work, the Commission is reviewing the zoning requirements of the Town's Waterfront Business (WB) Zone. The WB Zone (Section 6-107 of the Greenwich Municipal Code) is applied to four separate locations on the Greenwich coastline. The policy of the Commission as stated in the WB Zone regulations is "to control the uses and intensity of development in the Waterfront Business Zone so as to enhance the value of waterfront land for the intended purpose of retaining and encouraging commercial uses which depend on a waterfront location while protecting natural resources."

Uses permitted in the WB Zone are water-dependent uses such as recreational and commercial boating and fishing facilities, water-based recreational uses, and dock and port facilities. Specified uses that provide accessory, subordinate, or supportive services to a water-dependent use may be permitted by a Special Permit granted by the Commission. Nonwater-dependent uses such as office, retail, and residential uses are not permitted in the WB Zone.

During a public meeting held by the Commission on December 17, 1996 to hear public comments on coastal management issues affecting the Town Plan of Conservation and Development, waterfront property owners and others remarked that the WB Zone is overly restrictive with respect to the uses permitted. As a result, those speakers said, waterfront properties have been devalued, the viability of existing boating facilities is threatened, and the zone has had an overall negative effect on waterfront locations. Some speakers suggested that the WB regulations be amended to allow other uses that are not water-dependent but which will enhance property values and stimulate beneficial development; others expressed the opinion that if the existing regulations are relaxed, increased development could have adverse impacts on adjoining neighborhoods, including impacts caused by increased traffic and loss of visual and physical access to the water.

To obtain additional information useful for decision-making purposes, the Commission retained Geoffrey Steadman (the consultant) to conduct a brief study of the zoning approaches used by other Connecticut municipalities to address issues of water-dependency and public access to the tidal shoreline. Limitations of time and budget precluded a comprehensive review of the zoning regulations of all 41 municipal jurisdictions in the State's coastal area. The consultant selected ten municipalities for investigation; these were selected based on the consultant's ongoing and previous experience on planning projects for those municipalities and on recommendations from the Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection (DEP). The OLISP is responsible for overseeing the Connecticut Coastal Management Program and is familiar with the zoning approaches used by all of the State's coastal municipalities to address coastal management issues.

The consultant conducted personal and/or telephone interviews with planning officials from the selected municipalities, OLISP officials, and others familiar with waterfront development conditions in Connecticut. Relevant sections of the zoning regulations of the selected municipalities were obtained and reviewed. This report presents the results of the consultant's research.

BACKGROUND INFORMATION CONCERNING ISSUES OF WATER-DEPENDENCY AND PUBLIC ACCESS

Connecticut Coastal Management Act

In Connecticut, impetus for municipalities to consider issues of water-dependency and public access to tidal waters is provided by the Connecticut Coastal Management Act (CCMA). This legislation, included in Connecticut General Statutes Sec. 22a-90 to Sec. 22a-112, took effect on January 1, 1980 and establishes a State-wide program for coastal resources management. The CCMA establishes legislative goals and policies for coastal management; it defines coastal resources, a coastal management boundary, and State and local responsibilities for implementing the legislation. The CCMA gives the coastal municipalities broad duties and responsibilities for implementation, largely through local land use authorities.

The Connecticut Commissioner of Environmental Protection is responsible on an ongoing basis for assisting the coastal municipalities with carrying out their responsibilities for implementing the CCMA. This assistance generally is provided through the Office of Long Island Sound Programs (OLISP) of the Department of Environmental Protection (DEP).

Coastal Boundary

The coastal boundary established by the CCMA marks the inland extent of the area within which the provisions of the Act apply. This boundary is a continuous line delineated by a 1,000-foot setback from mean high water, or by a 1,000-foot setback from the inland boundary of State-regulated tidal wetlands, or by the inland boundary of the "100-year" floodplain, whichever is farthest inland. (Connecticut General Statutes Sec. 22a-94.) With authority provided by the CCMA, the Greenwich Planning and Zoning Commission adjusted the State-delineated boundary to follow nearby property lines but always including all of the area outlined by the State-delineated boundary. The Planning and Zoning Commission adopted the adjusted boundary in the form of a Coastal Overlay Zone included in the Greenwich Building Zone Regulations. (Sec. 6-111 of the Greenwich Municipal Code.) The Coastal Overlay Zone encompasses all of the property in the Town of Greenwich subject to the regulatory, development, and planning standards of the CCMA.

Coastal Site Plan Review

The CCMA requires that municipalities undertake "coastal site plan reviews" of all major projects or activities proposed within the coastal boundary. (Connecticut General Statutes Sec. 22a-115.) Planning and zoning commissions and zoning boards of appeal conduct these reviews in the course of their normal responsibilities for reviewing site plans and applications. In addition to determining the consistency of a proposed action with respect to local planning and zoning requirements, the municipal commission or board reviewing a coastal site plan must determine whether or not the potential adverse impacts of the proposed action on both coastal resources and future water-dependent development activities (see below) are acceptable. The Town's requirements for coastal site plan review, carried out in accordance with the CCMA, are established in the Greenwich Building Zone Regulations. (Sec. 6-111 of the Greenwich Municipal Code.) Applications for building permits, subdivisions, rezoning, special permits, and municipal improvements are among the activities subject to coastal site plan review by the Planning and Zoning Commission and, as applicable, the Planning and Zoning Board of Appeals.

A municipality is not required by the CCMA to provide the DEP with the applications received by the municipality for coastal site plan review, excepting applications for shoreline flood and erosion control structures (including bulkheads, canals, and breakwaters) received by the zoning commission; those applications must also be reviewed by the OLISP. (Connecticut General Statutes Sec. 22a-109(d).) Local planning and zoning officials interviewed for this report say they may seek input from the OLISP in the course of reviewing specific coastal site plan review applications. Those officials say the OLISP's comments are often helpful, although sometimes the OLISP has expressed disagreement and threatened to appeal a municipal decision; the local officials also say that in all instances the final decision has been the municipality's. The Commissioner of Environmental Protection (acting through the OLISP) is empowered to appear at any hearing on a coastal site plan review and appeal any coastal site plan review decision by a municipality. (Connecticut General Statutes Sec. 22a-110.) The Assistant Director of the OLISP reports that the OLISP has intervened in coastal site plan review decisions but that all disagreements with municipal decisions have been resolved short of court action.

Planning and Zoning Revisions and the Municipal Coastal Program

In addition to the mandatory coastal site plan review process, the CCMA provides for the voluntary development, by each coastal municipality, of a Municipal Coastal Program (MCP). (Connecticut General Statutes 22a-101.) The purpose of the MCP is to implement the policies and provisions of the CCMA through local land use plans and regulations, thereby reflecting local conditions and providing more specific guidance to coastal area property owners and developers. If a municipality chooses to develop a MCP, it must revise its plan of conservation and development as well as its zoning and other land use regulations affecting the area within the coastal boundary. The CCMA specifies the criteria and process for such revisions. For example, a municipal planning commission may revise the local plan of conservation and development by modifying policies and recommendations for coastal land use; zoning regulations must then be amended to conform to and effect the revised planning provisions.

In 1997, the OLISP reports that 35 of the 41 municipal units along the Connecticut coast have completed MCPs. The Town of Greenwich is one of the six coastal communities that have not developed a MCP; the Town has, however, established a Waterfront Business Zone (see below) which serves to implement goals and policies of the CCMA.¹

Proposed planning and zoning revisions affecting the area within the coastal boundary are not subject to the coastal site plan review process. Any proposed revisions, however, regardless of whether the municipality has developed a MCP, must be consistent with the goals and policies of the CCMA. Also, any proposed revisions must be submitted to the Commissioner of Environmental Protection for review and comments. (Connecticut General Statutes Sec. 22a-104(e).) The Commissioner is empowered to appeal any municipal decision concerning such revisions if he or she judges the revisions to be contrary to the CCMA. (Connecticut General Statutes Sec. 22a-110.) While the Commissioner (acting through the OLISP) comments on proposed planning and zoning revisions, the Assistant Director of the OLISP does not recall any legal action brought by the Commissioner against a municipality with respect to a zoning decision.

¹ The other communities that have not developed MCPs are East Haven, Hamden, Lyme, Madison, and North Haven.

Water-Dependent and Public Access Provisions of the CCMA

One of the most significant provisions of the CCMA concerns the priority and preference that must be given to water-dependent uses. A basic legislative policy is “To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters.” (Connecticut General Statutes Sec. 22a-92(a)(3).) Another basic policy is “To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state... siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas.” (Connecticut General Statutes Sec. 22a-92(b)(1).)

The CCMA contains the following definition of “water-dependent uses”:

Water-dependent uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water and which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93(16).)

A notable feature of this definition is that a use or facility is water-dependent if it provides general public access to marine or tidal waters.

In accordance with the CCMA, when a local commission or board reviews a coastal site plan, it must “determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.” (Connecticut General Statutes Sec. 22a-106(a).)

Adverse impacts on future water-dependent development activities are defined by the CCMA as including but not limited to:

(A) locating a non-water-dependent use at a site that (i) is physically suited for a water-dependent use for which there is a reasonable demand or (ii) has been identified for a water-dependent use in the plan of development of the municipality or the zoning regulations; (B) replacement of a water-dependent use with a non-water-dependent use, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters. (Connecticut General Statutes Sec. 22a-93(17).)

Evaluating Water-Dependency

It is through the coastal site plan review process that development proposals for shorefront areas are evaluated locally to determine if they are water-dependent and therefore consistent with the CCMA and any applicable planning and zoning requirements. Evaluating water-dependency, however, (and determining whether or not the potential adverse impacts of a proposed project on future water-dependent development activities are acceptable) may require some difficult decisions and interpretations by the responsible commission or board. The difficulty arises in large part because: 1) the CCMA defines water-dependent uses to include “uses which provide general public access to marine and tidal waters”; and 2)

current economic and regulatory conditions in Connecticut may limit the possibilities for development of truly water-dependent uses as the principal uses of waterfront sites. (“Truly water-dependent uses” are not defined by the CCMA, but are often described as marinas, boatyards, fishing facilities, and other water-dependent uses that are distinguished from uses that are water-dependent by virtue of providing public access.)

As a result, the CCMA policies favoring water-dependent use of shorefront areas have been the subject of some controversy and different interpretations. Officials of the OLISP have stated that proposals for nonwater-dependent uses (such as waterfront condominiums and offices) should not automatically be considered water-dependent simply because opportunities and facilities for public access are provided. (In other words, those officials seemed to say the public access provisions must be substantial and meaningful enough for the proposal to be considered water-dependent.) Also, some OLISP officials have interpreted the CCMA as requiring that public access in a waterfront development proposal can only be considered if the particular site is not suitable, because of topographic or resource constraints, for other types of water-dependent uses. (The CCMA, however, requires only that local commissions or boards consider site characteristics when determining adverse impacts on future water-dependent development opportunities.) Some OLISP officials have stated that public access does not make a nonwater-dependent use water-dependent, but rather adds a water-dependent component that may render a project approvable. (This statement is not reflected in the language of the CCMA.) More recently, OLISP officials interviewed for this report acknowledge the constraints imposed by land values and other economic considerations on opportunities for development of truly water-dependent uses.

Two significant issues of concern to municipal officials evaluating the water-dependency of proposed waterfront development projects are: 1) how to ensure that well-designed and meaningful provisions for public access are incorporated into development that is otherwise not water-dependent; and 2) how to retain and encourage truly water-dependent uses such as recreational boating, commercial fishing, and other uses that require direct access to the water.

Obtaining Public Access

Through application of the CCMA’s water-dependent use policies and local zoning requirements, municipalities have the opportunity to obtain substantial public access provisions from private developers, including, but not limited to, public access walkways and boardwalks, fishing piers, and recreational boating facilities and services. This is a particularly significant opportunity since current economic, regulatory, and other conditions may function as major constraints to the development of truly water-dependent uses as new principal uses of waterfront land. A number of important questions pertinent to the review of future waterfront development proposals and the provision of public access must be addressed. These questions include: How much access should be required? How to ensure that it is well-designed? How to link and coordinate public amenities provided at different sites into a useful and meaningful waterfront experience? How to ensure that access provided remains open to the public in the future?

Local planning officials interviewed for this report point out that the CCMA does not include specific standards or guidelines for answering these questions. In the absence of pre-established answers, local officials responsible for reviewing waterfront development proposals for consistency with CCMA policies must seek to answer the key questions as best they can, usually on a case-by-case basis. Also, developers required to provide public access typically express legitimate concerns over costs, site planning considerations, security, liability, and other issues.

The Assistant Director of the OLISP is aware of only one case decided in the Connecticut courts which addresses a municipality's requirement for public access as a condition of coastal site plan approval. This is the case of *Louis DeBeradinis v. Zoning Commission of the City of Norwalk et al.* In this case, decided in January 1994, the plaintiff had filed an application with the Norwalk Zoning Commission for coastal site plan approval. The application was to expand a construction materials recycling operation on a waterfront site. The DEP commented that the proposed expansion was not a water-dependent use but could be made water-dependent by addition of a public access walkway along the Norwalk River. The Zoning Commission granted approval, subject to several conditions, including the plaintiff's immediate granting of a 15-foot wide public access easement. Construction of the actual walkway was to be delayed until a future date after the plaintiff finished using its property as a recycling operation. The plaintiff appealed that decision, arguing in part that the Zoning Commission's public access requirement was a taking without compensation in violation of the U.S. Constitution. The Superior Court reversed the Zoning Commission's decision, but not in the manner that the plaintiff argued for. The Court voided approval of the plaintiff's entire application for the reason that the Zoning Commission's public access condition did not mitigate the potential adverse impacts of the plaintiff's plan on future water-dependent activities as required by the CCMA. The plaintiff then appealed the Superior Court's decision which was subsequently upheld by the Appeals Court. Since the plaintiff failed to show that the Zoning Commission would not allow any reasonable use of the subject property, the Appeals Court held there was no merit to the plaintiff's claim that the imposition of the public access condition resulted in an unconstitutional taking of property. The Appeals Court also found there was substantial evidence to support the Zoning Commission's finding, in accordance with the CCMA, that the plaintiff's plan for a nonwater-dependent use had potential adverse impacts on future water-dependent development opportunities. Further, the Appeals Court held that the Superior Court's invalidation of the public access condition because it was insufficient to mitigate the potential adverse impacts required reversal of the Commission's entire decision.

Liability issues associated with coastal public access provisions are of particular interest in 1997, following the July 1996 ruling by the Connecticut Supreme Court in the *Conway v. Wilton* case. That decision removed the previously enjoyed municipal immunity from lawsuits arising from injuries sustained on municipally owned recreational land. Prior to the Court's ruling, municipalities had enjoyed immunity under the State's recreational use statutes which hold, in part, that "an owner of land who, directly or indirectly, invites or permits without charge, rent, fee or other commercial service any person to use the land, or part thereof, for recreational purposes does not thereby: 1) make any representation that the premises are safe for any purpose; 2) confer upon the person who enters or uses the land for recreational purposes the legal status of an invitee or licensee to whom a duty of care is owed; or 3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of the owners." (Connecticut General Statutes Sec. 52-557g.) (This statute does not limit liability for wilful or malicious failure of the owners to guard or warn against a dangerous condition.) Past interpretations had deemed that municipalities enjoyed the same protection under this statute as private landowners. In *Conway v. Wilton*, however, the Supreme Court ruled that the statute did not apply to municipalities.

According to the Assistant Director of the OLISP, the immunity provided to private landowners who do not charge a fee for recreational use of their property remains in effect, and this immunity covers waterfront property owners who provide waterfront walkways and other opportunities for public access to marine and tidal waters. The Assistant Director also reports that in 1997 the Connecticut Legislature is considering a number of bills that would restore municipal immunity.

Retaining and Encouraging Truly Water-Dependent Uses

Efforts to retain existing, truly water-dependent uses as well as opportunities for future water-dependent development in accordance with the CCMA are influenced by economic and regulatory conditions. To help consider those conditions, seen as major constraints to the development of new, truly water-dependent uses, it is useful to look at some of the recent history of waterfront development in Connecticut.

During the economic boom of the 1980's there was considerable demand in many coastal communities for waterfront housing, office, and retail development. Rising waterfront land values and property taxes pressured owners of truly water-dependent businesses, including smaller boat service facilities, to sell their properties or redevelop them with more intensive income-generating uses. There was a resulting displacement of traditional boatyards and other truly water-dependent facilities with nonwater-dependent development such as residential condominium and professional office projects. Many of these projects incorporated marina and public access facilities as ancillary components. There was concern by State and local officials and others that such redevelopment would result in reduction of needed boat maintenance, repair, and storage facilities and have other adverse effects on the public interest.²

When discussing the displacement of marine uses and the anticipated impacts, consideration should be given to the different types and functions of water-dependent facilities, including boatyards and marinas. The main function of a marina, for example, may be viewed in terms of providing boat dockage and related services; the main function of a boatyard may be viewed in terms of the repair of boats and related services. Other than necessary parking and perhaps launching and hauling areas, marina facilities do not need significant amounts of dry land area and, as shown by successful waterfront development projects throughout the country, can be operated viably as adjuncts of other, primary site uses that are not water-dependent. As long as proper control of access to docks is maintained, adequate support facilities provided, security issues addressed, and capable management retained, such marina facilities are normally an enhancement factor in mixed-use waterfront development projects.

While successful integration of marina facilities with larger nonwater-dependent development projects is relatively common, successful integration of boatyard facilities with nonwater-dependent development projects is less common. Unlike marina facilities that do not need significant amounts of land, boatyard activities require larger areas for on-land boat storage and maintenance, repair, and service work. This land requirement may preclude additional, nonwater-dependent use of the same site. Also, boatyard activities such as hauling, sanding, painting, and fuel storage may present a hazardous environment when combined with other, nonboatyard activities. In the 1980's, it became difficult for many boatyards to cover the increasing costs of waterfront occupancy; as a result, a disappearing trend throughout much of

² In response to the displacement of traditional waterfront uses in the 1980's, the New England-New York Coastal Zone Task Force representing the coastal management programs of the New England coastal states and New York State commissioned a study to assess the economics of water-dependent uses and practical approaches to their protection. In the 1989 Executive Summary of the *North Atlantic Water Dependent Use Study* prepared by the Marine Law Institute of the University of Maine School of Law, the Task Force presented its basic premise that protection of water-dependent uses is in the public interest and stated that "While many areas of our coastlines cannot support active water dependent uses due to physical or environmental constraints, those areas which are suitable for water dependent uses require a measure of special protection not unlike farmlands or fragile resource areas such as wetlands or beaches." Among the study's conclusions were that the loss of water-dependent uses to nonmarine uses makes protection of the remaining sites for water-dependent uses particularly important, that pressures for conversion (from water-dependent to nonwater-dependent uses) will continue, and that coastal communities need to develop proactive strategies to achieve local goals and objectives for waterfront use and development.

the northeast became evident. That trend raised some complex questions. For example, if regional demand for boating facilities continued to increase (as it did in the 1980's) and the total number of marina slips increased (as it did), but nonwater-dependent uses continued to replace traditional boat service, maintenance, and repair yards in many locations, what might be the long term impact of this loss of traditional boatyards on the region's multi-million dollar recreational boating industry? That impact, it appears, was never determined. Persons familiar with the recreational boating industry in Connecticut report that the demand for boating facilities peaked in the late 1980's and has declined in the 1990's. In 1997, they say, there no longer appears to be a trend of displacement of traditional boatyard facilities. "There are no more free-spending developers buying up marinas and no people buying boats without knowing why they are buying boats" as there were in the '80's, according to one industry consultant.

The Executive Director of the Connecticut Marine Trades Association (CMTA) says that boating demand appears to be slowly rebounding in 1997, more so in the western part of the State than in the eastern part, and that this is a natural rebound from the relatively distressed economic conditions of the early 1990's. While this optimistic view is not shared by everyone contacted, all agree that economic and regulatory factors are important constraints to development of new boating facilities and expansion of existing facilities. The Executive Director of the CMTA says that prohibitive regulatory requirements at the State level (presumably with respect to permits for dredging and in-water structures) is a major reason for the lack of development activity. The regulatory requirements in 1997, he says, are more stringent than they were ten years ago. It should also be noted that locations most suitable for development of boating facilities have generally been developed, particularly in western Connecticut where there was more building of boatyard and marina facilities at an earlier time than there was in eastern Connecticut. The need to protect wetlands and intertidal flats and the presence of other environmental and physical constraints now limit the possibilities for development of new sites and expansion of existing facilities.

The Executive Director of the CMTA reports that most of the proposals for recreational boating facilities now being seen in Connecticut are for reconfiguration and/or enhancement of existing facilities. Officials of the OLISP agree. They are not seeing as many applications for projects as they did in the 1980's; nor are they seeing proposals for large projects as they once did. In general, OLISP officials say that the permit applications for waterfront development now being receiving can be categorized as: 1) proposals for reconfiguration or other improvement of existing marina facilities; or 2) proposals for nonwater-dependent development with a public access component. The OLISP officials contacted for the purpose of this report are aware of no recent proposals for development of new boating facilities along the Connecticut coast.

Town of Greenwich Waterfront Business Zone

Recognizing the importance of retaining waterfront land for the uses that truly depend on a waterfront location, the Greenwich Planning and Zoning Commission in 1987 established the Town's Waterfront Business (WB) Zone. (Section 6-107 of the Greenwich Municipal Code.) This zone is applied to four separate locations on the Greenwich coastline. Among the stated purposes of the zone is to implement the goals of the CCMA and assure that limited waterfront areas are reserved for the uses they are uniquely suited for and not pre-empted by uses which can be more appropriately located elsewhere.

Uses permitted in the WB Zone are truly water-dependent uses such as recreational and commercial boating and fishing facilities, water-based recreational uses, and dock and port facilities. Specified uses that provide accessory, subordinate, or supportive services to a water-dependent use may be permitted by a Special Permit granted by the Commission. Nonwater-dependent uses such as office, retail, and residential uses are not permitted in the WB Zone.

During a public meeting held by the Commission on December 17, 1996 to hear public comments on coastal management issues affecting the Town Plan of Conservation and Development, waterfront property owners and others remarked that the WB Zone is overly restrictive with respect to the uses permitted. As a result, those speakers said, waterfront properties have been devalued, the viability of existing boating facilities is threatened, and the zone has had an overall negative effect on waterfront locations. Some speakers suggested that the WB regulations be amended to allow other uses that are not water-dependent but which will enhance property values and stimulate beneficial development; others expressed the opinion that if the existing regulations are relaxed, increased development could have adverse impacts on the adjoining neighborhoods, including impacts caused by increased traffic and loss of visual and physical access to the water.

Similar issues have been raised and discussed in other Connecticut towns that have established waterfront business zones or comparable zones for the purpose of protecting and encouraging water-dependent uses. Some of the experiences of those towns and the resulting zoning requirements applied to accomplish objectives similar to the objectives of the Greenwich Planning and Zoning Commission are instructive, and are described in the following section of this report.

EXPERIENCE OF CONNECTICUT MUNICIPALITIES

City of Stamford³

The City of Stamford has significant experience addressing issues of water-dependency and public access through zoning requirements. Of the municipalities contacted for this report, the City experienced the most intense pressures for waterfront redevelopment following passage of the Connecticut Coastal Management Act (CCMA). Those pressures, which focused primarily on the City's urban waterfront, have now been substantially reduced as a result of economic and other conditions. The zoning approaches developed by the City in response to the redevelopment pressures and the CCMA are seen as creative and instructive.

The two waterfront zones of interest are the Coastal Water-Dependent (C-WD) District and the Designed Waterfront Development (DW-D) District. Establishment of these districts was the last step in the process of developing the City's Municipal Coastal Program. The planning phase of the coastal program focused on the portion of the overall coastal area subject to the most development pressure. That portion—called the "coastal target area"—is essentially the urban waterfront adjoining the Stamford Inner Harbor. As part of the planning process, the concept (vision) of a pedestrian walkway along a major part of the waterfront was developed, the Master Plan map and land use categories were amended, and recommendations for rezoning were prepared. A Coastal Addendum to the Master Plan was adopted by the Planning Board.

The importance of completing the planning studies prior to rezoning is emphasized by local officials. This sequence is particularly significant in Stamford where the City Charter requires that the City's Zoning Map conform in all respects to the general land use patterns established in the Master Plan. As a result, the Zoning Map can not be changed without first changing the Master Plan Map.

³ City of Stamford information is from personal communication with Norman Cole, Principal Planner, and review of Sec. 4 AA 10 (C-WD Coastal Water-Dependent District), Sec. 7 T (Coastal Area Management Regulations), and Sec. 9 AAAA (DW-D Designed Waterfront Development District) of the Stamford Zoning Regulations.

The Stamford Zoning Board has experienced difficulty and confusion at times when applying the CCMA's water-dependent use policies. The Board has grappled with the CCMA because of the water-dependent use definition which includes uses that provide general public access to the water and because the Act does not contain any specific standards with respect to that access. Another factor that contributes to difficulty in applying the CCMA is the turnover of Board members; it takes time for the members to develop an understanding of the Act.

The Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection (DEP) has provided constructive and helpful comments in the course of the City's coastal site plan reviews. The OLISP, however, is not able to provide definitive answers to such difficult questions as "how much public access is required to make an otherwise nonwater-dependent development proposal water-dependent?" That decision must be made by the Zoning Board.

The "Coastal Area Management Regulations" section of the Stamford Zoning Regulations establishes the City's coastal site plan review requirements in accordance with the CCMA. Some municipalities (Westport and Groton, for example) believe the CCMA-required coastal site plan review process, by itself, provides a municipality with sufficient authority to address the water-dependency and public access issues. Stamford officials, however, felt uncomfortable relying only on the CCMA when making decisions concerning water-dependency and public access. For example, the Board did not want to be in the position of denying an application for a use permitted in the Zoning Regulations solely on the grounds that the proposed use was inconsistent with the CCMA. The Board wanted the base of its authority to be municipally established through specific zoning requirements. As a result, the C-WD and DW-D zones were established and City officials consider the Zoning Regulations, not the CCMA, to be the chief instrument of authority for addressing issues of water-dependency and public access in Stamford.

The C-WD District is a restrictive waterfront zone intended, in part, to control speculative office and residential development in the 1980's which would have detracted from City efforts to enhance the Central Business District and conflicted with the goals of the CCMA.

The purpose of the C-WD District is "to set aside and protect areas which have been or may be developed predominantly for water dependent industrial and commercial uses and to preserve and encourage such uses which are dependent upon water-borne shipping and receiving or otherwise require waterfront access. Certain other uses are permitted by special exception provided that no displacement of existing water dependent use occurs..."

Authorized uses in the C-WD District are the water-dependent uses defined in the CCMA except that provision of public access is not sufficient to determine water-dependency. Authorized uses therefore include: marinas; recreational and commercial fishing and boating facilities; finfish and shellfish processing plants; waterfront dock and port facilities; shipyards and boat building facilities; water-based recreational uses; and industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site.

The following nonwater-dependent uses may be approved by the Stamford Zoning Board as Special Exceptions: industrial uses; warehouses; retail, service establishments, and accessory uses when such uses are subordinate, incidental, and related to a water-dependent use; and facilities in the national interest.

No Special Exception may be granted that will replace, adversely impact, or displace any water-dependent use with a nonwater-dependent use. Any use approved by Special Exception must be located on the lot so that the water frontage is preserved for future structures and/or uses requiring direct water access.

Also, no Special Exception may be granted that will locate a nonwater-dependent use on a site that is: 1) physically suited for a water-dependent use for which there is a reasonable demand; or 2) identified for a water-dependent use on the Master Plan or in any other plan of development adopted by a City agency. Further, no Special Exception may be granted that will substantially reduce or inhibit existing public access to marine or tidal waters.

Several site development standards are specified in the C-WD District regulations. For example, public views to and along the water must be maintained and enhanced wherever possible through careful design and siting of structures; dedication of public accessways or provision of walkways and similar public amenities must be provided except where public safety would be at risk or where public access would conflict with the purpose of the District to set aside and protect areas which have been or may be developed predominantly for water-dependent industrial and commercial uses; and provision must be made to prevent trespass onto adjacent private property from public access areas. The maximum allowed building coverage is 50% and the maximum building height is four stories/50 feet.

Because of the restrictiveness of the C-WD District which applies to much of the City's urban waterfront, there have not been major proposals for redevelopment of C-WD properties. In fact, only two applications for water-dependent projects have been received and these were considered minor in scope. The C-WD District is described as functioning well as a "holding zone" and the existing water-dependent businesses have continued operation.

Significant opportunities for waterfront redevelopment in Stamford, however, are provided by the DW-D District. Properties within the C-WD District that are at least three acres in area and meet other criteria may be considered for designation as a DW-D District, a more flexible District with respect to permitted uses. The DW-D District is essentially a "floating" zone, subject to special standards and review procedures, but allowing more development opportunities than the CW-D District.

The purpose of Stamford's DW-D District is "to provide for and encourage the most appropriate use and development of waterfront property, giving highest priority and preference to water dependent uses on sites that are physically suited for such uses and for which there is a reasonable demand, consistent with the policies of the Connecticut Coastal Management Act." One objective of the District to promote uses which maximize opportunity for public access to and enjoyment of waterfront areas without conflicting with viable existing water-dependent uses or sites highly suitable for other water-dependent uses. Another objective is to encourage harbor revitalization measures that emphasize the waterfront as a public pedestrian district connecting the shorefront with the adjacent neighborhoods and the Central Business District.

All uses in the DW-D District must be approved through issuance of a Special Exception by the Zoning Board. Uses permitted within the C-WD District and all uses permitted within the City's Commercial Shorefront (CS) District (including restaurants, multi-family dwellings, business and professional offices, and retail establishments, and excluding one family dwellings, auto sales, and other uses) may be approved by issuance of a Special Exception, when the Zoning Board, in its sole discretion, determines such uses to be appropriate.

Preference is given to uses that encourage public access and provide public waterfront amenities and attractive walkways. If a site contains an existing, viable water-dependent use as defined by the CW-D District regulations, that use is to be retained. The Zoning Board may, however, authorize the modification, reduction, or elimination of an existing water-dependent use provided that certain conditions are met, including:

- Demonstration by the applicant, with full disclosure of all pertinent financial and other information, that the existing use is no longer viable under the existing zoning;
- Submittal by the applicant of a professionally prepared market study and economic analysis of the site's potential to support a water-dependent use under the existing zoning; and
- Demonstration by the applicant that alternatives to the existing type or location of the water-dependent use will allow an appropriate level of service or activity to continue in accordance with the purposes of the DW-D District and Stamford's Municipal Coastal Program.

Within the DW-D District, maximum building coverage is limited to 25% of the lot area; floating docks, boardwalks, canopies, and other structures designed to encourage public access to the waterfront are not considered building coverage. The maximum building height is six stories/70 feet.

Unless waived or modified by the Stamford Zoning Board, public access to the waterfront must be ensured through dedication of a permanent easement area encompassing the area of land extending from the mean high water mark, or limit of any walkway provided, to a point 30 feet inland. The easement must connect to any access easements on adjacent property and also extend to a public street or right-of-way in a manner providing safe and convenient public access.

Also, design, placement, arrangement, setback, height, and bulk of buildings and structures, and related site improvements must protect and enhance visual access to the harbor from public rights-of-way, views along the water's edge, and the quality of principal public views of the overall site. No more than 50% of the site length measured parallel to the shoreline may be occupied by structures. To permit and encourage variety and flexibility in site design and achieve the purposes of the DW-D District, these and other established standards may be waived by the Zoning Board under certain conditions.

Upon completion of a specified pre-application review procedure, an applicant may apply, to the Zoning Board, for: 1) establishment of a DW-D District; 2) issuance of a Special Exception; 3) approval of general development plans; and 4) coastal site plan review approval. All of these applications are to be submitted to and acted on in common by the Zoning Board. Upon recording of the approved general development plans, the DW-D District will be considered to be established and the Zoning Map will be amended to show the boundaries of the DW-D District.

To date, there have been four applications for establishment of the DW-D District. Each review process involved substantial negotiations between the City and project proponents. Only two projects have been built: the Village at Stamford Landing (on the West Branch of Stamford Harbor) and Harbor House (on the East Branch). These are primarily residential projects with public access and marina components.

The two other applications—for redevelopment of the Yacht Haven West boatyard and Hoffman Fuel property—were much larger and more significant proposals involving large public meetings. With respect to the Hoffman Fuel project, delegates from the adjoining neighborhood were invited by City officials to attend the meetings involving the developers. Representatives from the DEP also participated. During this review process it was clearly evident that there is no formula that may be applied to determine the

type and extent of public access amenities that will make an otherwise nonwater-dependent project (a residential project in this case) water-dependent under the CCMA. City officials discussed a number of amenities with the developer, including dock space for a public excursion vessel. Agreements were reached whereby the developer would provide boat slips, a boardwalk over a protected salt marsh, \$250,000 for improvements at nearby Southfield Park, an amphitheater on the site, and other amenities. The project was ultimately approved and the Zoning Map changed to apply the DW-D District; there was no existing boatyard to be displaced and removal of the existing oil storage tanks was seen as a desirable goal. The project, however, was never constructed because of changes in the market forces impacting residential construction. The parcel remains zoned DW-D, however, and the existing fuel oil storage operation is now a nonconforming use.

The proposal for redevelopment of the Yacht Haven West boatyard with residential development as the principal site use was denied by the Zoning Board. This denial reflected concern over a number of site development issues and coastal management concerns identified in a special planning study commissioned by the City in response to the first redevelopment proposal prepared for this site.

Stamford officials describe the DW-D District as “incentive zoning.” “We have to give up something to get something,” one official remarks. “In most cases you can’t get public access without redevelopment, but we have to be careful not to give up too much in terms of bulk, intensity, or water-dependent uses.”

The City’s Principal Planner remarks that the City’s approach to obtaining public access provisions and addressing the water-dependency questions requires active and skillful involvement by the City’s planning and zoning boards and staff. This process begins with a required preapplication conference and ends with the Zoning Board’s decision. Although aggressive requirements for public access have been established in the Zoning Regulations, these are considered minimum requirements that leave room for negotiation.

Any coastal site plan approval for which a full building permit has not been issued within one year from the approval date becomes null and void, provided that the Zoning Board may grant not more than three one-year extensions of the expiration date. For large projects of a specified size to be constructed in phases, the Board may authorize at the time of initial coastal site plan approval a timetable with longer intervals of time to secure building permits.

City of Norwalk⁴

The City of Norwalk also has some significant experience addressing issues of water-dependency and public access through zoning requirements. The City was the first Connecticut municipality to complete a Municipal Coastal Program including revisions to the Plan of Development and Zoning Regulations to achieve consistency with the goals of the CCMA. Prior to enactment of current waterfront zoning requirements, the City addressed issues of water-dependency and public access through negotiation with project proponents. This negotiation was conducted during the coastal site plan review process. The “Coastal Zone” section of the Norwalk Building Zone Regulations establishes the City’s coastal site plan review requirements.

⁴ City of Norwalk information is from personal communication with Michael Greene, Director of Planning and Zoning, and review of Article 111 (Coastal Zone), Sec. 118-504 (Central Business Design District), Sec. 118-505 (Marine Commercial Zone), Sec. 118-510 (Neighborhood Business Zone), Sec. 118-501 (Washington Street Design District), and Sec. 118-700 (Industrial Zone No. 1) of the Norwalk Building Zone Regulations.

Two examples of negotiated public access are cited. Both proposals, for office developments on the east bank of the Norwalk River, met the zoning requirements in place at the time. However, the Planning and Zoning Commission found that the proposed projects did not meet the requirements of the CCMA. One project—the Shorepoint office building just south of I-95—resulted in the displacement of an existing boatyard. The proposal included a marina component but the Commission required public access provisions on the upland portion of the site as a condition of approving the nonwater-dependent aspect (the office development aspect) of the project. The developer provided a public access easement 10 to 15 feet wide to accommodate a footpath and bikeway. (The concept of a footpath and bikeway along the east bank of the Norwalk River is established in the City's Plan of Development.) A public access deck was also built. The easement specifies that the public access areas are to be open to the public from one hour before sunrise to one hour after sundown.

The developer of the second project (the 148 East Avenue office building) transferred title to the waterfront edge of this property to the City. At some future time the City plans to construct a boardwalk or other type of walkway/bikeway in this location.

Following its time-consuming experience negotiating to obtain public access, Norwalk officials concluded it is preferable to establish specific requirements for public access in the Zoning Regulations. Such requirements are now included in the City's Marine Commercial Zone which was established specifically to protect and encourage truly water-dependent uses.

The Marine Commercial Zone applies to the most concentrated areas of water-dependent uses in the City. The purpose of the zone is to: 1) "protect Norwalk's highest concentration of marine industries by preserving and enhancing existing water-dependent land uses and encouraging development which is compatible with the area's role as an active commercial harbor...Mixed use developments, such as complexes of offices, restaurants, shops, parks, promenades and residences which contribute to the preservation and enhancement of these water-dependent uses and which comply with established waterfront design guidelines are allowed by special permit"; and 2) encourage strong linkages between the waterfront and the South Norwalk Business District and unified development of the Cove Marina area.

Waterfront property and buildings in Norwalk's Marine Commercial Zone may be used for one or more of the following water-dependent uses: "marinas, water-based recreational uses, docks, and port facilities; recreational and commercial fishing and boating facilities; finfish and shellfish processing plants; shipyards, boat building and sales, and marine repair facilities; terminals for freight or passengers arriving or departing by ship, including ferry boats, excursion boats, and boat rental facilities; industrial, processing, and storage facilities dependent on waterborne transportation for the supply of product; waterfront clubs; marine research labs and related facilities; parks, open space, and public recreational facilities; marine police, harbormaster, and other marine enforcement agencies; and other water-dependent uses which require direct access to or location in marine or tidal waters and which cannot reasonably be located inland."

Accessory uses and structures customarily associated with the principal water-dependent use are permitted in the Marine Commercial Zone, including the sale of marine equipment or products, sail lofts, boat shows and related exhibitions or events, boat storage racks, dockside facilities for dispensing fuel, and restroom and laundry facilities for overnight patrons.

A number of Special Permit uses may be permitted provided that all Special Permit uses have suitable pedestrian access from an existing or proposed street, result in preservation and enhancement of water-dependent uses along the water's edge, and have shape, dimensions, character, and location to accomplish the purpose of the Marine Commercial Zone. The Special Permit uses are: multi-family dwellings, including elderly and congregate housing; restaurants and taverns, excluding drive-in facilities; offices; hotels; retail establishments and personal and business service establishments; public utility supply or storage facilities; and the expansion of an existing manufacturing use.

The Marine Commercial Zone regulations specify that new developments and additions to structures on lots adjacent to the water must provide public access along the waterfront. Such accessways must be at least 25 feet wide and in the form of landscaped walks, esplanades, boardwalks, or piers, of suitable design to encourage active use by the public, and must be dedicated as such in the deed to the property. Access from the street to the water must be provided, subject to approval by the Zoning Commission. Where access along the waterfront would, in the determination of the Commission, expose the public to hazardous conditions, the Commission may consider alternative forms of access to be provided. Reasonable time-of-day restrictions may be established regarding such public accessways where justified for reasons of security and public safety. The Marine Commercial Zone regulations specify that provision of public access to the waterfront does not, by itself, convert an otherwise nonwater-dependent use into a water-dependent use.

The present Marine Commercial Zone as it applies to the area of concentrated water-dependent uses between Water Street and Norwalk Harbor represents a compromise between City zoning officials and affected property owners. The City's first proposal for the Marine Commercial Zone would have preserved the truly water-dependent uses adjoining the Harbor while allowing for increased density of development on the portion of the property adjoining Water Street.

A reference document—"Norwalk Waterfront Design Guidelines"—was prepared in coordination with adoption of the Marine Commercial Zone and provides guidance for building siting and design, traffic circulation and pedestrian access, waterfront facilities, and site planning details.

Recent zoning approval of a new boat repair building at the Norwalk Cove Marina was conditioned on construction of a public access walkway along a portion of the property removed from active boat service and repair activities. The owners of the property recognize that this provision encourages patronage of the waterfront restaurant on the site.

Public access requirements are also specified in other zones along the Norwalk waterfront. New development on waterfront sites within the City's Industrial Zone No. 1, Central Business Design District, and Neighborhood Business Zone must provide public accessways with an average width of 15 feet and in the form of landscaped walks, boardwalks, or piers designed to encourage active use by the public. Within the Washington Street Design District, new development on waterfront sites must provide public access adjacent to the water; such access must average 20 feet in width but not be less than 10 feet in width, and be in the form of landscaped walks, esplanades, boardwalks, or piers of suitable width to encourage use by the general public.

The Director of Planning and Zoning emphasizes the importance of developing a waterfront plan prior to any modification of zoning regulations to achieve water-dependency and public access objectives.

It also should be noted here that the court decision in *Louis DeBeradinis v. Zoning Commission of the City of Norwalk et al* (described in the previous section of this report) is seen to confirm the authority of a municipality to require public access provisions as a condition of coastal site plan approval. This decision also confirmed the municipality's obligation to ensure that a development project does not have unacceptable adverse impacts on future water-dependent development opportunities.

Town of Westport⁵

The Town of Westport has not established a waterfront business/development zone. The current Town Plan of Development recommends creation of a new waterfront zone to encourage preservation of existing water-dependent uses and establishment of new water-dependent uses. That recommendation was developed through the Town's Municipal Coastal Program. The Planning and Zoning Commission is currently updating the Town Plan and may re-examine this recommendation.

The Town pursues public access to the water and addresses water-dependency issues through its coastal site plan review requirements. Those requirements are established in the "Coastal Area Regulations" section of the Westport Zoning Regulations. Town officials believe the CCMA-required coastal site plan review process, by itself, provides a municipality with sufficient authority to achieve public access objectives. (Other municipalities believe it is important to bolster the coastal site plan review authority with additional authority, locally established in the zoning requirements.)

The purpose of the Coastal Area Regulations section is "to: a) promote and encourage public access to and use of the waters of Long Island Sound, Saugatuck River, Sasco Creek, and other similar marine and tidal waters... and b) assure that development within the coastal area of Westport is accomplished in a manner which is consistent with the goals and policies of the [CCMA] and with the goals and policies of the Town of Westport Planning and Zoning Commission."

The OLISP has commented on coastal site plan reviews conducted by the Planning and Zoning Commission. In one case, the OLISP argued that public access provisions should be included in a residential development proposal. The Planning and Zoning Commission disagreed and did not require such provisions. While the OLISP did not appeal the Commission's decision, the Town Planner remarks that an appeal might have been expected if the site in question was otherwise suited for a water-dependent use. The Planning and Zoning Commission does not think public access provisions are appropriate in residential areas.

Water-dependent uses are defined in the Coastal Area Regulations section of the Zoning Regulations as those uses defined in the CCMA, except that "a use that is water-dependent by virtue of providing general public access to marine and tidal waters only shall also provide three or more of the following amenities for general public use in any nonresidential zone and shall require same for all Special Permit uses in any residential zone, except an Accessory Apartment."

- a) open space easement for passive public use;
- b) pedestrian access easement;
- c) vehicular access easement and additional public parking;
- d) conservation easement for natural preservation;

⁵ Town of Westport information is from personal communication with Carrie Mackover, Town Planner, and review of Sec. 31-10 (Coastal Area Regulations) of the Westport Zoning Regulations.

- e) view land/vistas preservation easement;
- f) canoe and/or boat ramp;
- g) fishing pier;
- h) marina and boat docks;
- i) drydock boat storage; and
- j) boat rentals.

This approach whereby an otherwise nonwater-dependent use providing public access to the water must also provide additional amenities for general public use is also used by the Town of Stratford.

Planning and zoning officials have negotiated public access provisions with project proponents, but the general experience is that developers have been receptive to providing public access, especially for a pedestrian walkway along the Saugatuck River.

Town of Stratford⁶

The Town of Stratford's waterfront extends along the west bank of the Housatonic River and Long Island Sound. The Stratford Coastal Plan (part of the Town's Municipal Coastal Program) was adopted by the Planning Commission in 1990. Through this planning effort, the Town identified the need for strengthened zoning requirements to protect coastal resources and guide waterfront development. The Town desires to encourage water-dependent uses in appropriate locations and discourage water-dependent uses where the shoreline is not suitable for such development. Through the planning process the Town identified waterfront areas for rezoning. The Town Planner emphasizes that the planning process preceded zoning modifications and established the rationale for those modifications.

Following adoption of the Coastal Plan, the Town strengthened its coastal site plan review requirements that apply to all waterfront sites and strengthened the requirements of its existing Waterfront Business (WF) District to protect and encourage water-dependent uses.

The coastal site plan review requirements are included in the "Coastal Area Management Regulations" section of the Stratford Zoning Regulations. The purpose of this section is "to a) assure that development within the coastal area of Stratford is accomplished in a manner which is consistent with the goals and policies of the Connecticut Coastal Management Act and with the goals and policies of the Town of Stratford Zoning Commission and b) promote and encourage public access to and use of the waters of Long Island Sound, Housatonic River and other similar marine and tidal waters..."

The Coastal Area Management Regulations also include relatively detailed requirements for water-dependent uses and public access and specify that all waterfront uses (with some exemptions, including single family homes more than 100 feet from a sensitive resource area) provide the following public amenities.

- 1) A view lane for a maximum view of the water from the nearest public street. The view lane must be uninterrupted and of a width not less than 20% of the lineal road or river frontage, whichever is greater.

⁶ Town of Stratford information is from personal communication with David Killeen, Town Planner, and review of Sec. 3.1.1 (Coastal area management regulations) and Sec. 8 (Waterfront Business Districts, WF) of the Stratford Zoning Regulations.

- 2) A pedestrian access easement at least 20 feet wide, improved as a public walkway, and connected to a public street or parking area. This easement must be as close to the high tide line as feasible and designed to retain an unobstructed view of the marine frontage. The easement must extend the entire length of the water or marine frontage unless it is demonstrated to the Zoning Commission that areas of the public walkway would clearly pose unacceptable coastal resource impacts or public health and safety hazards.
- 3) A vehicular access easement and additional public parking. This easement must be of a width and size suitable to provide safe public ingress and egress to and from the property and located as close to the marine frontage as possible. The amount of public parking may not be less than one space for every 2,500 square feet of the area providing the public amenities excluding vehicular easements.

Stratford's Coastal Area Management Regulations define water-dependent uses as uses defined in the CCMA, except that a water-dependent use that is water-dependent only by virtue of providing public access to the water must also provide two or more of the following amenities for general public use.

- 1) Open space easement for public park. The easement must be a minimum of 10% of the lot area in addition to the minimum requirement of the applicable zoning district. The open space area must be adequately landscaped and of a shape conducive to public park use.
- 2) Conservation easement for natural preservation in cases where 10% or more of the entire parcel consists of sensitive natural resources such as wetlands, beaches, and dunes.
- 3) Canoe and/or boat ramp of suitable size and design to accommodate general public use and connected to a public street by a public right-of-way.
- 4) Fishing pier/public viewing walkway. The pier must be located to provide reasonable fishing opportunities, be of appropriate size and design to accommodate general public use and connected to a public street or parking area by a public right-of-way. The viewing walkway must extend from the public walkway into the water or marine area a reasonable distance to maximize the water and marine views.
- 5) Public docking facilities. The number of docks available to the public for transient boaters, short term tie-up and/or public safety use by the Town must be not less than one boat slip for each 10,000 square feet of proposed nonwater-dependent commercial floor space, not less than one boat slip for each ten residential units, or be less than 10% of the total number of boat slips, whichever is the greater number.
- 6) Upland winter boat storage, bearing a direct relationship to the size of the property, the intensity of the proposed use and connected to a public street by a public right-of-way.
- 7) Boat rentals, bearing a direct relationship to the intensity of the existing or proposed uses.

This approach whereby an otherwise nonwater-dependent use providing public access to the water must also provide additional amenities for general public use is also used by the Town of Westport.

For "mixed use" projects (involving water-dependent and nonwater-dependent uses), the water-dependent use, such as a marina, may be used to satisfy one of the two required public amenities. The use of public access and public amenities may be considered in lieu of a water-dependent use on a site if, and only if, it can be successfully demonstrated that a given site is not suited to a water-dependent use.

The regulations specify that all public amenities be properly marked to increase public awareness and improved where applicable with such features as benches, tables, lighting, and landscaping.

Along with strengthening the coastal site plan review requirements, Stratford strengthened the requirements of the existing WF District “to preserve and enhance existing water-dependent uses, encourage new water-dependent uses where appropriate and encourage development which is compatible with the coastal resource characteristics.”

The Stratford Coastal Plan recommends that permitted uses in the WF District be restricted to truly water-dependent uses. However, when Town officials began to draft the new regulations and reviewed similar regulations from other municipalities, they decided to provide some flexibility with respect to the permitted uses. It was decided to allow some nonwater-dependent uses but at a lower density than truly water-dependent uses and always in a mixed-use combination with truly water-dependent uses.

The new WF regulation does not refer to “permitted uses”; instead, the following uses are listed as “marine uses” within the WF District: “boat docks, slips, piers and wharves, launching ramps, marinas, water-based recreational docks, and port facilities; recreational and commercial fishing and boating facilities; shipyards, boat-building, and marine repair facilities; boat rental, excursion boats, and related facilities; yacht clubs, including accessory uses such as swimming pools and tennis courts; marine research labs and related facilities; parks, open space, and public recreational facilities; marine police, harbormaster, and other marine enforcement and service agencies; vertical marine storage building, in conjunction with a travel lift facility, and general boat storage; accessory uses customarily incidental to a water-dependent use, including the dispensing of fuels and lubricants to boats; marine-related broker, sales, and display; marine-related office, retail, and service.”

Restaurants (excluding drive-in facilities) and retail and service establishments are permitted in the WF District only as part of a “mixed use” project. (These were the nonwater-dependent uses most requested by property owners and potential developers during public review of the proposed new zoning regulations.) A “mixed use” project is defined as a project in which the marine use component (including public access facilities) requires a greater number of parking spaces than the nonmarine use(s). Prior to establishing this definition, the Stratford Zoning Commission reviewed a redevelopment plan for a waterfront restaurant site. The plan included a hotel and substantial parking areas. The Town Planner remarks that the Commission found it difficult to determine which part of this plan was the “engine driving the proposed project.” As a result, the mixed use definition based on consideration of parking spaces was developed, and the WF District now requires that the majority of parking be associated with the truly water-dependent site use.

Uses not specifically stated in the WF regulation (office and residential uses, for example) are prohibited. Also, no uses, or the provision of utilities or other facilities, in this district may support the use of vessels as living quarters.

Bulk standards and setbacks were also changed in the new WF District regulations. Standards for “marine uses” differ from standards for “mixed uses” with respect to the maximum permitted building coverage and impervious area and the minimum open space required on each lot. “Marine uses” are allowed more building coverage (35% of the lot area instead of 25%) and impervious area (70% instead of 60%) than “mixed uses;” less open space (20% instead of 30%) on the lot is required for “marine uses.”

The regulation specifies that architectural style, design, and scale of buildings as well as materials and colors must have a strong relationship to a waterfront setting. Architectural plans must address the relationship of the development to the waterfront as viewed from the water and adjacent public streets; plans must also address linkage between the development, all public access provisions, and the surrounding neighborhood.

There have not been many waterfront development proposals reviewed by the Zoning Commission since the new waterfront zoning regulations were adopted. The Dock Shopping Center on the Housatonic River just south of I-95 is the most prominent example of waterfront redevelopment in conformance with the zoning requirements. This development includes a marina and substantial public access amenities, including a pedestrian boardwalk and fishing pier. Changes are also taking place at the Stratford Marina site but these changes are for the purpose of facility enhancement, not redevelopment.

The Town Planner emphasizes the discretionary role of the Zoning Commission in determining whether or not there is enough truly water-dependent use and public access in a waterfront development proposal to make that proposal consistent with the CCMA. He remarks that although the DEP is recognized as an interested party in waterfront zoning matters and occasionally threatens to appeal a local decision, the final decision is essentially a "judgement call" by the Zoning Commission. The judgement call is necessitated by the ambiguity of the CCMA's water-dependent use definition which includes uses that provide general public access to marine and tidal waters. The OLISP can comment on a proposal and make advisory comments; often those comments are helpful and well thought-out.

Town of Essex⁷

The Town of Essex on the Connecticut River has established a Waterfront Business (WF) District that provides for "general principal uses" and "special principal uses." (No statement of purpose is included in the WF District regulation.) Obtaining public access through waterfront development apparently is not a matter of significant interest or concern to Town officials; public access is provided at several street-end locations. No standards for public access are provided in the Essex Zoning Regulations. The terms "water-dependent use" and "public access" are not used in the WF regulations.

General permitted uses in the WF District are: "one family dwellings; offices of naval architects, yacht brokers, marine surveyors, marine insurance brokers, marine contractors, marine laboratories, marine engineering companies, and other like marine services; and sail lofts, ship chandleries, bait and tackle shops, agencies for the sale of boats, marine engines, marine equipment and fuel and lubricants for marine use." One family dwellings are included as general permitted uses so that the few residential structures existing in the district are not considered as nonconforming uses. Some local business interests have petitioned the Essex Zoning Commission to remove residential use as a permitted use in the WF District, but the Commission has not done so.

Special principal uses may be authorized by a Special Exception granted by the Zoning Commission following a public hearing. The special principal uses include truly water-dependent uses and are listed as: "yards or facilities for building, fabricating, repairing, servicing, or storing boats; marinas; wharves, slips, boat basins, and landings for boats of any type; commercial docks and other facilities for commercial boat lines; yacht clubs; nonprofit maritime museums; and water supply facilities to include pump stations, pressure reducing stations, storage tanks and towers, wells and treatment facilities."

The WF District does not permit general professional office, multi-family residential, restaurant, retail, and other nonwater-dependent uses. In this regard, the WF District is more restrictive than the other zoning regulations reviewed for this report (excepting the Stamford C-WD District and the Greenwich WB Zone.)

⁷ Town of Essex information is from personal communication with Larry Gilliam, Zoning Enforcement Officer, and review of Sec. 71 (Waterfront Business District) of the Essex Zoning Regulations.

Town of East Lyme⁸

East Lyme's coastal area includes waterfront on the west side of the Niantic River and on Long Island Sound. The Town's Marine Commercial (CM) zoning district is applied to the sections of the Niantic River waterfront that were historically developed with marinas and boatyards. The purpose of the CM District is "to encourage the development of new and the retention of existing water-dependent uses in those areas of the Town suitable for such development, consistent with the policies of the Connecticut Coastal Management Act."

Following amendment of the Town's Plan of Development to incorporate the recommendations of the East Lyme Coastal Management Plan, the Town considered the rezoning needed to implement certain of those recommendations. The first proposal for CM regulations considered by the Zoning Commission was more restrictive than the CM regulations ultimately adopted. The first proposal was described as more restrictive with respect to permitting only truly water-dependent uses with some incidental uses approved by Special Permit. One boatyard owner, concerned that the proposed regulations would adversely effect his property value, retained an attorney to prepare alternative regulations for consideration by the Zoning Commission. The adopted regulations reflect the property owners' input; the Town Planner remarks that the enacted zoning requirements represent a compromise between the property owners and the Town. The concerned boatyard owner reports that the adopted zoning regulations are satisfactory with respect to his needs and conditions in East Lyme.

The CM District permits the following uses subject to site plan approval: "facilities for building, repair, servicing, storage, hauling, and launching of boats, and for building, repair, and servicing of their component parts and accessories; marinas; yacht clubs; sale of boats, marine engines, marine equipment, and supplies; boat launching areas; boat rental; sailing and boat licensing schools; bait and tackle shops; dockside facilities for dispensing fuel and lubricants for marine purposes only (excluding bulk storage of fuel); berthing facilities for vessels for hire carrying passengers on excursions, pleasure or fishing trips (excluding ferry service or freight terminals); berthing facilities for vessels engaged in commercial fishery or shellfishery (excluding fish or shellfish processing plants); marine research facilities; public parks; public water-based recreational facilities; and all accessory uses customarily incidental to the above uses. The following are permitted as accessory uses incidental to the above uses for lots with water frontage, and as primary uses on lots without water frontage: sail and marine canvas lots; restrooms, laundry facilities, pump-out stations for boating patrons; fast food service and/or convenience grocery (excludes gas pumps for cars) primarily for boating patrons; swimming pools, tennis courts, and similar outdoor recreation facilities; marine-oriented office uses, including yacht brokerage, marine surveyor, and marine insurance and finance.

The following uses may be permitted in the CM District when granted a Special Permit: "retail sales store or professional office other than a marine-oriented, accessory use; marine wholesale distribution; standard restaurant; inn; and dwelling units, limited to mixed use situations in which dwelling units are contained within a building dedicated principally to a permitted commercial, nonresidential use." The portion of the jointly used building committed to dwelling units must be located on floors above the permitted commercial use and not exceed 50% of the building area.

⁸ Town of East Lyme information is from personal communication with Jean Davies, Town Planner, and review of Sec. 10 (CM Commercial Districts) of the East Lyme Zoning Regulations.

A Special Permit may be granted by the East Lyme Zoning Commission if the Commission determines that the proposed Special Permit use will not have an adverse impact on future water-dependent development opportunities. Also, no Special Permit may be granted that will replace, in whole or substantial part, an existing water-dependent use. Any Special Permit use must be located so that the waterfront is preserved for future structures and/or uses requiring direct water access. A Special Permit use may be granted only if a permitted water-dependent use already exists or will be developed concurrently on the same lot and if the permitted water-dependent use is or will be the primary and dominant use of the lot. No Special Permit may be granted that will substantially reduce or inhibit existing public access to marine or tidal waters.

Within the CM District, no building or structure may exceed 30 feet in height. An increase to 50 feet may be permitted if the building is used primarily for boat manufacture, maintenance, repair, or storage (excluding rack storage); the building is not used for mixed use; and other conditions are met. Also, no lot with water frontage may be divided in such a way as to create a lot without water frontage.

Up to 80% of the off-street parking spaces required for marinas, boat yards, and yacht clubs may be used for outside storage of boats during the off season. Required parking spaces for uses within the CM District may be provided on sites other than the site which those spaces serve, provided that certain specified conditions are met.

No significant projects have been proposed in the CM District since the zone was enacted. The zone may be described as functioning well in accordance with its purpose, which, as noted above, is not to promote public access to the water but rather to emphasize and maintain the Town's existing, truly water-dependent uses. With regard to nonwater-dependent uses, the Town Planner remarks that there is ample opportunity for nonwater-dependent uses (such as office uses) elsewhere in Town; the properties zoned CM include the limited number of sites best suited for water-dependent use.

The Coastal Area Management section of the East Lyme Zoning Regulations specifies the requirements for coastal site plan review. These requirements simply mirror the requirements of the CCMA.

Town of Waterford⁹

Waterford's coastal area extends along the Niantic and Thames rivers and Long Island Sound. A Waterfront Development (WD) District covers waterfront areas on both rivers, including an area known as Mago Point on the east side of the Niantic River. The requirements of the WD district reflect recommendations developed through the Town's Municipal Coastal Program completed in the early 1980's. This program was generally well received. When developing the Municipal Coastal Program, the Town addressed the entire waterfront and gave special planning attention to the Mago Point area, described as a special study area. The planning process established the basis for the WD District requirements.

The purpose of the WD District "is to encourage a mixture of land uses, with emphasis on waterfront access and water dependent and related uses [defined by the CCMA]... The Town of Waterford contains

⁹ Town of Waterford information is from personal communication with Dave Martin, Town Planner, and review of Sec. 14 (Waterfront Development District, WD) and Sec. 25.4 (Coastal Area Management) of the Waterford Zoning Regulations.

a number of valuable waterfront areas, which have potential for waterfront development. These areas include several of the Thames River peninsulas and portions of the Mago Point area on the Niantic River. The Waterfront Development District is designed to achieve the most appropriate use of land and structures in these waterfront areas consistent with the design guidelines included here and in special plans adopted by the Planning and Zoning Commission for Mago Point or any of the designated Thames River peninsulas.”

Waterford’s WD district encompasses properties immediately along the shoreline and some properties inland of the shoreline. Within the WD district, uses described as “water-oriented” are permitted by right (these include truly water-dependent uses); other uses, including uses described by the Town Planner as water-enhanced, may be permitted by Special Permit from the Planning and Zoning Commission. (The term “water-enhanced” is not used in the zoning regulations.) The water-oriented uses permitted by right are: “public and private parks and playgrounds; yacht clubs and marinas, including such accessory uses as swimming pools, tennis courts, and raquetball facilities; boat docks, slips, piers, and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursions, pleasure, or fishing trips or for vessels engaged in fishery or shellfishery; a yard for building, storing, repairing, selling, or servicing boats and which may include as an accessory use an office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restrooms, and laundry facilities to serve overnight patrons; boat and marine engine sales and display, yacht broker, and marine insurance broker; the rental of boats; retail sale or rental of boating, fishing, diving, and bathing supplies and equipment; a sail loft or ship’s chandlery; swimming pools and swimming clubs; and museums with nautical themes.”

The uses that may be permitted by Special Permit are: “retail stores and service establishments; restaurants; professional offices; residential uses up to a maximum density provided in the Zoning Regulations; hotels and motels; commercially operated tennis courts and/or private tennis clubs and similar facilities for raquetball and paddle tennis; port facilities for bulk shipping and storage facilities, whether indoor or outdoor; radio or television antennas, flagpoles, towers, chimneys, water tanks, or standpipes, any of which extend more than 40 feet above the ground; and base operations for fishing and lobstering business, including as an accessory use of such business a store or market for the sale of fish, shellfish, and other related food products, and/or the commercial bulk processing of fish and shellfish.”

Several design guidelines are established in Waterford’s WD District regulations. Adequate lanes must be provided throughout a boatyard to allow access and egress for fire trucks. Aggregate building coverage on any lot must not exceed 50% of the lot. Required parking spaces for uses within the WD District may be provided on sites other than the site which those spaces serve, provided certain specified conditions are met.

Maximum building height is 25 feet. However, for every reduction of 10% in building coverage below the maximum 50%, an additional ten feet of height may be permitted up to a maximum of 45 feet. Maximum height may be increased by 10% up to a maximum of 45 feet if permanent public access to the Thames or Niantic river is provided in the form of a permanent easement. The easement must be at least 12 feet wide from the street to the water and 8 feet wide along the width of the property along the water.

The total cumulative width of buildings, structures, fences, or walls more than 30 inches in height and adjacent to the Thames or Niantic rivers may not occupy more than 40% of the width of the parcel as measured along a line parallel to and 25 feet from the river. However, the maximum cumulative width may be increased to 50% if permanent public access to the river is provided in the form of a permanent

easement. The easement must be at least 12 feet wide from the street to the water and 8 feet wide along the width of the property along the water.

Since the WD district was enacted in the early 1980's, one major project (a boat storage facility) has been developed in the Mago Point area. There have also been some changes to existing docking facilities and construction of some public access facilities, including public docking facilities.

City of Norwich¹⁰

Downtown Norwich is located at the head of navigation on the Thames River, at the confluence of the Yantic and Shetucket rivers. Important City goals concern redevelopment and revitalization of the waterfront and the downtown area adjoining the waterfront. The most prominent waterfront redevelopment project to date is the American Wharf Marina project. This project, developed on City-owned land, includes a marina, boat sales and storage facilities, public walkways, a waterfront park available for private outings, a dockside restaurant and cafe, public restrooms, a swimming pool and facilities for marina patrons, and other facilities. Development of commercial office space and waterfront townhouses may be considered in the future. The project was privately developed in accordance with a lease agreement with the City. It is described as a cornerstone of the City's redevelopment efforts and has successfully enhanced other, ongoing efforts for downtown revitalization.

Development of the American Wharf Marina project followed completion of the City's Coastal Area Management Plan (part of the Municipal Coastal Program) and rezoning to accommodate the type of waterfront development desired by the City. Two new waterfront zoning districts—the Waterfront Design (WD) District and Coastal Commercial-Industrial (CC-I) District—were established following completion of the Coastal Area Management Plan. The Director of Planning emphasizes the importance of completing the planning studies prior to the rezoning; the planning document supports the zoning regulations and helps the potential developer understand the City's vision for waterfront development. In this regard, the Commission on the City Plan also conducted a special planning study that focused on a second key waterfront site (later rezoned CC-I); that study was conducted with funds provided by the DEP. The Director of Planning remarks that those funds were provided with “no strings attached.”

The WD District was established to apply to the American Wharf Marina site but may be applied to other waterfront sites in the future. No statement of purpose is included in the WD District regulations. Permitted uses are: “public and private parks and playgrounds; yacht clubs and marinas, including accessory uses such as swimming pools, tennis courts, and racquetball facilities; boat docks, slips, piers, and wharves for yachts and pleasure boats, or for boats for hire carrying passengers on excursions, pleasure, or fishing trips, or vessels engaged in fishery or shellfishery; a yard for building, storing, repairing, selling, or servicing boats and which may include as an accessory use an office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restrooms, and laundry facilities to serve overnight patrons; boat and marine engine sales and display, yacht broker, marine insurance broker; rental of boats; retail sale or rental of boating, fishing, diving, and bathing supplies and equipment; sail loft or ship's chandlery; swimming pools and swimming clubs; museums with nautical themes; full-service

¹⁰ City of Norwich information is from personal communication with Ron Aliano, President of American Wharf Development Corporation and Chairman of the Norwich Harbor Management Commission, personal communication with Kathy Warzecha, Planning Director, City of Norwich, and review of Sec. 3.21 (Depiction of coastal boundary; exemptions from coastal management act), Sec. 9.5 (Coastal Commercial-Industrial District, CCI), and Sec. 9.6 (Waterfront Development District, WD) of the Norwich Zoning Regulations.

restaurant including service of liquor and alcoholic beverages; and cafes.” (This is the same schedule of permitted uses included in the Waterford WD District regulation, with the addition of full service restaurants and cafes.)

The Norwich Commission on the City Plan may, after a public hearing and “subject to appropriate safeguards in harmony with the general purpose of the ordinance,” grant a Special Permit for the following uses in the WD District: restaurants; professional, business, and corporate offices; and residential uses.

No special requirements concerning public access or building or lot standards are included in the WD regulation, excepting a requirement that adequate lanes be provided in a boatyard to allow access and egress for fire trucks, and a requirement for a landscaped buffer strip of at least five feet wide along the boundary of the front yard. The Planning Director remarks that if the WD District is amended in the future, more attention may be given to design issues, and requirements respecting bulk and design may be added.

Although the WD District does not address public access, substantial public access provisions were included in the American Wharf Marina project. Those provisions were developed through a negotiation process involving the City Planning Department, the developer, and the DEP. Public access was provided as a condition of receiving State permits for construction of the marina. In the course of the negotiation, the restaurant, originally designed to the edge of the waterfront, was moved back to provide space for a public walkway. Although the amount of developable land was thereby reduced, the developer reports that the public access provisions attract patrons that otherwise might not visit the site. In this regard, public access along the waterfront is beneficial to the commercial aspect of the project. The developer also remarks that, in general, parking areas for waterfront projects should be carefully designed and located for the purpose of inducing pedestrians to walk to and along the waterfront.

Norwich’s second principal waterfront zone is the CCI District. Permitted uses in the CCI District are: “marina or boatyard; boat storage, construction, and repair in yards or in buildings; boat sales and rentals; sale of marine equipment and supplies; commercial fishing or shellfishing base; sale of commercial fisheries or shellfisheries; restaurants; warehousing and storage; manufacturing, warehousing, processing, storage, or assembling of products as long as such use is not dangerous by reason of fire or explosion hazard, not injurious, noxious, or detrimental to the community or neighborhood by reason of the emission of dust, odor, fumes, smoke, wastes, refuse matter, noise, vibration, or because of any other objectionable feature; public utility lines, stations, and buildings as defined by state statutes; railroad marshaling yard; and dwelling unit for a watchman or caretaker on a lot used for a permitted use.” No Special Permit uses are listed in the CCI regulations.

No building or lot standards are included in the CCI regulation, except that a continuous landscaped buffer strip not less than 20 feet wide is required on the rear, side, and front yards. The regulation states that public access to and along the waterfront in the form of a permanent easement at least 10 feet wide may be required and may be provided in the landscaped buffer strip.

Additional requirements affecting the development of waterfront sites are included in the “Floodplain and Floodway Zoning” chapter of the Norwich Zoning Regulations. (The American Wharf Marina site and the waterfront sites zoned CCI are located within the 100-year floodplain.) Structures otherwise permitted in the zoning districts located within the floodplain may be permitted only by the granting of a Special

Permit by the Commission on the City Plan; this Special Permit process enables additional public comment and involvement with respect to waterfront development proposals.

The City's coastal site plan review requirements are included in the "Site Plan Review and Special Permits" chapter of the Zoning Regulations. Through the coastal site plan review process the Commission on the City Plan is able to negotiate with a developer to work out the details of a specific project. The importance of providing flexibility in the uses permitted in the zoning regulations is emphasized by the Planning Director. The City does not wish to exclude potential uses that would contribute to the City's overall goals of waterfront redevelopment and downtown revitalization.

Potential liability associated with public access areas is of concern to City officials. The Director of Planning remarks that the City should acquire the title to land dedicated for public access or obtain a public access easement on that land. The City Attorney should address the rights and responsibilities of the municipality and affected property owner with respect to the dedicated access area. It is presumed that the City will assume liability unless there is some negligence on the part of the property owner.

Town of Groton¹¹

The Town of Groton has 36 miles of coastline along the Thames and Mystic rivers and Long Island Sound. The Town prepared and adopted a Municipal Coastal Program in the early 1980's with strong recommendations for reserving waterfront property for water-dependent uses. Zoning regulations concerning coastal site plan review were adopted as part of the Municipal Coastal Program. The coastal boundary is incorporated in the zoning regulations and the Town pursues its goals for water-dependent uses through the coastal site plan review process. The Town's Director of Planning remarks that this CCMA-required process, by itself, provides a municipality with sufficient authority to achieve water-dependency objectives. (Officials of the Town of Westport, which has not established a waterfront business/development zone, agree; other local officials believe it is important to bolster the coastal site plan review authority with additional authority, locally established in the zoning requirements.)

In Groton, a number of zoning districts apply to the waterfront. The Town has not incorporated public access or water-dependent provisions in all of the districts; as a result, the coastal site plan review process is an important mechanism for achieving the Town's waterfront objectives.

In the course of developing the Municipal Coastal Program which addressed the entire waterfront, special planning attention was focused on the Village of Mystic waterfront. In accordance with the goals of the Municipal Coastal Program, the Town has achieved a pedestrian walkway along the Mystic River south of Route 1.

A grant from the DEP was used by the Town to prepare a guide to all of the Town's public access areas and develop a coordinated system of signs to identify those areas. The Town is now acquiring deeded easements for public access areas because some property owners had been restricting public use of some areas.

¹¹ Town of Groton information is from personal communication with James Butler, Director of Planning, and review of Sec. 6-3 (Waterfront Design District) and Sec. 8.4-2 (Coastal Site Plan Review) of the Groton Zoning Regulations.

Following adoption of the Municipal Coastal Program, the Town established new waterfront zoning districts, including the Waterfront Design District (WDD). The Director of Planning emphasizes that the rezoning efforts followed the planning process.

The purpose of Groton's WDD is to allow development "which will protect and enhance the unique qualities of the Mystic area while providing a mixture of residential, commercial, and office uses that serve the needs of area residents." While the WDD does not refer to water-dependent uses (the Town goal of protecting water-dependent uses is pursued through the coastal site plan review process), the regulation encourages public access to the Mystic River. The WDD regulations specify that the Mystic River is the most vital element within the WDD and therefore must be given primary consideration in any proposed development. To this end, the regulations state that "special consideration must be given to the area of the water and land interface; preservation and creation of views from public and other areas to the water; and preservation and integrity of the existing river bank. Pedestrian access to the river's edge is encouraged from Main Street south to the railroad bridge."

A wide range of uses are permitted in the WDD. The WDD permits any residential, office, or commercial use or mix of those uses that is not detrimental to the unique character of the area. Any use to be located in a new structure or any use located in an existing structure that is either an intensification of the use of that structure or will alter the exterior of the structure is subject to approval of a Special Permit and site plan approval, whichever is appropriate. Intensification of use is defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales and services, or additional required parking than existed prior to application for a special permit.

Within the WDD, building coverage may not exceed 65% of the lot and the maximum height of any structure may not exceed 25 feet. For every 10% reduction of allowed building coverage, however, an additional five feet of height will be permitted up to a maximum of 40 feet. No new construction at the foundation line may be located less than 25 feet from the Mystic River at mean water level elevation. Also, any applicant for a special permit must demonstrate how the proposed site plan achieves the objective of provision of pedestrian access to the riverfront and preserves visual access where feasible and appropriate.

At first, a number of reservations concerning Groton's Municipal Coastal Program were expressed by persons who feared another level of bureaucracy was being created; there are no longer any serious objections. The waterfront zones seem to be working well and the Town is not hearing complaints from the affected property owners. Town officials believe that goals of achieving public access and protecting water-dependent uses are not necessarily competing or incongruous. These goals are being pursued in concert with the goal of protecting coastal resources and environmental quality.

Town of Stonington¹²

The Town's zoning regulations do not address public access to the water. Obtaining public access through waterfront development is apparently not a matter of significant interest or concern to Town officials. The Town Planner reports that except for a State boat launching area, there are no public access areas. Access to the water is through the boating facilities of the private marinas.

¹² Town of Stonington information is from personal communication with Charles Boster, Town Planner, and review of Sec. 4.6 (Marine Commercial (MC-80) Zone) of the Stonington Zoning Regulations.

The existing water-dependent uses, including recreational marinas and commercial fishing facilities, are functioning well. The businesses have been stable and there is little if any room for expansion.

The zoning regulations establish requirements for coastal site plan review; these requirements simply mirror the requirements of the CCMA. Most of Stonington's coastal site plan reviews have addressed the architectural design of private homes.

The Marine Commercial (MC-80) Zone applies to several shoreline locations. The purpose of the MC-80 Zone is to serve as "a zone where commercial water-dependent uses are permitted." Permitted uses are: "bait and tackle sales; boarding/tourist homes of less than five bedrooms; boat livery; boat repair facilities; municipal facilities; office buildings less than 5,000 sq. ft.; public utilities, structures, and facilities; residential, single family only; and retail/wholesale sales buildings less than 5,000 sq. ft."

Accessory uses are: "home occupations; off-street parking for less than 20 vehicles; recreational uses and structures such as, but not limited to, swimming pools and tennis courts accessory to residential uses; recreational facilities, such as tennis/handball courts and pools, accessory to commercial use; storage of goods or supplies incidental to permitted uses."

Uses allowed by Special Permit are: "boat fabrication and assembly; liquor sales, on-premises consumption only; marina/yacht club; office buildings equal to or greater than 5,000 sq. ft.; off-street parking for 20 or more vehicles; restaurants of no more than 100 seats which may include on-site liquor consumption; and retail/wholesale sales buildings equal to or greater than 5,000 sq. ft."

Within the MC-80 Zone, buffer requirements are 25 feet with screening for a commercial/marina use adjoining a residential use; and 50 feet with screening for a commercial/marina use adjoining a residential zone. The maximum height permitted is 20 feet.

The MC-80 Zone has been in place for a number of years; the Town Planner remarks there has been little discussion of it recently.

SUMMARY AND CONCLUSIONS

The following observations are based on comments by the local planning and zoning officials and others interviewed for this report, review of the Connecticut Coastal Management Act (CCMA), and review of the zoning regulations of the ten contacted municipalities. The observations are not presented in order of priority or significance.

1. Other Connecticut municipalities have addressed (and continue to address) essentially the same complex issues regarding water-dependent use and public access now being considered by the Greenwich Planning and Zoning Commission; some of the experience of the other municipalities is instructive.
2. Municipalities have at times experienced difficulties when applying the CCMA's water-dependent use policies. Those difficulties have arisen in large part because the water-dependent use definition includes uses that provide general public access to the water and the CCMA contains no public access standards. Local officials consider the water-dependent use policies to be the most ambiguous provisions of the CCMA.

3. For planning purposes, local officials often make a distinction between truly water-dependent uses and uses that are water-dependent by virtue of providing public access; the CCMA does not make that distinction.
4. Two principal issues of interest to local officials are: a) how to ensure that well-designed and meaningful provisions for public access are incorporated into development that is otherwise not water-dependent; and b) how to retain and encourage truly water-dependent uses such as recreational boating, commercial fishing, and other uses that require direct access to the water.
5. All contacted municipalities have developed municipal coastal programs in accordance with authority provided by the CCMA.
6. Municipalities that have given careful consideration to water-dependency and public access issues through zoning regulations first addressed those issues through waterfront planning studies. Those studies were conducted in the course of developing municipal coastal programs. In some instances, detailed planning studies were conducted to focus on waterfront areas of particular interest for rezoning; those special studies helped establish a supporting base for zoning amendments.
7. Local officials emphasize the importance of plan formulation, including establishment of goals for future waterfront use and development (a waterfront "vision"); zoning is then applied as a tool to help achieve that vision.
8. During the 1980's in Connecticut there was a trend of displacement of truly water-dependent uses (boat service facilities, for example) with nonwater-dependent uses such as residential and office uses enhanced by waterfront locations. That trend is not apparent in 1997; current economic conditions and regulatory requirements are seen as constraints to new waterfront development.
9. Current economic and regulatory conditions are also seen as constraints to expansion of existing water-dependent facilities, including recreational boating facilities.
10. No recent proposals for new, truly water-dependent projects were identified; State and local officials report that recent projects generally are for reconfiguration/enhancement of existing water-dependent facilities or for development of nonwater-dependent projects with public access components.
11. The coastal site plan review process is an important tool for achieving a municipality's waterfront objectives. It is through this process that the municipality determines if a use is water-dependent and, if it is not truly water-dependent, how much public access is required to make it water-dependent under the CCMA. An important aspect of the coastal site plan review process involves negotiation between the municipality and developer.
12. Municipalities that have carefully considered issues of water-dependency and public access have established minimum standards for public access (width of walkways and requirements for dedicating easements, for example) in their zoning regulations. Those standards are included in either the section of the regulations establishing coastal site plan review requirements or in the use requirements of a specific waterfront zone.

13. Local officials emphasize the importance of flexibility in zoning standards addressing water-dependency and public access issues. Regulations should establish minimum requirements and leave room for negotiation.
14. No matter how detailed the zoning standards may be with respect to public access requirements, there is need for active and skillful involvement by the zoning commission/board and staff to accomplish the community's goals for obtaining public access and addressing the water-dependency issue.
15. The Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection has provided useful comments on coastal site plans. In some cases, the OLISP has made recommendations that were not accepted by local officials. Although the Commissioner of Environmental Protection may appeal a coastal site plan review decision, local officials emphasize that the final decision is the municipality's; OLISP comments are considered strictly advisory.
16. The Commissioner of Environmental Protection may be expected to appeal a coastal site plan review decision whereby a viable, truly water-dependent use would be replaced with an otherwise nonwater-dependent use providing public access.
17. All contacted municipalities except one (Westport) have established a waterfront business/development district; all of the waterfront business/development districts except two (Stamford and Essex) permit some type of substantial nonwater-dependent use, either as-of-right or by special permit, in addition to truly water-dependent uses. (Stamford's C-WD District allows some nonwater-dependent uses that are incidental to the principal water-dependent use. The Essex WF District permits specific marine-related businesses that are not water-dependent; it also permits residential use so that pre-existing homes conform with the zoning requirements.)
18. Local officials are not aware of any new zoning techniques that may be more innovative or effective than the techniques they have already applied to address water-dependency or public access issues.
19. Persons contacted are not aware of any Connecticut municipalities that have given preferential treatment to water-dependent uses for taxing purposes.
20. Current economic conditions and regulatory requirements are seen to limit the possibilities for development of new, truly water-dependent uses as the principal uses of waterfront sites. As a result, zoning requirements should be flexible enough to permit alternative uses, and local officials should be prepared to require and negotiate well-designed and meaningful provisions for public access in waterfront development plans.

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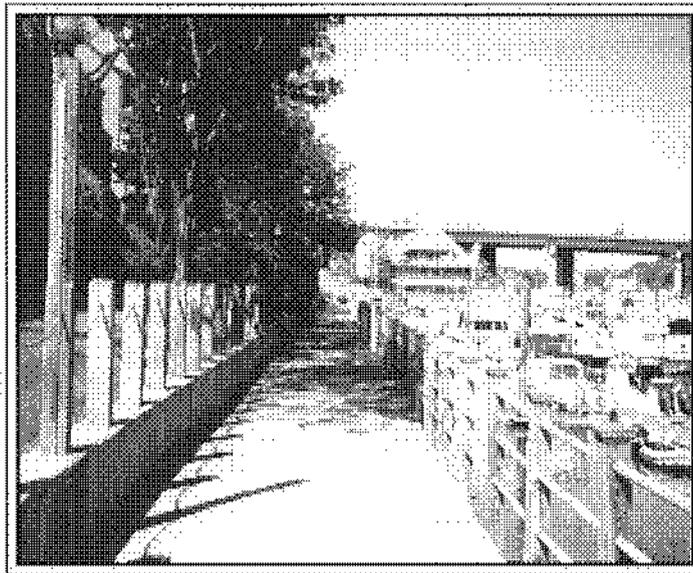
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IMPROVING PUBLIC WATERFRONT ACCESS

A PLANNING & DESIGN GUIDELINES MANUAL

MMI #1759-10-2

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INTRODUCTION

The popularity of the terminology Public Waterfront Access is one that has increased within many Connecticut municipalities directly influenced by the waters of Long Island Sound. However, history has shown, and many intensive planning studies have verified, that previously abundant publicly accessible waterfront lands have been altered and public access reduced by development over time. These developments have impacted what were once primarily water dependent commercial and industrial ventures that had historically utilized and depended upon the water as their primary functional resource. Waterfront industries including fishing, boat building and commercial dockyards have often times been developed and expanded to meet economic demands and changes in operational nature in the absence of any planning and zoning regulations to guide them. These developments have exerted pressure to reduce public waterfront access, even as the water dependent nature of these facilities have generally, although informally, afforded the general public a means of both visual and physical access to the waterfront.

As the economy of the 1970s and 1980s began to change, so did the uses along many of the waterfront lands. The pressure of new technology coupled with a declining fishery and shellfish resource began to force a transition from water dependent industry to a variety of non-water dependent developments such as apartments, offices, and retail shopping areas. Redevelopments of waterfront lands occurred with limited federal, state, or municipal planning guidance. Many of the redevelopment sites were constructed primarily as residential and business complexes that may or may not have incorporated a marina, boat slips or public access boardwalk as a feature or 'selling point' of the redevelopment. Although some redevelopment projects that continue to remain profitable have maintained a successful 'Public Access Component,' many have not.

Spearheaded by federal and state environmental agencies, over the past few decades new regulatory review processes and manuals have been developed in order to aid coastal municipality land use officials, local commissions, developers, and consultants in their planning and decision making processes with regard to waterfront public access: The Coastal Zone

Management Act (CZMA, 1979) and Connecticut Coastal Management Manual (CCMM, 2000) provide a series of informational tools in the form of development policies that provide a general set of guidelines to be followed in the design and permitting of waterfront developments. Although the policies discussed within these documents have set a foundation for future waterfront development guidelines, they do not supply site specific details for the developments within each individual municipality.

It is inevitable that most shoreline communities, much like the Town of Greenwich, will be faced with the pressure of waterfront development or redevelopment that offers limited, if any, public waterfront access. These projects will each have specific development program requirements such as building size, building height, and parking requirements, attached with them that may or may not, depending on the use, conform to local waterfront planning and zoning standards.

Many Connecticut shoreline communities such as Stamford, Norwalk, Westport, Stratford, Essex, East Lyme, Waterford, Norwich, and Groton have begun to address the rising concerns associated with the depletion of both water dependent developments and public accessible waterfront corridors.

The purpose and overall goal of this study is to develop a set of guidelines that will help to interpret the goals of the CZMA, CCMM, and the Town of Greenwich with respect to public accessibility to waterfront. The objective of this manual, in coordination with the Connecticut Coastal Management Manual (CTDEP - September 2000), is to present a series of design techniques that will illustrate ways in which both meaningful and feasible public waterfront access can be achieved throughout a variety of sites along the Greenwich waterfront as well as the entire Connecticut coastline. The recommendations set forth in this report, although not all site specific, provide the necessary information for which new and revised waterfront zoning criteria can and should be developed for each individual shoreline municipality.

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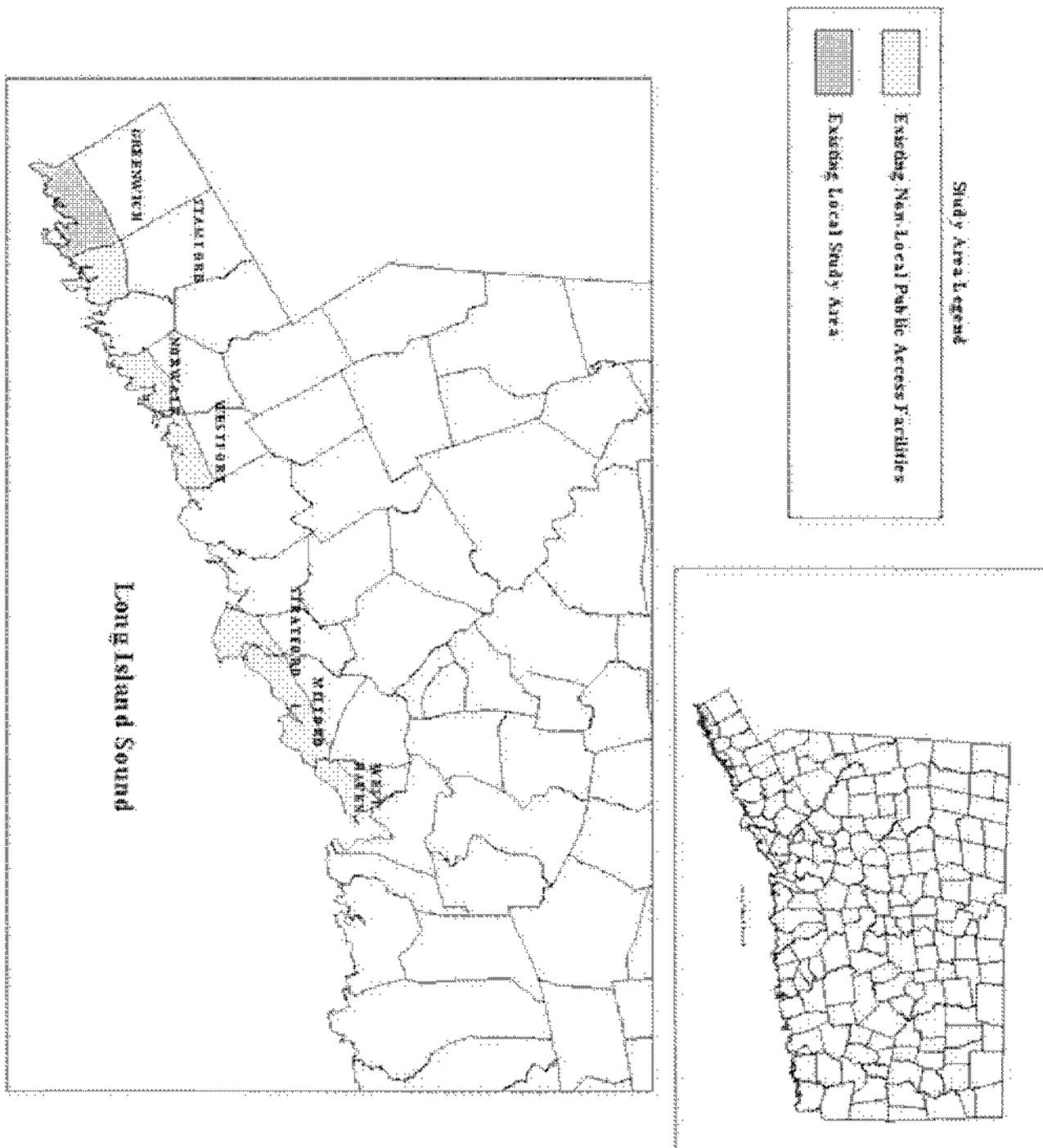
1. Public Fishing Pier.....14
(Primarily Public Fishing Access)

2. Fred Kaeser Overlook & Fishing Pier.....14
(Primarily Public Fishing Access)

West Haven, Connecticut

1. Old Grove Park & Savin Rock Promenade.....15
(Historic Public Waterfront Park & Esplanade)

Site Inventory of Connecticut Coastline Waterfront Access Areas of Study

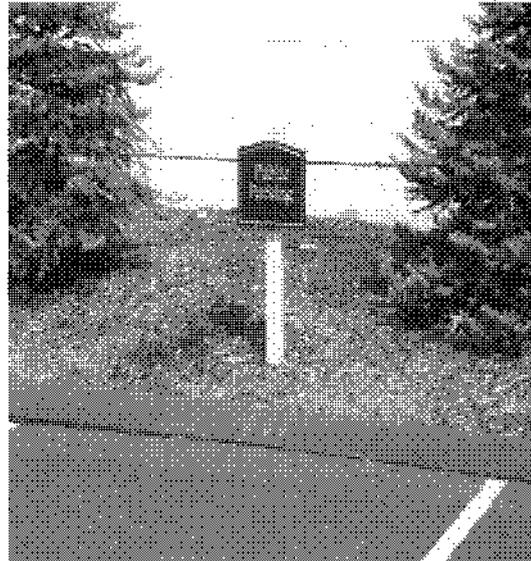
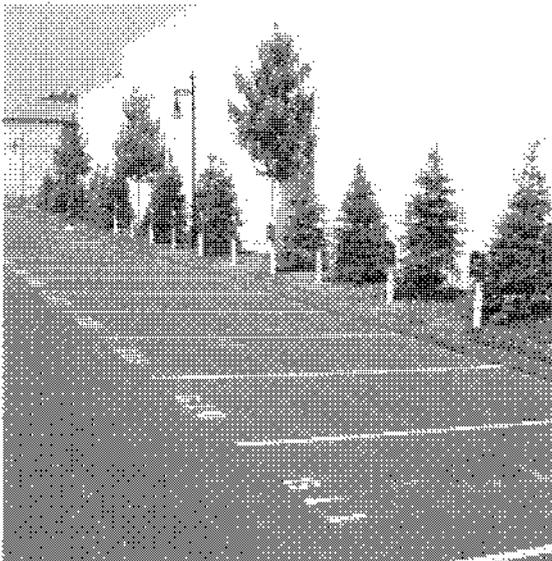


A review and analysis of numerous existing public waterfront access facilities along the Connecticut coastline was helpful in providing a foundation for the development of design guidelines for improvements to public waterfront access, including within the Town of Greenwich. All of the sites listed previously have been observed in the field and analyzed as to their success in providing meaningful public access to the water. The following is a discussion of the various types of both successful and unsuccessful public access facilities that are currently functioning in Connecticut shoreline communities.

Stamford, Connecticut

The **Avalon Harbor at Stamford** project is a relatively new large-scale luxury apartment complex that is situated in a highly developed, urbanized section of Stamford harbor. The apartment complex, once a former oil company storage tank facility, was developed in accordance with the City's updated waterfront development regulations. The redevelopment features a non-water dependent use (apartments) with a significant component that successfully provides waterfront access in the form of public parking, paths and boardwalk. Access to the waterfront is provided not only for the apartment residents but to the general public through a variety of design elements. This site integrates many key elements required to create 'successful' public access to the water. Although this project is not considered a water-dependent use, Stamford's waterfront zoning regulations guided the site plan approvals process. The photographs below illustrate several of the means in which this project ultimately succeeds at providing meaningful access routes and important view corridors to the water.

Figure 1 - The development provides ample parking designated and signed for 'Public Parking'



The parking area for the development provides an adequate number of parking spaces that are (1) in close proximity to the public waterfront access point of entry, (2) aesthetically pleasing and easily legible signage that provides no confusion as to where the waterfront users should park their vehicles once in the parking lot, and (3) is constructed of a smooth, non-broken, level surface that promotes handicap accessibility to the waterfront amenities.

Figure 2 – Avalon Harbor's ten-foot wide public timber boardwalk and meandering shoreline walks

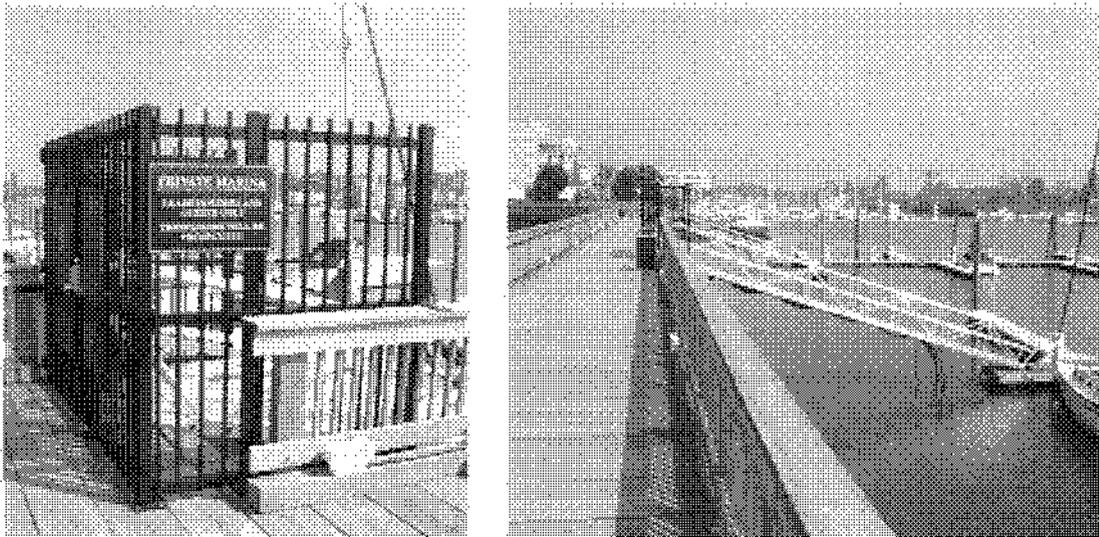


The Avalon Harbor project incorporates a vegetative buffer between the development and water's edge, a variety of pedestrian friendly, flush walking surfaces (i.e., brick pavers, structurally sound boardwalk, fishing pier, observation platforms, gazebo, pea-gravel chip-sealed asphalt paths, decorative site fencing, decorative site lighting, decorative site furniture, trash receptacles, dog waste pick-up stations, ornamental landscaping, gateway treatment, and both informational and interpretive signage).

Although the Avalon Harbor project is considered successful at providing ample public waterfront access and should be used as a template for future developments of similar scope, additional elements or modifications could be implemented to further enhance the public access aspect of the project. For instance, the signage that exists for the public within the private development is adequate, but any informational signage at the public street level that informs a passerby of the opportunity for waterfront access absent.

The elevated boardwalk that extends into the harbor and around a tidal marsh is a fine example of quality craftsmanship, design and environmental sensitivity that provides the public a series of water and wildlife views and experiences that only three years ago did not exist. The boardwalk structure and its dimensions provide adequate public access, but all of the ramps providing access down to the water level docks are locked and gated for 'Private Marina – Trespassers Will Be Prosecuted.'

Figure 3 - Gated & locked access ramps to the water level docks along the public boardwalk



Although the public is provided an elevated view from the boardwalk, an opportunity to create a water level ramp and dock structure for public use would provide another positive dimension of public waterfront access.

The **Stamford Landing** project is a multi-use residential and commercial complex, similar to Avalon Harbor, situated in a highly developed, urbanized section of the waterfront. The development includes residential, commercial, and retail establishments and also provides many of the same successful public access components that exist at Avalon Harbor. The public access component features a cantilever timber boardwalk system that extends from an existing masonry floodway, a small 'pocket park,' and public restroom facilities that are situated between the boardwalk and building facades.

The age and use of this project raises an issue that should be considered when planning for public waterfront access projects. The sustainability and maintenance requirements of the structural design, building materials and walking surface materials should all be considered early on in the planning process. The harsh saltwater, tidal, and wave action of a marine environment will only increase the need for aggressive maintenance plans and agreements that will provide long term safe public waterfront access. For example, as seen in the following photo, timber deck boards will need to be maintained or replaced, handrails sanded and repainted, and landscaping trimmed to avoid accidents.

Figure 4 - Stamford Landing public access boardwalk and 'pocket park'



The actual waterfront component of the development is successful at providing public waterfront access, however public access could be improved with additional parking spaces dedicated for public waterfront use, street level public waterfront access signage, several open view corridors to the water from the street level, and additional public transient boat slips.

Kosciuszko Park is a City-owned public waterfront park that includes both active and passive recreational opportunities near the water. Several design features are used throughout this park to promote public waterfront access. Despite limited directional road signage, the interior park signage is both informative for the first time user and unobtrusive for the familiar park user. The park includes a 12-foot wide main stone dust walking path that surrounds the active recreation portion of the park but utilizes several stone dust spur trails that provide scenic seating areas, water views, and fishing spots. These spur trails are narrower than the primary trail, ranging from four to six feet in width, but are easily walkable and leave less of an environmental footprint on the natural surroundings. Although stone dust and gravel trails are less expensive to install and are attractive in a natural environment, they are susceptible to erosion and formation of unsafe ruts if not properly maintained. This park also utilizes solar technology to power its site lighting. Solar lighting can be used without the need to extend sometimes obtrusive power lines into a site. Solar powered lighting also eliminates the need for underground trenching of electrical conduit from pole to pole, thus limiting any environmental disturbance during construction.

Figure 5 - Interior Park Signage



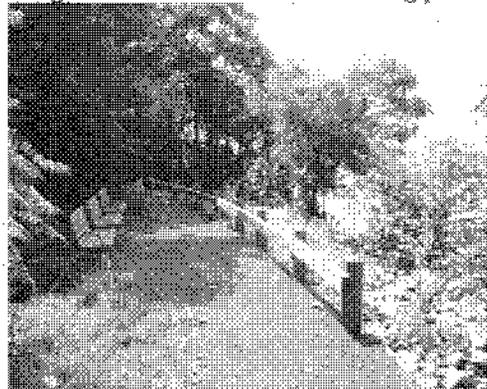
Figure 6 - Spur trail down to scenic overlook



Figure 7 - Path with solar power lighting



Figure 8 - Scenic water view along path



Norwalk, Connecticut

Norwalk Heritage Park is a relatively new City-owned riverfront esplanade situated adjacent to the Maritime Aquarium at Norwalk along the banks of the Norwalk River. The site, once an abandoned railroad yard strewn with debris and old storage buildings, was redeveloped by the City of Norwalk through federal enhancement funding sources. The project incorporates a riverfront plaza, riverfront pedestrian walkway, public parking, site lighting, landscaping, and informational and interpretive signs along the waterfront. The park's success is due in part to its close proximity to the heavily-visited Maritime Aquarium but also because the park and trail systems were designed to provide strong linkages to other public facilities. For instance, the park's trail system not only connects the park to the aquarium but also provides pedestrian links to Oyster Shell Park, Lockwood Mathews Mansion, Norwalk's Visitors Center, Stepping Stones Children's Museum, and the Norwalk Police Station. This project's success demonstrates the benefits of both strong visual and physical connections to the public street level and the value of trail linkages with important public spaces and private developments.

Figure 9 – Heritage Park Riverfront Plaza

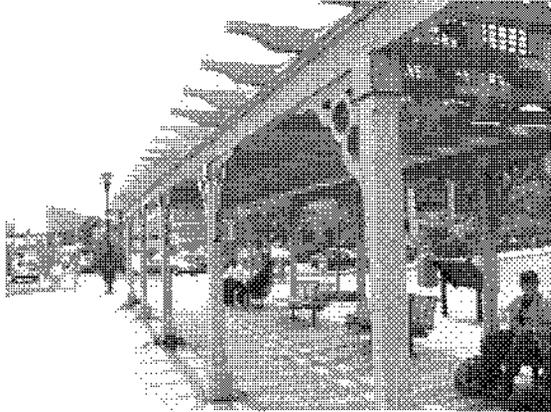
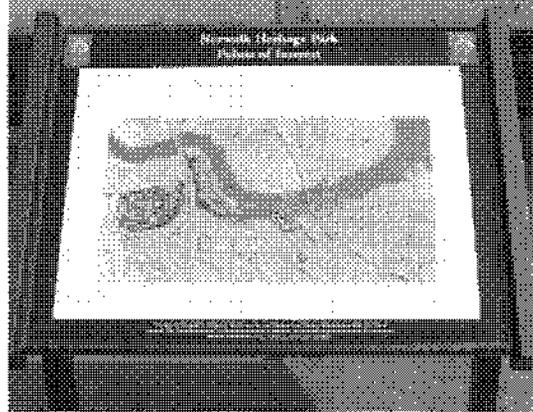


Figure 10 – Informational Park Map



Westport, Connecticut

A Town-owned **riverside park** provides a small gravel parking area, park signage, and a small pathway to the waterfront. It is apparent, due to the narrow pathways and encroaching vegetation, that this park is only used by the occasional fisherman, photographer, or canoeer, and is not heavily used by the general public. Although the park currently provides a natural accessway to the waterfront for an able-bodied person, the slope and uneven nature of the trail extremely limits handicap accessibility. This park would benefit from trail improvements to permit improved accessibility, interpretive nature signage, and potential landscape restoration via a phragmites removal/control program.

Figure 11 – Public park river access path



A newly renovated private **rowing club** provides a small public access component that includes three parking spaces designated for public use and a small fishing pier. At this point of the analysis we begin to see a repeating issue within several of the public access facilities studied. Although the intent of providing public access is clearly visible in many of the new developments along the water, several elements of the design could be improved to make these facilities more successful. The elements that are designed for public use must be designed for the "long term" and maintenance should be considered in the planning stages in order to provide a continued sense of safety for the user. As shown below, the public ramp and dock, although partially under water, is still being used by local fisherman, thus creating an unsafe environment.

Figure 12 – Public access pier in disrepair



Several other sites in the Town of Westport were studied as to their success of providing waterfront access to the public. The vacant former MCI Building complex, the areas around and including the Moorings Restaurant, and the Inn at National Hall and adjacent business complex all currently function as non-water dependent uses that provide varying levels of public waterfront access. The three mixed-use developments each provide a type of public access corridor parallel to the water's edge. Although some function better than

Figure 13 – MCI building public walkway



Figure 14 – Inn at National Hall public promenade

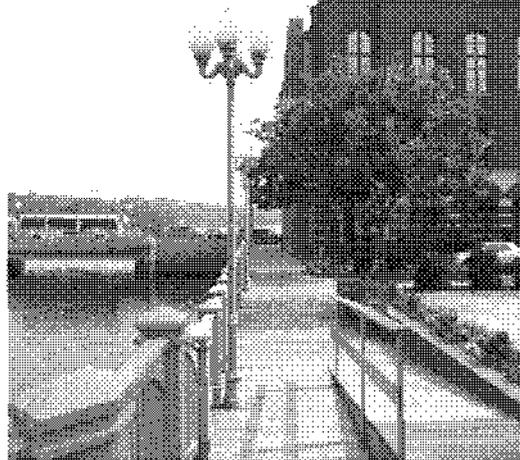


Figure 15 – Public promenade

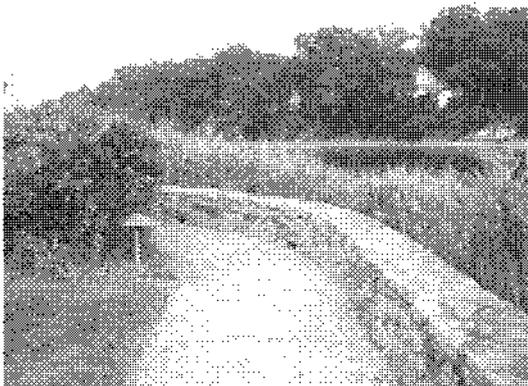
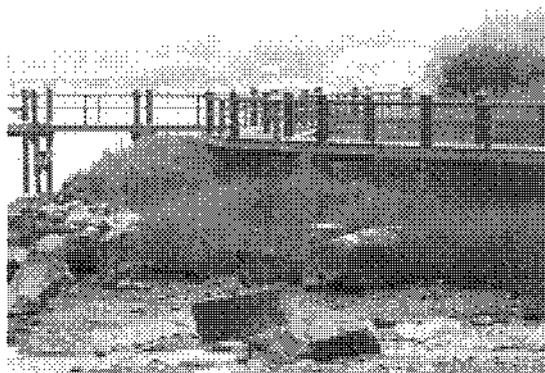


Figure 16 – Public boardwalk



others do, whether due to an extremely narrow walkway (Figure 13) or a wobbly section of boardwalk (Figure 16), all appear to share a similar issue. The common issue represented at each of these sites is the lack of directional signage to the public access feature. The public access components of such developments would be more successful if the actual facility were visible from the street level or additional signage were installed to identify the public waterfront access location. In general, these sites are hard to find. Many of the existing public waterfront access sites in this study would function better with a limited amount of additional location, directional, and informational signage or an improved access corridor to and from the street level.

Milford, Connecticut

Milford Landing is a public waterfront facility that features a harborside walkway, dining terrace, marina facilities, and marina offices. This project includes many design elements that contribute to its success. The marina facility includes a parking area, walkways, transient public docks, decorative nautical themed site lighting and site furnishings, extensive landscaping, and a marina facilities building. The marina also offers the pedestrian a sense of security with numerous video surveillance cameras and public payphones.

Figure 17 – Milford Landing Marina Area

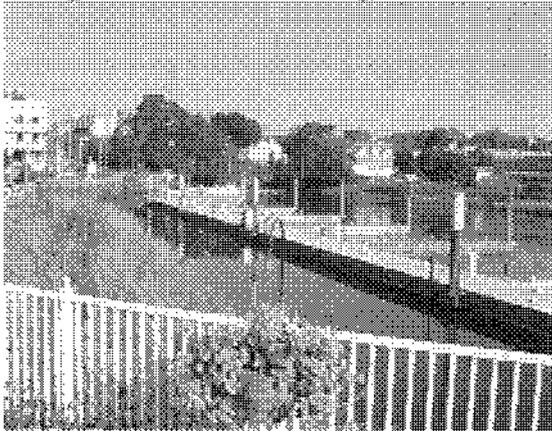


Figure 18 – Marina Facilities Building



Wilcox Park and Nature Preserve and the **Connecticut Audubon Center at Milford Point** both include site design elements that enhance the public waterfront access component of each area. Each facility provides a series of naturalized walking surfaces and observation platforms that blend into the natural environment while providing public access to the water. Both of these parks occur within environmentally sensitive areas and the paths and observation structures that have been constructed are good examples of low-impact development. The observation platforms shown below are of elevated construction that provide excellent vantage points onto the water while maintaining the vegetation, air flow, soil, and hydrology under the structure.

Figure 19 – Wilcox Park Overlook

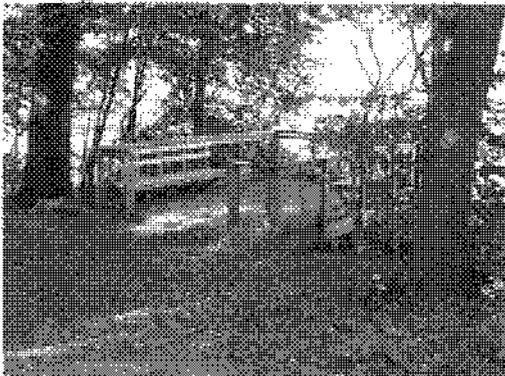
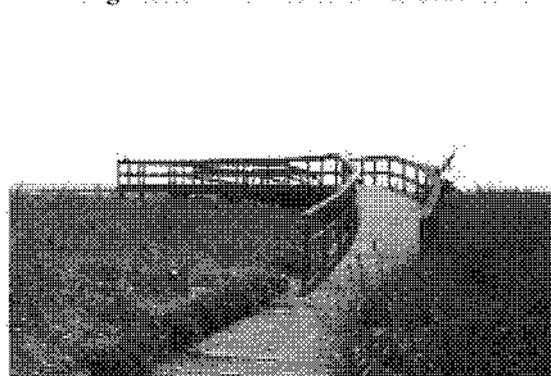


Figure 20 – Audubon Center Platform



These projects also include a series of informative interpretive signs that explain several relevant environmental facts and features of the area using text, diagrams and illustrations. The incorporation of an interpretive signage program within the public access component is an easy way to add interest, excitement, and education value to the project.

Waterview Landing is a residential subdivision that includes a public waterfront access component. This small, single-family residential development sits along the edge of a large tidal marsh. The development provides a small fenced canoe launch area that is signed for 'public use'. The facility itself is small, but generally in scale to the surrounding environment. It incorporates several beneficial design elements such as the signage and overall maintenance of the area. As shown below, the signage is legible and the actual public waterfront access is clearly defined, leaving only the question for the user of where to park.

Figure 21 - Subdivision 'Public Access' Signage



The **Great River Golf Club** in Milford is a success in that it does provide a publicly accessible route from the public street level to the Housatonic River waterfront. The project includes a dedicated gravel parking area, hiking trail, walking path, stone stairs, woodchip trails, and an elevated timber boardwalk structure that provides access and viewing platforms at the river's edge. The project's usability could be improved with additional public access parking, directional signage and a more defined, regraded walking path. In several instances, (Figure 23) the steepness of a sloping and eroding trail is unsuccessful and could be replaced with a simple set of timber stairs allowing for resting during the climb or descent to flatter portions of the trail system.

Figure 22 – Elevated Boardwalk

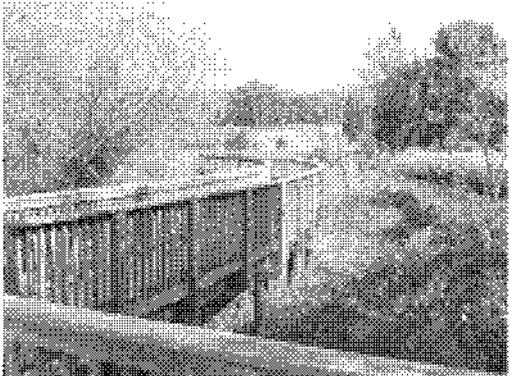


Figure 23 – Steep Earthen Path



Also included in the study in the Town of Milford were two additional public waterfront access facilities. Each access site provided excellent water views and fishing opportunities, but both sites also presented the same problem. Although the sites are functional, they are hidden in the back of a neighborhood and behind a dumpster service enclosure. These sites would benefit immensely from a simple decorative gateway or uniform signage element that would inform the public of a waterfront access opportunity and then give direction as to the policies of the facility.

Figure 24 – Ill-defined access way & parking area for a substantial public waterfront facility



Stratford, Connecticut

All three of the public access facilities that were studied in the Town of Stratford were primarily public fishing piers. The signage, parking, and usability of the facilities were generally successful. Such beneficial design details included in these facilities are wheelchair level railing height for fishing, handicap accessible ramps, and fish cleaning stations.

Figure 25 – Fred Kaeser Fishing Pier

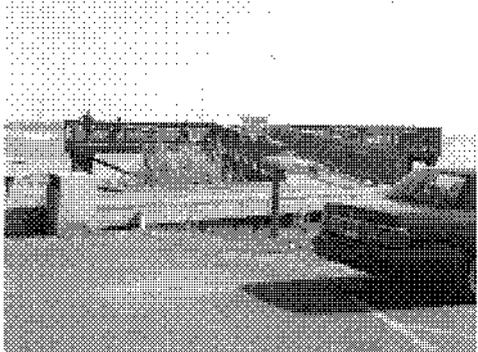
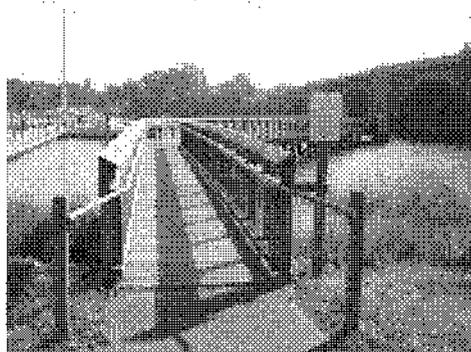


Figure 26 – Shopping Center Public Pier



West Haven, Connecticut

The Town of West Haven has developed over time a public waterfront esplanade system that incorporates many items that should be used as examples for public waterfront development in the future. Where the park is not restricted by existing development, the esplanade walkway expands to 18 feet in width, allowing the use by bicycles, strollers, rollerbladers, joggers and walkers alike. Where the park is restricted by development, it narrows in width but continues to provide a very usable public access corridor along the coastline. The esplanade includes site lighting, benches, restrooms, amphitheater space, and a facilities building, along with several piers and jetties. The park also incorporates a series of historical interpretive signs that provide interesting glimpses into the past for users of the area.

Figure 27 – West Haven Waterfront Esplanade (Savin Rock)



Summary of Findings

Upon completion of a review and analysis of the existing public waterfront access facilities discussed previously in Section One, it is apparent that although many parts of each individual public waterfront access facility are successful, improvements could be made to promote more meaningful public waterfront access areas. It has been concluded that all of the sites discussed previously do provide varying levels of successful public waterfront access, however, the design elements could be added, modified or enhanced to improve the quality of the existing public waterfront access areas. The following is a summary of key design elements that should be addressed in future waterfront development planning and design.

Recommendations

Signage and Gateways – Uniform and attractive informational, interpretive and locational signs should be included within each public waterfront access component. The use of signage should be used both on site and off site within public rights-of-way.

View Corridors – Whenever feasible, linear view corridors from street level to the water's edge or public access components should be left unobstructed.

Pedestrian Corridors – Where possible, a linear pedestrian connection should be made from the public street level to the water's edge or the primary public access component of a project.

Parking – Signed and delineated public parking spaces. The number of actual spaces should be in scale with the size of the development and in relatively close proximity to the waterfront access point(s).

Handicap Accessibility – Where feasible, every attempt shall be made to provide a form of handicap accessibility to the waterfront. Handicap accessibility should be considered when designing the texture, width, and slope of pedestrian access.

Sustainable Design – The public access facilities, whether they include paved walkways, gravel paths, timber boardwalks, interpretive signage, protective railings, or ornamental landscaping, should be designed and constructed of quality, sustainable materials. The design and construction materials selected should require minimal maintenance to provide successful 'long-term' public access.

Overall User Friendliness – The public waterfront access should include the general dimensional requirements for the proposed or desired use. For example, a boardwalk intended for fishing should include a railing height to allow for casting by a variety of physical abilities and a platform area that provides ample space for several fishermen to utilize.

Site Amenities – Where feasible and appropriate, site amenities such as landscaping, historical or interpretive signage, benches, stationary binoculars, rain or sun shelters, and public boat slips may be incorporated into the site design.

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SECTION TWO – Existing Conditions: Areas of Study (Local)

The Town of Greenwich is situated with a portion of its lands bordering Long Island Sound or its tributaries. The developments that currently exist within these waterfront zones are a mix of residential developments, water dependent commercial developments, municipal land and parks, and non-water dependent commercial developments. The existing waterfront properties that exist in the Town of Greenwich can be separated into several different land use categories. These are as follows:

- Town-owned Waterfront Parcels – Developed (Public Works and Parks and Recreation)
- Town-owned Waterfront Parcels – Undeveloped (i.e., parks, beaches, etc.)
- Residential (single-family, multi-family, apartment, condominium)
- Commercial/Office/Warehouse
- Retail (Lumber Yard, Restaurant, Boat Supply and Repair and several Marinas)

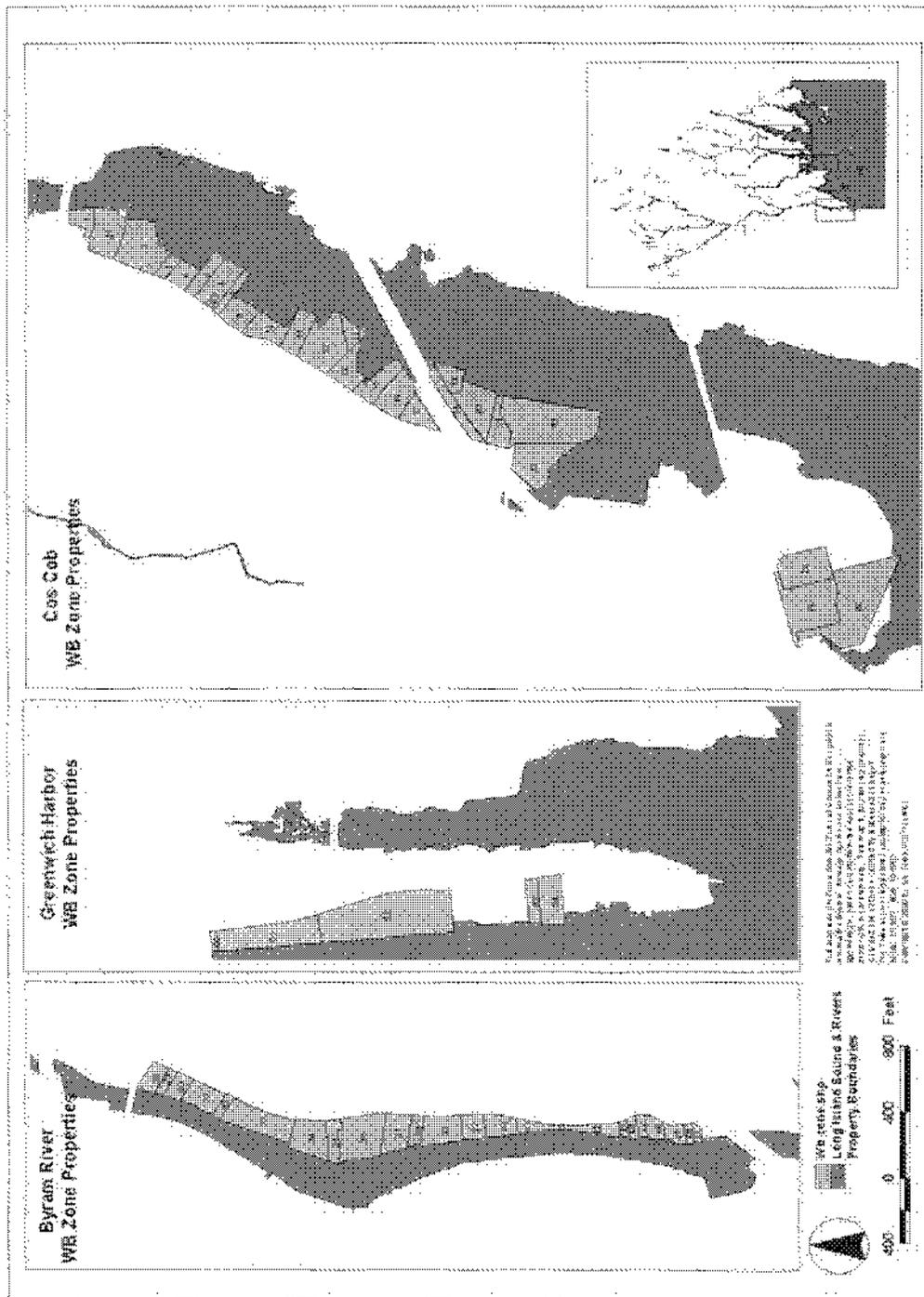
For the purposes related to the development of public waterfront access guidelines, only the lands included within the Waterfront Business Zone Districts and several Town-owned waterfront parcels were included within the study area.

Waterfront Business Zones (WB Zone)

Inventory of Waterfront Business Zone Property

The Waterfront Business Zone consists of several linear groupings of primarily developed commercial waterfront properties along the Byram River, Greenwich Harbor, and Cos Cob Harbor at the mouth of the Mianus River. The existing lands of the WB Zone are a mix of both water dependent development and non-water dependent development. A site inventory and field observation of several of the Greenwich WB Zones was conducted in order to better appreciate the existing development conditions with respect to the enhancement and future creation of public waterfront access. Approximately 50 properties were examined within the WB Zones.

Figure 2.0-Location Map
Town Of Greenwich, Connecticut
Waterfront Business Zones (WB Zone)



**Waterfront Business (WB Zone) Properties – Existing Inventory
Town of Greenwich, Connecticut**

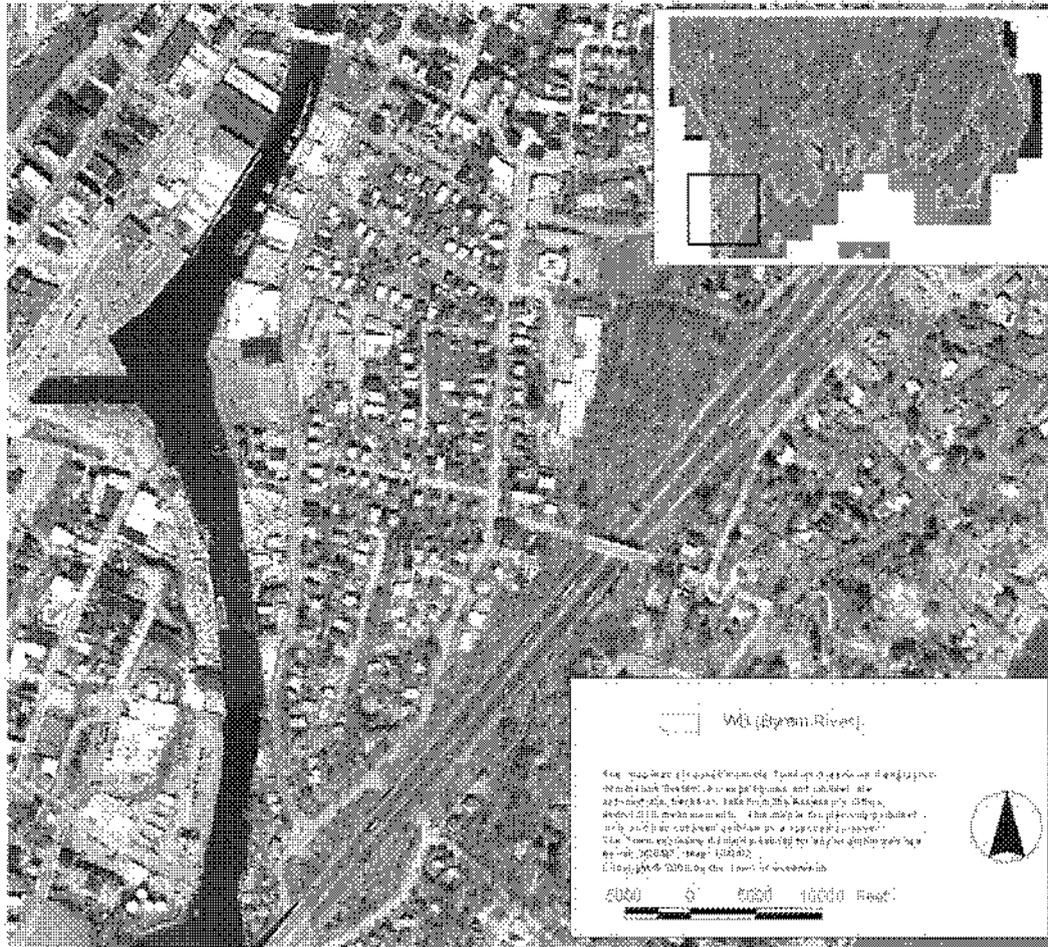
Number on Map	ADDRESS	ACRES
1	1 NEWMAN STREET	0.525
2	105 RIVER ROAD	2.051
3	99 RIVER ROAD	0.330
4	91 RIVER ROAD	0.580
5	89 RIVER ROAD	0.631
6	143 RIVER ROAD	1.097
7	137 RIVER ROAD	0.097
8	133 RIVER ROAD	0.423
9	81 RIVER ROAD	0.841
10	0 RIVER ROAD	0.933
11	0 RIVER ROAD	0.896
12	10 RIVER ROAD	1.980
13	51 RIVER ROAD	0.912
14	0 RIVER ROAD	0.466
15	0 RIVER ROAD	0.929
16	49 RIVER ROAD	1.201
17	31 RIVER ROAD	0.729
18	33 RIVER ROAD	0.826
19	33 RIVER ROAD	0.575
20	0 RIVER ROAD	1.479
21	5 RIVER ROAD	0.754
22	1 RIVER ROAD	1.880
23	8 SOUND SHORE DRIVE	2.633
24	0 SOUND SHORE DRIVE	1.760
25		1.447
26		4.199
27		0.414
28	2 SOUTH WATER STREET	0.414
29	2 SOUTH WATER STREET	0.195
30	30 SOUTH WATER STREET	0.357
31	34 SOUTH WATER STREET	0.886
32	0 CHURCH STREET	0.170
33	184 SOUTH WATER STREET	1.265
34	84 SOUTH WATER STREET	0.963
35	88 SOUTH WATER STREET	0.431

36	0 SOUTH WATER STREET	1.475
37	108 SOUTH WATER STREET	0.737
38	0 SOUTH WATER STREET	0.296
39	112 SOUTH WATER STREET	0.862
40	184 SOUTH WATER STREET	0.529
41	184 SOUTH WATER STREET	0.290
42	194 SOUTH WATER STREET	0.419
43	210 SOUTH WATER STREET	0.117
44	214 SOUTH WATER STREET	0.151
45	218 SOUTH WATER STREET	0.151
46	222 SOUTH WATER STREET	0.299
47	230 SOUTH WATER STREET	0.263
48	238 SOUTH WATER STREET	0.142
49	242 SOUTH WATER STREET	0.121
50	500 STEAMBOAT ROAD	0.109
51	500 STEAMBOAT ROAD	1.821
52	600 STEAMBOAT ROAD	4.181
53	646 STEAMBOAT ROAD	0.414
54	660 STEAMBOAT ROAD	0.913
55		3.819

Byram River Waterfront Business Zone

The Byram River WB Zone is situated between the residential neighborhood of South Water Street to the east, Mill Street Bridge to the north, Interstate 95 to the south, and the Byram River and City of Port Chester, New York to the west. The parcels that the WB Zone comprises are a combination of retail (boat sales, lumber sales, etc.), commercial (restaurant, banks and office space), abandoned and vacant lots, and two Town-owned parcels currently serving as a Department of Public Works facilities, sewage pump station and storage yards and a municipal parking lot. It is apparent that the current uses of these properties provide little to no public access to the water. Although the water is not easily visible from the street level under non-obstructed view conditions, the clutter and lack of organized facilities, on-street boat storage, customer parking, delivery truck loading and storage yards do not even provide a hint to the general public that a waterfront opportunity is nearby.

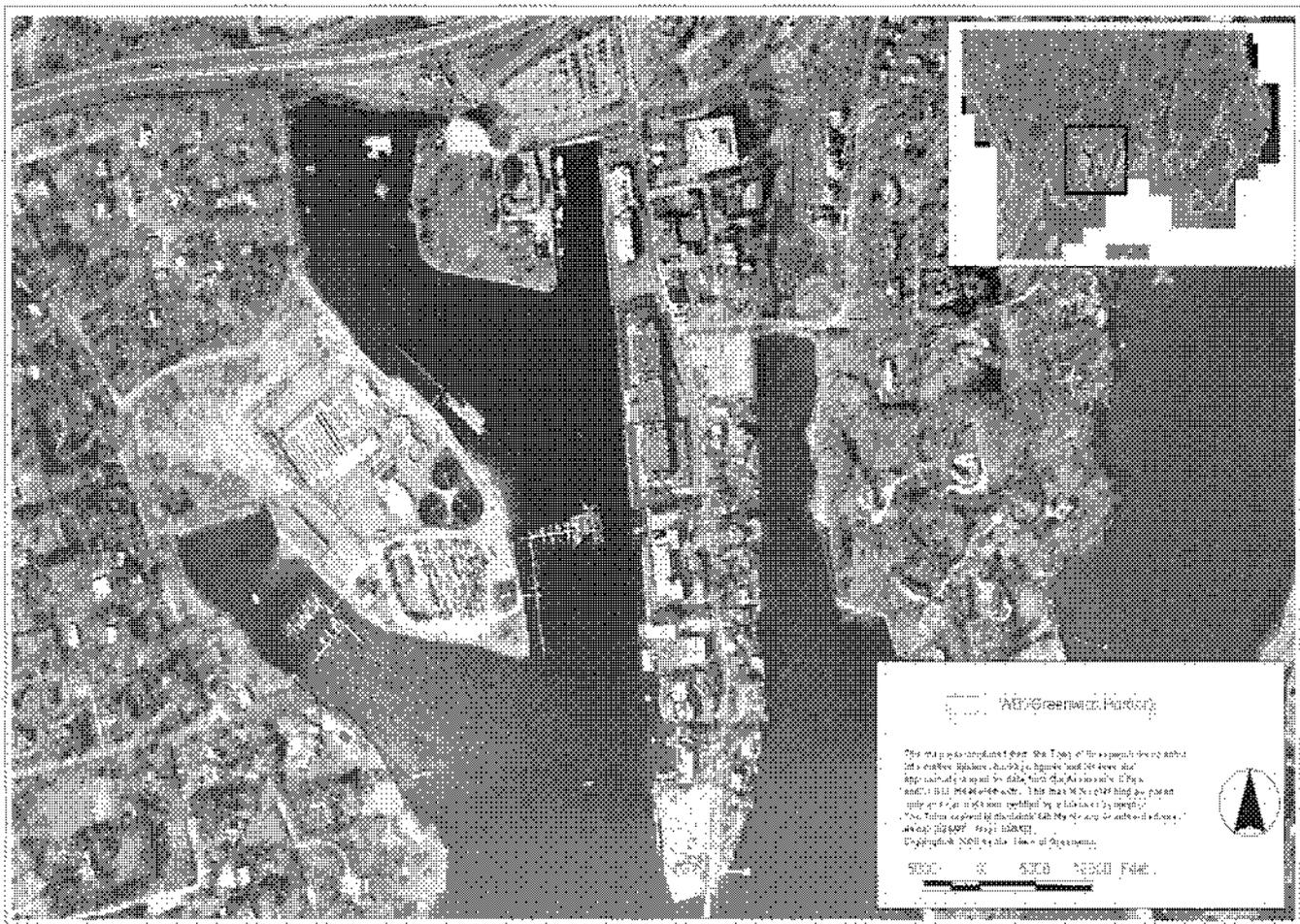
Location Map – Figure 2.1
Byram River – WB Zone



Greenwich Harbor Waterfront Business Zone

The Greenwich Harbor WB Zone is situated between Steamboat Road to the east and Greenwich Harbor to the west. The parcels that the WB Zone comprises are a combination of retail (hotel), commercial (office space) and residential. It is apparent that the more recent redevelopments of a hotel and large office complex did consider public access to the water as a design element. Although two recent redevelopments do provide a public access corridor along the harbor's waterfront, the corridor is abruptly halted at each given property line by means of a free-standing concrete wall.

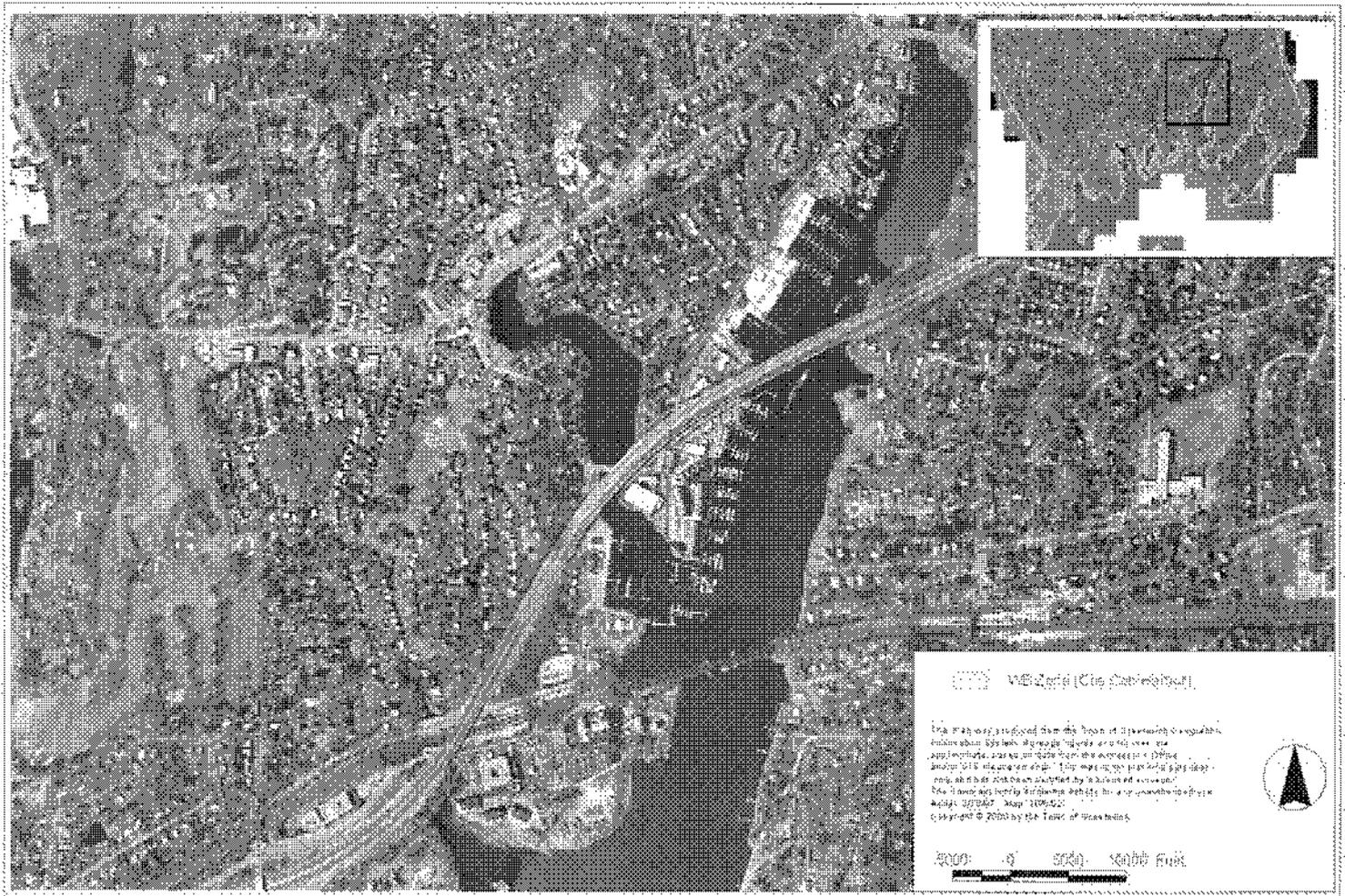
**Location Map – Figure 2.2
Greenwich Harbor – WB Zone**



Cos Cob Harbor Waterfront Business Zone

The Cos Cob Harbor-WB Zone is situated at the mouth of the Mianus River along River Road. The parcels that the WB Zone comprises are a combination of residential (condominium), retail (boat sales and services, marinas and a rowing club) and a few commercial (office space). Several Town-owned properties provide formalized public access points to the water while others provide a potential for future waterfront parks, i.e., the former Cos Cob Power Plant site. Although several of the existing redevelopment sites do technically provide public waterfront access, often the small, uninviting, narrow pathways, locked gates, lack of signage, and limited parking negate the actual usability of the facility by the public.

Location Map -- Figure 2.3
Cos Cob Harbor -- WB Zone



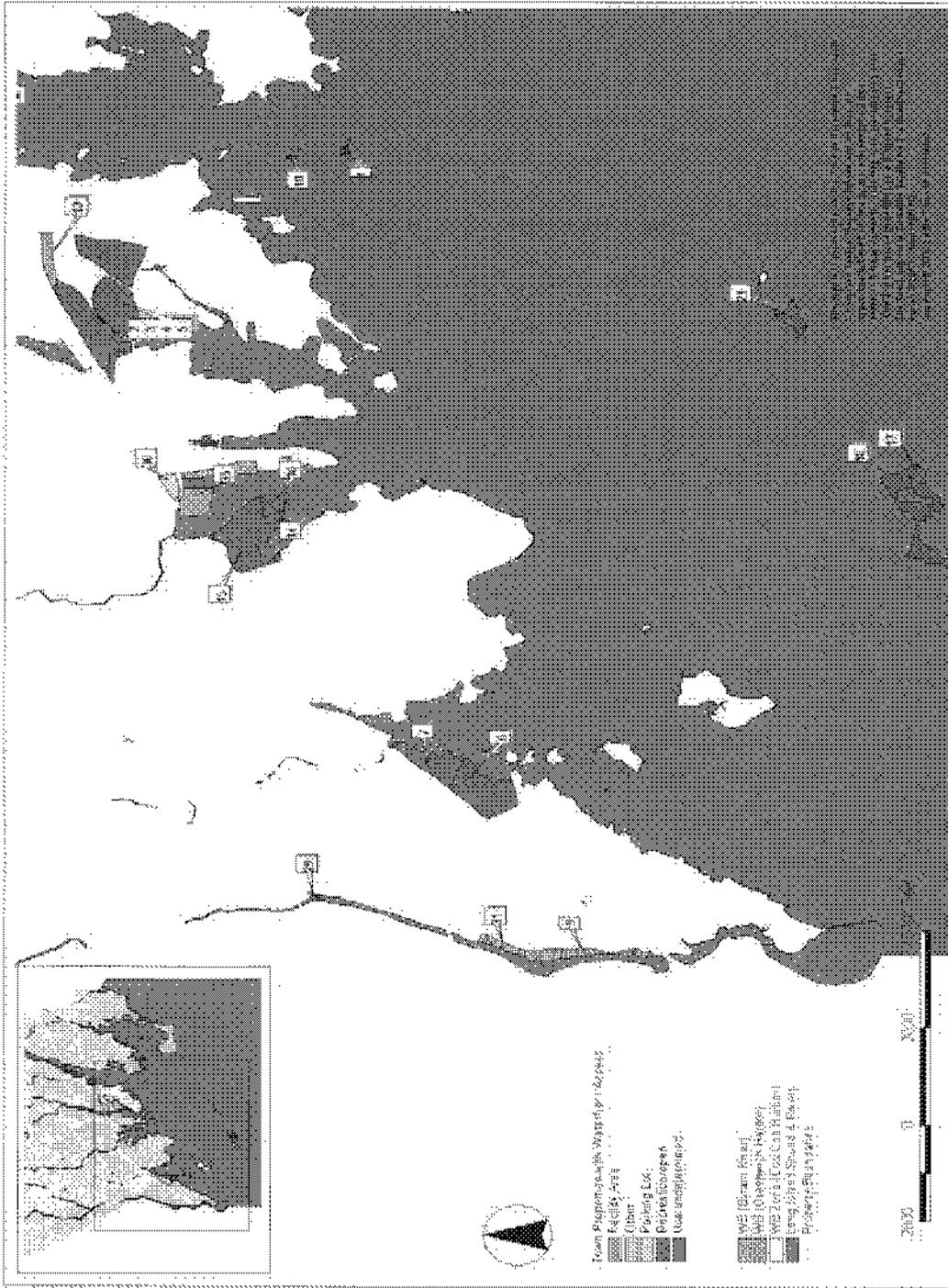
Town-Owned Waterfront Properties

Inventory of Town-owned Waterfront Properties

The Town of Greenwich provides many beautiful waterfront parks and islands that are meticulously maintained for both active and passive recreation, along with wildlife refuge areas for the hikers and bird watchers alike. The Town has remained proactive in expanding their Town-owned waterfront inventory. Included within the inventory are several parcels of land interspersed within the WB Zones, the former Cos Cob Power Plant property, and the former pump house at the Mianus River dam. Several of these parcels represent a rare opportunity to bring open space and waterfront access into a highly developed urban environment. These parcels, if properly developed, may aid in promoting future linear public waterfront esplanades in conjunction with private redevelopment planning. A site inventory and field observation of several of the Town-owned properties was conducted in order to better appreciate the existing park conditions with respect to the enhancement and future creation of public waterfront access.

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Figure 2.4-Location Map:
Town Of Greenwich, Connecticut
Town-Owned Waterfront Property
(West)



Town-Owned Waterfront Properties – Existing Inventory
Town of Greenwich, Connecticut

NUMBER ON MAP	ADDRESS	ACRES	NAME	TYPE
1	0 ISLANDS	0.4590	Bluff Island	Recreation/open
2	0 BRUCE PARK DRIVE	14.7512	Bruce Park	Recreation/open
3	200 INDIAN FIELD ROAD	34.5720	Bruce Park	Recreation/open
4	200 INDIAN FIELD ROAD	34.5720	Bruce Park	Recreation/open
5	0 DAVIS AVENUE	2.8531	Bruce Park	Recreation/open
6	0 RITCH AVENUE	10.6920	Byram Park	Recreation/open
7	0 BYRAM SHORE ROAD	19.5326	Byram Park	Recreation/open
8	0 SOUND SHORE DRIVE	9.6779	Cos Cob Power Plant	Facility Area
9	0 SOUTH WATER	0.4140	DPW Facility on S. Water St.	Facility Area
10	0 ISLANDS	0.1507	Diving Island	Recreation/open
11	0 TOMAC LANE	0.0637	Dock	Recreation/open
12	0 TOMAC LANE	0.1362	Dock	Recreation/open
13	100 INDIAN FIELD ROAD	4.3581	Fleet Garage	Facility Area
14	0 SHORE ROAD	22.5925	Grass Island	Recreation/open
15	0 SHORE ROAD	3.8555	Grass Island	Recreation/open
16	0 SHORE ROAD	1.1766	Grass Island	Recreation/open
17	0 ISLANDS	14.0917	Great Captains Island	Recreation/open
18	0 ISLANDS	5.1593	Great Captains Island	Recreation/open
19	0 ISLANDS	1.0428	Great Island	Recreation/open
20	0 TODS DRIFTWAY	153.0681	Greenwich Point Park	Recreation/open
21	0 ISLANDS	4.1871	Island Beach	Recreation/open
22	3 MEADOW PLACE	0.0510	Meadow Place Dock & Pump Station	Recreation/open
23	0 STRICKLAND ROAD	0.1656	Mianus River Yacht Club	Recreation/open
24	0 STRICKLAND ROAD	1.8378	Mianus River Yacht Club	Recreation/open
25	0 STRICKLAND ROAD	0.1452	Mianus River Yacht Club	Recreation/open
26	0 STRICKLAND ROAD	0.9122	Mianus River Yacht Club	Recreation/open
27	0 STRICKLAND ROAD	0.8915	Mianus River Yacht Club	Recreation/open
28	1 NEWMAN STREET	0.5248	Newman Street Garage	Facility Area
29	0 WEST PUTNAM AVENUE	0.5360	Park	Other
30	0 STEAMBOAT ROAD	2.6805	Parking Lot	Parking Lot
31	0 CHURCH STREET	0.1703	Parking Lot	Parking Lot
32	0 ISLANDS	0.1981	Pelican Island	Recreation/open
33	0 SHORE ROAD	0.0764	Pump Station	Facility Area
34	0 STEAMBOAT ROAD	0.0513	Steamboat Dock	Recreation/open
35	100 ARCH STREET	6.8956	Teen Center/facility area	Facility Area
36	0 RIVERSIDE AVENUE	0.0379	Vacant	Use undetermined
37	0 RIVERSIDE AVENUE	0.1449	Vacant	Use undetermined
38	0 GLEN AVON DRIVE	0.1704	Vacant	Use undetermined

SUMMARY

As in many Connecticut shoreline communities, the waterfront lands of Greenwich vary greatly in their potential for the development of 'Public Waterfront Access.' For example, there are several existing parcels that are being utilized for a water dependent use and are not required to provide public access, while many other parcels have existed for many years as non-water dependent uses that have never provided public access. The Town currently provides several public waterfront facilities that include a ferry terminal, Town docks, boat launches, beaches and both passive and active recreational areas. There are several additional Town-owned parcels of land that exhibit strong potential for new public waterfront access facilities, including but not limited to:

- Newman Street DPW facility (Map #28)
- Former Cos Cob Power Plant site (Map #8)
- South Water Street -- DPW Site (Map #9)
- Parking Lot -- Church Street (Map #31)
- Mianus River Dam and Filtration Site

In addition to the Town-owned parcels, several privately-owned parcels that have been recently targeted or currently underutilized for redevelopment also exhibit strong potential to include a valuable public waterfront access component within highly urbanized environments. They are (but are not limited to):

- 88 South Water Street -- Byram River (Maps #35 & 36)
- Steamboat Hotel & Office Complex (Map #S1 & S2)
(potential to connect two waterfront promenades together)
- State-owned parcel -- Under I-95 bridge -- River Road
(potential WB Zone public boat launch)

Although several properties within the WB Zone already exist with water dependent uses such as Beacon Point and Palmer Point, the Town of Greenwich has been proactive in obtaining several waterfront public access easements as part of recently proposed non-water dependent development (i.e., Palmer Point and 35 River Road within the WB Zone).

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SECTION THREE – Recommendations and Design Guidelines for Improved
Public Waterfront Access

Signage and Wayfinding

Visibility of Public Access Points

The phrase 'Hidden Jewel' comes to mind when speaking of several waterfront access points that were visited while compiling the data to support the findings of this design manual. Often times the simplest part of any given project is the most vital part of making the project successful. The simplistic nature of the design detail or small cost associated with it may cause the element to be overlooked, or taken for granted, and left out of the project scope. When discussing a waterfront access project, this element of the design is repeatedly 'Signage.' The planning and implementation of an adequate and aesthetic wayfinding and signage program is essential to the success of every public waterfront access project.

The change over time from water dependent facilities that once depended on receiving goods and services via the water to new industrial and commercial ventures that utilize more efficient trucking, airfreight, and digital technology for deliverables, has transformed the waterfront, particularly the riverine waterfront, into the 'back door.' The under-utilized public waterfront access points of many coastline communities function much like any residential neighborhood in the nation in that the back door is usually not visible from the street. The public access points are often found behind buildings or at the end of dead-end streets.

A uniform signage program should be developed as part of all future waterfront development or redevelopment that includes a public waterfront access component. The signs should be aesthetically pleasing and easily readable from approximately 30 feet away. They should instruct the public on where to access the facility, the hours of operation, location of facilities, the types of recreation permitted, and all prohibited activities.

In an effort to promote public awareness of the existing public waterfront access points, the Connecticut Department of Environmental Protection, Office of Long Island Sound Programs (OLISP) has published The Connecticut Coastal Access Guide, which includes a public access location map for the entire Connecticut shoreline. This guide and map provides the general public a directional guide for the location and recreational usage of existing public access facilities. Public access signs are available for a nominal fee that can be mounted along streets and at public access points within a municipality. The map and signs can be obtained from OLISP at the CT DEP offices on Elm Street in Hartford, Connecticut.

Pedestrian Safety

When considering the general public in planning and design of an outdoor facility, let alone a waterfront facility, one must always consider the safety and welfare of the potential user. The aspect of safety should be considered from the point at which the pedestrian leaves his or her car, gets dropped off at the curb, steps off a bus, boards a ferry, or dismounts a bicycle. Although completely guaranteeing pedestrian safety is not feasible, careful design and continued maintenance of walkways, curbs, handicap ramps, crosswalks, handrails, gates, steps, landscaping, boardwalks, docks, lighting, and signage can provide a safe pedestrian environment.

Upon review of the public access facilities observed during the study, the primary pedestrian safety problems were attributed to lack of maintenance. When embarking on the design or site plan review of a waterfront public access facility, private or public, a long-term maintenance or management plan should be considered as an integral part of the design equation. The selection of sustainable material and proper design techniques in the construction specification period could lessen the need for a demanding and exhaustive maintenance regimen for years to come, where eventual replacement may be necessary. It should be understood that a maintenance or management agreement and program would be required in order to provide safe public accessibility.

Other pedestrian safety considerations that may improve the functionality of the public access facility are: site lighting, painted or textured crosswalks, upgraded pedestrian traffic signals and signage, and emergency call boxes for remote areas.

Dedicated Public Parking

A public waterfront access facility is only as successful as the proximity of the parking area. When considering a public waterfront access facility as successful or unsuccessful, one can find a direct correlation with the availability and proximity of parking. In general, those access facilities that provide adequate, nearby, dedicated (signage) parking spaces are more successful. Those facilities that did not provide adequate, designated public parking spaces did not function at the level of the others. (See Data Tables – Page 30).

Dimensional Criteria

Right-of-Ways and Easement Widths

When attempting to include a public access component in a private development one should consider the implementation of a right-of-way or an easement over the existing property. These legal survey terms provide the private landowner with a sense of liability security and the public an opportunity to reach the water. The width of the actual right-of-way or easement should not be generic, but should be based upon actual field conditions. For example, a 10-foot wide easement across a flat, open field, with no obstacles to maneuver a six to eight foot wide public access way may potentially be sufficient. However, the same 10-foot wide easement would not

be adequate for a six to eight-foot wide pathway if the regrading of an undulating surface, installation of privacy fence or protective railings, and landscaping was required to achieve the desired public access component. Thus, the actual dimension of a right-of-way or easement should be determined on a site-specific basis and is dependent upon the required pathway width. (See Data Tables - Page 33)

ADA Accessibility Standards

According to many standard building codes, 50 percent of all access ways to a public building should be handicap accessible. Although 50 percent is not a design requirement in outdoor settings, all public waterfront accessibility projects, private or public, should provide at minimum, one ADA handicap accessible route to the majority of the waterfront access component. Where feasible, accessible entrances should be the entrances used by the majority of the visiting public.

Curb ramps (maximum slope 1:12 and a minimum width of three feet) should be provided wherever an access route crosses a vertical curb. If a curb ramp is located where pedestrians must walk across the ramp or where it is not protected by handrails or guardrails, it shall have flared sides (maximum slope 1:12).

Handicap ramps are described as any part of an accessible route that exceeds five percent (5%) in slope. The maximum slope of a handicap ramp is 1:12 (8.33%) and the maximum rise for any run is 2.5 feet. Ramps shall have a five-foot landing at the top and bottom with the same width as the ramp. If a ramp has a rise greater than six inches or is greater than six feet in length, then it should have handrails on both sides. (See design details)

Handicap accessibility, with ramps as required, should be provided wherever feasible, unless the handicap ramps will encroach on or damage tidal boundaries, wetlands, or environmentally sensitive coastal areas.

Additional Permitting Requirements

Discussion of Current Town of Greenwich Regulations and Standards

Greenwich was among the early towns in Connecticut to adopt regulations that recognized the importance of preserving its waterfront for water dependent uses. In 1987, the Planning and Zoning Commission created the Waterfront Business Zone (WB) with purpose of enhancing waterfront land values, retaining and encouraging commercial water dependent uses and protecting natural resources. The purpose and need for the WB zone are elaborated upon in Section 6-107 of the Zoning Regulations and are compatible with Federal and State goals and policies for coastal public access. The permitted uses in the zone are limited to boat and marine facilities, boat yards, recreational and commercial fishing and boating facilities and similar dock and port facilities. Subordinate and supportive water-oriented uses may also be permitted by

special permit. Among such uses are beach and yacht clubs, parks and playgrounds, marine and fishing supplies, and marine research laboratories. See Section 6-100, Use Group 7 of the Zoning Regulations. In addition to the criteria set forth in Section 6-107, all development is subject to the standards of the Coastal Overlay Zone, Section 6-111, which are essentially the coastal site plan review process conforming to the Connecticut Coastal Management Act (CCMA).

As a result of these WB regulations and site plan approvals by Planning and Zoning, several public access boardwalks have been created and are existing today. They include public boardwalks along Palmer Point development on River Road along the Mianus River in Cos Cob (a complex of residential, commercial and marina developments) River Green residential development on River Road -- also along the Mianus River, and the Delmar Hotel and Restaurant on Steamboat Road in Greenwich. An approved boardwalk on the Beacon Point Marina on River Road (whose construction is imminent) and easements for public access future boardwalks on two properties adjacent to the Beacon Point Marina along the Mianus River have also been secured. As WB Zone waterfront properties have been reviewed and approved by P&Z, public access has been required through these regulations. New re-development proposals on South Water Street along the Byram River (also in the WB Zone) have proposed public waterfront access, including Town of Greenwich properties as part of a long range Byram Plan.

Connecticut Department of Environmental Protection

Discussion of Current State and Federal Current Regulations and Standards

The State of Connecticut Department of Environmental Protection's Office of Long Island Sound Program (OLISP) regulates the placement and erection of structures, encroachments or fill and dredging activity conducted within tidal wetlands and in tidal, coastal or navigable waters that occur waterward of the high tide line. The high tide line is defined as the maximum height that is reached during the year by the rising tide. This regulatory limit differs from the mean high water line (the average elevation of all high tides), which is the limit of private property ownership. In other words, OLISP regulates activities on private property as well as the public trust. OLISP's jurisdiction is determined based on the Structures Dredging and Fill Act (Connecticut General Statutes Section 22a-361) and the Tidal Wetlands Act (C.G.S. Section 22a-29).

OLISP has developed three basic categories of permit applications: Individual Permits, Certificates of Permission, and General Permits. A summary of each is detailed below with a description of activities that may be regulated by each category. This summary is not a substitute for consulting OLISP staff with regard to specific project requirements.

Coastal General Permits: OLISP regulates a number of activities through a General Permit Process. Activities authorized through General Permits are considered minor, with limited potential for adverse environmental impacts. A few general examples of activities that qualify for General Permits are as follows:

- Construction of osprey platforms
- Construction of small residential docks
- Pump-out facilities, etc.

Construction of new public access facilities is not be covered under the General Permit process.

Certificates of Permission: Certifications of Permission (COPs) are used to authorize minor activities that have been permitted previously, i.e., the replacement, in kind, of existing and/or permitted structures. Activities eligible for COP include:

- Substantial maintenance or repair of an existing structure that was previously permitted by OLISP. An example of this may include the replacement of failing bulkhead or dock structures.
- Maintenance dredging in areas where it was previously permitted and dredged. This would include boat moorings and docking facilities.
- Placement of temporary structures. Note that there is a difference between seasonal and temporary. A floating dock structure that would be placed in the same location each year would not qualify for a COP.
- Placement of docks, piers, floats, docks and moorings within the boundaries of an existing marina that were given the appropriate permits for construction of the facilities.

A COP is subject to an abbreviated review process of 45 days (or 90 days if the application is incomplete). Replacement or upgrading an existing authorized pedestrian walkway or pier may be eligible for a COP.

Individual Permits: All other coastal activities that are proposed waterward of the HTE require an individual permit. This would include the construction of new docks, pedestrian walkways or boating facilities. Based on several court cases, OLISP's jurisdiction includes activities that extend both above and below water, so any structure that would protrude waterward of the high tide line would be regulated (including, for example, a cantilevered dock or pier).

Army Corps of Engineers

The Army Corps of Engineers, through Section 10 of the Rivers and Harbors Act of 1890 and 1899 regulates the construction, excavation or deposition of materials within or over navigable waters. Navigable waters are those that are subject to the ebb and flood of the tide and are presently used, have been used or may be used to transport commerce. Long Island Sound is regulated by the Corps of Engineers as are major tributaries such as the Thames, Connecticut and Housatonic Rivers. The Corps limit of regulatory jurisdiction for activities under Section 10 is mean high water. Therefore, the placement of any structure waterward of mean high water requires a permit from the Army Corps.

The Corps also regulates the discharge of fill material into waters of the United States (including wetlands and tidal wetlands) through Section 404 of the Clean Water Act. Under Section 404, the Corps' jurisdiction extends to the farthest inland extent of wetlands. This may be the high tide line, or a point farther inland if wetland vegetation extends landward of the high tide line. For coastal structures, this means the Corps may regulate the placement of a dock or boardwalk where construction requires crossing any wetland area.

Similar to OLISP, the Corps of Engineers also administers its permits through both general and individual permit categories. The Corps breaks their permits down into Category I, II and Individual Permits. Activities regulated in coastal areas are presented in Table 3.0.

TABLE 3.0
Summary of Coastal Permit Requirements for
Permits Administered by Army Corps of Engineers¹

Activity	Category I Requirements	Category II Requirement	Individual Permit
Repair and Maintenance Work ²	Repair or maintenance of currently serviceable structures (that were previously permitted or are grandfathered) with no expansion or change of use.	Repair of non-serviceable structures or repair/maintenance of serviceable structures with expansion of the structure up to one acre.	Replacement of a non-serviceable structure or fill or repair and maintenance of serviceable fills greater than one acre.
Dredging ³	Maintenance dredging with upland disposal when work is completed between November 1st and January 15th and there is no potential threat to special aquatic sites (i.e., wetlands, bogs, tidal marshes, etc.).	Maintenance dredging that doesn't meet Category I and new dredging that is less than 25,000 cubic yards, provided there is no impact to special aquatic sites.	Dredging in excess of 25,000 cubic yards with open water disposal or dredging in any amount that may impact a special aquatic site.
Pile-Supported Structures and Floats	<ol style="list-style-type: none"> 1. Reconfiguration of existing permitted docks provided they do not extend beyond the perimeter of an existing facility. No dredging, additional slips or expansion allowed. 2. Construction of private docks that extend less than 40 feet from mean high water or less than the distance to a depth of -4 feet based on mean high water. No docks shall be located over submerged aquatic vegetation or tidal wetlands. 3. Osprey platforms. 	<p>Private piers or floats for navigational access other than those in Category I.</p> <p>New structures within an existing boat facility provided the new structures do not extend beyond the existing perimeter of the facility.</p>	Structures/piers/ floats that alone or with docked or moored vessels, extend within horizontal limits of a Federal Navigation Project. Structures (including piers and floats) associated with a new or previously unauthorized boating facility.

- Notes:
1. Taken from table entitled, "Definition of Categories," published by the Army Corps of Engineers in General Permit 41 dated May 15, 2001.
 2. Repair and maintenance may be necessary if existing boardwalks or walkways that extend waterward of mean high water are to be upgraded.
 3. Dredging may be necessary if additional boating access is to be provided.

Category I and Category II activities are permitted in a review process that is coordinated through OLISP. Therefore, no separate application to the Army Corps of Engineers is required for these activities. Activities that are regulated by individual permits require a separate application to be submitted to the Corps.

Coastal Management Requirements

Coastal Site Plan Review

Coastal municipalities have the responsibility of implementing the goals and policies of the Connecticut Coastal Management Act [CCMA, Connecticut General Statutes (CGS) sections 22a-90 through 22a-112, inclusive]. The primary CCMA goals and policies relating to public access are as follows:

1. To give high priority and preference to uses and facilities that are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters [CGS Sec. 22a-92(a)(3)];
2. To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water dependent uses and facilities in shorefront areas [CGS Sec. 22a-92(b)(1)(A)]; and
3. In approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that **the proposed activity with any conditions or modifications imposed by the board** (1) Is consistent with all applicable goals and policies in section 22a-92; (2) **incorporates as conditions or modifications all reasonable measures that would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities**. [CGS Sec. 22a-106(e)]. (emphasis added)

These policies are applied during the coastal site plan review (CSPR) process. Through this process, municipal boards and commissions can ensure that, when reviewing development proposals within the coastal boundary, CCMA policies are consistently adhered to including policies relating to coastal resources and water dependent uses (including public access).

The policies and goals of the CCMA require that public access be provided on suitable waterfront sites when no water dependent use is proposed. The statutory rationale is as follows:

1. General Public Access is a defined water dependent use in the CCMA (see definition below).
2. Locating a non-water dependent use at a site that is physically suited for a water dependent use for which there is a reasonable demand constitutes an adverse impact on future water dependent development opportunities.
3. In approving any waterfront development proposals, the municipal board or commission must incorporate as conditions or modifications all reasonable measures that would

mitigate the potentially adverse impacts of the proposed activity on future water dependent development opportunities.

While general public access is not necessarily well defined in the Act, several issues are clear. First, the review responsibility was given to local planning and zoning commissions, which traditionally make decisions regarding land use. Since the limit of each municipality's jurisdiction is mean high water, it makes sense that general public access must be largely provided within the commission's jurisdiction or landward of mean high water. Therefore, in accordance with CCMA policies, general public access consists primarily of the uses of the land area and infrastructure and amenities provided upland of mean high water. However, for the purpose of providing significant and meaningful public access, there may be situations where encroachments into the public trust (waterward of mean high water) are allowed to maximize the use and enjoyment of a site by the public. Fishing piers, transient boat slips, car-top boat ramps and other structures that are located mostly in the public trust (waterward of MHW) are examples of public access components that would largely fall outside the municipality's jurisdiction (such structures require State permits), yet may enrich public access experiences when they are part of a well-developed upland public access design.

Therefore, if public access and other water dependent uses are the use of the land adjacent to coastal waters, then the proposal of uses and structures wholly in or over the water alone does not meet the statutory definition of a water dependent use (including public access). For example, proposing 25 boat slips in the water with no upland support (i.e. boat storage, maintenance and repair, laundry, locker rooms, sales of supplies, etc.) does not constitute a marina. Similarly, proposing access paths in or cantilevered above public trust land does not constitute public access. It is not unusual for a developer to propose a project on a waterfront parcel without a water dependent use. Once advised of the statutory requirement to provide a water dependent use (if the site is physically suited for a water dependent use), the developer often tries to fit public access components on the remaining land even going so far as to propose public access below mean high water. The guidance in this document can be used to measure the consistency of any proposal that includes the provision of public access to avoid scenarios such as these:

One issue that often arises regards requiring public access on a single-family residential lot. Generally, single-family residential lots are not suitable for general public access or other water dependent uses. If a site is not suitable for a water dependent use, the proposal of a residential use on a residentially zoned waterfront parcel would not represent an adverse impact on future water dependent development opportunities. However, waterfront subdivisions may be suitable for public access, therefore they may require the provision of public access. Since public access and residential use can conflict with on another, such access should be very carefully designed to mitigate potential use conflicts.

Hopefully, this guidance document will educate local commissions and developers so that public access will be integrated into projects during the initial planning phases and unworkable and

undesirable public access designs will not be forced onto site plans as an alternative in an attempt to meet the statutory requirements for public access.

Please contact your local Planning and Zoning Office or OLISP at 860-424-3034 for more information regarding CCMA policies that apply to development or redevelopment of waterfront parcels.

Definitions and Statutory References

Water dependent Uses [CGS section 22a-93(16)]

Those uses and facilities that require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront docks and port facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water that cannot reasonably be located or operated at an inland site and uses that provide general public access to marine or tidal waters.

Adverse Impacts to Water dependent Uses [CGS Sec. 22a-93(17)]

Adverse impacts on future water dependent development opportunities and activities include but are not limited to (A) locating a non-water dependent use at a site that (i) is physically suited for a water dependent use for which there is a reasonable demand or (ii) has been identified for a water dependent use in the plan of development of the municipality or the zoning regulations; (B) replacing a water dependent use with a non-water dependent use, and (C) siting of a non-water dependent use that would substantially reduce or inhibit existing public access to marine or tidal waters.

Coastal Boundary [CGS Sec. 22a-94(b)]

The coastal boundary is a continuous line delineated on the landward side by the interior contour elevation of the one hundred year frequency coastal flood zone, as defined and determined by the National Flood Insurance Act (U.S.C. 42 Section 4101, P.L. 93-234), or a 1,000-foot linear setback measured from the mean high water mark in coastal waters, or a 1,000-foot linear setback measured from the inland boundary of tidal wetlands mapped under section 22a-20, whichever is farthest inland; and shall be delineated on the seaward side by the seaward extent of the jurisdiction of the state.

Criteria and Process for Action on Coastal Site Plans [CGS Sec. 22a-106]

- (a) In addition to determining that the activity proposed in a coastal site plan satisfies other lawful criteria and conditions, a municipal board or commission reviewing a coastal site plan shall determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water dependent development activities are acceptable.
- (b) In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both coastal resources and future water dependent development opportunities a municipal board or commission shall: (1) Consider the characteristics of the site, including the location and condition of any of the coastal resources defined in section 22a-93; (2) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water dependent development opportunities and (3) follow all applicable goals and policies stated in section 22a-92 and identify conflicts between the proposed activity and any goal or policy.
- (c) Any persons submitting a coastal site plan as defined in subsection (b) of section 22a-105 shall demonstrate that the adverse impacts of the proposed activities are acceptable and shall demonstrate that such activity is consistent with the goals and policies in section 22-92.
- (d) A municipal board or commission approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria listed in subsection (b) of this section shall state in writing the findings and reasons for its action.
- (e) In approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board (1) Is consistent with all applicable goals and policies in section 22a-92; (2) incorporates as conditions or modifications all reasonable measures that would mitigate the adverse impacts of the proposed activity on both coastal resources and future water dependent development activities.

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EXISTING AND PROPOSED SCHEMATIC DESIGN SCENARIOS

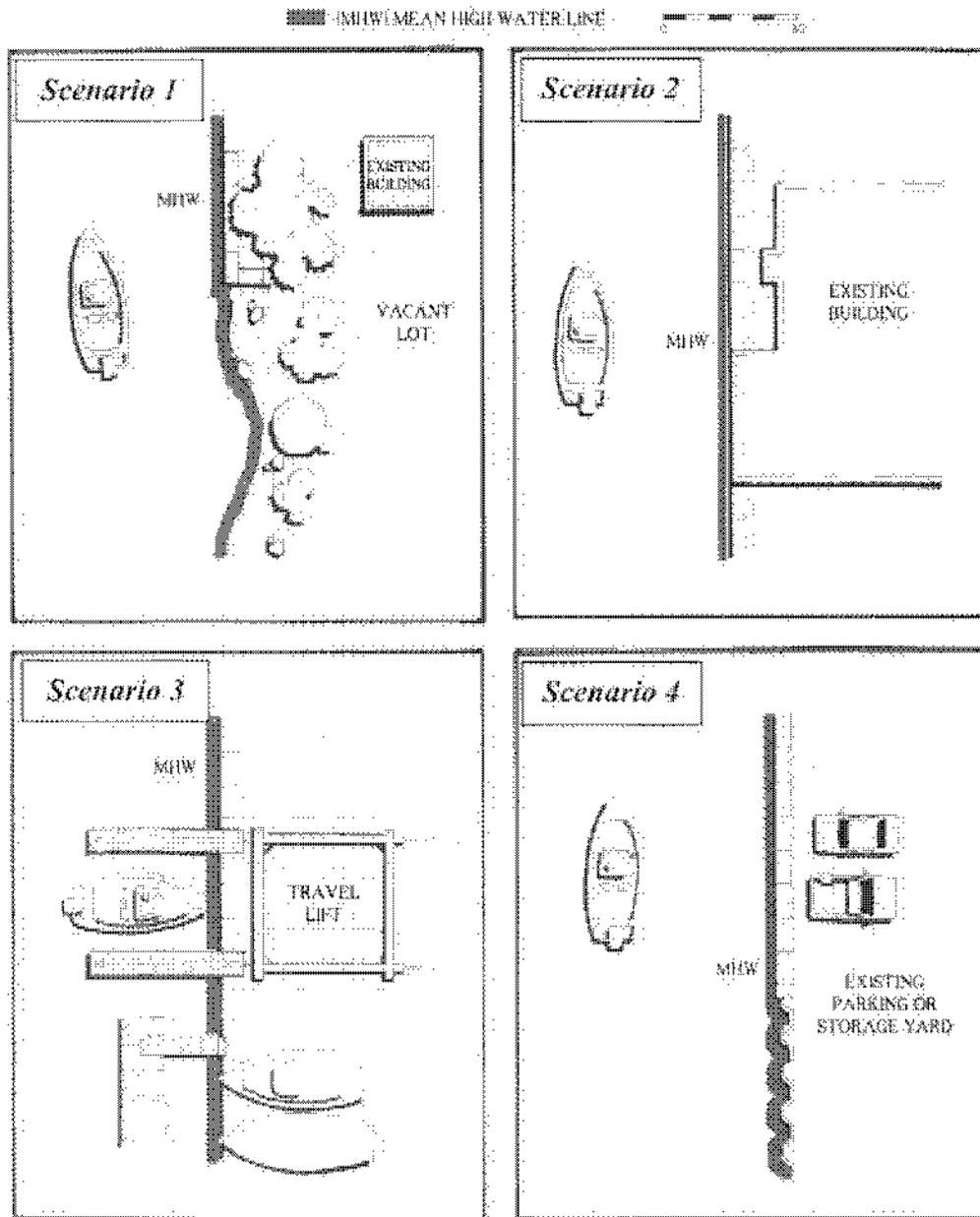
The following pages include conceptual sketches that have been based upon actual field observations of several existing sites within the Town of Greenwich WB Zones. The information shown in each of the design scenarios is conceptual in nature and intended for information planning purposes for future public waterfront accessibility.

The areas highlighted in yellow depict potential areas of public access along the waterfront that may be integrated into a required 'public access' component of a given waterfront development. The areas highlighted in blue depict potential public areas that will require encroachment into the lands of the 'Public Trust' and several additional state and federal permits. It should be understood that wherever feasible the proposed public waterfront access component shall be located upland of the mean high water (MHW) boundary, out of the lands of the public trust.

Schematic Construction Details - Site Specific – Greenwich, Connecticut:

WB Zone Guideline Details

Figure A
WB Zone – Typical Schematic Site Plan of
Existing Conditions



Scenario 1 Description:

This situation occurs where a land use has been abandoned. These parcels include vacant buildings, abandoned storage tanks, decaying sea walls and overgrown invasive vegetation. These properties are usually targeted by developers for future developments. This condition currently exists within several WB Zone (South Water Street – Byram River) parcels.

Scenario 2 Description:

This situation occurs wherever an existing building or structure abuts or serves as the tidal abutment or sea wall.

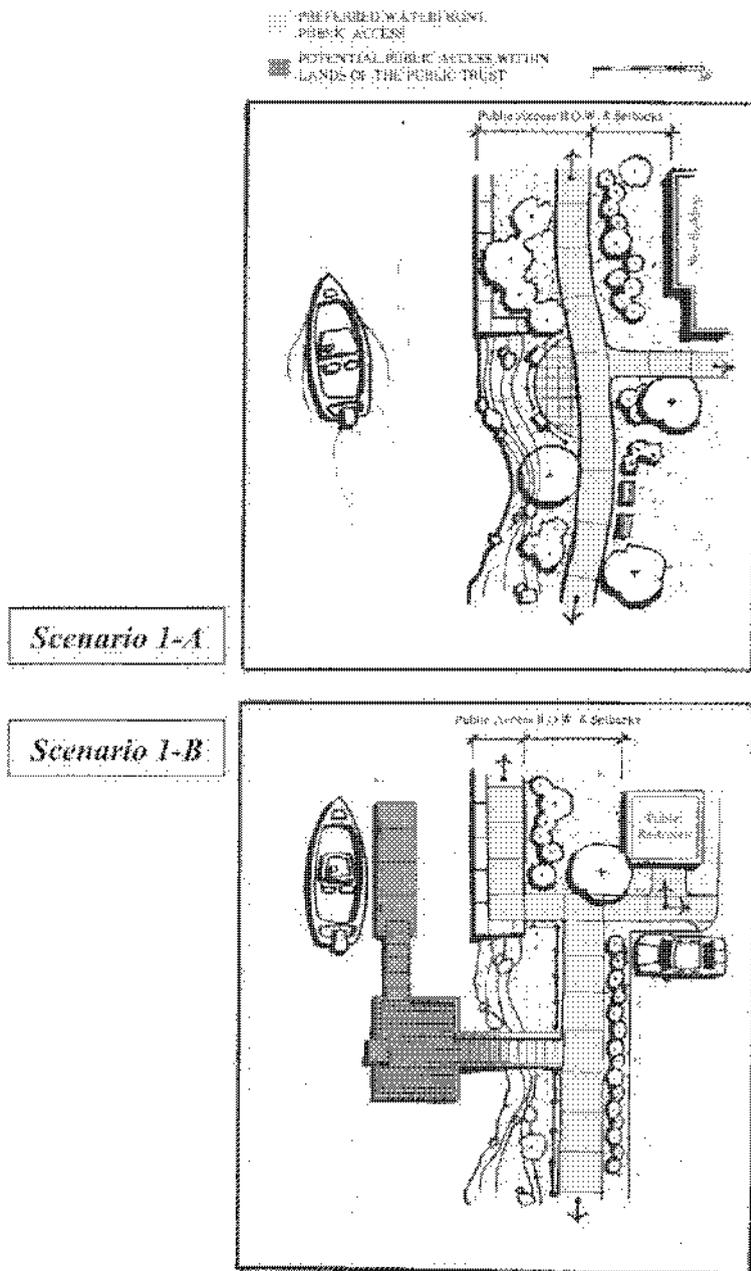
Scenario 3 Description:

Although water dependent, these uses typically provide very little public access to the water. The travel lift operations that exist on many boat service/supply properties present an obstacle for any existing or planned future linear waterfront access corridors.

Scenario 4 Description:

A gravel or paved vehicular parking, or dry-dock or materials storage area immediately adjacent to a sea wall. Generally, there is limited or no public access provided in these areas. This condition currently exists within several WB zone parcels within the Town of Greenwich.

Figure B
WB Zone - Schematic Site Plan of Proposed Conditions:
Future Public Waterfront Access



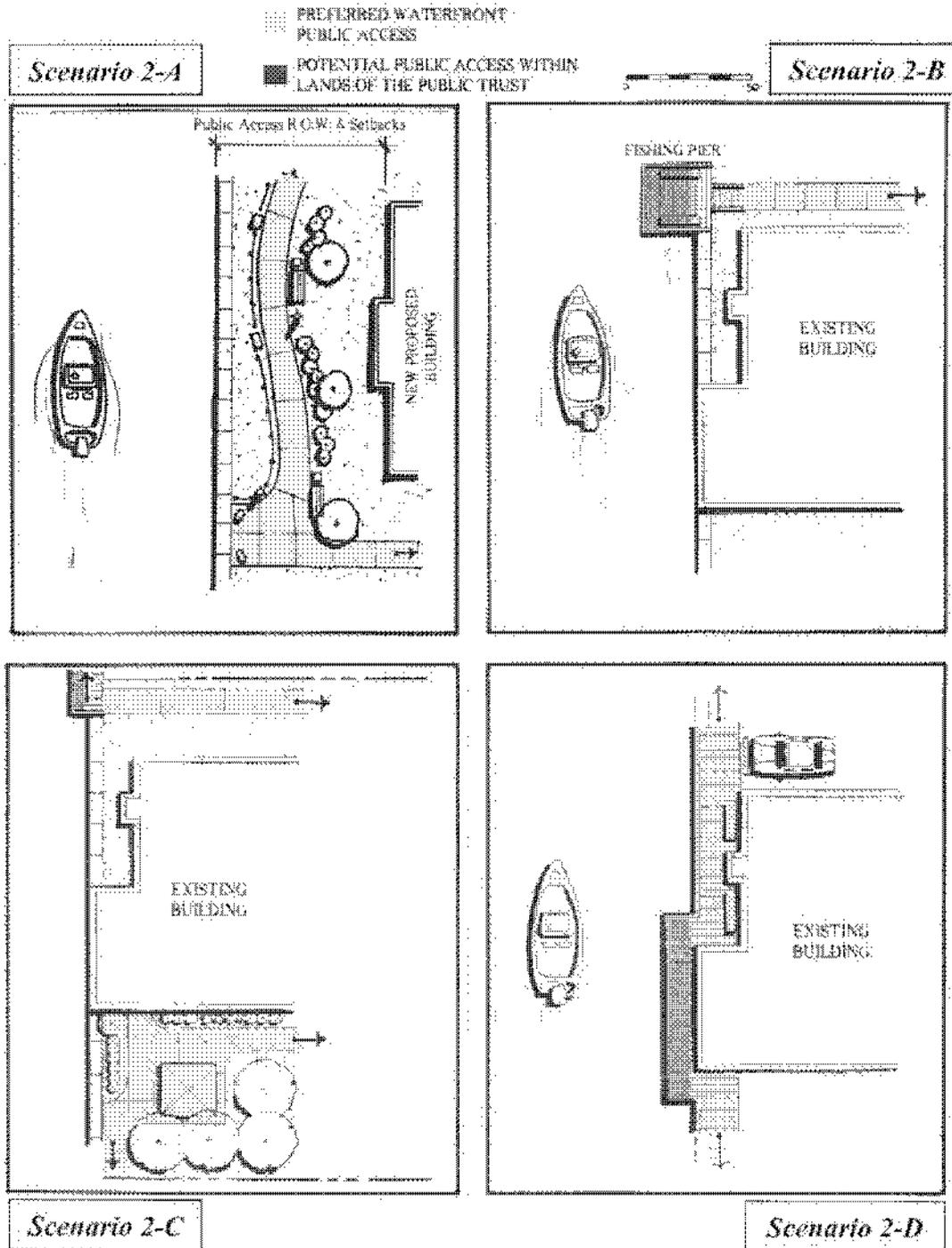
Scenario 1-A Description:

Graphically depicts a condition that currently exists within several WB-Zone parcels. This situation occurs whenever a past land use has expired and the property has been left abandoned and a new non-water dependent development is proposed. The public access component illustrated in this design represents the implementation of a recommended public access easement or right-of-way, desired setbacks, the construction of a continuous access walkway along the upland waterfront, and provides a pedestrian link to a public street. This design incorporates several beneficial elements such as, a vegetated buffer between walkway and waterfront, natural meandering walkway, and landscaped buffer areas with space adequate for benches without any encroachment into the public trust (i.e., waterward of the MHW or sea wall). This design incorporates the recommendation to use, either easements (or R.O.W.) and setbacks to achieve a desirable public access amenity. Other elements that may also be incorporated into this design scenario are interpretive signage, handicap fishing areas, and viewing platforms with stationary binoculars, and restroom facilities.

Scenario 1-B Description:

The public access component illustrated in this design represents the construction of a continuous access walkway, a car-top boat launch (or transient boat slip(s)), fishing pier, public restroom facility, and a connection to a public street. This design incorporates the recommendation to use easements (or R.O.W.) and setbacks to achieve a desirable public access amenity. This type of design scenario would be recommended if linkage to an adjacent property was anticipated, or a limited number of car-top boat launches existed in the neighboring area. Amenities that may also be incorporated into this design scenario are interpretive signage, handicap fishing areas, and viewing platforms with stationary binoculars, transient boat slips, additional parking areas, and restroom facilities.

Figure C
WB Zone - Schematic Site Plan of Proposed Conditions:
Future Public Waterfront Access



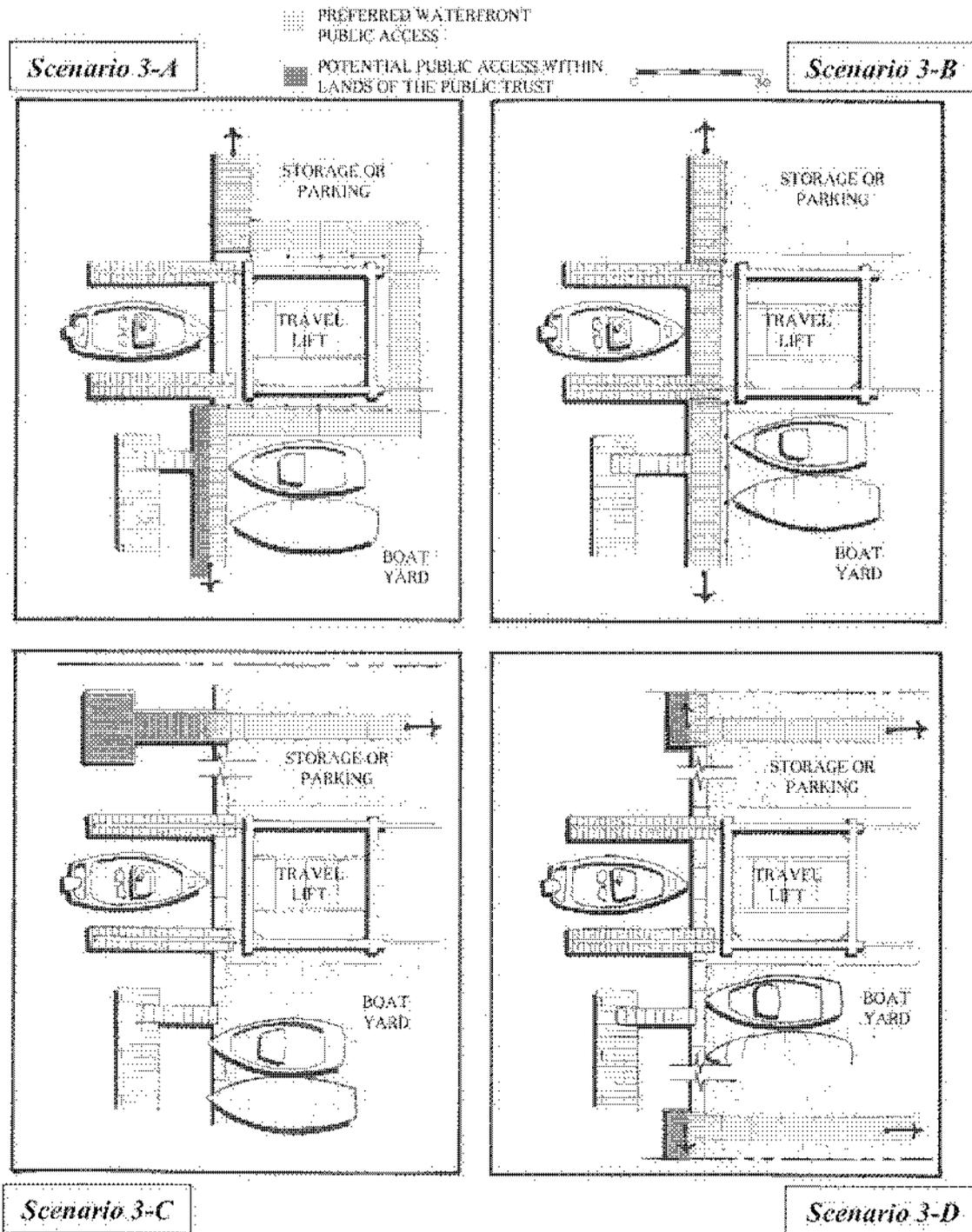
Scenario 2-A Description: Graphically represents the installation of a future waterfront access corridor along the water through redevelopment of the subject parcel. This situation occurs wherever an existing building or structure that once abutted or served as the sea wall is removed or relocated. The public access component illustrated in this design represents the implementation of a recommended public access easement or right-of-way, desired setbacks, the construction of a continuous access walkway along the upland waterfront, and provides pedestrian link to a public street. This design incorporates several beneficial elements such as, a vegetated buffer between walkway and waterfront, natural meandering walkway, and landscaped buffer areas with space adequate for benches without any encroachment into the public trust (i.e., waterward of the MHW or sea wall). This design incorporates the recommendation to use easements (or R.O.W.) and setbacks to achieve a desirable public access amenity. If feasible, the public access corridor may also include a fishing or observation area with space adequate for benches.

Scenario 2-B Description: Scenario 2-B through 2-D graphically show the situation that occurs wherever the existing building or structure that abuts or serves as the tidal abutment or sea wall is to remain. If building demolition is determined not to be feasible, other means of providing public waterfront access shall be required. The public access component illustrated in this design represents the construction of an access walkway to the street, a boardwalk, and a fishing or observation platform with space adequate for benches. Amenities that may also be incorporated into this design scenario are interpretive signage, handicap fishing areas, and stationary binoculars.

Scenario 2-C Description: The public access component illustrated in this design represents the continuance of an adjacent waterfront walkway around the existing structural obstacle through the construction of an access walkway from the existing adjacent walkway to the street and back down to the water, thus maintaining a continuous public access walkway system. Amenities that may also be incorporated into this design scenario are interpretive signage, waterside parklet or plaza, landscaping, restrooms, handicap fishing areas, and stationary binoculars.

Scenario 2-D Description: A cantilevered boardwalk system may be determined to be feasible for a portion of the waterfront corridor. The public access corridor illustrated in this design combines the construction of an access walkway or boardwalk landward of the sea wall with a section of cantilevered boardwalk. This design scenario does maintain a public connection to the water, however, it does not meet the criteria to be included as part of the recommended 'public access' area percentages. (see Data Table - One)

Figure D
WB Zone - Schematic Site Plan of Proposed Conditions
Future Public Waterfront Access



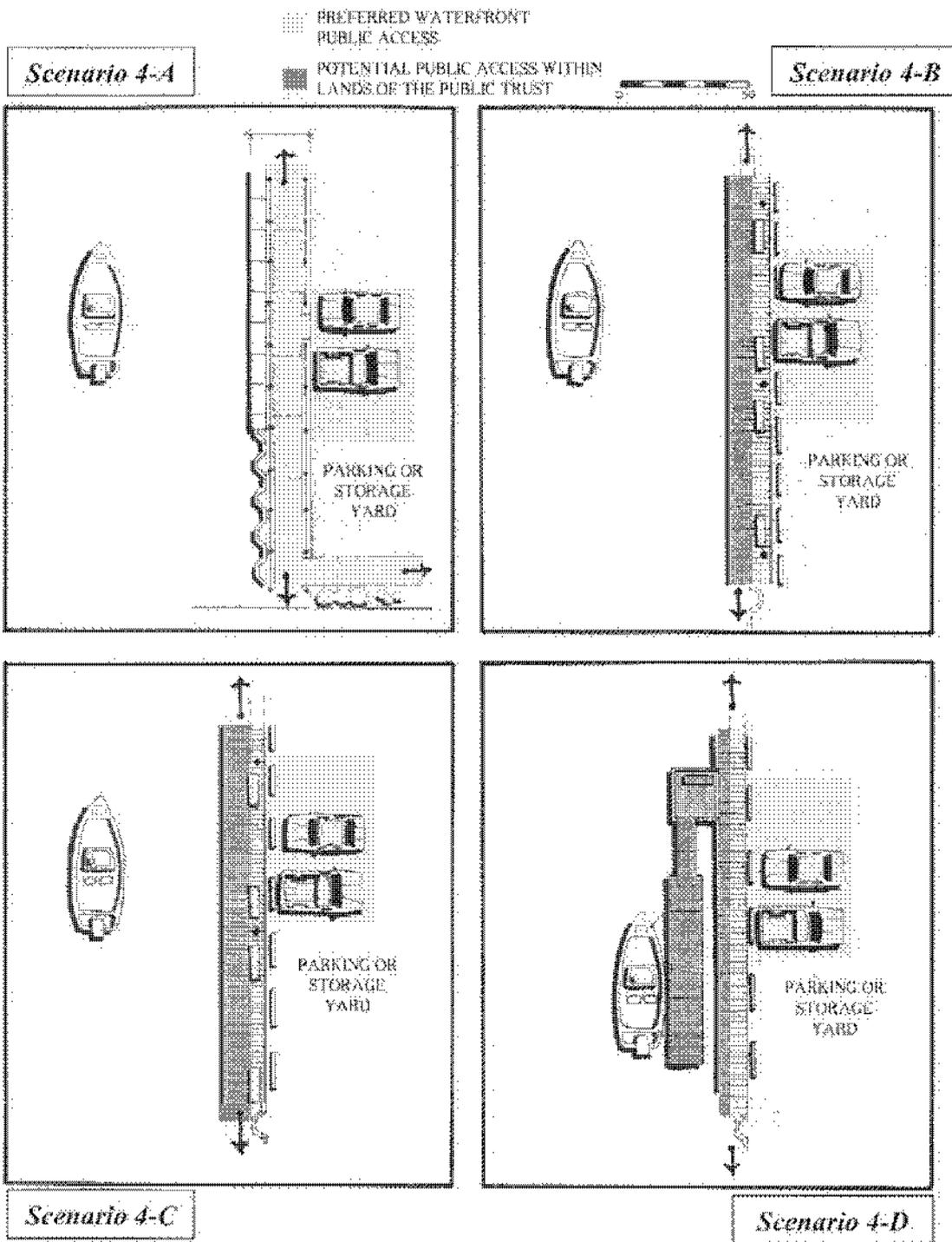
Scenario 3-A Description: Graphically represent the installation of a future public waterfront access corridor along the water through redevelopment of the subject parcel. This situation occurs wherever an existing 'travel lift' or mobile boat carrying apparatus exists along the waterfront. The public access component illustrated in this design represents the routing of a potential linear access walkway around the obstacle. This design would require coordination with the travel lift owner/operator, pedestrian signage, and possibly fencing and gates.

Scenario 3-B Description: Highlighted areas as shown: This situation occurs wherever an existing 'travel-lift' or mobile boat carrying apparatus existing along the waterfront. The public access component illustrated in this design represents the routing of a potential linear access walkway in front of the obstacle. This design would require coordination with the travel lift owner/operator on placement of the 'travel lift' when not in use, pedestrian signage, and possibly fencing and gates.

Scenario 3-C Description: If direct access around or through the 'travel lift' is determined not to be feasible, other means of providing public waterfront access is required. The public access component illustrated in this design represents the construction of an access walkway to the street, a boardwalk, and a fishing or observation platform with space adequate for benches. Amenities that may also be incorporated into this design scenario are interpretive signage, handicap fishing areas, and stationary binoculars.

Scenario 3-D Description: If direct access around or through the 'travel lift' is determined not to be feasible, other means of providing public waterfront access is required. The public access component illustrated in this design represents the continuance of an adjacent waterfront walkway around the existing structural obstacle through the construction of an access walkway from the existing adjacent walkway to the street and back down to the water, thus maintaining a continuous public access walkway system. Amenities that may also be incorporated into this design scenario are interpretive signage, waterside parklet or plaza, landscaping, restrooms, handicap fishing areas, and stationary binoculars.

Figure E- Description
WB Zone - Schematic Site Plan of Proposed Conditions
Future Public Waterfront Access



Scenario 4-A: Graphically represents the installation of a future public waterfront access corridor along the water through redevelopment of the subject parcel. An original section of the existing gravel, or paved, vehicular parking or dry-dock area landward of the tidal abutment or sea wall. An easement or R.O.W (Rights-of-Way) would be required to construct this waterfront walkway, access system, and areas designated for public parking. The public access corridor may consist of a paved waterfront sidewalk, access sidewalk to the street level, timber guide rail along the parking areas, protective railing along the sea wall, periodic benches, site lighting, and interpretive signage.

Scenario 4-B: In an effort to maintain upland boat storage for a water dependent use, a public boardwalk, although not a requirement within a water dependent development, has been shown that straddles the existing sea wall, thus requiring much narrower easement or R.O.W. section. This type of boardwalk may also be necessary to continue or match the line and grade of an adjacent property's boardwalk. This type of boardwalk may include protective railings, periodic benches, site lighting, and interpretive signage. Any boardwalk system waterward of the tidal abutment or sea wall will require additional town, state and federal permits prior to construction, and can not be counted towards any recommended 'public access' area percentage requirements.

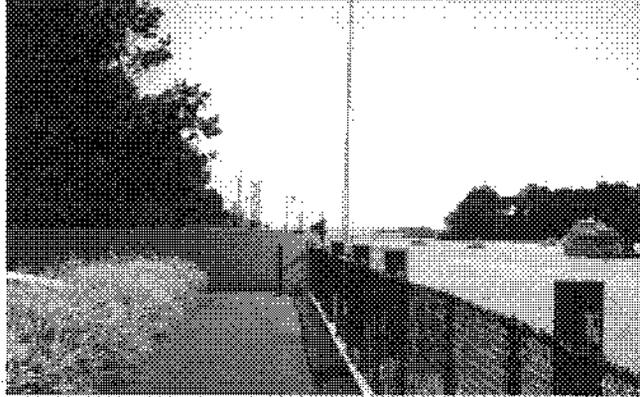
Scenario 4-C: A cantilevered boardwalk, although not a requirement within a water dependent development, has been shown that extends out from the existing sea wall. This type of boardwalk may also be necessary to continue, or match the line and grade of an adjacent property's boardwalk. The boardwalk provides the opportunity to include protective railings, periodic benches, site lighting, and interpretive signage. Any boardwalk system waterward of the sea wall or MHW line will require additional state and federal permits prior to construction, and may not be counted towards any recommended 'public access' area percentage requirements.

Scenario 4-D: In an effort to maintain upland boat storage for a water dependent use, connect and match existing abutting boardwalks, a more narrow section of public boardwalk has been shown. This narrower section of the boardwalk may include, a fishing pier, an observation platform with benches, or transient boat slips in order to compensate for a narrow boardwalk section. The public access boardwalk may include protective railings, periodic benches, site lighting, landscape buffers, and interpretive signage. Any boardwalk system waterward of the sea wall or MHW line will require additional, state and federal permits prior to construction, and can not be counted towards any recommended 'public access' area percentage requirements.

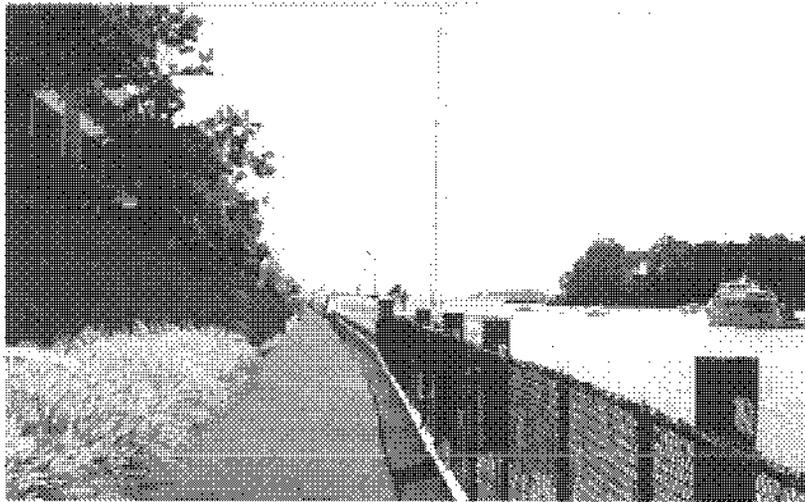
WB Zone – Conceptual Photo-Simulation of Recommended Design Guidelines

Existing Conditions Photograph

WB Zone – Public Access within Waterfront Development
Steamboat Road, Town of Greenwich



The photo above represents several hundred feet of public waterfront access walkway that was incorporated into the redevelopment of a hotel on Greenwich Harbor. The adjacent property to this site also includes several hundred feet of public waterfront esplanade. Although each project succeeds at providing public waterfront access as seen in the photo above, there is no connection between the two properties, thus limiting the actual usage. The photo below is a conceptual simulation that represents the removal of the concrete wall at the property boundary and depicts an interconnection of the two waterfront walkways into one expansive waterfront esplanade. The adjustment and implementation of new public access regulations within the WB Zone could bring this concept to reality when redevelopment is planned.



Proposed Conditions Photo-simulation

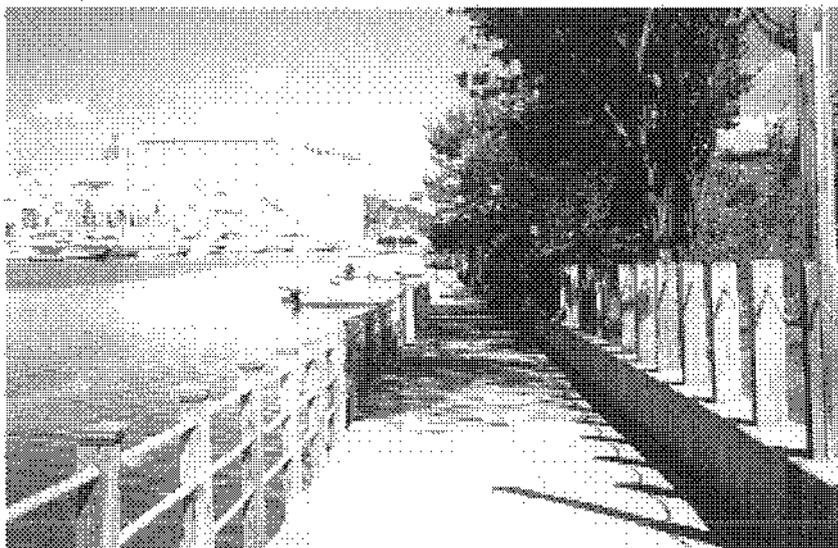
WB Zone – Connection of Public Access Corridors within Waterfront Developments
Steamboat Road, Town of Greenwich

Existing Conditions Photograph

WB Zone – No Public Access within Waterfront Redevelopment
South Water Street, Byram River, Town of Greenwich



The photo above is representative of the waterfront conditions along several existing properties in the Byram River WB Zone. The opportunity exists to implement a public waterfront walkway along the rear of several of these properties. This may be achieved through the use of easements and modified zoning regulations during the redevelopment's site plan review. The photo below is a conceptual simulation that represents the possibilities of constructing a waterfront esplanade. The inclusion of waterfront public access design standards within the existing WB Zone Regulations may bring this concept to reality whenever redevelopment is planned.



Proposed Conditions Photo-simulation

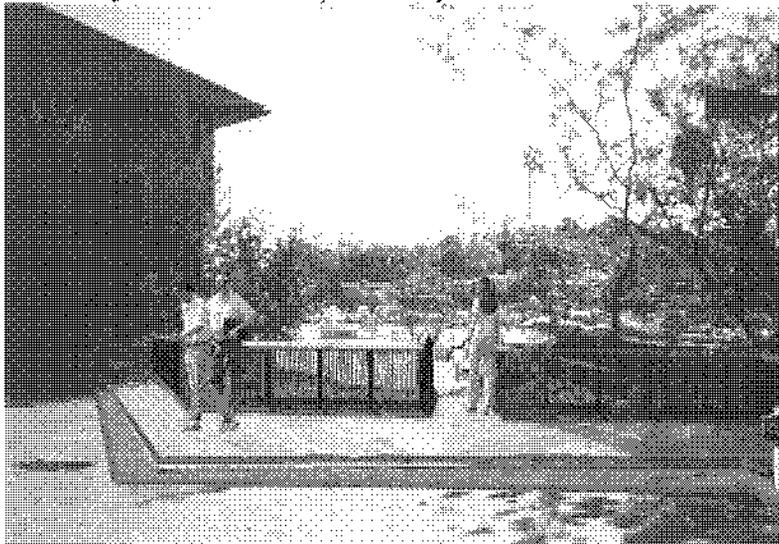
WB Zone –Public Access Corridors within Waterfront Redevelopments
South Water Street, Byram River, Town of Greenwich

Existing Conditions Photograph

WB Zone – Limited Public Access within Waterfront Development
Cos Cob Harbor, Mianus River, Town of Greenwich



The photo above represents an existing opportunity for public waterfront access within an existing non-water dependent development on Cos Cob Harbor. The opportunity exists to implement a public waterfront overlook of the harbor. In conjunction with the boardwalk and elevated platform shown in the photo below, several parking spaces could be dedicated and signed for public access use only. This project would be a beneficial public access point for future redevelopment of this structure or type of site. This concept may be achieved through the use of easements and modified zoning regulations during the redevelopment's site plan review. The photo below is a conceptual simulation that represents the possibility of constructing a waterfront access point. The adjustment of local zoning regulations within the WB Zone could bring this concept to reality when redevelopment is planned.

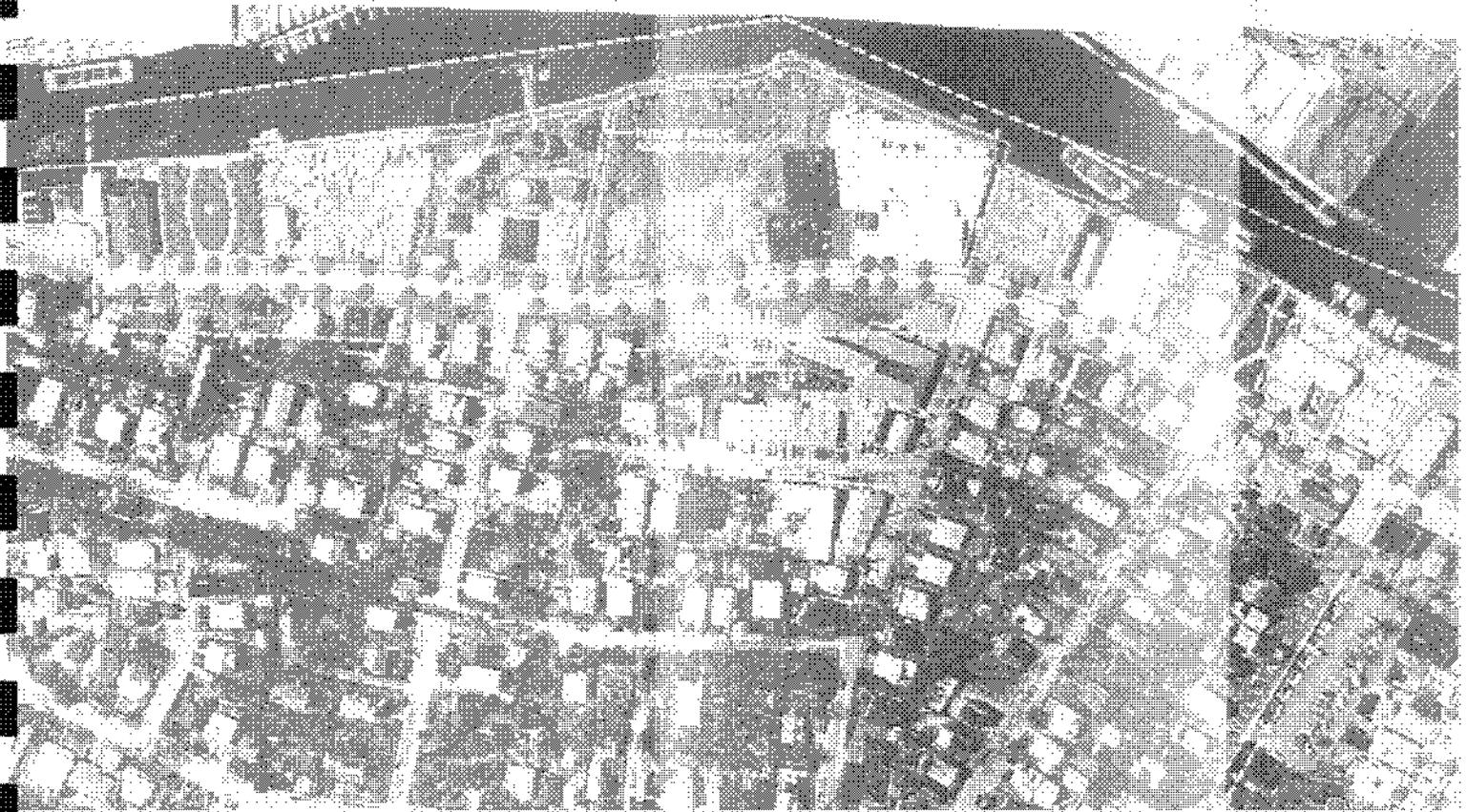


Proposed Conditions Photo-simulation

WB Zone – Public Access Component within Waterfront Redevelopments
Cos Cob Harbor, Mianus River, Town of Greenwich

Town-Owned Property Guidelines & Details

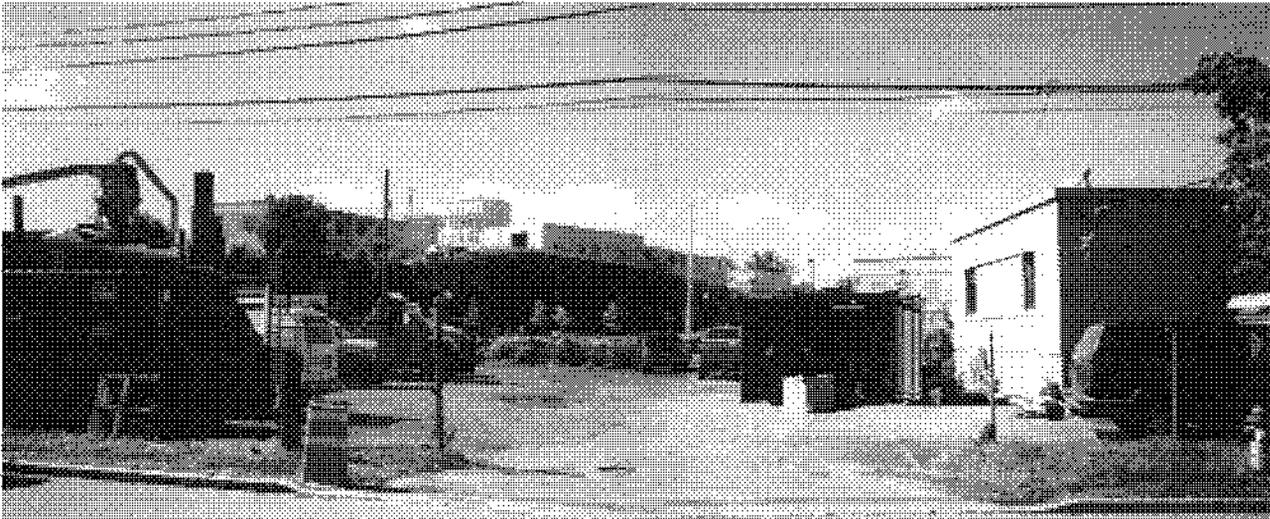
Based upon: Byram Neighborhood Enhancement Plan - March 2003



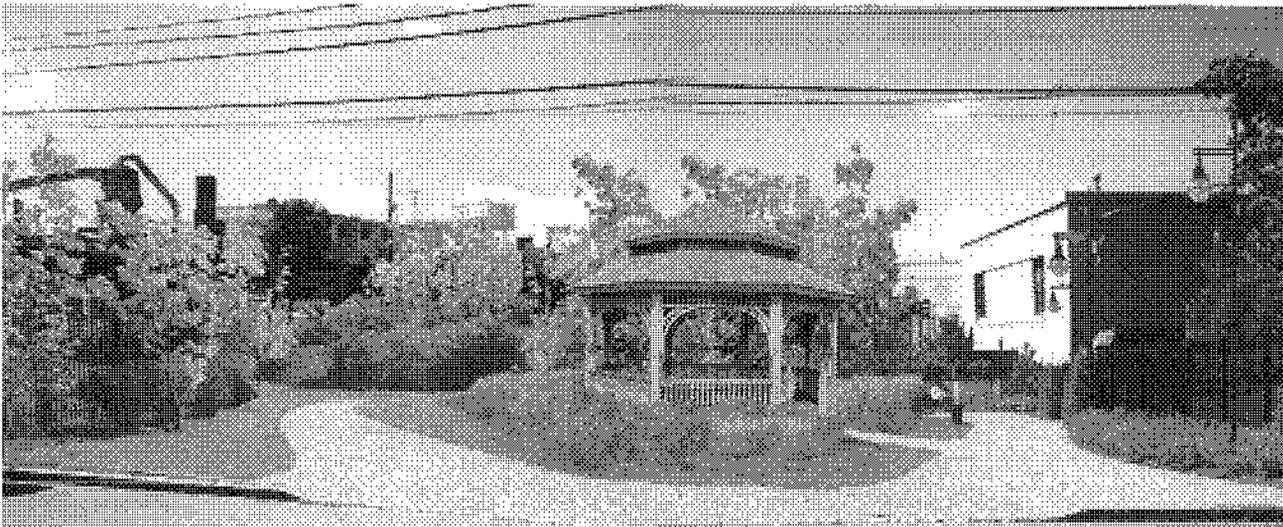
The Town-owned parcels of waterfront land within the Byram River WB Zone are shown in green above. These properties are currently operated as a sewer pump station, municipal parking lot and a satellite storage yard for the Greenwich Department of Public Works (GDPW) and a municipal parking lot. As depicted in the master plan graphic above, the opportunity may exist to create pocket parks, an extremely beneficial public waterfront open space within a highly congested, fully developed, urban environment.

The creation of pocket parks within these areas may help to spur local business owners support for linking the parks together via waterfront and/or streetscape improvements. Unlike the privately developed Byram River waterfront parcels, the Town-owned parcels will not be limited by the width of an easement and will allow for many waterfront design elements to be considered in the planning process. The following pages include actual photographs that have been graphically manipulated through computer programs to show several different scenarios in which a Town-owned parcel of land could be converted or transformed into a public waterfront access amenity. The proposed conditions depicted in the following pages are conceptual in nature and are examples of potential waterfront access situations. The final design plans of these areas are subject to all applicable regulatory approvals process.

Existing Conditions Photograph
WB Zone – No Public Access within Town-Owned Property #1
South Water Street, Byram River, Town of Greenwich.



The photo above shows an existing Town-owned property (#1) that is currently used for GDPW storage area. An opportunity exists to create a public waterfront pocket park within the existing congested urban area of retail, commercial, and residential development. The photo-simulation below, based upon the *Byram Neighborhood Enhancement Plan March 2003*, depicts the transformation that could occur if the parcel of land were to be developed into a Town-owned waterfront pocket park.

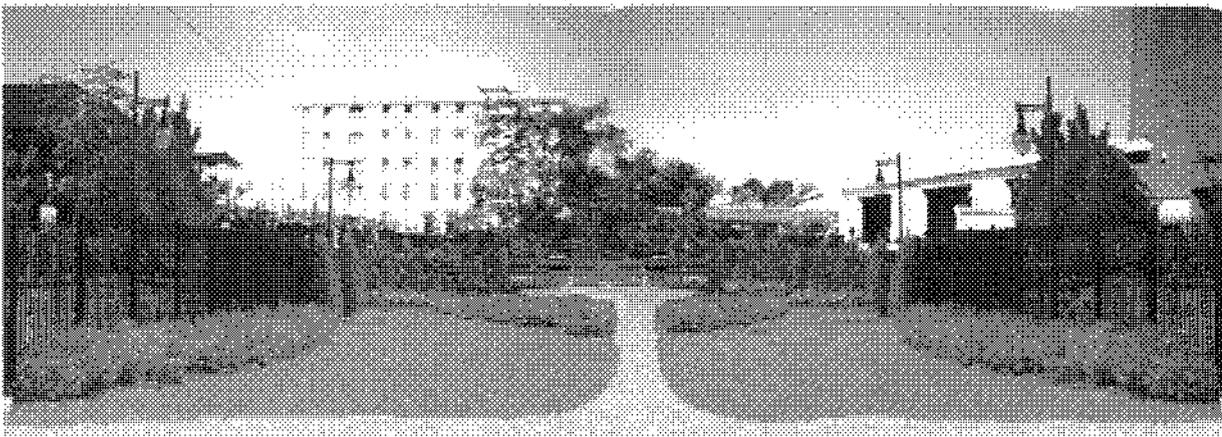


Proposed Conditions Photo-simulation
WB Zone – Public Access Component within Town-Owned Property #1
South Water Street, Byram River, Town of Greenwich.

Existing Conditions Photograph
WB Zone -- No Public Access within Town-Owned Property #2
South Water Street, Byram River, Town of Greenwich



The photo above shows an existing Town-owned property (#2) that is currently used for GDPW storage area and a municipal parking lot. An opportunity exists to create a public waterfront pocket park within the existing congested urban area of retail, commercial, and residential development. The photo simulation below, based upon the *Byram Neighborhood Enhancement Plan March 2003*, depicts the transformation that could occur if the parcel of land were to be developed into a town-owned waterfront parklet.



Proposed Conditions Photo-simulation
WB Zone -- Public Access Component within Town-Owned Property #2
South Water Street, Byram River, Town of Greenwich

Existing Conditions Photograph
Entrance to Town-Owned Property
Former Cos Cob Power Plant, Town of Greenwich



The above photograph represents the existing access driveway to the former Cos Cob power plant. The large property has been acquired by the Town of Greenwich in the hope of creating a large waterfront park. The large peninsula of land offers spectacular views of across Cos Cob Harbor and the opportunity to create spaces for both passive and active recreation. Upon first glance of the existing conditions of the site access drive and the remediated landscape of the property, one might find it hard to imagine it as a public waterfront park. The photo simulation below will help to envision a park gateway and the properties potential.

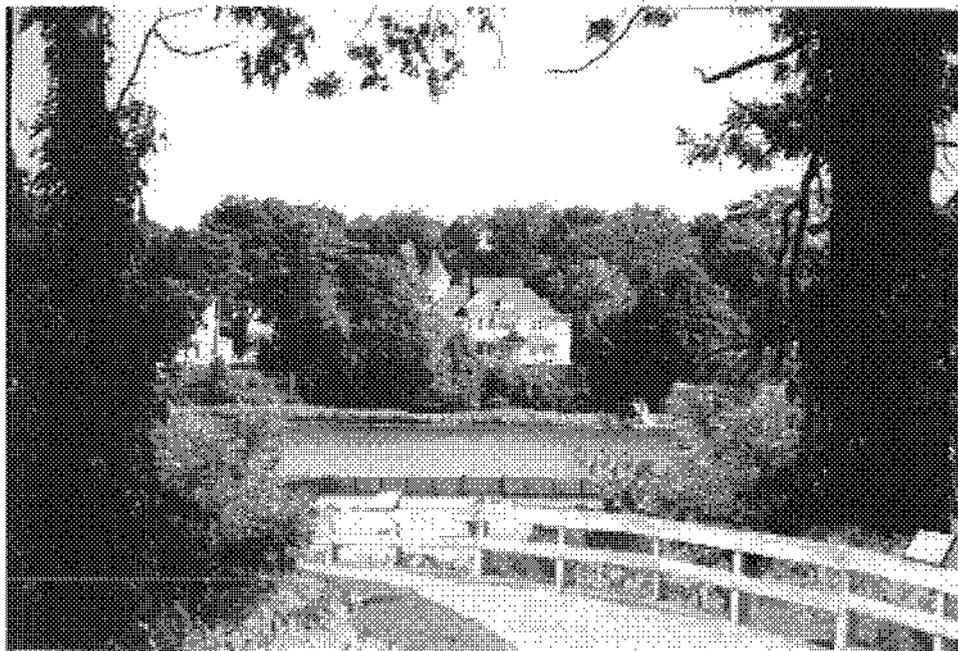


Proposed Conditions Photo-simulation
Entrance to Town-Owned Property
Former Cos Cob Power Plant, Town of Greenwich

Existing Conditions Photograph
Abandoned Town-Owned Dock in Disrepair at Cos Cob
Former Cos Cob Power Plant, Town of Greenwich



The above photograph represents a former dock that once served as the water access for the power plant facility. The power plant has since been removed and the site is undergoing an intensive remediation. The above photo illustrates one of the spectacular views across Cos Cob Harbor and the opportunity to create space for passive recreation and wildlife observation areas. One might find it hard to imagine a public waterfront access boardwalk with interpretive signage and a waterfront deck. The photo-simulation below will help to envision the properties extensive waterfront public access potential.



Proposed Conditions Photo-simulation
Restored Town-Owned Dock and boardwalk at Cos Cob
Former Cos Cob Power Plant, Town of Greenwich

SECTION FOUR – Summary of Recommendations

What are the principles of coastal public access site design?

Make the visiting public feel comfortable and welcome (methods: signage, amenities such as benches, trash receptacles, lighting and parking, if appropriate).

- ▶ Separate the public and private portions of the development (methods: plantings, fences, adequate space between public and private activity nodes).
- ▶ Design to attract and retain public use of access area (methods: provide sufficient space and amenities such as seating, trash receptacles and parking, if warranted).
- ▶ Promote a sense of visitor safety from on- and off-site hazards such as dogs, privacy conscious neighbors, industrial activities (methods: provide lighting, limit access from dawn to dusk except for fishing access, orient site away from visual distractions, provide vegetated buffers).
- ▶ Make access to area easy (methods: on or near site parking; connect site walkways to public sidewalks, provide gentle slopes).

What can a municipality do to promote coastal public access?

- ▶ Amend the Plan of Conservation and Development and Municipal Coastal Program, if applicable, to specifically identify both areas where coastal public access is particularly needed and the types of access facilities in greatest demand.
- ▶ Amend the zoning regulations to specify municipal authority and criteria to specifically require water dependent uses including coastal public access through the coastal site plan review process, as already provided in the CCMA.
- ▶ Direct applicants for waterfront projects to meet with town planning and zoning staff prior to formal application for coastal site plan review approval to review the CCMA's water dependent use requirements. The purpose of such meetings should be to explore whether a site is suitable for active water dependent uses, and if not, how proposed non-water dependent uses of waterfront sites could be modified to incorporate meaningful water dependent use components. Such meetings could also address concerns about the perceived effects of providing coastal public access (i.e., public access can be designed at "neighborhood scale;" time of access limited to dawn to dusk except where fishing access is appropriate, landowner liability is limited by statute, etc.).
- ▶ Make this fact sheet available to the public and the planning and zoning office.

RECOMMENDED PUBLIC ACCESS DESIGN GUIDELINES
For Non-Water Dependent Development Within a Water Dependent Use Zone

The following recommended zoning data tables have been provided in an effort to guide both local planning commissions and future waterfront developments (and redevelopments) with implementation of future public waterfront access.

The diagrams provide suggested development guidelines within a waterfront zone. It is the intent of these charts to provide recommended zoning strategies that will lead to the modification of existing or adoption of new local regulations and requirements that will promote future public accessibility to the water.

It should be understood that recommendations provided in this manual are based upon the study of the successes and failures of many past waterfront developments throughout the Connecticut shoreline, and should be used by local planning agencies and developers as a foundation for the inclusion of public waterfront access in all waterfront development.

DATA TABLES

The following three data tables apply to public access facilities as follows:

Table One shows the recommended minimum right-of-way and access path widths and setbacks unless deemed to be unfeasible by the Planning and Zoning Commission. The commission may require greater setbacks where land-use conflicts, topography or interior site conflicts seem to make it advisable.

Table Two shows the recommended minimum number of parking spaces to be dedicated and signed to public access. It also shows the minimum size of observation platforms or fishing piers expected on sites where the Commission finds such installations to be feasible and desirable. When either is proposed, the right-of-way may be reduced by an amount equal to twice the area of the platform or pier.

Table Three shows the extent of site amenities that may be required by the Commission when it finds such amenities to be feasible and desirable at a particular site. Interpretive signage and trash receptacles are likely to be required at all sites unless otherwise directed by the Commission. For commercial and residential uses — sites where boat slips are proposed, at least 50% shall be dedicated to public use.

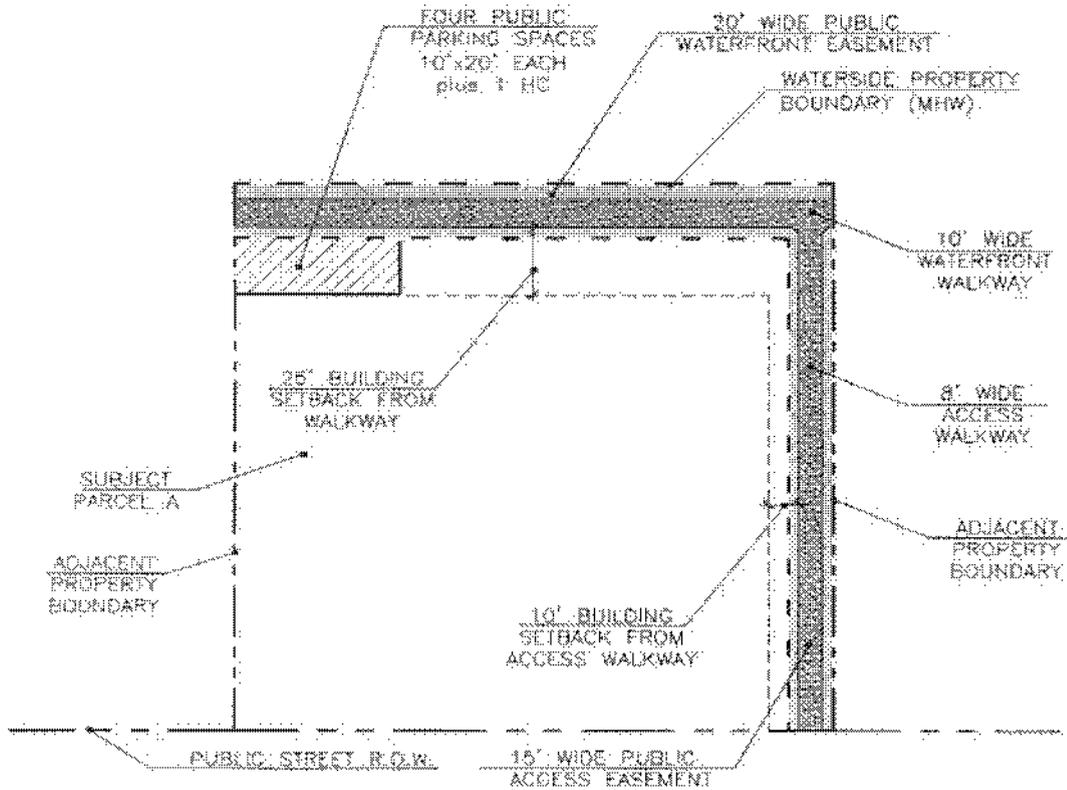
Recommended Zoning Data - TABLE ONE

NON-WATER DEPENDENT USE	WATERFRONT RIGHT-OF-WAY (1) (min. width)	WATERFRONT WALKWAY WIDTH (minimum)	BLDG. SETBACK FROM WATERFRONT WALKWAY (minimum)	ACCESS RIGHT-OF-WAY (1) (min. width) (4)	ACCESS WALKWAY WIDTH (minimum)	BUILDING SETBACK (2) FROM ACCESS WALKWAY	ACCESS WALKWAY SETBACK FROM ADJACENT PROPERTY BOUNDARY
RESIDENTIAL	20'	10'	25'	15'	8'	10'	5'
COMMERCIAL/RETAIL	20'	10'	10'	15'	8'	10'	5'
CAFÉ OR RESTAURANT	20'	10'	10'	15'	8'	10'	5'
OTHER USES (3)	20'	10'	15'	15'	8'	10'	5'

NOTES: A. For mixed use proposals, use most restrictive use, unless commission grants relief.

- (1) Area dedicated to ROW or Easement cannot consist of coastal resources other than Shorelands and Coastal Flood Hazard Area (CFFA).
- (2) Building setback - the term *building* shall include all projections, balconies, decks, and patios etc.
- (3) Can include water dependent, marina and other uses where public access connections and walkways are desirable and feasible.
- (4) Access right-of-way - the term access means from a public road or dedicated public parking area.

Schematic Sample Illustration - TABLE ONE
Development Scenario A



SAMPLE PROPERTY DATA:

PROPERTY SIZE: WATERFRONT 40,000 SF LOT/PARCEL (± 1 Acre)
PROPOSED USE: NON-WATER DEPENDENT RESIDENTIAL DEVELOPMENT

--AREA DEDICATED PUBLIC ACCESS IS BASED UPON SUGGESTED DESIGN CRITERIA LISTED IN DATA TABLE ONE.

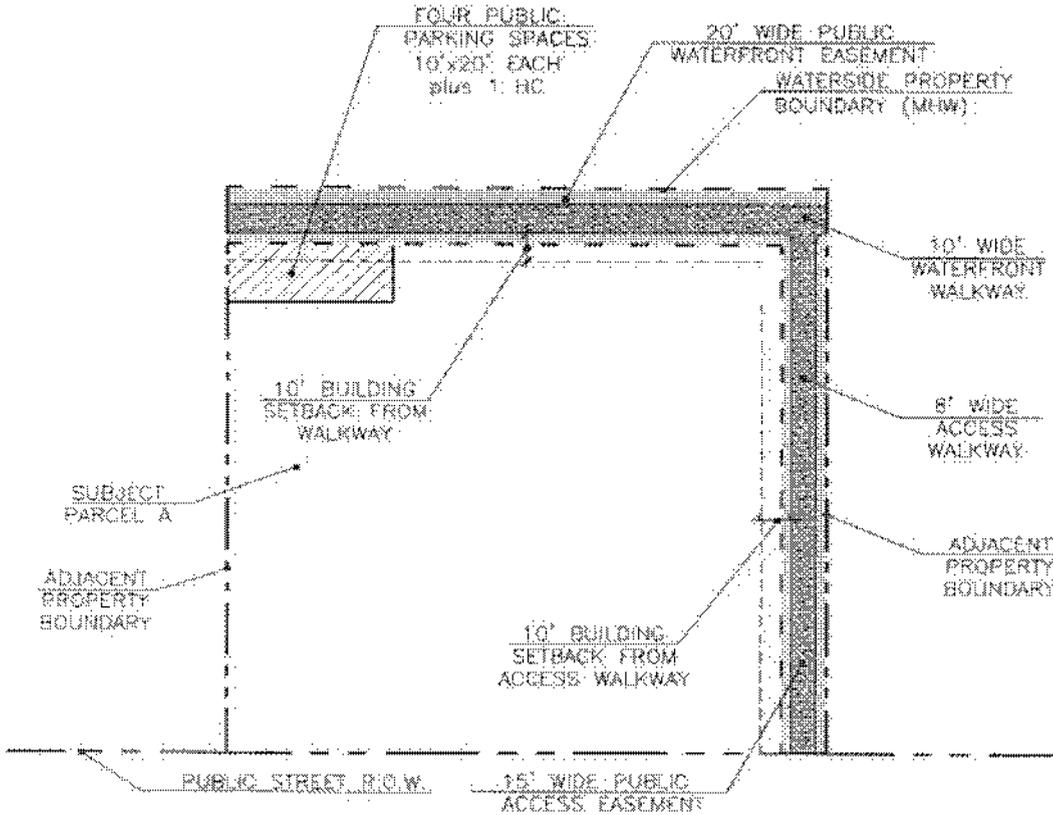
--ALL SHADED & CROSS-HATCHED AREAS COMBINED = PUBLIC ACCESS COMPONENT

**SAMPLE: APPROXIMATELY ONE ACRE
WATERFRONT PARCEL - A
DEVELOPMENT DEVELOPMENT GUIDELINES**

General Note:

This design sample (200'x200') has been included for information purposes only. The actual size and shape of the individual lots will vary from this concept parcel. The easements and/or R.O.W. have been shown as rectangular for explanation purposes and may vary in shape and size when site-specific criteria is used.

Schematic Sample Illustration - TABLE ONE
Development Scenario B



SAMPLE PROPERTY DATA:

PROPERTY SIZE: WATERFRONT 40,000 SF LOT/PARCEL (± 1 Acre)
PROPOSED USE: NON-WATER DEPENDENT CAFE OR RESTAURANT

-AREA DEDICATED PUBLIC ACCESS IS BASED UPON SUGGESTED DESIGN CRITERIA LISTED IN DATA TABLE ONE.

-ALL SHADED & CROSS HATCHED AREAS COMBINED = PUBLIC ACCESS COMPONENT

SAMPLE APPROXIMATELY ONE ACRE
WATERFRONT PARCEL - B
DEVELOPMENT DEVELOPMENT GUIDELINES:

General Note:

This design sample (200'x200') has been included for information purposes only. The actual size and shape of the individual lots will vary from this concept parcel. The easements and/or R.O.W. have been shown as rectangular for explanation purposes and may vary in shape and size when site-specific criteria is used.

DATA TABLE TWO

LINEAR FEET WATER FRONTAGE	DESIGNATED PUBLIC PARKING SPACES (PLUS 1 HANDICAP) (4)	OBSERVATION PLATFORM or FISHING PIER (5)
0	0	0
0' - 50'	2	IV 100 SF
50' - 100'	2/100 LF	IV 144 SF
100' - 150'	2/100 LF	IV 225 SF
150' - 200'	2/100 LF	IV 225 SF
200' - 300'	2/100 LF	IV 400 SF
300' - 400'	2/100 LF	IV 400 SF
400+	2/100 LF	IV 625 SF

DATA TABLE TWO NOTES:

1. Symbol (>)— means greater than the listed numeric dimension.
2. Symbol (≥)— means greater than or equal to the listed numeric dimension.
3. It is recommended that a non-conforming development site plan within a waterfront district shall conform to all listed requirements within Data Table One, Data Table Two and Data Table Three.
4. But not less than 30% of public boat slips.
5. Where feasible and prudent.

DATA TABLE THREE

LINEAR FEET WATER FRONTAGE	BOAT RAMP (1)	TRANSIENT BOAT SLIPS (QUANTITY) (1) (2)	INTERPRETIVE SIGNAGE (QUANTITY)	RESTROOMS	SITE LIGHTING (3)	TRASH RECEPTACLES
0' - 50'	•	1	1		2 LF	1
50' - 100'	•	1	1	1	1/75 LF	1
100' - 150'	•	1 per 100 LF	2	1	1/75 LF	2
150' - 200'	•	1 per 100 LF	2	1	1/75 LF	2
200' - 300'	•	1 per 100 LF	3	1	1/75 LF	2
300' - 400'	•	1 per 100 LF	3	1	1/75 LF	3
400+	•	1 per 100 LF	3	1	1/75 LF	3

DATA TABLE THREE NOTES:

1. Where feasible and prudent.
2. Transient Boat Slips are considered short-term temporary dockage.
3. Only recommended where nighttime activities are anticipated.

**RECOMMENDED PUBLIC ACCESS DESIGN ELEMENTS CRITERIA:
For Town-Owned Waterfront Access Parcels**

The following are a list of design guidelines that should be considered and incorporated into the design, whenever feasible, in the planning of public waterfront access facilities on Town-owned parcels of land.

Adjacent Land-use: Many waterfront parcels of land are bordered on two sides by dissimilar land uses. These differing types of land uses should be considered when planning any public waterfront access facility. Privacy or security fencing, landscape screening, future connections to public access corridor extensions, site lighting, signage, shared access ways, and potential for shared parking with an adjacent property, are all design elements that should be considered when planning with the adjacent land use in mind.

Accessibility: Town-owned and operated parks should, as a general requirement, provide a means of access for the physically handicapped to enter, navigate, and exit the facility. This type of design can be achieved through the use of compacted, paved, or timber walking surfaces that are free of severe grade changes (<12:1), curbs and trip hazards, gaps in decking (>1/4"), and sidewalk widths less than three feet. When feasible, employ handrails at ramps (>5%) and stairs; designated handicap parking spaces or loading zones, and railing heights compatible with wheel chair fishing.

View Corridors: Often times, buildings and other structures obstruct visibility and tend to hide the water from public view. Whenever feasible, view corridors should be provided to allow visibility of the water and/or public access infrastructure from the public street level.

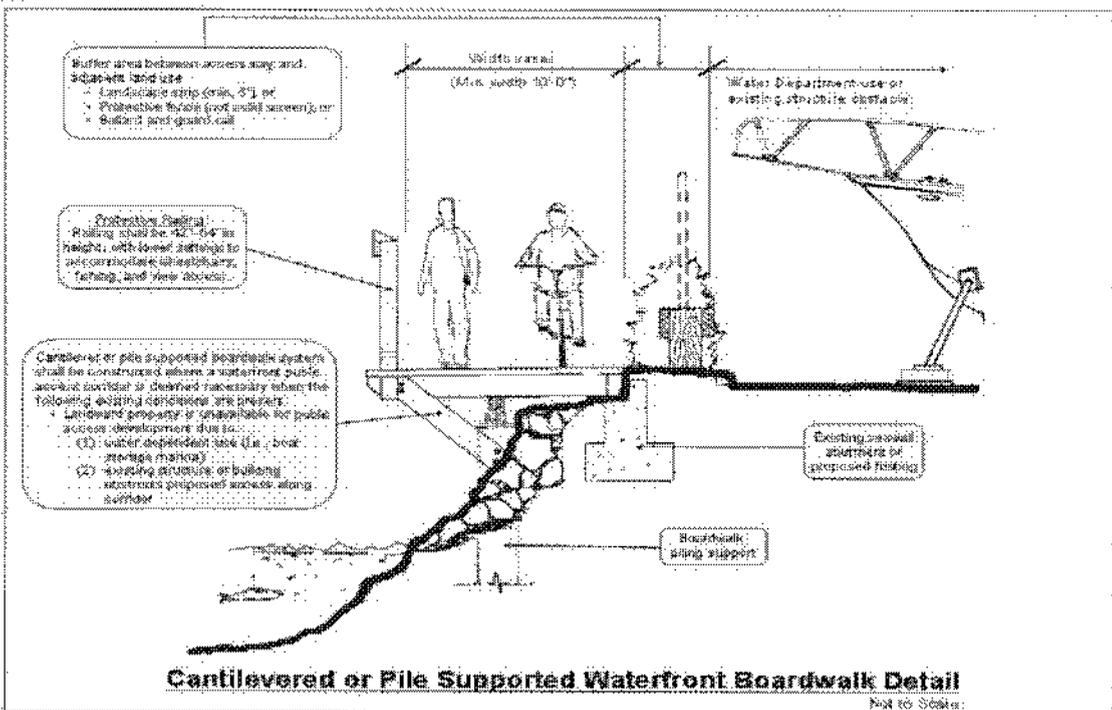
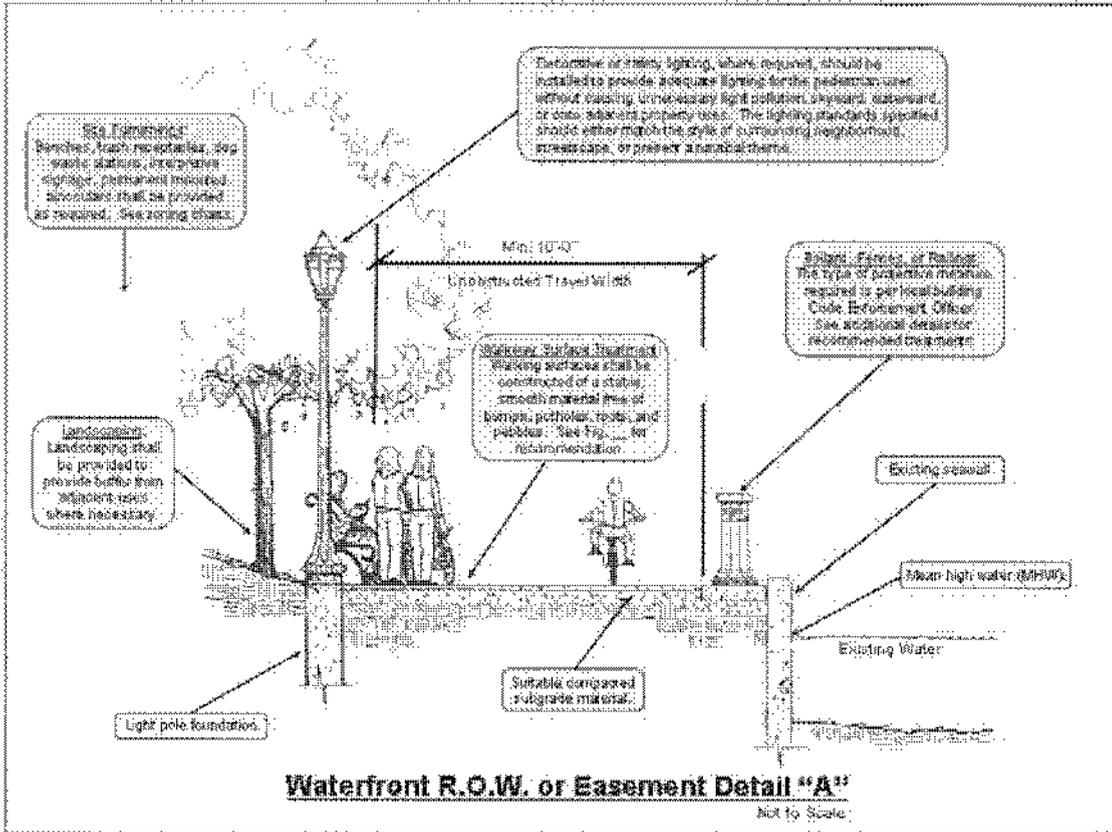
Parking and Loading Spaces: Town-owned waterfront facilities should provide adequate vehicular parking spaces for the intended user. Factors that may be used in the determining the number of parking spaces required may include, but are not limited to, the proposed or intended intensity of use, size of parcel, linear feet of water frontage, location of nearest sidewalk, and adjacent property parking areas. If it is determined that individual parking spaces are not feasible, a loading zone, bus stop area, or drop-off zone should be designated with pavement markings and signage to accommodate those waterfront access users arriving by vehicle.

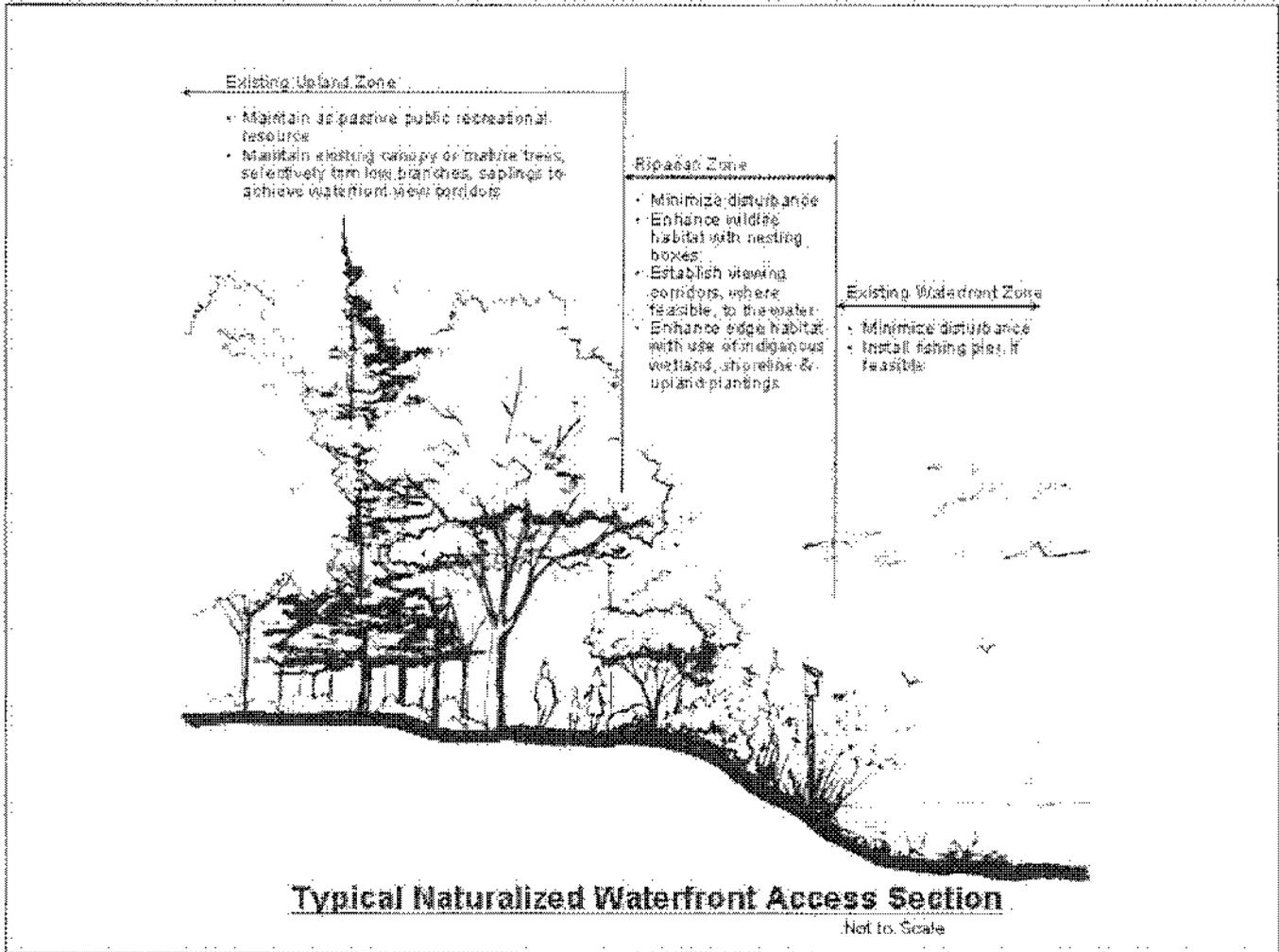
Signage and Wayfinding: In an effort to promote the public use of any waterfront access facility a signage program should be developed that includes unified design parameters, such as a design theme, color, symbol, text font style, mounting height, and size, that alert and advise the general public of the location, allowed use, prohibited use, hours of operation, boundary limit of public areas, designated public parking areas (if required), and point at which the waterfront can be accessed. All proposed signage should comply with the accepted local Planning and Zoning Sign Ordinances where required.

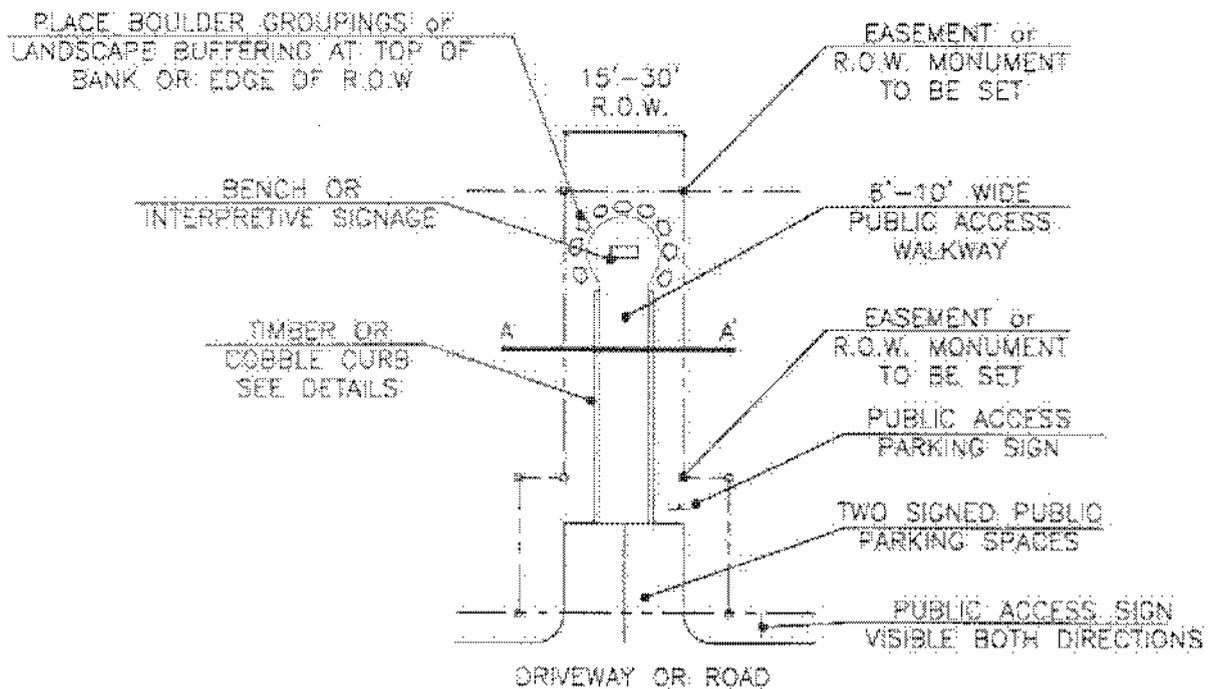
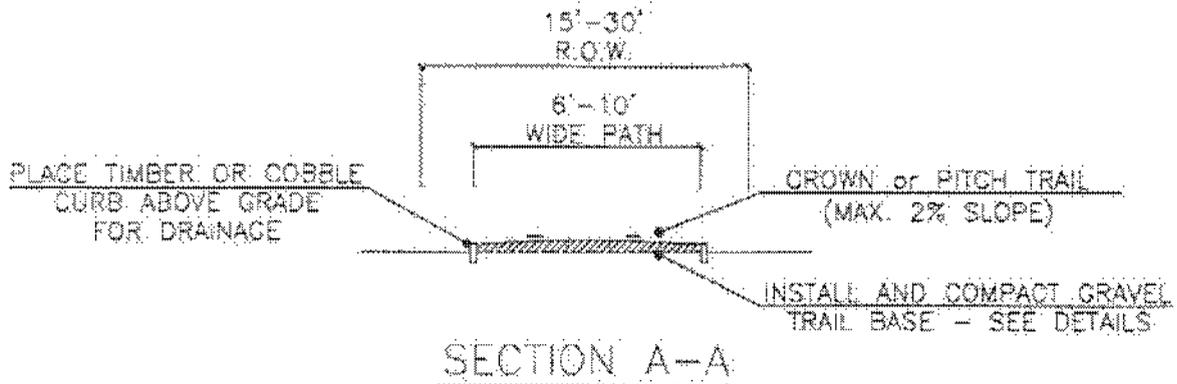
Site Amenities: Where feasible and prudent, the publicly owned waterfront access facility should include amenities that will provide a greater sense of safety, waterfront usage, and aesthetic quality. These amenities may include, but are not limited to, site furniture, site lighting, bike racks, ornamental gateways, stationary binoculars, fishing piers, boardwalks, viewing platforms, trash receptacles, dog-waste receptacles, landscaping, shade structures (i.e. gazebo, pavilion), historical or interpretive signage, public signage kiosks, boat/canoe/kayak launch area, public transient slips, restrooms, food and beverage facilities, gathering area (i.e. plaza, amphitheater), paved sidewalks, and informal nature trails.

Landscaping: All proposed landscaping, where feasible, should be native, non-invasive, plant material that will provide additional habitat enhancement, visual screening, natural buffering between non-compatible (public/private) land uses and to provide protection for environmentally sensitive areas (i.e., bluff vegetation, tidal wetlands, etc.). The overall long-term maintenance requirements of the selected landscaping materials shall be considered in the site plan review process (i.e., the use of mulches to deter weed growth, and low-maintenance plantings).

RECOMMENDED PUBLIC ACCESS DESIGN DETAILS
For Privately-owned Waterfront Access Parcels and
Town-owned Waterfront Access Parcels







**SAMPLE: INFORMAL PUBLIC WATERFRONT
ACCESS - TYPICAL SITE PLAN**

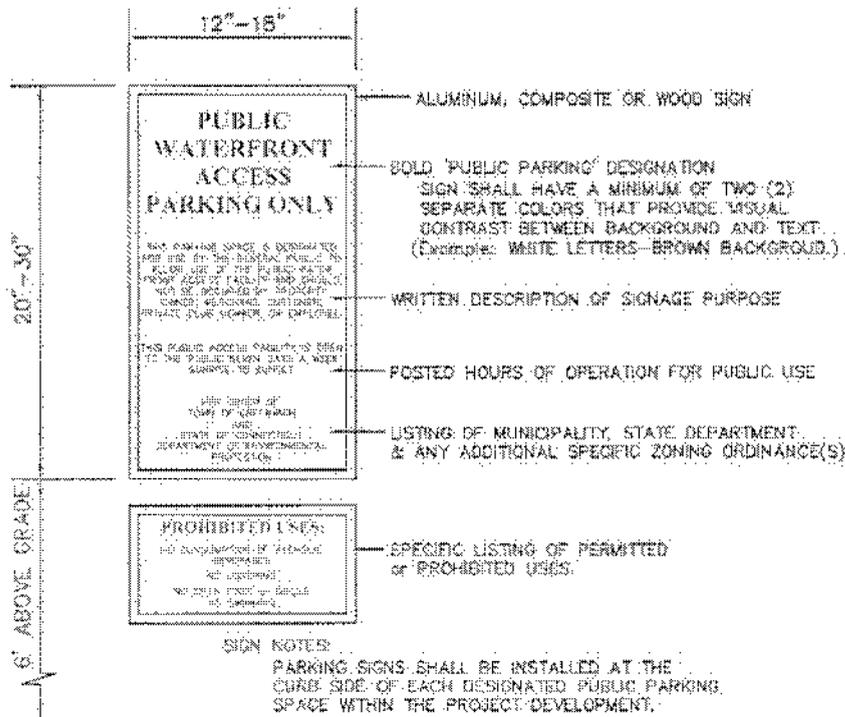
N.T.S.

Recommended Signage Types & Details

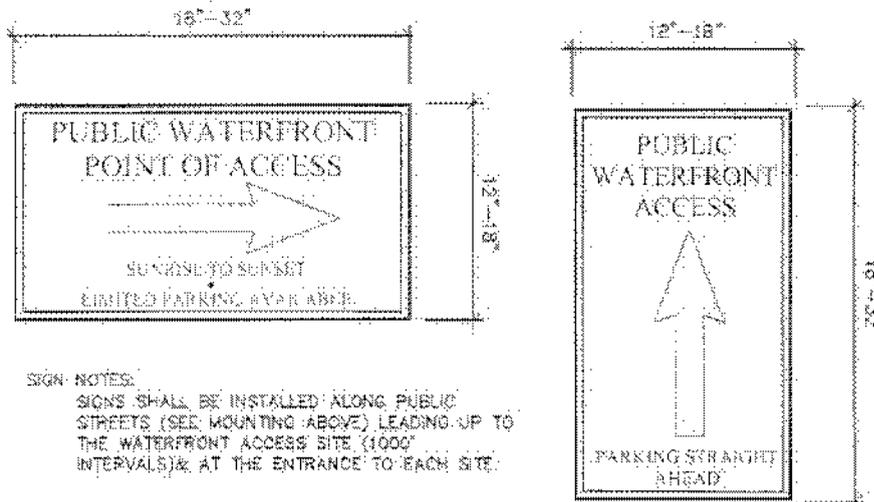
CT DEP - Coastal Public Access Sign Catalog

Individual Signs		Combination Sign (examples)
<p><u>Sign #1</u> For Long Island Sound public access sites and primary municipal roads</p>		
<p><u>Sign #2</u> For tidal river public access sites and primary municipal roads</p>		<p><u>Example</u> Sign #1 with Sign #3 for use at Long Island Sound public access sites</p>
<p><u>Sign #3</u> Site sign bottom plate for use with Sign #1 or Sign #2 at access sites</p>		
<p><u>Sign #4</u> For secondary roads</p>		<p><u>Example</u> Sign #2 with Sign #5 for use on primary municipal roads</p>
<p><u>Sign #5</u> For primary municipal roads with Sign #1 or Sign #2</p>		

** These signs are available from the CT DEP for nominal production fee.



TYPICAL PUBLIC WATERFRONT ACCESS PARKING SIGNAGE
NTS

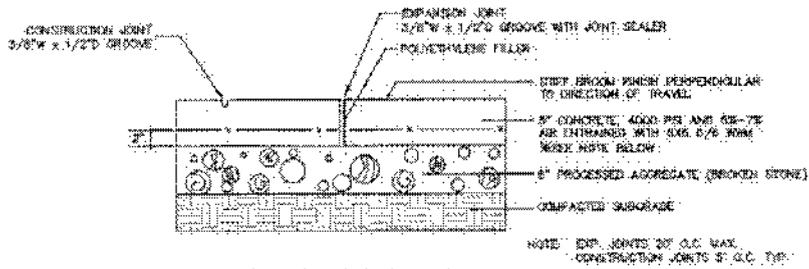


TYPICAL PUBLIC WATERFRONT ACCESS DIRECTIONAL SIGNAGE

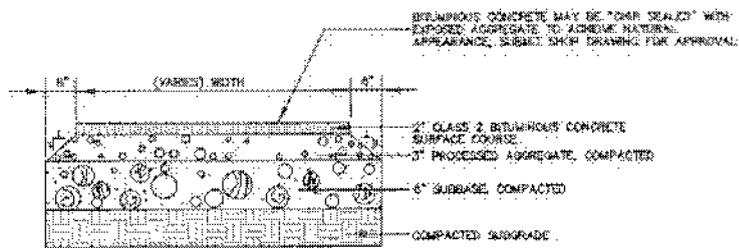
Town or municipal seal may be added to individual sign faces.

** These are sample prototype signs that could be developed into a municipal standard.

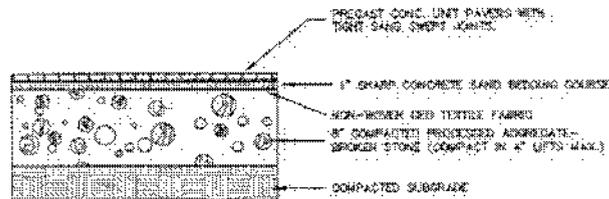
Recommended Walkway Types & Pavement Details



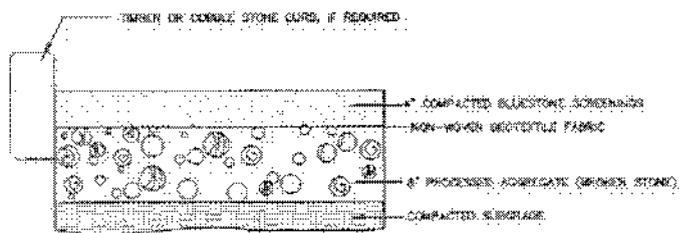
TYPICAL CONCRETE WALKWAY
4.13



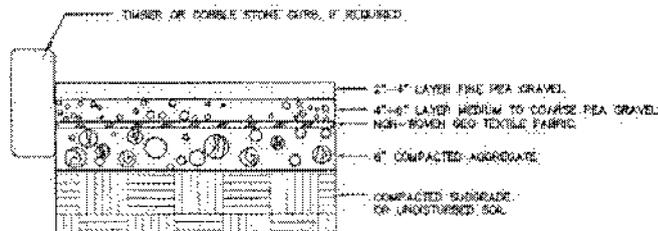
TYPICAL BITUMINOUS WALKWAY
4.14



TYPICAL PRECAST CONCRETE UNIT PAVES WALKWAY
4.15

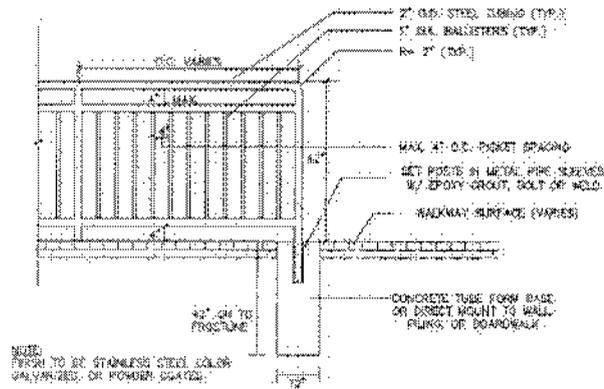


TYPICAL STONE DUST WALKWAY
4.16

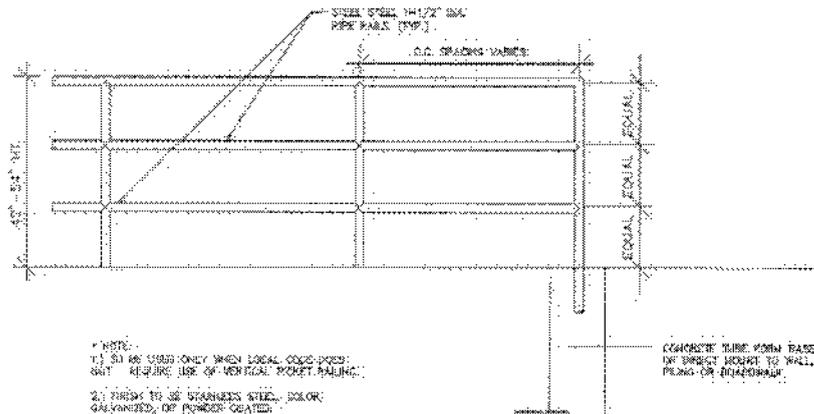


TYPICAL PEA GRAVEL WALKWAY
4.17

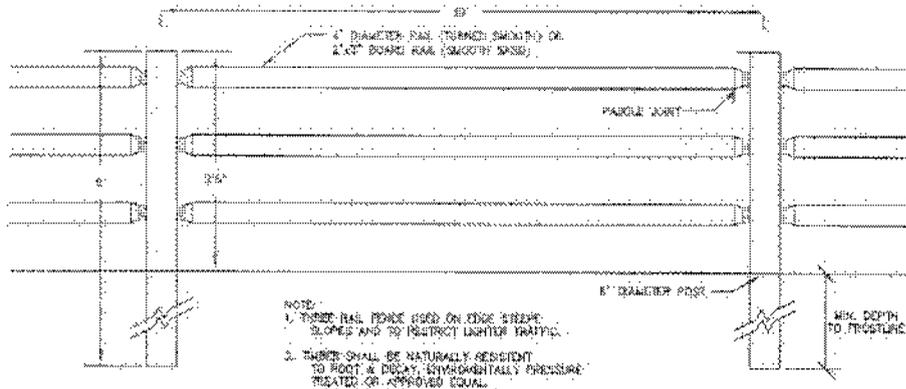
Recommended Railing Types & Details



TYPICAL STEEL OR ALUMINUM PROTECTIVE RAILING DETAIL
NYS

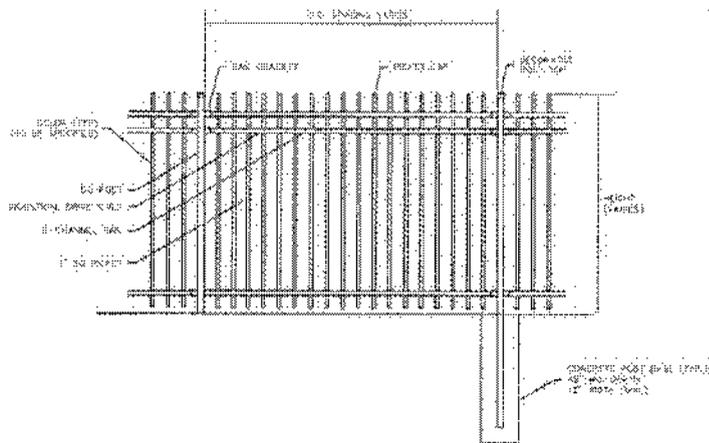


TYPICAL STEEL OR ALU MINM SEMIPROTECTIVE ORNAMENTAL RAILING DETAIL
NYS



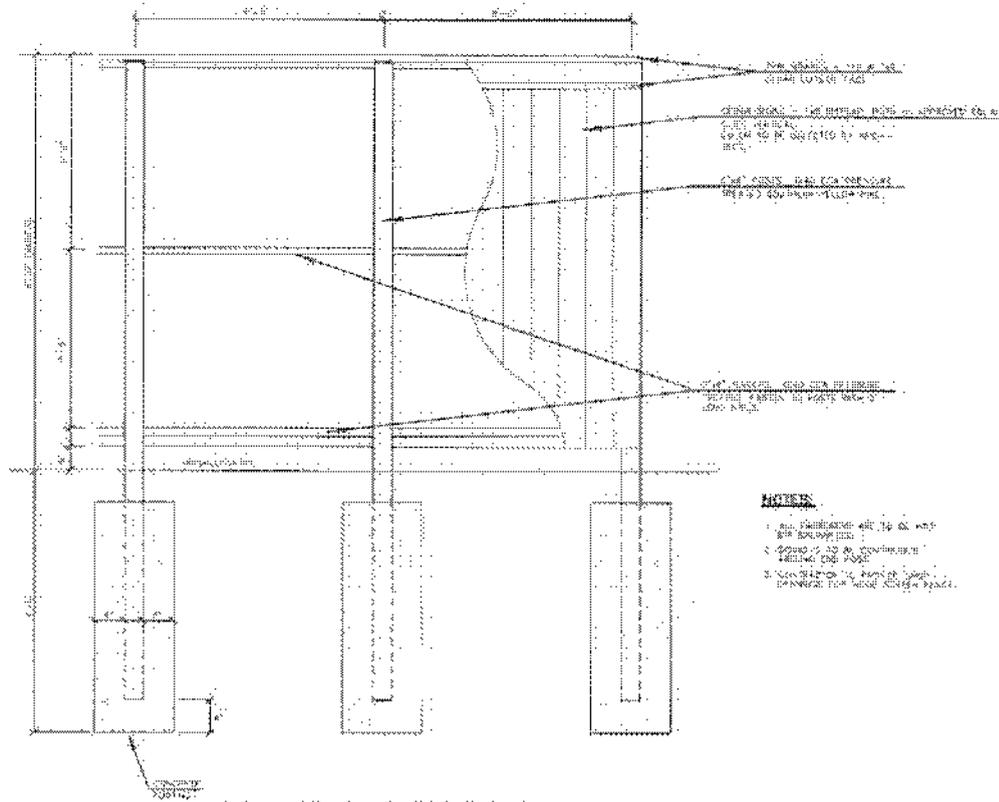
TYPICAL DETAIL BOUNDARY FENCE
NYS

Recommended Boundary & Property Fencing Types & Details



NOTES:
 1. All dimensions are nominal dimensions. All posts are to be installed in concrete. All posts are to be installed in concrete. All posts are to be installed in concrete.
 2. All posts are to be installed in concrete. All posts are to be installed in concrete. All posts are to be installed in concrete.
 3. All posts are to be installed in concrete. All posts are to be installed in concrete. All posts are to be installed in concrete.

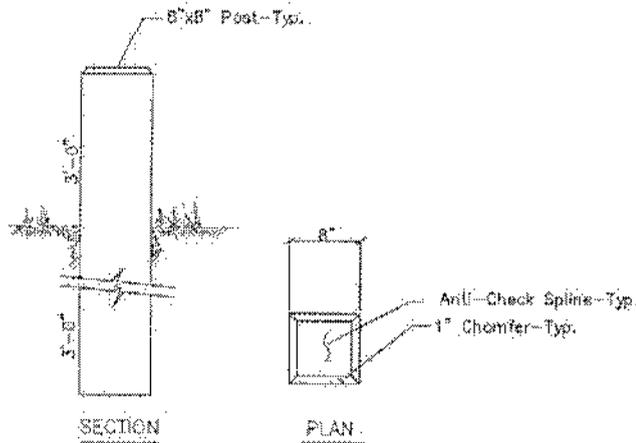
TYPE OF BOUNDARY & PROPERTY FENCING



NOTES:
 1. All dimensions are nominal dimensions. All posts are to be installed in concrete. All posts are to be installed in concrete. All posts are to be installed in concrete.
 2. All posts are to be installed in concrete. All posts are to be installed in concrete. All posts are to be installed in concrete.
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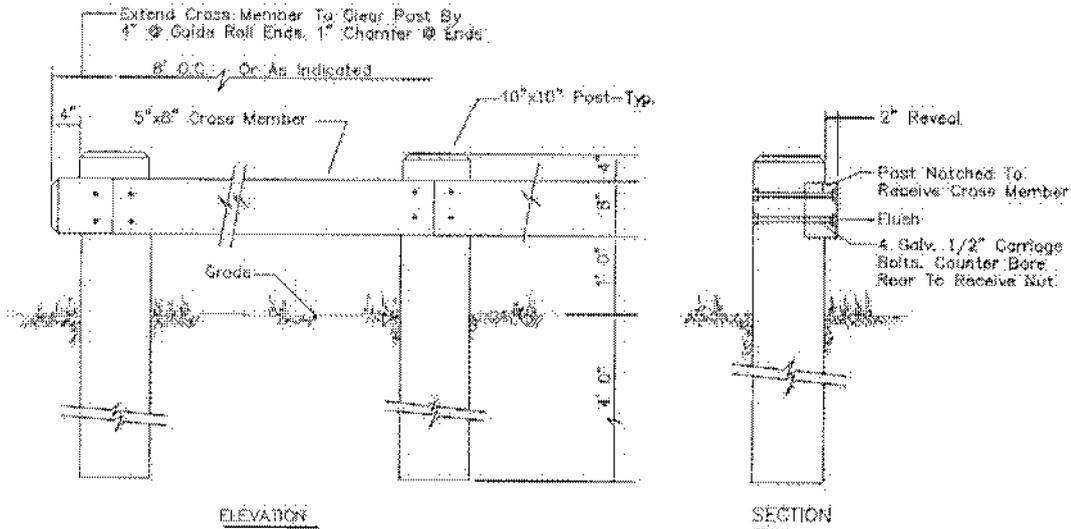
TYPE OF BOUNDARY & PROPERTY FENCING

Recommended Traffic Protection Types & Details



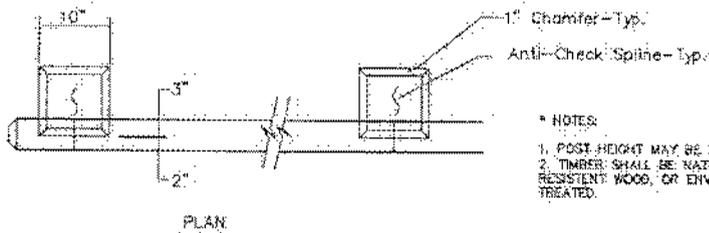
TIMBER POST BOLLARD

N.T.S.



ELEVATION

SECTION



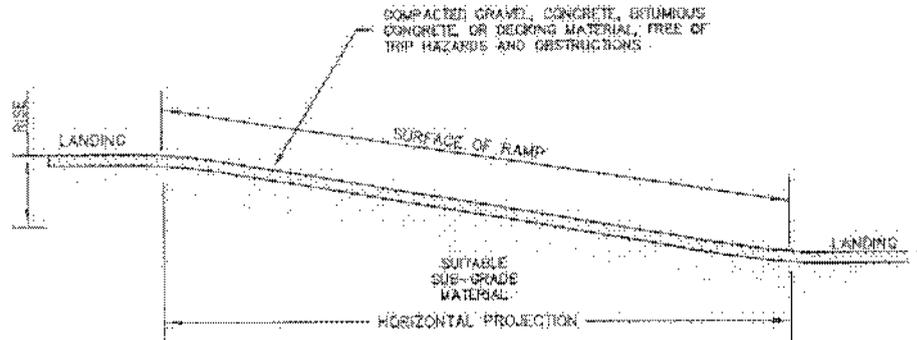
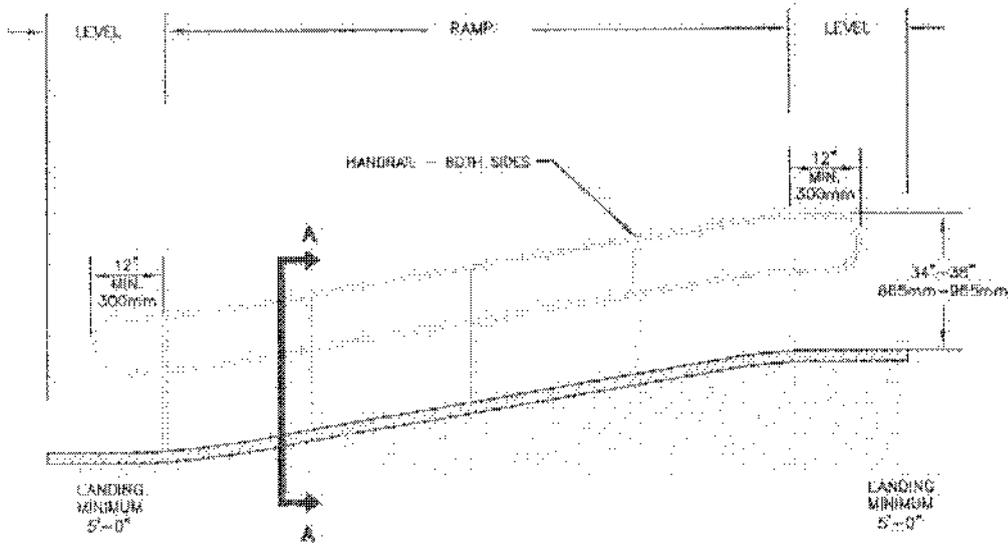
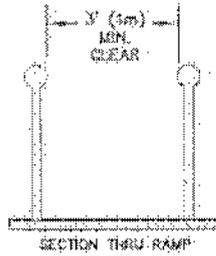
* NOTES:

1. POST HEIGHT MAY BE ADJUSTED TO ACCEPT SECOND RAIL.
2. TIMBER SHALL BE NATURALLY ROT/DECAY RESISTANT WOOD, OR ENVIRONMENTALLY PRESSURE TREATED.

TYPICAL TIMBER GUIDE RAIL BOUNDARY FENCE

N.T.S.

Handicap Ramp Details & Specifications



SLOPE	MAXIMUM RISE		MAXIMUM HORIZONTAL PROJECTION	
	FEET	METER	FEET	METER
SEE TO 8.33%	2.5	0.75	36.0	9.0

Data Release Agreement

Town of Greenwich, Connecticut GIS data Release Agreement

1. The Town of Greenwich (hereafter "Town") provides Geographic Information System (GIS) data in good faith. The Town makes no warranty in regard to the data whatsoever including, but not limited to, a warranty of the accuracy of the data. The party requesting the data (hereafter "Requester") agrees that the Town has no liability from any incomplete, incorrect, inaccurate or misleading data provided.
2. The Town makes no warranties of fitness or merchantability either express or implied in regard to the data provided to the Requester hereunder. The data provided are provided "as is" and with all faults.
3. The Requester will have no claims to data updates.
4. The Requester shall indemnify and hold harmless the Town and its officers, employees and agents from and against all losses, claims, demands, actions, payments, costs, liabilities, including attorney's fees, expenses and damages (direct or consequential) whether or not caused by the negligence of the Town, its officers, employees or agents, which are incurred by or recovered against the Town for any reason whatsoever arising out of, or relating to, this Agreement, or the data or to any use to which the Requester might put the data.
5. The Requester acknowledges the fact that the data is not to be distributed or resold to other agencies, organizations, companies, or individuals without the prior express written consent of the Town.
6. The Requester agrees that all maps or other documents using the data or data products supplied by the Town through this Agreement must contain the following data source credit, prominently displayed:
"GIS data supplied by the Town of Greenwich Geographic Information System"
7. The Requester agrees that all maps or other documents using the data or data products supplied by the Town through this Agreement must contain the following disclaimer:
"This map was produced from the Town of Greenwich Geographic Information System. The data depicted hereon is for planning purposes only, and is not intended for site-specific analysis. The Town does not certify this data as survey accurate, and expressly disclaims any liability that may result from the use of this map. Aerial: 4/2/08. Map: [map_date]. Copyright © 2005 by the Town of Greenwich."

The Requester acknowledges that s/he has read this agreement, understands it and agrees to be legally bound by its terms and conditions.

Signature

Printed Name: _____

Company Name: _____

Address: _____

Date: _____

Data Use Agreement

Town of Greenwich

Phone: 203-622-7737
Fax: 203-629-6920

Geographic Information System
101 Field Point Road
Greenwich, Connecticut 06830

Town of Greenwich Geographic Information System (TOGGIS) GIS Data Use Agreement

The Town of Greenwich (hereafter "Town") hereby releases Geographic Information System (GIS) data to _____ (hereafter "Contractor") for the sole purposes in completing work as required under Contract _____ otherwise known as the "_____." The Town is offering these GIS data free-of-charge. Under no circumstances shall the Contractor use these GIS data for any other purpose other than for Contract _____. The Contractor shall not distribute these GIS data to any other party. At the completion of Contract _____, the Contractor must return the CDs containing the GIS data to the Town (sent to the attention of the GIS Coordinator at the address referenced above). In addition, the Contractor will ensure that all of the Town's GIS data is removed from all of the Contractor's storage devices; to include, but not limited to, hard drives, tapes, CDs and zip drives. The Contractor acknowledges that the Town shall be the owner of any GIS data that is created by the Contractor as a result of work performed under Contract _____. These data shall also be removed from the Contractor's storage devices at the completion of Contract _____.

NOTE: All Town of Greenwich Geographic Information System data are Copyright © 2005 by the Town of Greenwich.

The Contractor acknowledges that an authorized representative has read this Agreement, understands it and agrees to be bound by its terms and conditions.

Authorized Representative's name
(printed)

Authorized Representative's Signature