

# **STRATFORD HARBOR MANAGEMENT PLAN**



**STRATFORD WATERFRONT AND HARBOR MANAGEMENT COMMISSION  
STRATFORD, CONNECTICUT**

April 1994

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TOWN OF STRATFORD, CONNECTICUT**

Consultant to the Waterfront and Harbor Management Commission:

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April 1994

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## FOREWORD

THIS DOCUMENT CONTAINS THE *STRATFORD HARBOR MANAGEMENT PLAN* PREPARED BY THE STRATFORD WATERFRONT AND HARBOR MANAGEMENT COMMISSION WITH AUTHORITY PROVIDED BY THE CONNECTICUT HARBOR MANAGEMENT ACT OF 1984 (CODIFIED AS SECTIONS 22A-113K TO 22A-113T OF THE CONNECTICUT GENERAL STATUTES).

THE TOWN RECEIVED NOTICE OF PLAN APPROVAL BY THE STATE OF CONNECTICUT IN APRIL 1994. THE PLAN WAS THEN ADOPTED BY THE STRATFORD TOWN COUNCIL ON NOVEMBER 14, 1994.

THE PLAN CONTAINS GOALS, OBJECTIVES, POLICIES, GUIDELINES, AND RECOMMENDATIONS FOR THE BALANCED USE OF THE STRATFORD HARBOR MANAGEMENT AREA FOR RECREATIONAL, COMMERCIAL AND OTHER PURPOSES, AND FOR THE PROTECTION OF NATURAL RESOURCES IN THE HARBOR MANAGEMENT AREA. PUBLIC AND PRIVATE ACTIONS AFFECTING USE AND CONDITION OF THE HARBOR MANAGEMENT AREA MUST BE CONSISTENT WITH THE PLAN. THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION IS RESPONSIBLE FOR ENSURING THIS CONSISTENCY THROUGH A "CONSISTENCY REVIEW PROCESS" ESTABLISHED BY THE PLAN. IN ACCORDANCE WITH SECTION 22A-113N OF THE CONNECTICUT GENERAL STATUTES, THE PROVISIONS OF THE PLAN ARE BINDING ON ANY OFFICIAL OF THE STATE OF CONNECTICUT OR TOWN OF STRATFORD MAKING REGULATORY DECISIONS OR UNDERTAKING OR SPONSORING DEVELOPMENT IN THE HARBOR MANAGEMENT AREA, UNLESS SUCH OFFICIAL SHOWS CAUSE WHY A DIFFERENT ACTION SHOULD BE TAKEN.

IN ADDITION TO ITS POWERS AND AUTHORITIES PROVIDED BY THE CONNECTICUT HARBOR MANAGEMENT ACT, THE STRATFORD WATERFRONT AND HARBOR MANAGEMENT COMMISSION IS GRANTED IMPORTANT POWERS AND DUTIES BY THE SPECIAL ACT OF THE CONNECTICUT LEGISLATURE PASSED ON JUNE 7, 1957 ("AN ACT TO ESTABLISH A WATERFRONT AUTHORITY FOR THE TOWN OF STRATFORD"). THE HARBOR MANAGEMENT PLAN DESCRIBES AND MAKES REFERENCE TO THE DISTINCT POWERS AND DUTIES ESTABLISHED BY THE SPECIAL ACT OF 1957, BUT DOES NOT SERVE TO IMPLEMENT THOSE POWERS AND DUTIES. POWERS AND DUTIES DERIVED SOLELY FROM THE SPECIAL ACT ARE IMPLEMENTED BY THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION SEPARATELY FROM THE HARBOR MANAGEMENT PLAN, AND IN A MANNER THAT COMPLEMENTS AND IS CONSISTENT WITH THE PLAN.

## ACKNOWLEDGMENTS

Many individuals have contributed to the preparation of this draft Plan, including Town officials and residents of Stratford, as well as representatives of State and Federal agencies.

The Plan was prepared under the leadership of the Stratford Waterfront and Harbor Management Commission:

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Former Commission members who contributed to formulation of the Plan include: Stephen Firmender, Janice Griffith, Paul Miller, Beverly Pansa, Robert Vitale, and Richard C. Watt.

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L.R. Johnston Associates of Westport, Connecticut was consultant to the Waterfront and Harbor Management Commission from November of 1989 to November 1990, and prepared background reports for inclusion in the Harbor Management Plan. From L.R. Johnston Associates, Larry Johnston and Geoffrey Steadman contributed to work on the Plan. Since the untimely passing of Larry Johnston in November 1990, Mr. Steadman has served as consultant to the Waterfront and Harbor Management Commission and prepared the several draft Plan documents. Photographs in the Plan document were provided by Geoffrey Steadman.

The citizens of Stratford who attended the Waterfront and Harbor Management Commission's public meetings and demonstrated their concern for the future use and protection of the Town's marine resources must be given special thanks for their interest, input and support.



# CONTENTS

	<u>Page</u>
Foreword .....	ii
Acknowledgments .....	iii
Contents .....	iv
List of Figures and Tables .....	vi
Definitions of Terms .....	vii
 Introduction .....	 I-1
 <b>PART I: BACKGROUND FOR THE HARBOR MANAGEMENT PLAN</b>	
<b>Chapter One: The Stratford Harbor Management Area .....</b>	<b>1-1</b>
Coastal Area Setting .....	1-2
Environmental Conditions and Coastal Resources .....	1-6
Navigation Conditions .....	1-15
Waterfront Land-Use and Development .....	1-19
Water-Dependent Uses, Activities and Facilities .....	1-30
 <b>Chapter Two: Existing Roles and Authorities for Harbor Management .....</b>	 <b>2-1</b>
Town of Stratford .....	2-2
Federal Agencies .....	2-10
State Agencies and Officials .....	2-13
Individuals and Private Groups .....	2-16
 <b>Chapter Three: Harbor Management Issues and Concerns .....</b>	 <b>3-1</b>
Boating and Water-Use Concerns .....	3-2
Waterfront Land-Use and Development Concerns .....	3-12
Coastal Resources Concerns .....	3-16
Water Access Concerns .....	3-22
Harbor Administration Concerns .....	3-26
 <b>PART II: THE HARBOR MANAGEMENT PLAN</b>	
<b>Chapter Four: Stratford’s Goals, Objectives and Policies for Harbor Management .....</b>	<b>4-1</b>
Goals and Objectives .....	4-4
Boating and Water-Use Policies .....	4-8
Waterfront Land-Use and Development Policies .....	4-18
Coastal Resources Policies .....	4-22
Water Access Policies .....	4-26
Harbor Administration Policies .....	4-27

## CONTENTS (CONTINUED)

	<u>Page</u>
<b>Chapter Five: “Area Guidelines” for Harbor Management</b> .....	5-1
Upper Housatonic River Management Area .....	5-3
The Railroad Bridge—Washington Bridge Management Area .....	5-7
Lower Housatonic River Management Area .....	5-10
Mouth of the Housatonic River Management Area .....	5-21
Lordship—Seawall Management Area .....	5-25
Long Beach—Great Meadows—Lewis Gut Management Area .....	5-30
 <b>Chapter Six: Recommendations and Responsibilities for Plan Implementation</b> .....	 6-1
Recommended Actions for the Town Council .....	6-2
Responsibilities of the Waterfront and Harbor Management Commission .....	6-5
Responsibilities of Other Town Commissions and Departments .....	6-22
Responsibilities of the Harbor Master .....	6-24
Responsibilities of State and Federal Agencies with Harbor Management Authorities ..	6-28
Responsibilities of Private Individuals and Organizations .....	6-29

### PART III: APPENDICES

<b>Appendix A:</b>	<b>“An Act to Establish a Waterfront Authority for the Town of Stratford,” and Opinion of the Town Attorney’s Office Regarding Current Status of that Act</b>
<b>Appendix B:</b>	<b>The Connecticut Harbor Management Act</b>
<b>Appendix C:</b>	<b>Proposed Revisions and Modifications to Chapter 210 (Waterfront and Harbor Management) of the Stratford Code</b>
<b>Appendix D:</b>	<b>Draft Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area</b>
<b>Appendix E:</b>	<b>Draft Minimum Standards for Mooring Tackle</b>
<b>Appendix F:</b>	<b>“Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers”</b>

## LIST OF FIGURES

	<u>Page</u>
Figure 1-1: Regional Context .....	1-2
Figure 1-2: Stratford Point, Long Island Sound and the Mouth of the Housatonic River .	1-3
Figure 1-3: Stratford Harbor Management Area .....	1-5
Figure 1-4: Long Beach, Lewis Gut and the Great Meadows Looking West Toward Bridgeport .....	1-6
Figure 1-5: Charles E. Wheeler Wildlife Area and Nell’s Island Looking Southeast; Stratford Marina Area and Ferry Creek in Foreground .....	1-8
Figure 1-6: Marsh Islands North of the I-95 Bridge Looking Upriver; Pope’s Island in the Center of the River .....	1-8
Figure 1-7: Housatonic River Federal Navigation Project .....	1-16
Figure 1-8: Water-Dependent Facilities and Water Access Areas .....	1-23
Figure 1-9: Recent Waterfront Planning and Development Initiatives .....	1-26
Figure 1-10: Estimated Slips & Moorings In and Near the Harbor Management Area ...	1-31
Figure 1-11: Private Piers Extending Into the Housatonic River from the Stratford Shoreline .....	1-36
Figure 4-1: Index to Goals, Objectives and Policy Categories .....	4-2
Figure 5-1: Management Areas .....	5-2
Figure 5-2: Upper Housatonic River Area Near Merritt Parkway, Looking East; Sikorsky Aircraft Plant in Foreground .....	5-4
Figure 5-3: Upper Housatonic River Area Near Fowler Island Looking West .....	5-5
Figure 5-4: The Railroad Bridge—Washington Bridge Management Area Looking Toward the Northwest .....	5-8
Figure 5-5: The Waterfront Commercial Area and Ferry Creek Looking Toward the Northeast .....	5-11
Figure 5-6: Birdseye St. Water Access Area with Tide Harbor and Harbor Woods Condominiums to the Right and the Water Pollution Control Plant to the Left .....	5-18
Figure 5-7: The Ferry Creek Area; Bond’s Dock and Brown Boat Works to the Left and Stratford Marina to the Right .....	5-20
Figure 5-8: Short Beach and the Marine Basin .....	5-23
Figure 5-9: Stratford Point Looking West Toward Russian Beach; Stratford Point Lighthouse in the Right Foreground .....	5-26
Figure 5-10: The Seawall Park at the Foot of Washington Parkway .....	5-28
Figure 5-11: Beach Cottage Area .....	5-28
Figure 5-12: Long Beach and the Eastern Part of the Great Meadows at Oak Bluff Ave. .	5-31
Figure 5-13: Long Beach Cottages Looking West .....	5-32
Figure 5-14: Pleasure Beach at the Western End of Long Beach; Pleasure Beach Bridge and the Entrance to Lewis Gut from Bridgeport Harbor .....	5-34
Figure 5-15: Public Water Access Facilities, Areas and Recommendations . . . .	(Following)5-36
Figure 5-16: Boating and Navigation Facilities, Areas and Recommendations .	(Following)5-36
Figure 5-17: Coastal Resource Areas and Recommendations .....	(Following)5-36
Figure 5-18: Housatonic River Mooring Area .....	(Following)5-36

## DEFINITIONS OF TERMS

**Abandoned Vessel:** Any vessel, as defined by State statute, not moored, anchored or made fast to the shore, and left unattended for a period greater than 24 hours, or left upon private property without consent from the waterfront property owner for a period greater than 24 hours.

**Aids to Navigation:** All markers on land or in the water placed for the purpose of enabling navigators in the Harbor Management Area to avoid navigation hazards and/or fix their position. Aids to navigation include Federal aids placed and maintained by the U.S. Coast Guard, and “private” aids placed and maintained by all other government and private interests under permit from the Coast Guard and Connecticut DEP. Private aids include any buoys, signs and other markers identifying restricted speed areas.

**Anchorage:** A “nonchannel” water area designated for the safe anchoring of vessels.

**Anchoring:** To secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors from a vessel.

**A-Zone:** That portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is likely to be inundated by the one-percent (“100-year”) flood and not subject to wave action.

**Bulkhead:** A vertical wall of wood, steel or concrete, built parallel to the shoreline and designed to deflect waves and control erosion.

**Carrying Capacity:** A term most generally used to refer to the level of use or extent of modification that environmental or man-made resources may bear before unacceptable resource deterioration or degradation occurs.

**Channel:** A water area specifically designated for unobstructed movement of vessels, shown on navigation charts and marked in-water by aids to navigation. The navigation channel in the Housatonic River is a Federal navigation channel authorized by Congress and maintained by the U.S. Army Corps of Engineers.

**Coastal Barrier:** Elongated, offshore formations of sand and other unconsolidated sediments lying generally parallel to mainland coastlines, and providing a number of ecologically significant functions, including fish and wildlife habitat and flood and erosion buffer. Coastal barriers are typically the seaward margins for valuable wetlands that form in the sheltered environments created by the barriers.

**Chapter 210:** The “Waterfront and Harbor Management” chapter of the Code of the Town of Stratford which establishes the jurisdiction, authority and responsibilities of the Stratford Waterfront and Harbor Management Commission.

**Coastal Resources:** Resources including coastal waters, beaches, wetlands, intertidal flats, shellfish concentration areas, developed shoreline, and other resources as defined in the Connecticut Coastal Management Act, the *Stratford Coastal Plan*, and Chapter 210 of the Code of the Town of Stratford.

**Commercial Mooring:** A mooring as defined by the Corps of Engineers for which any type of fee is charged, (excepting any fee charged by the Town for a mooring permit issued by the Harbor Master) and which must be authorized by a permit from the Corps of Engineers, the Connecticut Department of Environmental Protection, and the Harbor Master. Commercial moorings include moorings offered by marinas for transient or seasonal rental and moorings controlled by private clubs if the annual membership fee includes a club-controlled mooring.

Commercial Vessel: Any vessel, licensed or unlicensed, used or engaged for any type of commercial venture, including but not limited to the carrying of cargo and/or passengers for hire and commercial fishing.

Connecticut Coastal Management Act: The legislation contained within the State of Connecticut General Statutes, Sections 22a-90 through 22a-112, as may be amended from time to time, and which requires, in part, that municipalities review all major activities within their coastal boundaries for consistency with the policies established by the Act, and also provides for the voluntary development of local Municipal Coastal Programs.

Connecticut Harbor Management Act: The legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t, as may be amended from time to time, and which authorizes municipalities to establish harbor management commissions and prepare harbor management plans.

Corps of Engineers: The U.S. Army Corps of Engineers which is the principal Federal agency with roles and responsibilities pertaining to harbor management in Stratford. These roles and responsibilities include authority to regulate structures and work seaward of the mean high water line as well as responsibility to maintain the Federal navigation channel in the Housatonic River.

Cumulative Impacts: The impacts on environmental or man-made resources that result from the incremental impact of an action when added to other past, present and reasonably foreseeable actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

Department of Environmental Protection (DEP): The principal State agency responsible for management of the State's natural resources. The DEP's Office of Long Island Sound Programs (OLISP) is responsible for ensuring that activities within the State's coastal area conform with the policies of the Connecticut Coastal Management Act and Harbor Management Act. The OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures below the high tide line; the placement of structures and filling in tidal wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; marine mining; and construction and maintenance of non-federal channels.

Deputy Harbor Master: The Deputy Harbor Master of the Town of Stratford appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes, and who shall carry out his duties under the direction of the Harbor Master.

Dockominium: A marina development and operation concept whereby the user of a boat slip or berth purchases fee simple title to the use of that slip or berth.

Dredging: The excavation of sediments and other material from aquatic areas for the purpose of maintaining adequate depths in navigation channels and berthing areas as well as for other purposes.

Encroachment: Any structure (including docks, piers, floats, pilings, moorings and other structures) and any other work (including dredging and filling) extending into the Federal navigation channel or into any other areas below the high tide line without necessary Town, State and Federal approvals.

Erosion: The wearing away of the shoreline by the action of natural forces including wave action and tidal currents.

Fairway: A specific water area to be kept free of obstructions to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages and berthing areas.

**Filling:** The act of adding or depositing material to replace an aquatic area with dry land or to change the bottom elevation of a water body.

**Floating Home:** Any structure constructed on a raft, barge or hull, moored or docked and that is used primarily for single or multiple-family habitation or that is used for the domicile of any individual(s).

**Foreshore:** The part of the shore lying between the mean high water line and the low-water mark which is ordinarily traversed by the rising and falling tides and which is held in trust by the State of Connecticut for the public interest and use.

**Groin:** A barrier-type structure that extends from the backshore into the littoral zone used to retard longshore transport of sediment in the littoral zone and generally constructed perpendicular to the shore.

**Intertidal Flats:** Coastal resources consisting of very gently sloping or flat areas located between high and low tides and composed of muddy, silty and fine sandy sediments and generally devoid of vegetation.

**Harbor Master:** The Harbor Master appointed by the Governor of Connecticut in accordance with Sections 15-1 through 15-10 of the Connecticut General Statutes, and who shall advise the Waterfront and Harbor Management Commission with respect to matters concerning the waters under the jurisdiction of the Harbor Management Commission and have special responsibilities for implementing the Waterfront and Harbor Management Plan.

**Hazard to Navigation:** Any obstruction, usually sunken, that presents a sufficient danger to navigation so as to require expeditious, affirmative action such as marking, removal, or redefinition of a designated waterway to provide for navigational safety.

**High Tide Line:** The line or mark left upon tide flats, beaches or along shore objects that indicates the intersection of the land with the water's surface at the maximum height reached by a rising tide. Proposed work and structures seaward of the high tide line are subject to State regulatory authorities carried out by the Connecticut DEP.

**Hypoxia:** A condition of degraded water quality characterized by a deficiency of oxygen.

**Individual-Private Mooring:** A mooring belonging to an individual and authorized for use by a mooring permit issued by the Harbor Master.

**Littoral Drift:** The movement of sand by littoral (longshore) currents in a direction generally parallel to the beach along the shore.

**Live-Aboard Vessel:** Any berthed, anchored or moored vessel that is used as a permanent residence.

**Marine Facility:** Any facility (including but not limited to docks, floats, piers, ramps, hoists, parking areas, concessions and service facilities), either publicly or privately owned, intended primarily to be used by or for the service of vessels, and located in or adjoining the Harbor Management Area.

**Marine Sanitation Device (MSD):** Any equipment installed on board a vessel to receive, retain, treat, or discharge sewage and/or to treat such sewage.

**Mean High Water:** The average height of the maximum elevation reached by each rising tide over a nineteen-year period immediately preceding the current year. Proposed work and structures seaward of the mean high water line are subject to federal regulatory authorities carried out by the U.S. Army Corps of Engineers as well as State regulatory authorities. All land and water areas seaward of the mean high water line are subject to the Public Trust Doctrine and held in trust by the State of Connecticut for public use. The mean high water line also marks the seaward boundary of the jurisdiction of the Town's planning and zoning commissions.

**Mean Low Water:** The average height of the minimum elevation reached by each falling tide over a nineteen-year period immediately preceding the current year.

**Mitigation:** An action to lessen the severity of impact of another action, either natural or human. Mitigation may refer to an action taken to reduce or eliminate the risk to human life and property and the negative impacts that can be caused by flooding and other natural and technological hazards. Mitigation may also refer to actions designed to lessen the adverse impacts of proposed development activities on natural and cultural resources, including wetlands and water resources.

**Moor:** To secure a vessel to the bottom of a waterbody by the use of mooring tackle.

**Mooring:** The place where, or the object to which, a vessel can be made fast by means of mooring tackle so designated that, when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.

**Mooring Area:** An area designated by the Waterfront and Harbor Management Commission within which vessels may moor provided a valid permit for such mooring is obtained from the Harbor Master.

**Mooring Tackle:** The hardware (e.g., chain, line, buoy, and anchor) used to secure a vessel at a mooring.

**Municipal Coastal Program:** The program authorized by the Connecticut Coastal Management Act that provides for the voluntary development and adoption of local plans to guide coastal area development balanced with coastal resource protection. The Stratford Coastal Plan represents Stratford's Municipal Coastal Program.

**Natural Resource Values:** The qualities of or functions served by natural resources (such as wetlands, floodplains, and water resources) which include but are not limited to: a) water resource values (including natural moderation of floods and water quality maintenance); b) living resource values (fish, wildlife and plant habitats); and c) cultural resource values (open space, natural beauty, scientific study, outdoor education, archaeological and historic sites, and recreation).

**Natural Shellfish Grounds:** Areas officially designated by State law as areas where oysters, clams or mussels grow naturally and which are to be left open to the general public. These areas can not be allocated exclusively for private use and are subject to the jurisdiction of the Stratford Shellfish Commission.

**Nonpoint Pollution:** Pollution that does not originate from a specific identifiable source (a sewage discharge pipe, for example). Types of nonpoint pollution include storm-water runoff from roads, parking lots and backyards, as well as atmospheric deposition. Precipitation can carry pollutants from the air to the ground and then gather more pollutants as the water runs off pavement and land to the nearest waterway.

**Nonstructural Measures:** Planning, regulatory and other techniques intended to discourage or avoid dangerous, uneconomic or unwise use of floodplains and erosion prone areas, as distinguished from the more traditional "structural" measures (such as dams, levees and seawalls) used to control flooding and erosion.

**"100-year" Flood:** A term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equalled or exceeded in any given year. The "100-year" flood is the flood that is equalled or exceeded once in 100 years on the average, but the term should not be taken literally as there is no guarantee that the "100-year" flood will occur at all within the 100-year period or that it will not recur several times. The "100-year" flood is the standard most commonly used for floodplain management and regulatory purposes in the United States, and is therefore often referred to as the "base flood" for floodplain management purposes.

**Personal Watercraft:** Any class A inboard vessel which has an internal combustion engine powering a water-jet pump as its primary source of motor propulsion and which is designed to be operated by a person sitting, standing or kneeling.

**Private Shellfish Grounds:** Shellfish grounds, including Town-designated grounds and state franchise or leased grounds, which individuals or companies have exclusive rights to work and harvest.

**Public Access:** Physical and/or visual access to the Stratford Waterfront and Harbor Management Area that is available to all members of the general public and is not limited to any particular groups or individuals.

**Public Trust Doctrine:** The doctrine based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public uses should not be permitted. Under the Public Trust Doctrine, the State of Connecticut holds title to the foreshore, open tidal waters, and submerged land under tidal waters seaward of the mean high water line as trustee for the public and must administer the use of these lands in the public interest.

**Pump-out Facility:** A marine facility for pumping sewage from vessel holding tanks and then containing that waste before proper disposal into a sewage disposal system.

**Recreational Boating Facilities:** Include marina and boatyard facilities providing docks, slips, moorings, and launching ramps as well as sales, repair, service and storage facilities.

**Riparian/Littoral Rights:** The rights of an owner of land contiguous to a navigable body of water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, the rights are said to be littoral rights. The terms “riparian” and “littoral” are commonly used interchangeably. Riparian rights may be defined as principally the right of access to the water, the right of accretions and relictions, and the right to other improvements. Littoral rights are usually concerned with the use and enjoyment of the shore.

**Seawall:** A wall built parallel to the shore, designed to halt shoreline erosion by absorbing the impact of waves.

**Slip:** Berthing space for a single vessel alongside a pier, finger float or walkway.

**Special Act of 1957:** The Special Act of the Connecticut Legislature (House Bill No. 2217 (585)) establishing a Waterfront Authority for the Town of Stratford with specific powers and duties pertaining to improving and enhancing the natural waterways of the Town. The powers and duties authorized by the Special Act are now carried out in coordination with powers and duties authorized by the Connecticut Harbor Management Act.

**Stratford Coastal Plan:** Stratford’s Municipal Coastal Program as authorized by the Connecticut Coastal Management Act and which was adopted by the Stratford Planning Commission in 1990 as an element of the Town’s Plan of Development. The Coastal Plan is primarily an “upland” planning program and focuses on coastal area land use and the protection of coastal resources.

**Stratford Waterfront Authority:** The Stratford Waterfront Authority established pursuant to the Special Act of 1957 with the authority to make regulations concerning: wharves, channels, docks, wharf lines, and bulkhead lines; anchoring and mooring of vessels; establishment of public bathhouses and bathing beaches; maintenance and improvement of beaches and harbor conditions; and, in general, improvement and enhancement of the natural waterways of the Town. Chapter 210 of the Code of the Town of Stratford designates the Waterfront Authority as a Harbor Management Commission pursuant to Section 22a-113k of the Connecticut General Statutes. The combined Stratford Waterfront Authority and Harbor Management Commission is known as the Stratford Waterfront and Harbor Management Commission.



Stratford Harbor Management Area: The area of jurisdiction of the Stratford Waterfront and Harbor Management Commission as defined in the Harbor Management Plan in accordance with authority provided by the Connecticut Harbor Management Act.

Stratford Waterfront and Harbor Management Commission: The duly appointed body of the Town of Stratford with responsibilities for preparing and carrying out the Waterfront and Harbor Management Plan as set forth in the Connecticut Harbor Management Act and Chapter 210 of the Code of the Town of Stratford. As established in Chapter 210, the Waterfront and Harbor Management Commission encompasses the Stratford Waterfront Authority.

Stratford Harbor Management Plan: A plan for the balanced use of Stratford's Harbor Management Area for recreational and other purposes and for the protection of environmental resources as prepared by the Stratford Waterfront and Harbor Management Commission, adopted by the Town Council, and approved by the Connecticut departments of Environmental Protection and Transportation in accordance with Sections 22a-113k through 113t of the Connecticut General Statutes and Chapter 210 of the Code of the Town of Stratford.

Structural Measures: "Engineered" measures such as dams, dikes, levees, seawalls, and channel alterations designed to modify the volume and location of flooding and extent of erosion, thereby helping to protect lives and properties from the impacts of floods and erosion.

Tidal Wetlands: Wetlands subject to the ebb and flow of the tide, defined by State statute, and subject to the regulatory authorities of the Connecticut Department of Environmental Protection in accordance with Sections 22a-359 through 22a-363f (the "Structures and Dredging" statute) of the Connecticut General Statutes.

Transient Boaters: Persons traveling to the Stratford Harbor Management Area by boat and staying for a temporary period of time.

Vessel: Every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water. Specifically excluded by this definition are floating homes.

V-Zone: The velocity zone, or the portion of the coastal floodplain as marked on maps prepared by the Federal Emergency Management Agency that is subject to high velocity waters from wave action associated with the one-percent annual chance flood. Also called the coastal high hazard area, the V-zone is usually determined by the area subject to wave heights of three feet or greater.

Water-Dependent Uses: Those uses and facilities as defined in the Connecticut Coastal Management Act and Chapter 210 of the Code of the Town of Stratford which require direct access to or location in marine or tidal waters and which therefore cannot be located inland.

Waters of the United States: Currently defined by regulation to include all navigable and interstate waters, their tributaries and adjacent wetlands, as well as isolated wetlands and lakes, and intermittent streams.

# INTRODUCTION

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Stratford's waterfront is defined by three distinct coastal environments: the Housatonic River; the nearshore waters of Long Island Sound; and the coastal barrier environment of the Long Beach—Great Meadows—Lewis Gut area. To many who live and visit in the Town, the waters and shorelines of these different areas contain Stratford's most valuable natural resources. These resources include wetlands, intertidal flats, beaches, shellfish grounds, and open coastal waters. They support boating and other water activities, enhance the shorefront residential areas, provide valuable fish and wildlife habitat, and maintain important ecological functions and scenic qualities. Further, these resources, and particularly those found in the estuarine environments of the Housatonic River and Long Beach—Great Meadows—Lewis Gut area, provide important contributions to the ecological health of Long Island Sound.

The waterfront environment clearly has an overall positive effect on the Town's character and quality of life. Nevertheless, there are some important concerns associated with current and possible future conditions in and near the Town's Housatonic River, Long Island Sound, and Long Beach—Great Meadows—Lewis Gut areas. There is, for example, concern that environmental resources and water quality may be degraded by in-water and waterfront activities, that increasing pressures for boating use will adversely impact navigation safety, and that Town interests and decisions in matters relating to the waterfront are not being adequately considered by State and Federal authorities. Also of increasing concern are existing and expected future conflicts between the public's right to use the land and water seaward of the mean high water line and the shorefront ownership rights, including the right of waterfront property owners to "wharf out" to navigable water.

The existence of these and other concerns has caused Town residents, local officials and others to question the "capacity" of the Housatonic River and the rest of the Town's marine area — the capacity, that is, to accommodate existing and additional in-water and waterfront uses without unacceptable adverse impacts on environmental resources and public safety and enjoyment.

The existence of these concerns also highlights the importance of active involvement by the Town to protect its marine resources and help ensure safe, equitable and efficient use of its water and waterfront areas. Long-range planning by the Town is necessary to guide future use and development in a way that will provide for continued public enjoyment of waterfront and water areas while protecting important natural resources.

## **THE STRATFORD WATERFRONT AND HARBOR MANAGEMENT COMMISSION AND THE HARBOR MANAGEMENT PLAN**

To describe the current authorities of the Stratford Waterfront and Harbor Management Commission and development of the Harbor Management Plan, it is important to first describe some of the history of the Town's efforts to plan for and regulate water and waterfront uses.

In May of 1956, the River Improvement Committee of the Town of Stratford, after studying conditions along the Town's Housatonic River and Long Island Sound shorelines and finding the waterfront and marine environment to be poorly utilized and subject to erosion and other problems, recommended to the Town Council that a Town Waterfront Authority be created. The Committee recommended that such an Authority was necessary to provide needed beach and river recreational facilities and to most effectively address shorefront erosion, siltation of the Housatonic River, and other problems.

The Stratford Waterfront Authority was subsequently established by a Special Act of the Connecticut Legislature on June 7, 1957 ("An Act to Establish a Waterfront Authority for the Town of Stratford," House Bill No. 2217; now commonly referred to as the Special Act of 1957). Section 1 of this Act reads as follows: "There shall be a waterfront authority for the Town of Stratford. Said authority shall make regulations concerning wharfs, channels, docks, wharf lines, bulkhead lines and anchorage and mooring of vessels; the establishment of public bath houses and bathing beaches, and the maintenance and improvement of beaches and harbor conditions and, in general, shall make regulations to improve and enhance the natural waterways of the town so that they may become physical assets of the town." (See Appendix A.)

The Special Act provided for a five-member Waterfront Authority to be appointed by the Stratford Town Council. For over 30 years, the Stratford Waterfront Authority worked to develop and upgrade Town beach and boating facilities, reviewed proposals affecting the Stratford waterfront, conducted special studies, and generally worked to achieve its primary goal — protection of the public interest in Stratford's marine environment. Following passage of the Connecticut Harbor Management Act in 1984 (Section 22a-113k to 22a-113t of the Connecticut General Statutes), the Waterfront Authority began to evaluate the concept of State-authorized harbor management and the creation of a Town harbor management commission as authorized by the Harbor Management Act. The Waterfront Authority sponsored a public forum ("Stratford Waterfront 1984-1986") in April of 1984 to receive public input with regard to goals, objectives and concerns for the Stratford waterfront. Lack of a comprehensive Town plan for the coastal area and lack of coordination between different Town departments with influence in the coastal area were identified as important concerns by Town residents attending this meeting.

After considerable study and debate among Town officials and residents, the Waterfront Authority recommended to the Town Council that a Town Harbor Management Commission be created as authorized by the State Harbor Management Act. In 1988, the Town Council

adopted Chapter 210 (the “Waterfront and Harbor Management” chapter) of the Stratford Code which establishes a combined Stratford Waterfront Authority and Harbor Management Commission — the Stratford Waterfront and Harbor Management Commission. Chapter 210 specifies that the combined Commission shall be composed of eleven members appointed by the Town Council. The jurisdiction of the Commission is defined as those areas within the territorial limits of the Town below the mean high water mark. The jurisdiction of the Commission above the high water mark is defined as set forth in the special legislative Act that created the Waterfront Authority.

By adoption of Chapter 210, the Waterfront and Harbor Management Commission was authorized to carry out all of the powers and duties conferred on such a commission by the State Legislature through passage of the State’s Harbor Management Act. In addition, the Waterfront and Harbor Management Commission was authorized to continue to exercise the powers and duties of the Stratford Waterfront Authority as established by the Special Act of 1957.

Among the responsibilities of the Waterfront and Harbor Management Commission as authorized by Chapter 210 is preparation of a “management plan for the most desirable use of the Stratford coastal area and harbors for recreational, commercial, industrial and other purposes.” Following its appointment by the Town Council, the Commission began to prepare such a plan. In 1989, the Town applied for and received a special grant from the Connecticut Department of Environmental Protection (DEP) to help the Commission prepare a Town Harbor Management Plan.

To prepare the Plan, the Commission:

- 1) analyzed existing conditions in the Town’s Harbor Management Area;
- 2) assessed the laws, programs and agencies relating to harbor management;
- 3) identified problems and issues of concern;
- 4) prepared harbor management goals, objectives and policies for responding to the identified problems and issues;
- 5) formulated “area-specific” guidelines; and
- 6) developed recommendations for implementing the Plan, including recommendations for revising Chapter 210 of the Stratford Code.

In preparing the Plan, the Commission sought input from the general public, Town officials, and State and Federal agencies with roles and responsibilities affecting the Harbor Management Area (HMA) which encompasses the Town’s Housatonic River, Long Island Sound, and Long Beach—Great Meadows—Lewis Gut jurisdictions. Comments from a number of individuals, groups and government agencies were received, and the Commission held special public meetings in May and July of 1990 to hear comments on existing conditions and management concerns in the HMA. To further afford concerned citizens and officials the opportunity to express their views, the Commission held bi-monthly meetings for over two years in the course of preparing the Plan.

In addition, the Commission prepared a survey to gather additional input from local residents and others concerned with harbor management. The survey was printed in the *Stratford Bard* in March of 1990 and all responses were carefully analyzed by the Commission.

In April of 1991, the Commission completed a "Draft for Town Review" of the Harbor Management Plan and distributed this draft to all concerned Town commissions, departments and other entities, as well as to the adjoining municipalities of Bridgeport and Milford, and to the Connecticut DEP. A copy was also sent to the U.S. Army Corps of Engineers. All comments received by the Waterfront and Harbor Management Commission on the "Draft for Town Review" were carefully considered and, where deemed appropriate, incorporated into a second draft — the "Draft for Public Review" — of the Harbor Management Plan.

The "Draft for Public Review" was made available to the public at the beginning of November 1991 and a special meeting was held by the Waterfront and Harbor Management Commission on November 21, 1991 to hear public comments. The Commission considered all of the comments received on the "Draft for Public Review" and prepared a third draft — the "Draft for Agency Review."

In accordance with Section 22a-113m of the Connecticut General Statutes, the "Draft for Agency Review" was submitted by the Waterfront and Harbor Management Commission to the Connecticut Department of Environmental Protection and Department of Transportation for review and approval and to the U.S. Army Corps of Engineers for review, comments and recommendations in January 1992.

In late June of that year, the Commission received the comments of the reviewing agencies, including a number of concerns to be addressed before the Harbor Management Plan could be approved by the State of Connecticut. The principal concern was raised by the Department of Environmental Protection with respect to the relationship between the powers and duties of the Waterfront and Harbor Management Commission as authorized by the State's Harbor Management Act and the Commission's powers and duties authorized by the Special Act of 1957.

In the ensuing months, the Waterfront and Harbor Management Commission and Department of Environmental Protection worked together to address this and other concerns necessary to achieve State approval of the Harbor Management Plan. Toward this end, the DEP assisted with additional research concerning the Special Act of 1957, and confirmed the earlier opinion of the Stratford Town Attorney regarding the current validity of the Special Act, and the authority of the Waterfront and Harbor Management Commission to establish regulations in accordance with that Act. In this regard, Stratford has greater authority, particularly with respect to regulatory powers, than other Connecticut communities that have not been granted special authorities by the State Legislature.

The Special Act and the State Harbor Management Act are complementary to the extent that both are intended to provide local authority for protection of the public interest in Stratford's marine environment. There is, however, no statutory authority for incorporating the Special Act powers and duties into a harbor management plan prepared, approved and adopted in accordance with the Connecticut Harbor Management Act. In other words, there is no legal mechanism for the State of Connecticut to approve the Stratford Harbor Management Plan if the Plan incorporates powers and duties in addition to those provided by the Harbor Management Act. As a result, it was determined by the Waterfront and Harbor Management Commission and Department of Environmental Protection that the Harbor Management Plan should describe and make reference to the distinct powers and duties established by the Special Act, but should not serve to implement those powers and duties. Further, it was determined that powers and duties derived solely from the Special Act should be implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan, but in a manner that complements and is consistent with the Plan.

After careful consideration of all comments provided by the Department of Environmental Protection, Department of Transportation and Corps of Engineers concerning the "Draft for Agency Review" of the Harbor Management Plan, the Waterfront and Harbor Management Commission prepared a revised draft of the Stratford Harbor Management Plan, entitled "Revised Draft for Review and Approval." This revised draft was subject to further review and modification by the Waterfront and Harbor Management Commission prior to conditional State approval in April 1994. The Commission then prepared the "Draft for Adoption" to incorporate these additional modifications, and submitted the "Draft for Adoption" to the Stratford Town Council in May 1994.

The "Draft for Adoption" is organized in three parts. Part I contains background information pertinent to the development of the Plan, including descriptions of the Harbor Management Area and the uses, activities and physical conditions found in the HMA. Part I also summarizes the various governmental and private roles and responsibilities that pertain to harbor management, and the key problems and issues to be addressed in the Plan.

Part II presents the actual Harbor Management Plan which consists of basic goals and objectives along with Town policies for responding to the identified problems and issues. The Plan also contains area-specific management guidelines and implementation recommendations directed toward Town, State and Federal authorities as well as private interests.

Part III contains appendices to the Plan. The Special Act of 1957 establishing the Stratford Waterfront Authority and the opinion of the Town Attorney concerning the current validity of the Act are included in Appendix A. Appendix B includes the State Harbor Management Act. Proposed revisions to Chapter 210 of the Stratford Code, necessary for effective implementation of the Plan, are included as Appendix C. Appendix D includes draft "Rules and Regulations for Mooring and Anchoring Vessels in the Stratford Harbor Management Area;" Appendix E includes draft "Minimum Standards for Mooring Tackle" used in the

Harbor Management Area; and Appendix F includes “Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers.”

## IMPLEMENTING THE HARBOR MANAGEMENT PLAN

The Stratford Harbor Management Plan complements the *Stratford Coastal Plan* that was prepared by the Stratford Planning Commission, adopted by the Town in 1990, and incorporated into the Town’s Plan of Development. While the Coastal Plan focuses on upland land use and development, the Harbor Management Plan focuses on the issues most pertinent to the safe, orderly and efficient use of coastal waters and the protection of marine resources. Together, the *Stratford Coastal Plan* and the Harbor Management Plan will serve as the Town’s principal guide for land- and water-use in the Stratford coastal area. The Harbor Management Plan is based on recognition that the Town’s coastal waters provide opportunities for use and development but that these opportunities are subject to limitations posed by the value and sensitivity of natural resources (including wetlands, intertidal flats and open water areas) and by the public’s right to use navigable waters. In the years ahead, these opportunities and limitations are likely to generate conflicts between development efforts and efforts to protect natural resources and ensure continued safe and enjoyable use of the Harbor Management Area.

The Plan’s goals and objectives, management policies, and area-specific guidelines are intended to help the Town respond to these conflicts. The goals and objectives are directed toward achieving balance between the development of water-dependent recreational, commercial and public development opportunities on the one hand, and protection of natural coastal resources and the existing character and quality of life in the Town on the other. The goals and objectives establish the basis for the Plan’s management policies and the “area-specific” guidelines.

The management policies apply throughout the entire HMA and address concerns related to: boating and water-use; waterfront land-use and development; coastal resources; water access; and harbor administration. The “area-specific” guidelines add detail to the policies and have been formulated for six different “management areas” within the overall HMA.

Governmental and private activities affecting the HMA will be reviewed by the Waterfront and Harbor Management Commission for consistency with the goals, objectives, policies and guidelines contained in the Plan. This review will be carried out through the “Harbor Management Consistency Review Process” established in the Plan. The Commission’s review will be carried out within the existing time frames for the review of proposals by other Town, State and Federal agencies, and therefore will not add to the time required for processing development applications.

Through its review of proposals affecting the HMA for consistency with the Plan, and its resulting comments to Town, State and Federal permitting agencies, the Waterfront and

Harbor Management Commission will strive to achieve a balance between use and protection of the Town's harbor resources.

As the Waterfront and Harbor Management Commission works to implement the Harbor Management Plan, it must be remembered that the Plan can not identify every issue or concern that is likely to affect the Harbor Management Area in the future, nor can it provide a definitive answer to every problem. Also, the Plan does not replace existing State and Federal programs that regulate development and activities in the HMA. The need for case-by-case decision-making will remain, but the Plan provides a framework to guide this decision-making. This framework must be flexible as it will require modification over time as our responses to sometimes complicated harbor management issues continue to evolve. In the future we will likely find ourselves developing approaches and interpretations that were not anticipated or considered when the Plan was first approved and adopted.

Adoption of the Harbor Management Plan will ensure that the Town has a specific role and increased influence in State and Federal permitting and other decisions affecting the HMA. An important benefit of the Plan will be to provide a mechanism to ensure that the balance between use and protection of resources in the HMA is reviewed and debated at the Town level as well as at the State and Federal levels, and that this review will now take place within the specified framework established by the Plan's goals, objectives, policies, and guidelines. The Plan will therefore provide the basis for an increased Town role in the State and Federal decisions that affect environmental resources and the boating and other activities that take place in the Harbor Management Area. These decisions, including permit decisions for docks, piers, moorings and dredging, must be consistent with the Plan. This consistency requirement is a powerful tool that the Town can use to ensure that State and Federal actions conform with Town needs and conditions.

In addition, the duties of the State-appointed Harbor Master must be carried out in accordance with the Plan. The Plan therefore provides local direction and control with regard to the Harbor Master's activities, and ensures continuity between the actions of current and future Harbor Masters. Future Harbor Masters must now be appointed by the Governor from a list of candidates provided by the Waterfront and Harbor Management Commission.

Harbor management in Stratford must be an ongoing process. Some of the Plan's provisions can be implemented immediately following its adoption by the Town; other provisions will require a longer time to implement. As the Town's Harbor Management Program continues to develop in the years ahead, additional studies should be undertaken and additional management guidelines formulated to respond to changing circumstances. To accommodate this additional work, and to ensure that the Plan responds to changing conditions, the Plan should be amended as needed and provisions for amendment are therefore included. Any future amendments, however, must maintain a basic balance between competing Harbor uses, and between Harbor-related development goals and goals for environmental conservation.



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**PART I:**

**BACKGROUND FOR  
HARBOR MANAGEMENT**

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- **CHAPTER ONE: THE STRATFORD HARBOR MANAGEMENT AREA**
- **CHAPTER TWO: EXISTING ROLES AND AUTHORITIES FOR  
HARBOR MANAGEMENT**
- **CHAPTER THREE: HARBOR MANAGEMENT ISSUES AND CONCERNS**

## CHAPTER ONE:\*

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# THE STRATFORD HARBOR MANAGEMENT AREA

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This Chapter describes existing conditions in the Stratford Harbor Management Area that consists of three distinct coastal environments defined by: the Housatonic River; the nearshore waters of Long Island Sound; and the coastal barrier environment of the Long Beach — Great Meadows — Lewis Gut area.

Included is an overview of: 1) the Town's coastal area setting; 2) environmental conditions and coastal resources such as wetlands, beaches, and shellfish grounds; 3) navigation-related conditions; 4) waterfront land-use and development; and 5) water-dependent uses, activities and facilities.

The information presented is based primarily on material included in previously completed reports and studies, on discussions with knowledgeable individuals, and on-land observations and an aerial survey of the waterfront. Some of the information was originally compiled for the *Stratford Coastal Plan* and is repeated here to help establish the context for development of the Harbor Management Plan.

The existing conditions described in this Chapter were first presented, in more detail, in the report entitled "Existing Conditions in the Stratford Waterfront and Harbor Management Area," February 21, 1990, prepared for the Waterfront and Harbor Management Commission by L.R. Johnston Associates.

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\* Chapter One has not been significantly revised since the "Draft for Agency Review" was prepared in December 1991. As a result, readers of the Plan will notice that some of the Chapter One descriptions of existing conditions in the Harbor Management Area should be updated. While a number of changes have occurred since the "Draft for Agency Review" was prepared, the "substance" of the Plan, which consists of the Plan's goals, objectives, policies, and guidelines, has not been affected by these changes.

## COASTAL AREA SETTING

The Town of Stratford is located in western Connecticut along the western shoreline of the Housatonic River and the north shore of Long Island Sound. (See Figures 1-1 and 1-2.) The total area of the Town is about 19.2 square miles and its estimated 1990 population was 49,800. On the north is the City of Shelton, to the east is the City of Milford, and on the west is the City of Bridgeport and the Town of Trumbull. The Town's eastern boundary with Milford is the centerline of the Housatonic River.

The straight-line distance in Long Island Sound southwest to New York City from the mouth of the Housatonic River is about 45 miles; the distance to the entrance of Bridgeport Harbor is about four miles. Milford Harbor is four miles to the east and New Haven Harbor about 11 miles to the east.

Much of Stratford's historical growth and development was tied to its Housatonic River and Long Island Sound location. Two words used by Native Americans to describe the area were *Cupheag*, meaning a harbor or place of shelter, and *Housatonic*, meaning "land beyond the mountains."

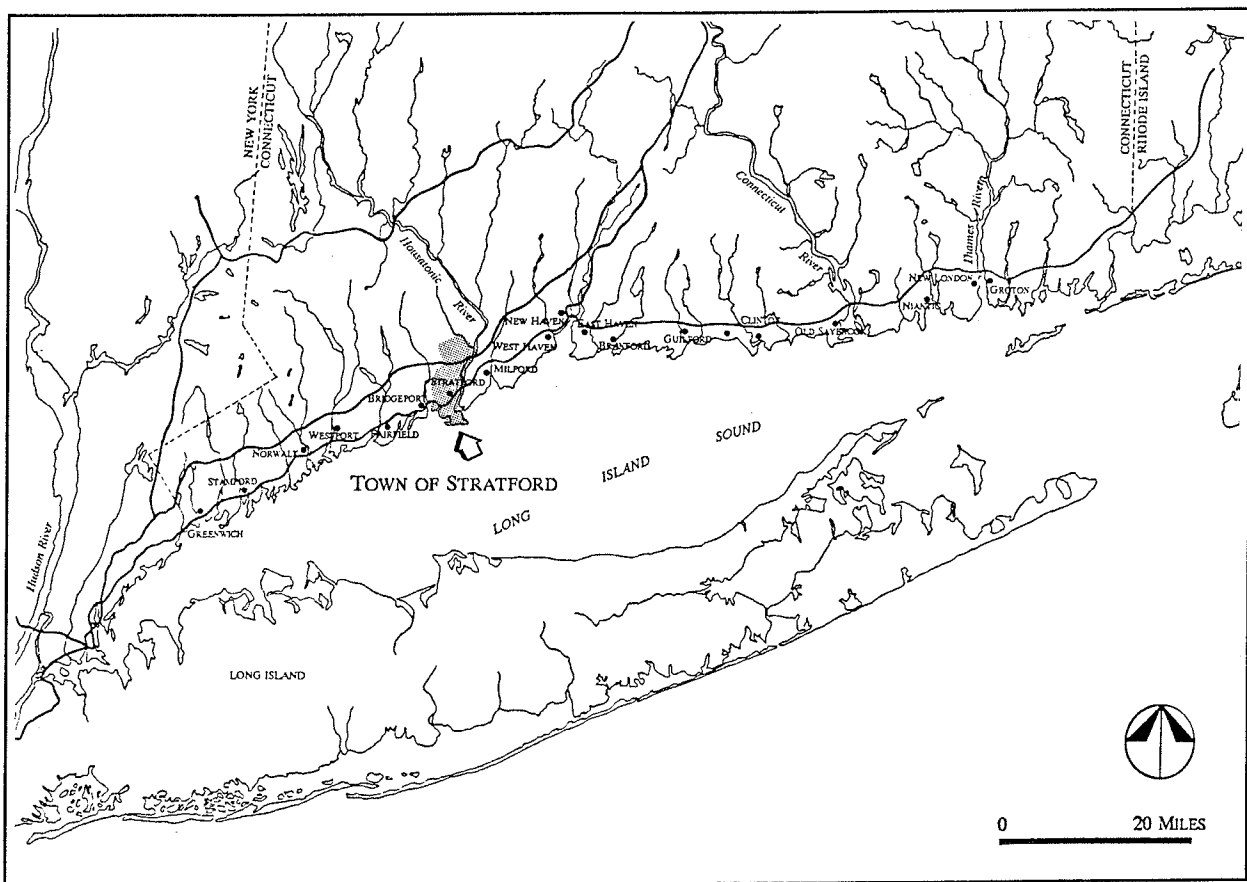


Figure 1-1: Regional Context.



**Figure 1-2:** *Stratford Point, Long Island Sound and the Mouth of the Housatonic River.*

The Dutch explorer Adrian Block first visited the area in 1614. English colonists followed in 1639 and established the area's first settlement at "Mac's Harbor" about two miles upriver from the Sound on the west bank of the Housatonic River. Shortly thereafter, the Town was named Stratford. At that time, the Town encompassed lands that were later to become the communities of Monroe, Shelton and Trumbull, and part of the City of Bridgeport. Stratford's present boundaries were established in 1823.

Stratford's coastal location naturally prompted boat building, navigation, and waterborne commerce. By 1702, the Town was one of Connecticut's eight colonial ports of entry and the original port was located in the area now known as Bond's Dock. Maritime trade was established between New York, Boston and the West Indies and flourished through the 18th and 19th centuries. River traffic increased with the advent of steamboats in the 1820's and the port facilities were used by both commercial and passenger vessels. Along with vessels traveling to and from Stratford, waterborne commerce on the Housatonic River during this time included much traffic to and from the upriver manufacturing center of Derby.

While the local shipbuilding and commercial port facilities have long since disappeared, recreational boating and related waterfront activities are now carried out with much vitality. In addition, the Housatonic River, the Great Meadows, and the rest of the Town's waterfront remain rich in natural resources that provide essential ecological functions and contribute greatly to the quality of life.

## **THE HARBOR MANAGEMENT AREA**

Stratford's waterfront is defined by three different coastal environments: the Housatonic River; the nearshore waters of Long Island Sound; and the coastal barrier environment of the Long Beach — Great Meadows — Lewis Gut area. Each of these areas is distinct in terms of natural coastal resources and waterfront land uses. The Stratford "Harbor Management Area" (HMA) includes the tidal waters subject to the jurisdiction of the Stratford Waterfront and Harbor Management Commission, including the Housatonic River within Stratford's Town boundaries, the nearshore waters of Long Island Sound between the Stratford/Bridgeport boundary on the west and the Stratford/Milford boundary on the east, and the Great Meadows — Lewis Gut area separated from Long Island Sound by the Long Beach barrier beach. (See Figure 1-3.) Certain adjoining upland areas, including Town-owned waterfront land, are also subject to the jurisdiction of the Waterfront and Harbor Management Commission in furtherance of the Special Legislative Act of 1957 establishing the Stratford Waterfront Authority.

The Housatonic River originates in western Massachusetts and flows the entire length of western Connecticut before emptying into Long Island Sound at Stratford. Only the Connecticut River empties a greater volume of fresh water into the Sound. The most prominent shoreline features at the mouth of the Housatonic are Milford Point to the east, the long breakwater extending from Milford Point, the extensive tidal wetlands inside the mouth of the River, and the Stratford Point peninsula on the west. Much of Stratford's roughly eight and one-half-mile-long Housatonic River shoreline — from Stratford Point to the Far Mill River that empties into the Housatonic at the Town's northern boundary — has been developed. Industrial and commercial operations once dominated the waterfront and several major industries remain. Newer development is characterized by a combination of residential and water-dependent commercial uses, including marinas. Several marsh islands are upstream in the River, which has generally shallow natural depths.

The Town's Long Island Sound shoreline is a little more than three and one-half miles long between Stratford Point and the Stratford/Bridgeport town line at Pleasure Beach. Low bluffs and waterfront residential development characterize the eastern part of this shoreline. To the west, the elevation of the shoreline becomes lower and the waterfront is defined by Long Beach. Long Beach is a narrow barrier of sand that separates the Great Meadows and Lewis Gut from Long Island Sound. (See Figure 1-4.) Most of the barrier is undeveloped but its western part supports a number of beach cottages. Behind the barrier, the Great Meadows salt marsh is one of the largest and most valuable intertidal areas in Connecticut. From Long Island Sound, the entry for vessels to Lewis Gut and the Great Meadows is from Bridgeport Harbor.

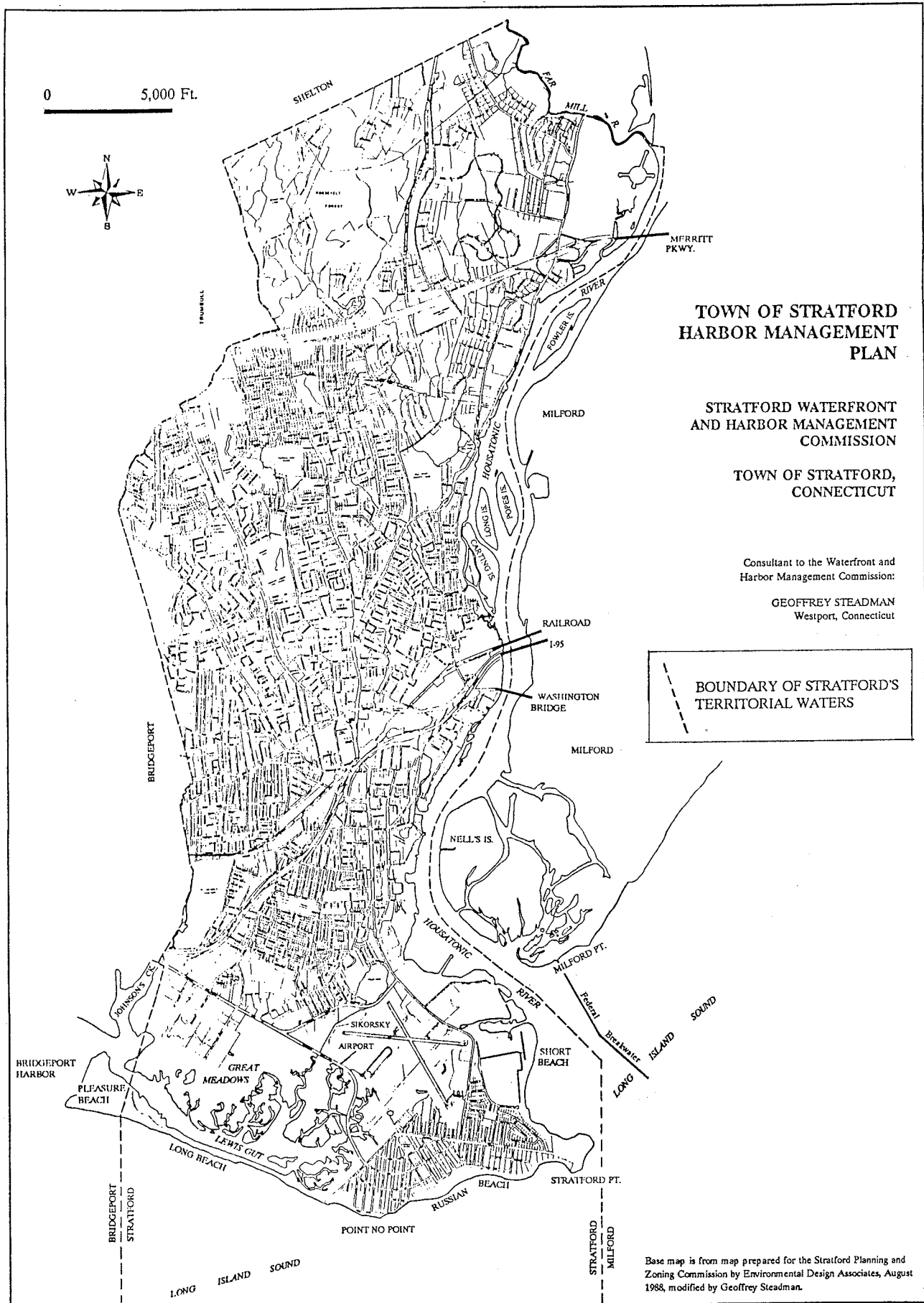


Figure 1-3: Stratford Harbor Management Area.



**Figure 1-4:** *Long Beach, Lewis Gut and the Great Meadows Looking West Toward Bridgeport.*

## ENVIRONMENTAL CONDITIONS AND COASTAL RESOURCES

Natural resources in the Harbor Management Area are particularly significant in terms of their ecologic and scenic qualities. These land and water resources support many different uses, including boating and other recreational activities, as well as water enhanced residential and commercial development. They are also important for maintaining water quality and fish and wildlife habitat, and for providing other important ecological functions.

Some of the more prominent of the Town's coastal resources are tidal wetlands, intertidal flats, beaches, sand dunes, bluffs, and shellfish resources. The location and extent of these resources were generally identified by the Town in the course of preparing the *Stratford Coastal Plan* and are described in more detail in that Plan. (A map of Stratford's coastal resources is included in the Coastal Plan and can also be reviewed in the Town's Planning and Zoning Office.)

## INTERTIDAL RESOURCES

Intertidal resources in the HMA include tidal wetlands and intertidal flats subject to alternating periods of tidal inundation and exposure. The wetlands and intertidal flats provide important fisheries habitat and water quality functions. They also buffer storm and wave energy, stabilize the shoreline, and provide recreational opportunities (related, for example, to fishing, hunting, and wildlife observation) and scientific and educational opportunities.

Historically, intertidal resources have been lost in Stratford as a result of dredging or filling to create new land for development. While the actual extent of wetlands loss over the years is difficult to quantify, much of this loss occurred in the Great Meadows area and was associated with diking and large scale filling from the 1920's through 1960's for development of the Sikorsky Memorial Airport and commercial and industrial sites. Dredged material as well as landfill material were used to fill parts of the marsh that was once estimated to encompass some 1450 acres. Prior to filling, Lewis Gut cut all the way through Stratford's South End and connected with the Housatonic River. Today, only about 400 acres or 28% of the Great Meadows' original acreage remain, but the area is still the most extensive and important intertidal resource in Stratford and one of the largest and most valuable tidal wetlands in the State.

In addition to the Great Meadows, two other large intertidal areas are present in and near the HMA. The largest of these areas is inside the mouth of the Housatonic River and sheltered from Long Island Sound by Milford Point. The wetlands here are within the boundaries of the City of Milford and most (approximately 580 acres) are included in the State's Charles E. Wheeler Wildlife Area. A large marsh island known as Nell's Island is east of and adjacent to the Housatonic River navigation channel and is included in the Wildlife Area (see Figure 1-5).

The second major wetland area in the Housatonic River is upstream of the I-95 bridge and consists of several marsh islands within Stratford's town boundaries. (See Figure 1-6.) Most of the area of three of these islands — Peacock Island, Carting Island and Long Island — is also included in the Wheeler Wildlife Area. The fourth island — Pope's Island — is owned by the State and designated as the Pope's Island Wildlife Area.

Less extensive but also ecologically important intertidal areas are found along the Town's Housatonic River shoreline at many locations.





**Figure 1-5:** *Charles E. Wheeler Wildlife Area and Nell's Island Looking Southeast; Stratford Marina Area and Ferry Creek in Foreground.*



**Figure 1-6:** *Marsh Islands North of the I-95 Bridge Looking Upriver; Pope's Island in the Center of the River.*

## **BEACHES, BLUFFS AND SAND DUNES**

The beaches in and adjoining the Harbor Management Area provide important recreational opportunities, and protect adjacent areas from the erosive force of waves and high water. The beaches also provide important wildlife habitat, including nesting habitat for migratory shore birds. There are three principal beach areas in the HMA: Short Beach, Russian Beach, and Long Beach. (These beach areas are also described later in this Chapter in the section on “Water-Dependent Uses, Activities and Facilities.”)

Short Beach at the mouth of the Housatonic River extends north from Stratford Point to the airport’s “marine basin” and includes a fairly wide beach and an area of small sand dunes. A fenced enclosure at the north end of the beach protects an important nesting area for Least Terns and Piping Plovers.

There is a narrow, generally rocky intertidal area along the Long Island Sound shoreline between Stratford Point on the east and Point No Point on the west. Higher elevations toward Stratford Point have given shape to low bluffs and escarpments along the shoreline of the Lordship area.

Russian Beach is west of Stratford Point. The relatively wide and sandy beach that once existed along the shoreline from Stratford Point to the Town’s Seawall Park at Point No Point has eroded significantly over the years, and Russian Beach is now generally narrow and rocky. At one time a sandy beach area also existed in the area of the Seawall Park.

The most significant beach system in Stratford is the Long Beach barrier beach. Most of Long Beach (with the exception of the western-most end at Pleasure Beach in Bridgeport) is owned by the Town of Stratford. The entire barrier beach is a significant environmental resource of a type that is rare on the Connecticut coast.

Four different types of natural areas — beach, sand dunes, intertidal flats, and tidal wetlands — can be found on or near the Long Beach barrier. The barrier provides a number of ecologically important functions, including the provision of rare nesting habitat for least terns and piping plovers. In 1986, 170 pair of nesting least terns were recorded at Short Beach and Long Beach. Piping plover are present in much smaller numbers with seven nesting pair recorded recently. The middle third of Long Beach is considered to be the most important habitat area for piping plover in the State.

The Long Beach barrier has an especially important function with regard to maintaining the natural habitat and ecological productivity of the open water and intertidal areas behind it. The term “barrier” reflects the protective aspect of this formation which serves to protect Lewis Gut and the Great Meadows from waves and high water generated in Long Island Sound. The extensive aquatic environment of Lewis Gut and the Great Meadows would not have developed as it now exists without the protective aspect of Long Beach.

While the Long Beach barrier is an important buffer between the areas behind it and Long Island Sound, the barrier itself is extremely vulnerable to flooding and erosion. This vulnerability stems from its exposure, the inherent instability of the shifting sediments, and the low-lying topography. As a result, Long Beach remains subject to a number of forces that can cause its erosion and affect its natural values. In the past, it has undergone significant natural and human alteration. The 1938 hurricane opened an inlet through the barrier that remained until about 1961. In 1966, a shoreline protection project was authorized as a joint project of the Town of Stratford and the State of Connecticut. This project included construction of a series of seven groins and placement of 600,000 cubic yards of sand-fill to stabilize the beach between the groins.

Sediment supply, longshore drift, sea level rise, and overwash are all factors affecting Long Beach. Historically, erosion from the bluffs and beaches toward Stratford Point to the east provided a source of sand for beach nourishment but this source of sediment has been significantly reduced over the years.

Long Beach has been the subject of much planning and management attention as described later in this Chapter.

## **SHELLFISH AND FINFISH**

Abundant shellfish in the Housatonic River and nearby areas have been a source of sustenance, commerce, and industry from Native American and colonial times to the present. Thousands of acres of shellfish grounds exist in the HMA. Three different "types" of shellfish grounds can be identified: 1) natural grounds for public use; 2) State leased or franchised grounds; and 3) private grounds for exclusive private use. The delineation of these grounds was authorized by State legislation enacted in the 1800's.

All shellfish grounds in the Housatonic River and nearshore areas of Long Island Sound have been designated as "natural grounds" that are to be left open to the general public and which are now subject to the authority of the Stratford Shellfish Commission. Also, the State has leased or franchised to private interests about 3,000 acres of shellfish grounds in the Sound south of the natural grounds. In addition, "private shellfish grounds" were historically designated by the Town for exclusively private use in Lewis Gut.

Today, because of pollution in the Housatonic River, shellfish can not be harvested from the River for direct consumption. Nevertheless, conditions in the River remain generally favorable for shellfish production: the salinity is ideal for spawning and setting; the water is generally fast flowing and laden with nutrients; and relatively firm and clean bottom conditions are present. As a result, the Housatonic River is considered the most productive environment for seed oysters in the State. Many independent shellfishermen working from small boats harvest seed oysters from the River and sell them to larger commercial shellfish companies for transplanting and depuration at locations in Long Island Sound.

Lewis Gut is also closed for the harvesting of shellfish for direct consumption because of poor water quality. As in the Housatonic River, seed oysters are removed from the Gut for transplanting and depuration in other areas. Efforts were undertaken in 1985 to re-establish shellfish grounds in Lewis Gut by transplanting 80,000 bushels of shell for oyster setting.

The HMA also provides important habitat for numerous migrating and year-round species of finfish.

## WATER QUALITY

The State water quality classification for the entire area of the Housatonic River within the Town of Stratford is SC/SB<sup>1</sup> (meaning that the existing classification is SC and the future goal is to reduce sources of pollution and obtain an SB classification). This classification is established by the Connecticut Department of Environmental Protection. The Stratford Water Pollution Control Facility discharges approximately 11.5 million gallons per day (mgd) of treated waste water to the Housatonic River. Other Housatonic River communities, including Milford, Shelton, Ansonia, Derby, and Seymour, have a combined discharge of over 20 mgd of treated waste water from their municipal sewage treatment plants.

Numerous sources of pollution have been identified as contributing to the River's relatively poor water quality. Known and potential sources of pollution in the River include: leachate from the Shelton landfill; impacts from dredging operations; runoff from the State DOT salt storage area south of the Merritt Parkway; industrial pollutants in River sediments; lead shot deposits and possible toxins from clay pigeons associated with historical use of the Remington Gun Club on Stratford Point; PCB-contaminated sediments; nutrient rich (eutrophic) water from dammed lakes upstream; sewage treatment overflows, spills and system failures; inadequate separation of sanitary and storm sewers; rapid upland storm runoff in the vicinity of the Great Meadows; and non-point source runoff from highways, industrial/commercial areas, and residential development.

Water quality in Lewis Gut is classified as SB. Industrial discharges of wastewater directly into the Lewis Gut and Great Meadows area have not been considered significant. There are currently no permitted process-water discharges to Lewis Gut or nearby Johnson's Creek in Bridgeport from area industries. Water quality in the Great Meadows — Lewis Gut area, however, naturally suffers as a result of restricted tidal flushing.

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<sup>1</sup> The "best uses" associated with SC and SB State water quality classifications are:

**SC:** "May have limited suitability for certain fish and wildlife, recreational boating, certain industrial processes and cooling; good aesthetic value; not suitable for bathing; water quality goal is SB."

**SB:** "Suitable for bathing, other recreational purposes, industrial cooling and shellfish harvesting for human consumption after depuration; excellent fish and wildlife habitat; good aesthetic value."

Combined sanitary and storm sewer overflows have been identified as a significant problem in the Bridgeport Harbor/Johnson's Creek area and this problem can affect water quality in Lewis Gut. A recent report noted that "the improvement or correction of municipal sewerage system problems in Bridgeport Harbor will result in the improvement of water quality in Bridgeport Harbor and subsequently Lewis Gut." Bridgeport Harbor exhibits poor sediment quality, possible heavy metal contamination, and potential for low dissolved oxygen levels. The State Department of Environmental Protection has placed Bridgeport Harbor on its priority list of water bodies requiring an assessment of organic pollutant impacts.

Stratford's nearshore Long Island Sound waters from Long Beach to the mouth of the Housatonic River are classified as SC/SB.

## **COASTAL FLOODPLAIN AREAS**

Although Stratford's Housatonic River shoreline is generally not subject to high energy waves, the waterfront has historically been subject to severe flooding (most notably during past hurricanes). Flooding and erosion are also caused by more frequent spring and winter storms. Considerable areas along the waterfront fall within coastal flood hazard areas identified on the Town's Flood Insurance Rate Map. In the future, accelerated long-term rates of sea level rise may also have a significant impact on the waterfront.

As shown on the Flood Insurance Rate Map, the waterfront falls within both A-Zone and V-Zone flood hazard area designations. The A-Zone is that part of the coastal floodplain likely to be inundated by the 100-year (1% chance of occurring each year) flood. The V-Zone, also called the coastal high hazard zone, is that part of the coastal floodplain likely to be inundated by the 100-year flood and simultaneously subject to high velocity water from direct wave action.

Almost the entire southwestern part of Stratford south of Birdseye Street (excepting Stratford Point) is judged to be within the 100-year floodplain. This area encompasses the Great Meadows, Lewis Gut, Long Beach, the airport, a majority of the industrial and commercial facilities in the southern part of Town, and several residential areas. The base flood elevations associated with the 100-year flood in these areas range from 10 to 16 feet above Mean Sea Level with the highest elevations associated with V-Zone wave heights. The V-Zone area extends across the Long Beach and Great Meadows as far north as Lordship Boulevard. In the Housatonic River, the area potentially subject to damaging wave effects is much less extensive but much of the waterfront falls within the A-Zone.

## **MARINE CONDITIONS**

The principal marine conditions influencing navigation and other uses in the Harbor Management Area are tide and current conditions, bathymetric and bottom conditions, and the action of wind and waves.

## **Tides and Currents**

The tides within Long Island Sound are semi-diurnal, meaning that two high tides and two low tides occur each day. Each high tide follows the previous high tide by approximately 12 hours and 25 minutes. The mean tidal range in western Long Island Sound is significantly higher than in the eastern part of the Sound. The mean tidal range at Bridgeport Harbor is 6.8 feet (increasing to 7.7 feet during bi-monthly “spring tide” conditions), and at Milford Harbor the range is 6.6 feet (7.6 feet at spring tides).

High tide at Stratford occurs 26 minutes later than at Bridgeport Harbor; low tide is 1 hour and 1 minute later. In the Housatonic River upstream at Stratford, the mean tidal range is 5.5 feet, and the spring tide range averages 6.3 feet. Average tidal ranges in both the River and in Long Island Sound can be significantly increased by coastal storms.

Strong currents in the Housatonic River can have an important effect on boating and other conditions. Currents influence the ease with which boats can be launched from the Town’s Birdseye St. boat launching area, for example, as well as rates of sedimentation and shoaling. The currents average about three knots and can reach six knots during ebb tide conditions or during spring runoff. On an incoming tide, the currents are reported to have a strong westerly set.

Along the Town’s Long Island Sound shoreline, the predominant direction of the “longshore” or littoral drift due to the action of waves and currents appears to be to the west. As a result, sediments eroded from the shoreline and other sediments in the littoral zone are carried in that direction.

## **Bathymetric and Bottom Conditions**

Except for the dredged channel, the Housatonic River is relatively shallow — with a depth of about four feet or less at mean low water (mlw) in most areas — and the naturally shallow depths historically limited opportunities for expansion of port facilities in Stratford. The Federal navigation project (described later in this Chapter) provides a dredged channel 18 feet deep (at mlw) and 200 feet wide, extending about five miles upstream from the mouth of the River. At this point the channel narrows, and channel depth decreases to seven feet for the remainder of the project which continues upstream to Shelton and Derby. The commercial vessels transporting fuel oil in the Housatonic River typically arrive at high tide to maximize available draft.

From the western end of Long Beach to Stratford Point, average depths in Long Island Sound range from one to five feet within 500 yards of shore to 14-17 feet about 1000 yards offshore without significant deviation. Bottom conditions are generally hard and sandy.

Depths in Lewis Gut range from one-half foot in the eastern end to seven feet in the western end. Originally the area had a hard sandy bottom but significant siltation has occurred.

Bottom materials in the HMA can affect channel use, anchorage holding capabilities, and dredging requirements in several ways. For example, particle size can influence the rate of shoaling and contaminated sediments will require special disposal sites and procedures. Bottom materials found in the River are composed of mixtures of silt, sand and mud in varying proportions and degrees of compaction. The depositional material found inside the mouth of the River is usually a silt-mud combination high in organic content and easily moved by moderate current velocities. Some River sediments are contaminated with PCBs and other contaminants. The depositional material outside the River mouth consists primarily of sands with mud in some locations. Offshore of Stratford Point, about 1,500 tons of lead along with clay pigeon remnants are estimated to be in the sediment. These contaminants resulted from 60 years' of skeet shooting from the Remington Gun Club on the Point.

### **Wind and Wave Conditions**

The winds affecting western Long Island Sound and the Stratford area are seasonally variable, with southwesterlies dominating during the spring-summer-early fall period and northwesterlies dominating during the late fall-winter period. Winds are primarily in the five to 15 knot range. Coastal storms typically containing strong easterly winds can occur at any time of the year but are usually most common in the spring and mid-fall. Higher wind speeds are normally associated with weather systems dominated by winds from the north and northwest.

Storm systems dominated by east to southeast winds are likely to produce the most significant impacts in the Housatonic River. However, the potential for wave impact from these storms is reduced by the breakwater that extends into Long Island Sound from Milford Point. Storm systems dominated by west to southwest winds generally have the greatest impact on the Long Beach area.

Wave action is created primarily by the combination of wind velocity, direction, distance over water (fetch) and duration. Wave conditions in the Housatonic River and Long Island Sound near Stratford are created by local wind systems acting over western Long Island Sound. Waves and swell generated in the open ocean south and east of Long Island do not impact the Stratford waterfront because of the distance between the Stratford area and the eastern entrance to the Sound. As a result, only relatively low energy wave systems affect the Stratford waterfront during most of a typical year.

Only during the relatively infrequent severe storm event will high energy waves be generated within western Long Island Sound and affect the Stratford shoreline. Maximum fetch for the development of waves will be obtained when the winds are from the east to southeast.

Estimates developed by the Corps of Engineers indicate that winds from these directions having a sustained speed of 40 mph have the potential to generate waves with heights approaching six feet.

The effects of high energy waves generated within the Sound on the Stratford shoreline is significantly influenced by bathymetric conditions, the sheltering effect of coastal landforms and tidal wetlands, and the presence of the breakwater at Milford Point. Stratford Point, Milford Point, the breakwater, and the tidal wetlands at the mouth of the Housatonic River all protect and buffer the River from high energy waves. Long Beach and the Great Meadows also absorb wave energy as do the Lordship bluffs, Russian Beach, and Pleasure Beach in Bridgeport.

As a result, only during infrequent events (e.g., hurricane events) accompanied by storm surges capable of significantly increasing sea level and associated water depths is the HMA exposed to high energy waves. The hurricane of 1938, for example, opened an inlet through Long Beach, connecting Lewis Gut directly with Long Island Sound.

## **NAVIGATION CONDITIONS**

Opportunities for navigation afforded by Stratford's Housatonic River and Long Island Sound location have figured most prominently in the Town's development. Recreational vessels are now most prominent in the Housatonic River and other parts of the Harbor Management Area, but oyster boats as well as barges carrying fuel oil also ply Stratford waters. Navigation in the HMA continues to be influenced by the natural marine conditions just described as well as by man-made conditions such as the Federal Navigation Project.

### **FEDERAL NAVIGATION PROJECT**

A Federal Navigation Project constructed and maintained by the U.S. Army Corps of Engineers has served the Housatonic River since the latter part of the 19th century (see Figure 1-7) and now facilitates navigation for recreational and commercial vessels. The first Federal Navigation Project in the River was adopted in 1871 and improvements were authorized in 1888, 1892 and 1930. In and near the HMA, the completed project consists of a navigation channel, protective breakwater, and a "training dike."

The Federal navigation channel extends from the mouth of the River upstream for 13 miles to the head of navigation at Derby and Shelton. From the mouth of the River for five miles upstream (to Culvers Bar, opposite Popes Island) the channel is authorized to be 18 feet deep and 200 feet wide. This section of the channel was completed in 1956, although additional dredging in 1957 in the vicinity of the Washington Bridge was required to complete channel specifications.



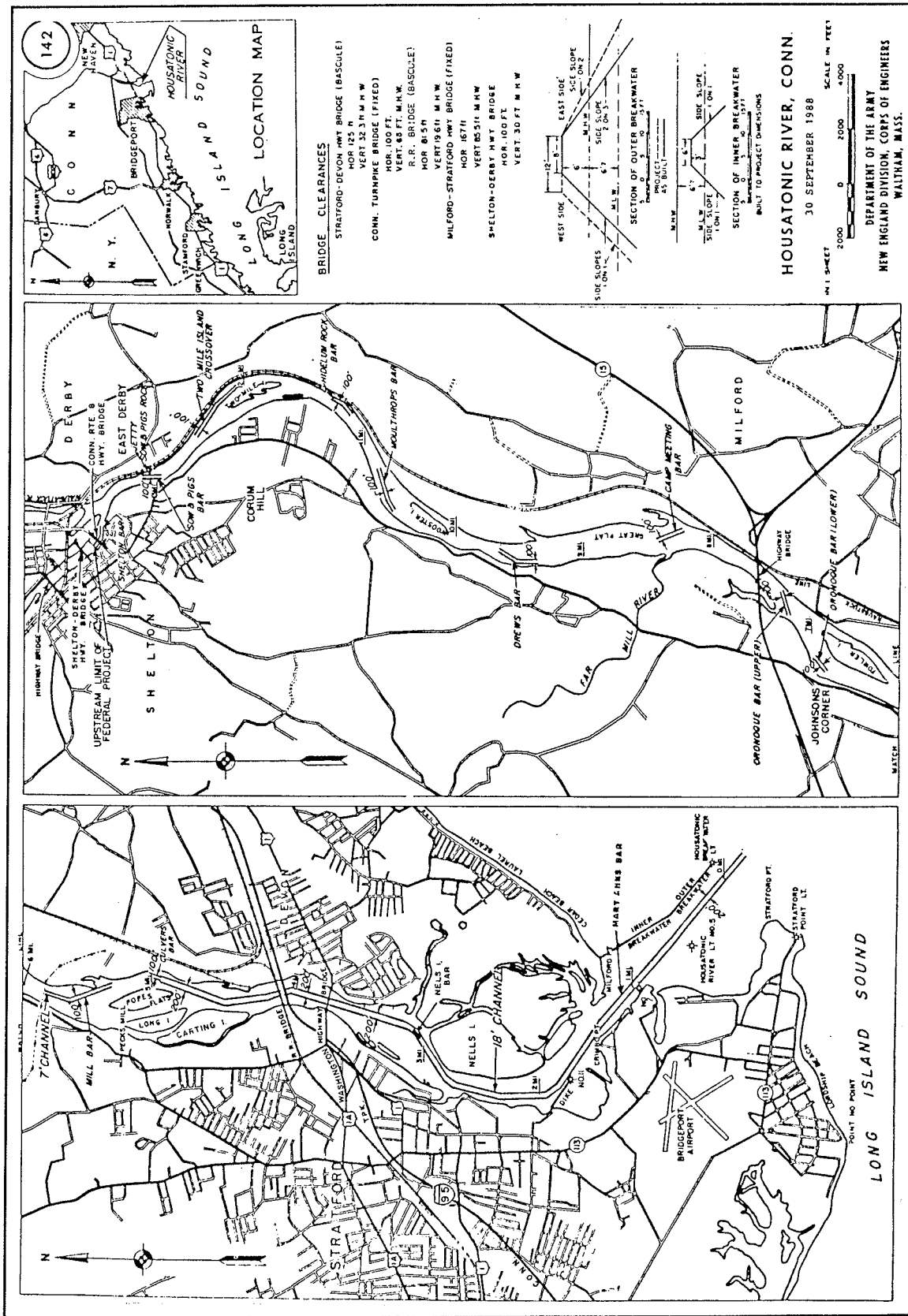


Figure 1-7: Housatonic River Federal Navigation Project.

From Culvers Bar upstream to the head of navigation, the Federal channel consists of several channel segments of varying length, each with an authorized depth of seven feet and a width 100 feet. This upstream section of the Federal Navigation Project was completed in 1893.

A 5,820-foot long stone breakwater extending into Long Island Sound from Milford Point protects the entrance channel at the mouth of the River from wave action and siltation. The inner section of the breakwater has a top width of six feet, a height of three feet above mean low water, and is awash at high tide. The outer section was authorized to a top width of 12 feet, but was constructed to a width of eight feet. The outer section has a height of 6 feet above mhw. Work on the breakwater was completed in 1914, and the uncompleted dimensions were deauthorized in 1979.

A 1,225-foot long “training dike” intended to redirect the current and prevent sediment from settling is located on the Stratford side of the River just south of the Birdseye Street boat launching area. The training dike, completed in 1916, was authorized to a length of 1,500 feet. The uncompleted dimensions were deauthorized in 1979.

In 1965, the Corps of Engineers conducted a navigation survey to determine if improvements to the Federal Navigation Project were warranted. The improvements proposed would have consisted of two separate dredged anchorages six feet in depth. One anchorage of about 23 acres would have been located in Stratford west of and adjacent to the Federal channel. The second proposed anchorage, also six feet deep, was to be located in Milford and would have been nine acres in size. It was proposed for the east side of the Federal channel between the Washington Bridge and the I-95 bridge.

Public response was not favorable to the proposed anchorages because of the amount of local cost that would have been involved to dredge and maintain the areas. As a result, they were not added to the Federal Navigation Project.

The Housatonic River Federal navigation channel was last dredged in 1974, and the entrance channel is reported to have become shallow and narrow at several locations. A 1984 Corps of Engineers survey showed reduced depths in a number of locations in the channel. In 1991, the Waterfront and Harbor Management Commission requested the Corps to initiate another survey to assess the channel depths and the need for maintenance dredging. This survey was completed in 1992. In 1993, a private contractor applied for necessary Federal and State permits to dredge the Federal navigation channel and restore the channel to authorized depths. The proposed dredging project will also provide the applicant with material to be processed for construction aggregate at the applicant’s existing sand and gravel facility in Shelton.

Disposal of dredged material from the Housatonic River and other locations in the Stratford area takes place at the Central Long Island Sound Dredge Disposal Area located 5.6 nautical miles south of New Haven. Historically, intertidal areas along the Housatonic River were used for dredged material disposal and some upland sites adjacent to the River may

have also been used as disposal sites. In the past, large areas of the Great Meadows were used for disposal of dredged material from Bridgeport Harbor.

Other than the Federal channel, there are no regularly maintained channels or anchorages in the Housatonic River, nearshore Long Island Sound, or Lewis Gut. Several natural channels wind through the extensive tidal marsh in the Wheeler Wildlife Area, and the channel east of Nell's Island is regularly used by boaters to bypass the Federal navigation channel. Moorings are maintained in the lower River (most on the Milford side) but no anchorage areas have been dredged or designated.

### **BRIDGES OVER NAVIGABLE WATERS**

Four bridges cross the Housatonic River (and the Federal channel) within the Town of Stratford. Two bridges — the Washington Bridge (Route 1) and Metro North Commuter Railroad Bridge — require opening for most sailboats and larger power boats. The I-95 and Merritt Parkway bridges are fixed span bridges relatively high above the water. All four bridges have concrete piers that influence navigation.

The southern-most bridge is the Washington Bridge about 3.6 miles upstream from the mouth of the River. This is a bascule bridge recently rehabilitated by the State of Connecticut with a vertical clearance at mean high water of 32 feet and a horizontal clearance of 125 feet. The Washington Bridge is generally opened at any hour for the passage of vessels but is not required to be opened except in emergencies between the hours of 7 a.m. and 9 a.m., Monday through Friday, and between 4 p.m. and 5:45 p.m. every day throughout the year. At all other times, the bridge is to be opened upon the correct signal (one long and one short horn blast) as soon as possible for vessels that can not pass the closed bridge.

The I-95 bridge and Metro North Commuter Railroad bridge are near each other several hundred yards upstream from the Washington Bridge. The I-95 bridge has a horizontal clearance of 100 feet and a vertical clearance of 65 feet.

The railroad bridge is just north of the I-95 bridge and is a bascule-type bridge with a lower clearance (19 feet above mean high water) than the Washington Bridge. The horizontal clearance is 83 feet. The railroad bridge is also opened at any hour upon the correct signal except when a train scheduled to pass over the bridge has passed the last station nearest the bridge.

The Pleasure Beach swing bridge in Bridgeport is outside of the HMA but has an important influence on navigation in Lewis Gut. It has a limited vertical clearance of 7 feet and a horizontal clearance of 65 feet and must be opened for commercial and some recreational vessels traveling to and from Johnson's Creek and Lewis Gut. The limited vehicle capacity of this bridge significantly restricts emergency access to the cottages within Stratford's jurisdiction on the western part of Long Beach.

## **AIDS TO NAVIGATION**

The Coast Guard places and maintains a number of aids to navigation in the Housatonic River. Five elevated, flashing lights are located along the lower part of the Federal channel: a flashing red light on a pipe tower is located at the end of the breakwater; Green Buoy No. 1 with a flashing white light marks the western entrance to the channel; a flashing green light (Light 5) is located west of the channel about 1,000 yards north of the channel entrance; a flashing white light (Light 7) is located on a pipe tower in a concrete base on the western edge of the channel just north of the airport's "marine basin"; and a flashing green light (Light 11) is located on a pole at the end of the "training dike." Numerous buoys (red nuns and green and black cans) also mark the channel. Several changes in the location and type of buoys have been made from that shown on the most recent navigation charts.

The Stratford Point Lighthouse is owned by the Federal Government and operated by the Coast Guard. Restoration of the lighthouse to its original 1881 configuration was completed in 1990.

In addition to the Federal aids to navigation, a number of "private" aids, including signs and regulatory buoys to mark restricted speed limit areas, have been placed in the HMA.

## **WATERFRONT LAND-USE AND DEVELOPMENT**

Waterfront land-use and development have an important influence on conditions in the Harbor Management Area, and this influence will continue in the future. For example: recreational boating activities are influenced by the availability of land-based support facilities such as marinas, boatyards and launching areas; public access to coastal waters is affected by waterfront development decisions and the condition of Town-owned waterfront lands; and natural resources such as wetlands, intertidal flats and shellfish grounds may be impacted by future waterfront development projects.

### **EXISTING WATERFRONT LAND USES**

Existing land-use patterns in Stratford's coastal area are described and mapped in the *Stratford Coastal Plan*. The land adjacent to the Housatonic River, Long Island Sound and Lewis Gut is used for a variety of industrial, commercial, residential, and recreational purposes. Waterfront land uses on the Housatonic River in Milford and Shelton may also have important impacts on conditions within Stratford's marine jurisdiction, as may waterfront land uses nearby in Bridgeport.

## **Waterfront Industrial Uses**

Large-scale industrial development along the Stratford waterfront began in 1929 when Igor Sikorsky established an aircraft manufacturing plant along the Housatonic River. (The ramp used to ferry amphibious planes from this plant to the River still remains in the open basin north of Crimbo Point.)

Today, there are several areas of concentrated industrial use along the waterfront. The Sikorsky Aircraft plant (a different facility than just mentioned) manufactures helicopters and is the Town's largest employer. This facility is located on the Housatonic River just north of the Merritt Parkway, and includes an extensive physical plant, large parking areas, and helicopter landing zones. Just to the north of the Sikorsky plant, and within the jurisdiction of the Town of Shelton, sand and gravel for use in the construction industry are mined from the Housatonic River. Sand and gravel are also mined from the River on the Milford side south of the Merritt Parkway.

There are no waterfront industrial uses between the Merritt Parkway and I-95 on the Stratford side of the River. On the Milford side of the River, however, Northeast Utilities' Devon Power Station is located just north of I-95, and the generating plant and oil storage facilities here define the most prominent industrial use on the Housatonic's eastern shoreline.

The largest concentration of industrial uses on the Stratford shoreline is centered around the Textron-Lycoming complex where aircraft products and military equipment are manufactured. (Textron-Lycoming is the Town's second largest employer.) This complex, along with several smaller industrial plants, borders the large open basin on the Housatonic River north of Crimbo Point. To the west, the Sikorsky Memorial Airport occupies much of the land in the southern part of Stratford's coastal area. The airport, owned by the City of Bridgeport, occupies some 600 upland and wetland acres bordering on the Great Meadows, including runways, buildings, and clear zones. Moderate to large-sized commercial enterprises, such as the United Parcel Service and Federal Express shipping facilities, and many smaller businesses, are located along Lordship Boulevard west of the airport and adjacent to the Great Meadows.

Near the Stratford/Bridgeport town line is a concentration of petroleum storage tanks on the eastern shoreline of Johnson's Creek near the entrance to Lewis Gut. Some of these storage tanks are in the Town of Stratford.

Historically, the industrial development of Stratford's coastal plain and shoreline areas has had perhaps the greatest single influence on the Town's natural waterfront resources. The most dramatic changes resulted from the diking and filling of extensive areas of the Great Meadows associated with construction of the airport. The development of the airport from a grass landing strip in the mid-1930's and the extensive manufacturing and commercial property development on the former tidal marshes of the Lordship area altered many of the resources and the dynamic natural processes that were once present in the coastal area.

## **Waterfront Commercial Uses**

Commercial uses along the Stratford waterfront are primarily retail and water-dependent commercial uses. South of the Merritt Parkway, there is an area of commercial development including offices, retail space, and a restaurant set back a short distance from the Housatonic River.

Further south, the “Stop and Shop” shopping center just north of I-95 is also set back from the River. The entire area between I-95 and the Washington Bridge is occupied by the Dock Shopping Center, a major commercial facility that includes a marina currently being developed. South of the Washington Bridge is the Fagan’s restaurant site.

Private marina facilities are concentrated along the shoreline of the lower Housatonic River opposite Nell’s Island and include several commercial marinas and private boat clubs. (These facilities are described in more detail later in this Chapter in the section describing water-dependent uses, activities and facilities.) The Stratford Marina and Brown’s Boat Works are located near Ferry Creek. The Pootatuck Yacht Club is just to the north of the Stratford Marina and the Housatonic Boat Club is to the south of the marina and the Town-owned Bond’s Dock area. Marina facilities are also found at the Harbor Woods and Breakwater Key condominiums but these are dockominium facilities that are not available for use by the general public.

Other marinas on the Housatonic River in the Stratford area include the Caswell Cove marina (associated with condominium development) on the Milford shoreline north of the Devon Power Plant. Further upstream there is a small marina facility (Murphy’s Boatyard) on the west bank of the River in Shelton. South on the River, the Flagship Marina and Valley Yacht Club are found on the Milford side between the Washington Bridge and I-95.

On Stratford’s Long Island Sound shoreline, several waterfront restaurants are located in the Point No Point area at the foot of Washington Parkway. These are the only commercial uses on the Town’s southern shoreline. The Remington Gun Club once occupied Stratford Point but the club no longer operates because of environmental concerns described later in this Chapter.

## **Waterfront Residential Uses**

Both single and multiple-family residential uses are found on the Stratford waterfront. Much of the Town’s Housatonic River shoreline between the Merritt Parkway and I-95 is in single family residential use with the exception of the condominium development just south of the Merritt Parkway.

South of the Washington Bridge to the Textron-Lycoming complex, shoreline residential development is mixed with commercial and recreational uses. Residential uses include single family homes as well as the Village Square, Harbor Woods, Tide Harbor, and Breakwater Key condominium developments.

The largest and most distinct residential area on the shoreline is the Lordship area located generally south of the airport between Stratford Point and Long Beach. The Lordship area is an older community of single family homes that includes a concentration of beach cottages on Long Island Sound between Long Beach and Point No Point.

Privately owned beach cottages used primarily on a seasonal basis are located on land leased from the Town in the western part of Long Beach near the Stratford/Bridgeport town line.

### **Waterfront Recreation, Open Space and Conservation Uses**

Much public land for recreation, open space and conservation use, including Town-owned and State-owned land, is also found in the Harbor Management Area.

The principal Town-owned waterfront parcels used for recreational purposes on the Housatonic River are the Bond's Dock area, the Birdseye Street boat launching area, and Short Beach. The small public boat launching area at Broad St. is also Town-owned. In addition, the Town-owned Boothe Memorial Park overlooks the Housatonic River upriver and south of the Merritt Parkway. Town-owned recreational land on Long Island Sound includes the Seawall Park at Point No Point and the Long Beach barrier beach extending from Oak Bluff Avenue to the Stratford/Bridgeport town line. The water-dependent uses and facilities found at these Town-owned parcels are described later in this Chapter in the section that addresses water-dependent uses, activities and facilities. There are also a number of Town-owned right-of-ways that extend to the water and some of these provide opportunities for public water access. (See Figure 1-8.) In addition, a public access r-o-w known as Washington Ave. (once a proposed road in a proposed subdivision) is found south of the Washington Bridge. State right-of-ways are associated with the highway bridges that cross the Housatonic River, and the Washington Bridge r-o-w provides an opportunity for public access to the water. From north to south, water access right-of-ways to the Housatonic River are found at:

- Ryder's Lane
- Main St./River Road at Peck's Mill Pond
- Bronson Road
- Marchant Street
- Oxbow Lane
- Route 1/Washington Bridge (State r-o-w)
- Orchard Street
- Riverview Place
- Homestead Avenue
- Broad Street
- Shore Road/Stratford Avenue (Bond's Dock)
- Birdseye Street
- Dorne Drive (main access to Short Beach Park)
- Riverdale Drive (r-o-w to Short Beach Park)
- Prospect Drive (r-o-w to Short Beach Park)

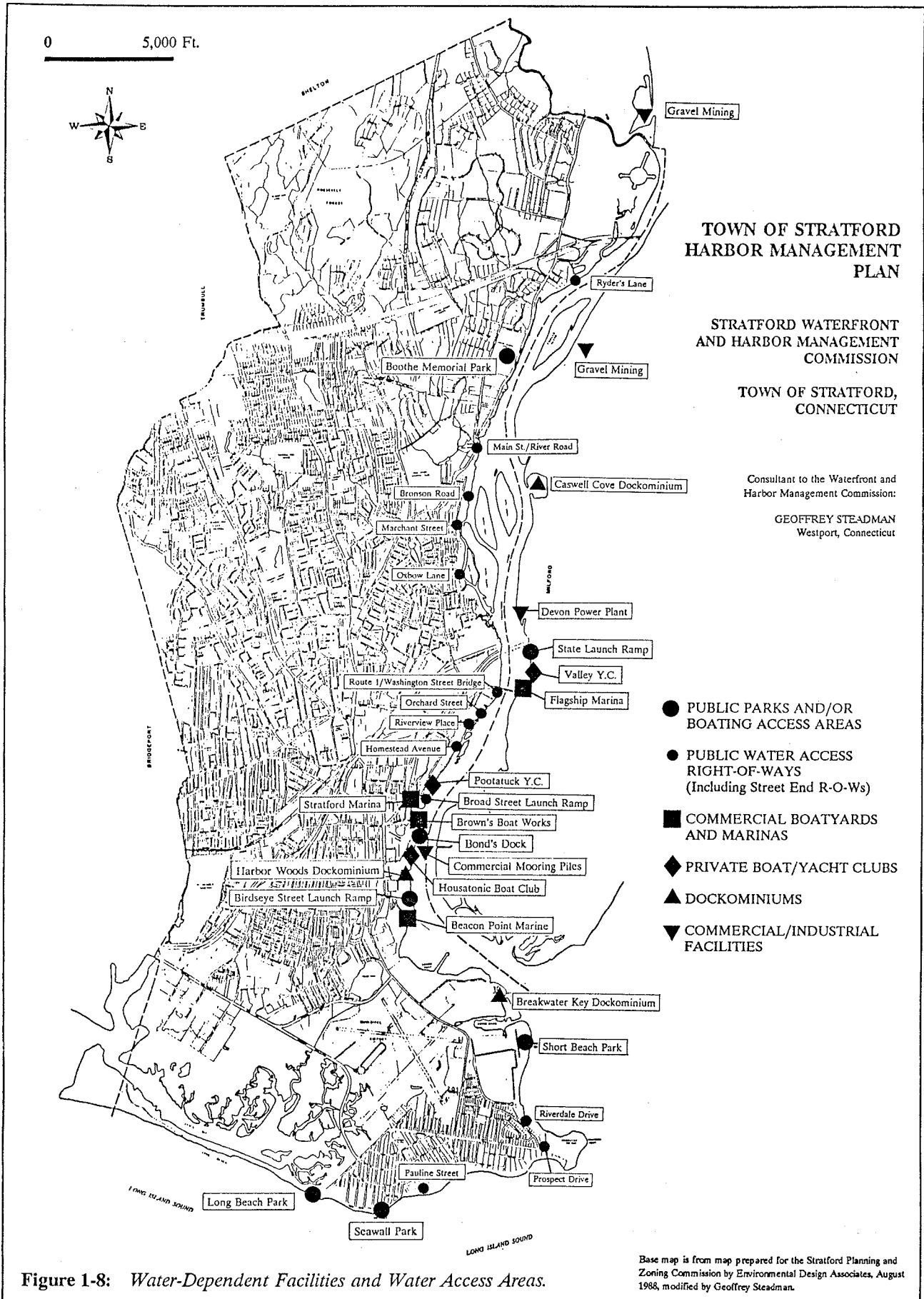


Figure 1-8: Water-Dependent Facilities and Water Access Areas.



The several public right-of-ways that end at Long Island Sound are found at:

- Pauline Street
- Washington Parkway
- Oak Bluff Avenue (access to Long Beach Park)

There is also a significant amount of State-owned land in the Housatonic River that is managed for wildlife conservation, and that also provides opportunities for such recreational uses as wildlife observation, hunting, fishing and boating. The largest of these areas is the Charles E. Wheeler Wildlife Area described earlier which includes intertidal areas at the mouth of the River in Milford's jurisdiction as well as upstream marsh islands. The Pope's Island Wildlife Area is also State-owned.

Milford Point at the mouth of the Housatonic River is owned by the Federal Government and is part of the Stewart B. McKinney National Wildlife Refuge.

Along the Long Island Sound shoreline, the Russian Beach area east of Point No Point provides recreational opportunities for Lordship residents.

Much of the Great Meadows area is privately owned and currently undeveloped. The tidal wetlands here provide valuable open space and conservation functions.

### **Other Waterfront Land Uses**

Other waterfront land uses in Stratford that do not fit into the previously described categories include: the Connecticut Department of Transportation's facility for road maintenance equipment and salt storage just south of the Merritt Parkway; the Town's waste water treatment plant south of Birdseye Street; the Town-owned and vacant Hunter Haven property next to the treatment plant; and the Stratford Lighthouse site owned by the Federal government on Stratford Point.

In addition, the American Festival Theater, formerly the American Shakespeare Festival Theater and now a State Park facility, is located a short distance from Bond's Dock near the Housatonic River shoreline. The Theater is a Town landmark first established by special legislative Act in 1951. Close by the Theater and also owned by the State of Connecticut is a vacant waterfront cottage known as the "Hepburn cottage." The cottage has historical significance and some Town residents have recently proposed that it be converted into a duck decoy museum featuring the carvings of Charles Wheeler and others.

## **RECENT PLANNING AND DEVELOPMENT INITIATIVES**

In the past few years, the Stratford waterfront has been the subject of much public attention because of the number of water-related development proposals that have been presented. (See Figure 1-9.) Some of these proposals have been implemented, others are currently pending, and still others have been denied by government permitting agencies, or withdrawn by the project proponent. Pressures for new waterfront use and development were stimulated by the environmental qualities of Long Island Sound and the Housatonic River, by relatively high waterfront land values, and by demand for recreational boating facilities. In addition to private development proposals, Town planning and development initiatives have also focused on the waterfront.

### **Private Development Proposals and Projects**

Recent private development proposals and projects include residential projects with boating and water access facilities, proposals for the development of new and expanded marina facilities, and proposals involving new commercial and industrial uses on waterfront sites.

Two relatively recent residential projects are the Breakwater Key condominium development on the Housatonic River at Sniffen Point, and the Brookside Landing subdivision north of the I-95 bridge. Development of Breakwater Key on the site of the former Housatonic Marina involved stabilizing the shoreline and dredging a boat basin for dockominium boat slips. To date, about two-thirds of the planned 86 condominium units have been constructed, along with the boat slips and a public boat launching ramp. Brookside Landing, originally proposed as a 13-lot subdivision that would provide a public water access area (small park and canoe launching area) is also incomplete (only two homes have been built). The original proposal for this project included the construction of boat slips for subdivision residents.

New residential development has also been constructed on the Housatonic River outside of Stratford's jurisdiction. The Caswell Cove condominium and marina is partly completed on the Milford side of the River north of the Devon Power Station. This project is to include a public waterfront area and public boat launching ramp.

Several new marina development or expansion projects are currently pending on the Housatonic River. The most prominent of these projects is the Dock marina now under construction in the area between the Washington Bridge and the I-95 bridge. This project is to provide 192 boat slips, public open space, and associated commercial development including marine-related shops and a restaurant on the upland part of the site.

Another, smaller marina development (32 boat slips) planned by Beacon Point Marine is pending just south of the Town's Birdseye Street launching ramp. This proposal would expand the existing boat service operation that currently does not include marina facilities.

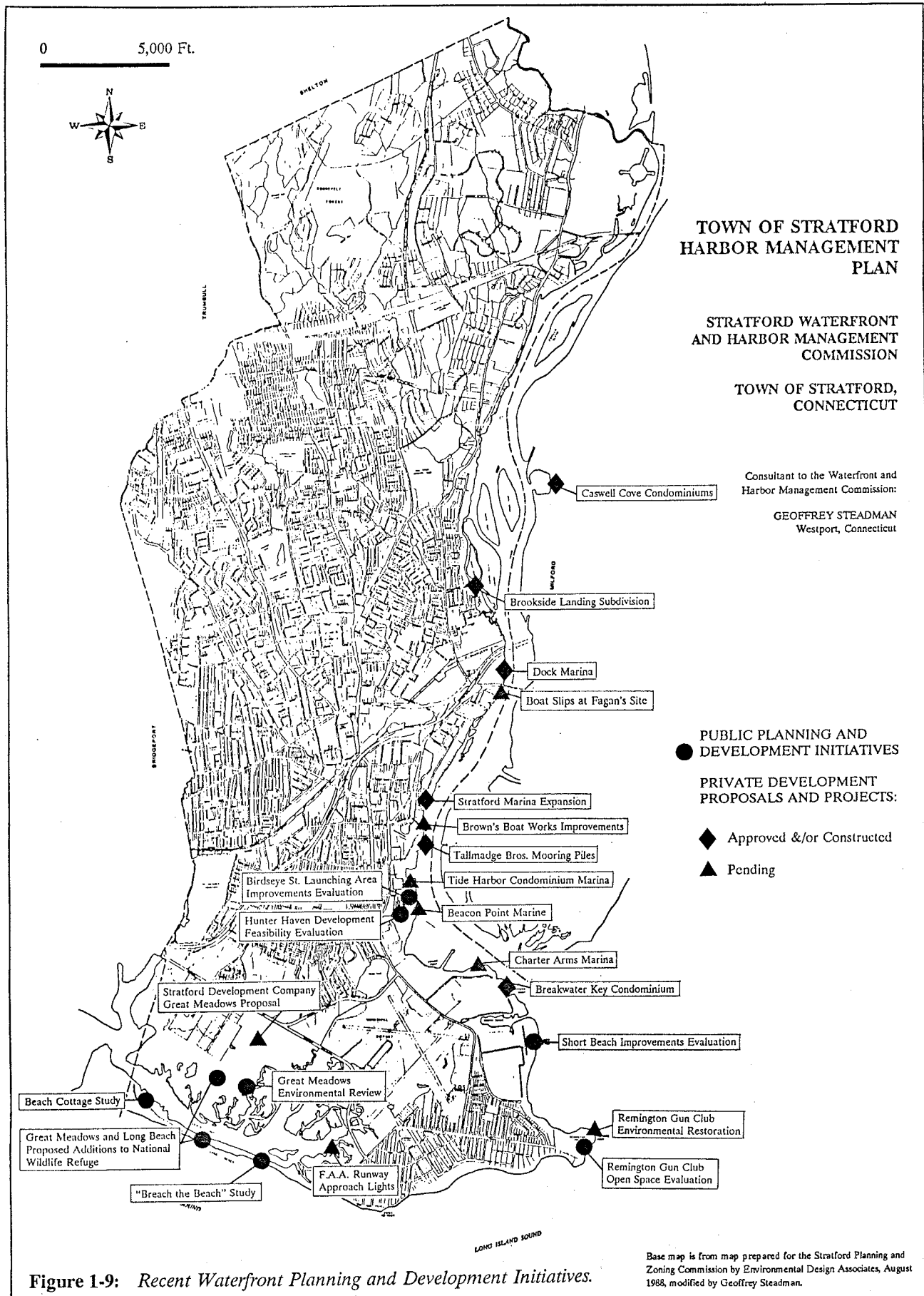


Figure 1-9: Recent Waterfront Planning and Development Initiatives.

Base map is from map prepared for the Stratford Planning and Zoning Commission by Environmental Design Associates, August 1988, modified by Geoffrey Steadman.

A third marina proposal, on Crimbo Point at the site of the abandoned Charter Arms Company near the Textron-Lycoming complex, includes 123 boat slips, a boat and tackle shop, and a private clubhouse.

Also, the Tide Harbor Condominium just north of the Town's Birdseye Street Boat Launching Area prepared conceptual plans for construction of boat slips adjacent to the condominiums, but implementation of these plans has not been actively pursued in recent years.

Upstream on the Housatonic River, outside of Stratford's harbor management jurisdiction, a mixed-used, marina complex ("Mariah's Way") is planned for the Shelton waterfront.

Expansion/improvement of existing marina facilities in Stratford has also been planned. The Stratford Marina has received State approval to construct new docks, stabilize the shoreline, and conduct dredging in Ferry Creek and the Housatonic River. Brown's Boat Works just north of Bond's Dock is also planning to improve its existing marina facilities and has applied for necessary permits to construct a pile and timber bulkhead and dredge its marina basin.

Several waterfront development proposals have been withdrawn or denied in recent years. A condominium project proposed in conjunction with new marina facilities at the site of the Stratford Marina was withdrawn in 1989 when the proposal did not receive Town zoning approval.

Also, a proposal for a hotel and marina (the "River's Inn and Yacht Basin") just south of the Washington Bridge on the site of Fagan's Restaurant was withdrawn in 1988 after the proposal generated public controversy with regard to the appropriate intensity of use for this site. Other plans for boat slips and water-related uses on this site in conjunction with the restaurant have been prepared.

One of the larger development proposals that would affect the Stratford waterfront has been in the planning stages for several years. This proposal by the Stratford Development Company for the Great Meadows area currently includes plans for commercial and light industrial uses on land south of Lordship Boulevard and west of the airport. A marina facility in Lewis Gut would also be included and connected to the upland development.

The site of the Remington Gun Club on Stratford Point, while not the focus of an existing development proposal, has been the subject of special planning attention. The area was used for some 60 years as a private skeet shooting range with shooting occurring over the waters of the Housatonic River. About 1,500 tons of lead are estimated to be in the River's sediment and the owner of the site may be required to remove this contaminated material. The *Stratford Coastal Plan* recommends that Stratford Point be used for future open space and recreational purposes.

A revived proposal by the Federal Aviation Administration to construct a series of runway approach lights for the Sikorsky Memorial Airport would also affect the HMA. The proposal for these lights, which would be placed in the Great Meadows, did not receive Town approval in 1982, and was revived in 1988.

### **Town Planning and Development Initiatives**

In addition to private planning and development initiatives, several public initiatives have also been directed toward the Stratford waterfront. The most significant of these initiatives are the Town's Municipal Coastal Program (*Stratford Coastal Plan*) and Harbor Management Program. The Municipal Coastal Program (see Chapter Two) is intended to help carry out the goals and policies of the Connecticut Coastal Management Act by establishing a Town plan for guiding beneficial development and protecting coastal resources in Stratford's coastal area. Phase One of the Municipal Coastal Program was completed in 1990 with the Planning Commission's adoption of the *Stratford Coastal Plan* as an addendum to the Town's Plan of Development. The Zoning Commission is now proceeding with Phase Two of the Municipal Coastal Program which involves the preparation of needed changes to the zoning regulations to achieve the goals and policies established in the Coastal Plan.

Preparation of the Town's Harbor Management Plan was initiated by the Waterfront and Harbor Management Commission in 1988 under authority provided by the Connecticut Harbor Management Act of 1984 and Chapter 210 of the Stratford Code. (See Chapter Two.) The Harbor Management Plan is intended to complement the Municipal Coastal Program which focuses more on upland land use and development.

Within the context of these two planning efforts that are addressing the Town's overall coastal, waterfront, and harbor management area, Stratford has directed special planning attention toward several Town-owned properties, including the Birdseye Street Boat Launching Area, Hunter Haven property, Short Beach, and Long Beach.

The Town has given much consideration to improving the Birdseye Street Boat Launching Area, including improving the existing launching and docking system and Coast Guard Auxiliary dock, constructing a public dock for nonboaters, constructing a new "marine services" building to replace the existing Coast Guard Auxiliary building, and improving vendor service and infrastructure. Preparation of a long range master plan for improvement of the Birdseye Street boat launching area was initiated by the Waterfront and Harbor Management Commission in 1990. A public meeting was held by the Commission in March of 1991 to discuss possible site improvements, public comments were received, and a conceptual design for site improvements prepared and approved by the Waterfront and Harbor Management Commission in 1991. The Commission is now proceeding with implementation of the "Birdseye Street Boat Launching Area Master Plan," including obtaining necessary State and Federal permits for planned improvements.

The Hunter Haven property just south of the Birdseye Street boat launching area has often been suggested as a potential location for the development of a Town marina. In 1986, the Town solicited proposals for the “design, finance, construction and operation of a marina/water oriented project” for this currently undeveloped waterfront site. In 1987, the Town Council voted to approve initial plans that would provide for a marina, retail and office space, a hotel, and senior citizen housing units for the site. Development of the Hunter Haven property, however, has not proceeded due in part to anticipated difficulties in obtaining State and Federal permits for the dredging that would be required for marina development.

Short Beach is also the subject of planning attention. Much of this Town park was developed — following considerable Town planning efforts — on reclaimed land that was once a Town landfill. Site development alternatives for use of the park were prepared in 1982. Approximately 14 acres of landfill area remain and several plans have recently been put forth for the future use of this remaining area. The facilities included in these plans range from ball fields and a scenic overlook to a golf driving range and mini-golf course.

In the Long Beach area the Town is concerned with the future use of the western part of Long Beach on which 43 privately owned cottages are located on Town-owned land. The Town maintains leases with the individual cottage owners for use of the land on which their cottages are located and the current leases will expire on June 30, 1997. The beach cottage area was addressed in a special study completed by the Planning and Zoning Commission in 1988. This study identified a number of concerns that should be addressed by the Town before making a decision on whether or not to renew the current leases. More recently, the Waterfront and Harbor Management Commission worked with representatives of the Planning Commission (with input from the Town’s emergency services) to evaluate the potential costs and benefits associated with the current lease arrangements.

Also, the costs and benefits of breaching the Long Beach barrier to improve tidal exchange and therefore improve water quality in Lewis Gut have been discussed. A workshop was held in December of 1985 to examine economic, environmental and other impacts that would be associated with re-establishment of a connection between Long Island Sound and Lewis Gut through the barrier beach.

Several years ago the Town’s Conservation Commission directed a special environmental review of the Long Beach — Lewis Gut — Great Meadows area. The purpose of this review, completed in April 1987, was to assess existing environmental conditions in order to formulate coastal management guidelines and alternatives for this area.

In addition to the Town’s recent and ongoing planning efforts, the Federal Government has also shown a major interest in Long Beach and the Great Meadows. In 1989, the Fish and Wildlife Service of the U.S. Department of the Interior proposed adding the Great Meadows salt marsh and a section of Long Beach to the Stewart B. McKinney National Wildlife Refuge. This refuge currently includes Chimon Island and part of Sheffield Island in Norwalk, Milford Point, and Faulkner Island off the coast of Guilford. An environmental

assessment of these proposed additions was prepared by the Fish and Wildlife Service in November of 1989.

Town planning attention has also been directed toward the privately owned Remington Gun Club site on Stratford Point. As described earlier, there is much concern over the water pollution caused by skeet shooting here over the years. Town officials, State legislators and others are also interested in pursuing opportunities for public acquisition of this site or otherwise providing for public use of the site in the future.

## **WATER-DEPENDENT USES, ACTIVITIES AND FACILITIES**

Several types of water-dependent uses and activities are prominent in the Waterfront and Harbor Management Area. These include recreational boating, beach-related and other water-based recreational pursuits, commercial and recreational fishing, and some water-dependent commercial/industrial activities.

The location of water-dependent facilities in the HMA was shown on Figure 1-8. Brief descriptions of water uses, activities and facilities are included below and on the following pages.

### **RECREATIONAL BOATING ACTIVITIES AND FACILITIES**

Recreational boating facilities in the HMA include docks, slips, moorings and launching ramps as well as boat sales, repair, service and storage facilities on waterfront sites. Boating facilities in and near the HMA include: facilities owned and operated by the Town for public use; State water access facilities on the Housatonic River; facilities provided by commercial boatyards and marinas; private boating and yacht club facilities; and dockominiums. Many private docks and piers used by waterfront property owners are also found throughout the HMA and a number of boat moorings have been placed in the Housatonic River.

In addition to boating facilities located in Stratford, boating facilities in the adjoining towns of Milford and, to some extent, Shelton, can have a significant impact on conditions in Stratford's Housatonic River jurisdiction. Also, boating activities emanating from marinas in Johnson's Creek in Bridgeport may affect Lewis Gut.

Described in the previous section on "Waterfront Land-Use and Development," there are several currently pending proposals for the development of new marina facilities in the Housatonic River area. Figure 1-10 presents an estimated total of the existing and proposed boat slips and moorings in and near the HMA in 1990. This total does not include the many individual docks and piers owned by waterfront property owners.

**ESTIMATED BOAT SLIPS AND MOORINGS\*  
IN AND NEAR THE HARBOR MANAGEMENT AREA  
1990**

**Existing Housatonic River Slips and Moorings  
Within Stratford's Jurisdiction**

<u>Facility</u>	<u>No. of Slips and Moorings</u>
Breakwater Key Dockominium	99 slips
Harbor Woods Dockominium	38 slips
Housatonic Boat Club	29 slips, 15 moorings**
Brown's Boat Works	105 slips
Stratford Marina	200 slips
Pootatuck Yacht Club	72 slips
Private Individuals	8 moorings

APPROX. TOTAL: 543 slips; 23 moorings

**Pending/Proposed Housatonic River Slips and Moorings  
Within Stratford's Jurisdiction**

<u>Facility</u>	<u>No. of Slips and Moorings</u>
Charter Arms Marina	123 slips
Beacon Point Marine	32 slips
Tide Harbor Condominium	40 slips
Stratford Marina	100 (approx.) slips
Pootatuck Yacht Club	10 slips
Dock Marina	192 slips
Fagan's Restaurant Site	100 (approx.) slips

APPROX. TOTAL: 597 slips;

**Existing/Pending Housatonic River Slips and Moorings  
Within Milford's Jurisdiction**

<u>Facility</u>	<u>No. of Slips and Moorings</u>
Flagship Marina	103 slips
Valley Yacht Club	50 slips
Caswell Cove Condominium	369 slips***
Housatonic Boat Club	53 moorings**

APPROX. TOTAL: 522 slips; 53 moorings

**ESTIMATED TOTAL OF EXISTING AND PENDING SLIPS AND MOORINGS: 1,738**

- \* Estimates do not include individual docks and piers owned by waterfront property owners.
- \*\* The Housatonic Boat Club is located in Stratford; 15 of its moorings are in Stratford's jurisdiction and 53 are within Milford's jurisdiction.
- \*\*\* Some of these slips have been constructed.

**Figure 1-10:** *Estimated Slips and Moorings In and Near the Harbor Management Area.*



In the Housatonic River, there were approximately 566 slips and moorings existing within Stratford's jurisdiction and an estimated 522 slips and moorings (existing or pending) within Milford's jurisdiction in 1990. An additional 597 slips were estimated to be pending in Stratford. The total number of slips and moorings (either existing or pending) associated with all commercial marinas, private clubs and dockominiums in the Housatonic River south of the Stratford/Shelton town line was therefore estimated at 1,738.

### **Town Boating Facilities**

Town of Stratford boating facilities include the Birdseye Street boat launching area, Bond's Dock, and the launching ramp at the foot of Broad Street. There is no Town marina although the development of such a facility has been suggested by different Town and private groups over the years, dating back at least as far as the recommendations of the Town's River Improvement Committee in 1956. In more recent years, the area adjacent to the Hunter Haven property and the area of the Sikorsky Airport's "marine basin" just north of Short Beach have been suggested as potential sites for a Town marina.

1. Birdseye Street Boat Launching Area. The Birdseye Street area is the largest and most heavily used of the Town's three public boating facilities. The site occupies about 5.8 acres at the foot of Birdseye Street adjacent to the Town's waste-water treatment plant. To the north is the Tide Harbor Condominium; to the south is the Hunter Haven property.

The paved parking area provides marked spaces for roughly 80 vehicles and boat trailers and a gravel area on the northern edge of the site can accommodate some overflow parking needs. Two storm-water drainage channels mark the southern and northern edges of the paved parking area. The overflow parking area is connected to the paved area over a culvert in the northern channel.

The launching area is bisected by a public pier with several small floating docks attached at the end. Boats using the launching area and others coming ashore here can temporarily tie up to these docks.

Also located on the site is a small building housing Coast Guard Auxiliary Flotilla No. 71. A smaller pier with attached floats for use by the Coast Guard Auxiliary extends into the River near this building from the northern part of the site. A small concession trailer is located in the northeast corner near the entrance to the site. Portable toilets are available during the boating season.

During the 1989 boating season, the Stratford Recreation Department issued 614 launching permits (these permits are also required for use of the Town-owned Bond's Dock and Broad St. launching ramps): 450 were issued to residents and 164 to nonresidents. A small number of commercial launching permits are also issued each year to those who use the Birdseye Street area for boat service, testing or other purposes.

During the boating season, the Police Department checks to ensure that those using the ramp have valid launching permits.

The launching area is also used for emergency service access to the River and for passive recreational uses. Many persons park and eat lunch at the Birdseye St. area, individuals enjoy the water views and observe waterfowl; and large groups watch Town fireworks displays from the site. In a 1991 survey conducted by the Waterfront and Harbor Management Commission, a number of Town residents reported visiting the Birdseye St. area upwards of 50 to 100 times in the course of a year.

As previously described, the Waterfront and Harbor Management Commission has completed a waterfront access study of the Birdseye Street area, and has adopted a Master Plan consisting of a number of site improvements for the area. The Commission is now proceeding with implementation of the Plan.

2. Bond's Dock. Bond's Dock at the foot of Stratford Avenue is the site of the Town's original commercial dock and port facilities. Brown Boat Works adjoins the site on the north and the Housatonic Boat Club is to the south. The American Festival Theater site is also a short distance to the south, and in the past some people tied up their boats at Bond's Dock while attending the Theater.

The dock is located on a Town-owned parcel of land of about one-half acre. A small parking and picnic area overlooks the dock and parking spaces are also provided on the paved surface next to the dock. The dock itself includes a wooden walkway along the River from which people can fish and also enjoy views of the water.

A small launching ramp that receives relatively little use (primarily because of the limited parking available here and the proximity of the Birdseye St. boat launching facility) is found on the southern edge of the site.

3. Broad Street Launching Ramp. The third Town launching area is found at the foot of Broad Street surrounded by the Stratford Marina facilities. There is no designated public parking and some launching ramp users have parked illegally along Broad Street. The ramp is difficult to distinguish from the adjacent commercial marina facilities.

### **State Boating Access Facilities**

In addition to the Town of Stratford's boating facilities on the Housatonic River, there are two boating access areas maintained by the State of Connecticut. Both are located on the Milford side of the River. The first is a paved launching area directly south of the I-95 bridge. Parking for the users of the ramp is provided in the State right-of-way under the bridge. The total area of this launching and parking site is about seven acres. The second State water access facility is a small launching area (open only during waterfowl hunting season) located within the Charles E. Wheeler Wildlife Area north of Milford Point.

## Commercial Boatyards and Marinas

Four commercial facilities (The Dock, Stratford Marina, Brown Boat Works, and Beacon Point Marine) located on Stratford's Housatonic River waterfront currently provide services for recreational boaters. Several other marinas have been proposed.

1. The Dock Marina. This facility in the area between the Washington Bridge and the I-95 bridge will provide, when completed, 192 boat slips, public open space, and associated commercial development. Several slips are to be reserved for commercial fishermen.
2. Stratford Marina. The Stratford Marina on Housatonic Avenue at the foot of Broad Street is the largest existing boatyard/marina facility in Stratford. Open year-round, the marina provides 200 slips for mostly power boats as well as on-land and in-water winter storage. Slips are located in the Housatonic River and nearby Ferry Creek.

Stratford Marina also provides engine and hull repair service, as well as boat and engine sales and marine supplies. The full service marina facilities include a fuel dock for gasoline and diesel fuel.

Plans (prepared in conjunction with the nearby DelBuono property) to construct new boat slips, stabilize the shoreline, and conduct dredging in Ferry Creek have not been implemented. The construction of rack storage facilities on land adjacent to Ferry Creek was previously planned but not carried out.

3. Brown Boat Works. Brown Boat Works is located on Stratford Avenue south of the Stratford Marina and just north of Bond's Dock. The marina has 105 boat slips. A number of independent commercial fishermen rent slip space at the marina during the nonboating/winter season. Other services include on-land winter storage and sale of bait and tackle. The marina is currently planning to construct a new bulkhead and dredge its marina basin.
4. Beacon Point Marine. Beacon Point Marine is located on Beacon Point Road to the south of the Birdseye Street launching area and provides boat storage as well as engine and hull repair and sales services. There is no existing docking or marina facility although plans for a 32-slip marina on the site are pending. The nearby Birdseye Street launching ramp is now used for necessary servicing activities and for hauling boats for storage.
5. Proposed Marina Facilities. In addition to the marina expansion and construction plans mentioned above, plans for several new marina facilities have been proposed in recent years. These include the 123-slip marina proposed for the Charter Arms site near the mouth of the Housatonic River and boat slips proposed for the Fagan's Restaurant site south of the Washington Bridge.

6. Existing Marina Facilities Outside of Stratford's Jurisdiction.

Several commercial marina facilities outside of the HMA can have an effect on boating conditions within Stratford's jurisdiction. On the Housatonic River, the Flagship Marina in Milford is located between the Washington Street and I-95 bridges and provides 103 boat slips. Murphy's Boatyard upriver in Shelton provides boat storage and has some moorings in the River.

**Private Boating and Yacht Clubs**

Two private clubs providing recreational boating services, facilities and activities for members and guests are located on Stratford's Housatonic River waterfront. These are the Pootatuck Yacht Club on Housatonic Avenue just north of the Stratford Marina and the Housatonic Boat Club on Shore Road south of Bond's Dock.

The Pootatuck Yacht Club currently maintains 72 boat slips, mostly for power boats. On-land winter boat storage is also provided and the club has a fuel dock for members' use.

The Housatonic Boat Club is primarily a sail boat club. The club has 29 slips and also maintains a total of 68 moorings in the Housatonic River. Fifteen of these moorings are located within Stratford's jurisdiction and 53 are within the jurisdiction of the Town of Milford. The moorings in Milford are covered by permits issued by the Milford Harbor Master and those in Stratford are covered by permits from the Stratford Harbor Master. The club maintains a launch service to provide access to these moorings and all mooring tackle used must conform to club-established guidelines. On-land winter boat storage is provided.

**Dockominiums**

Additional marina facilities serving recreational boaters in the HMA have been developed in recent years as ancillary components of waterfront condominium developments. These facilities have been constructed as "dockominium" boat slips for sale to condominium owners and others. Breakwater Key on Sniffen Point near the mouth of the Housatonic River has 99 boat slips in a 3.5 acre dredged basin. Upstream, 38 dockominium boat slips are associated with the Harbor Woods Condominium. (Information on the number of dockominium slips sold to persons other than condominium owners is currently not available.)

Outside of Stratford's jurisdiction, dockominium boat slips are located on Milford's side of the Housatonic River at Caswell Cove. These slips are associated with the partially completed Caswell Cove condominium development. The boat basin when fully developed will have berthing space for 369 boats, and provide a public boat launching ramp.

### Residential Docks and Piers

Boating facilities in the HMA also include an uncounted number of individual docks and piers owned and used by waterfront property owners. In Stratford, the major concentration of these docks and piers is found along the Housatonic River north of the Pootatuck Yacht Club and extending to the Washington Bridge. (See Figure 1-11.) The Village Square condominium located in this area also maintains a private pier. Many waterfront property owners across the River in the Devon section of Milford and south of the Washington Bridge also have private docks and piers.



**Figure 1-11:** *Private Piers Extending Into the Housatonic River from the Stratford Shoreline.*

### Mooring Areas

The principal mooring area in the Housatonic River is in the lower part of the River and generally extends from Bond's Dock on the north to the northern edge of the Birdseye Street Boat Launching Area. Described previously, most of these moorings are maintained by members of the Housatonic Boat Club. Of the total of 68 moorings (in 1990), 15 are within Stratford's jurisdiction and 53 are within the jurisdiction of the City of Milford.

Eight other moorings permitted by the Stratford Harbor Master were scattered throughout the lower part of the River within Stratford's jurisdiction during the 1990 boating season.

In 1990, the Norwalk-based Tallmadge Brothers Oyster Company placed mooring piles near the Housatonic Boat Club. These pilings are used to temporarily moor a vessel during the loading of harvested seed oysters from smaller boats. Prior to the placement of the mooring piles, a mooring buoy used by the Oyster Company for the same purpose was located near the Harbor Woods dockominium.

## **BEACH AREAS AND FACILITIES**

In addition to boating-related activities, many other recreational uses (both active and passive) take place in the HMA. Many of these activities are beach-related and include swimming, board-sailing, fishing, picnicking, bird watching, walking, and simply enjoying views of the water and water activities. These and other recreational activities take place on and near Town-owned park/beach areas and on private beach areas.

### **Town Beaches and Waterfront Parks**

The Town of Stratford maintains two major waterfront parks and beach areas. These are Short Beach at the mouth of the Housatonic River and Long Beach which borders on Long Island Sound. In addition, the Seawall Park at Point No Point provides for passive recreational use on the Long Island Sound shoreline. (As described in the previous section on “Waterfront Land-Use and Development,” there are also a number of publicly owned water access right-of-ways that provide some limited opportunities for access to the water.)

1. Short Beach. Short Beach Park is located in the Lordship section of Stratford near the mouth of the Housatonic River. To the west are residential uses and the Sikorsky Memorial Airport. Runway clear zones extend to near the boundaries of the park on the north. Also to the north is the airport’s dredged “marine basin” (once used for seaplane access to the airport and more recently suggested as a potential Town marina site). To the south are residential areas and Stratford Point.

Much of the existing park area was originally a tidal marsh separated from the Housatonic River by a barrier beach. In 1925, the Town acquired 80 acres, including tidal marsh land, in this area for the purpose of providing public beach access and development of a beach cottage community. The cottages were located on the elevated ground of the barrier beach. They were removed beginning in the late 1960’s for the purpose of expanding the public recreation area in accordance with a master plan for park use.

Forty acres of the original 80-acre site were used by the Town of Stratford as a sanitary landfill for a number of years, and the landfill operation resulted in gradual filling of the marsh land. Adjacent land owned by the City of Bridgeport to the north and west in the runway clear zone was also used as a landfill.

In 1955, the public beach was widened to 125 feet and lengthened to 2,500 feet by the direct placement of sand obtained from dredging operations in the Housatonic River channel. This beach enhancement was carried out as a Federally authorized shore protection project by the U.S. Army Corps of Engineers.

The Stratford landfill was eventually taken out of use and “capped” in the early 1980’s and a par 3 golf course and ball fields were established on the former landfill site. The Bridgeport landfill site was also taken out of use.

Many recreational activities now occur at Short Beach Park including swimming, sailing, tennis, golf, paddle tennis, fishing, wildlife observation, and picnicking. Swimming, however, is limited by shallow nearshore depths caused by shoaling near the mouth of the Housatonic River. Recent park improvements, in addition to the golf course and ball fields, include an exercise trail, a beach pavilion with showers and flush toilet facilities, concessions, and paved parking areas.

The Town currently uses about 14 acres in the northwest part of the Park site for leaf composting. Several plans for recreational use of this currently undeveloped area have been discussed by Town officials. A small section of the beach area at the northern end of the Park is managed by the Town and the Connecticut Audubon Society as nesting habitat for the piping plover and least tern. The nesting area is enclosed with a fence and posted with signs indicating its sensitivity to human disturbance.

At the present time, the Town-owned beach is approximately 3,300 feet long and extends to the south along Riverdale Drive. The total area included within the park now totals 107 acres.

## 2. Long Beach

Long Beach is a Town-owned barrier beach that stretches for about 1.5 miles from the foot of Oak Bluff Avenue on the east to the Stratford/Bridgeport boundary on the west. Long Beach is bordered on the east by the Lordship residential area, on the south by Long Island Sound, on the west by Pleasure Beach (the western-most part of Long Beach within the City of Bridgeport), and on the north by Lewis Gut, the Great Meadows, and Sikorsky Memorial Airport.

As described earlier, the barrier itself is an important environmental resource of a type that is rare on the Connecticut shoreline. Over the years, the barrier has undergone significant natural and human alteration. The hurricane of 1938 created a breach in the barrier about one-half mile west of Oak Bluff Avenue. The breach was eventually closed and stabilized. The 1966 shoreline protection project described earlier involved beach nourishment and the construction of seven long groins that extend some 200 to 250 feet into Long Island Sound. The distance between the groins varies but there is about 800 to 1,000 feet between the five easterly groins and about 1,200 feet separates the two westerly groins.

The barrier can be described in terms of three distinct use areas, each about 2,600 feet in length. The eastern third is managed by the Town as an active recreation area, the middle third is managed as a conservation area, and the western third contains beach cottages.

The active recreation area is about 2.7 acres and includes a paved parking area near Oak Bluff Avenue. In addition to swimming, other popular activities are sailboarding, fishing, wildlife observation, and walking along the beach.

The middle third of the barrier is an important nesting area for the piping plover and least tern and is managed as a conservation area by the Town and the Connecticut Audubon Society. Signs are posted to caution beach users approaching the nesting area, and walking through the area is prohibited during the April to late August nesting seasons. The U.S. Fish and Wildlife Service has proposed that this section of the barrier, along with the Great Meadows, be included in the McKinney National Wildlife Refuge.

The western third of the barrier (excluding Pleasure Beach in Bridgeport) includes the 43 privately owned beach cottages previously described. The land on which these cottages are located is leased by the cottage owners from the Town of Stratford. Several private docks have been constructed on the Lewis Gut side of the barrier in the cottage area. The only access road to these cottages is from the west across the narrow drawbridge that connects Pleasure Beach with the mainland of Bridgeport.

### 3. Seawall Park

The Seawall Park is located at the foot of Washington Parkway in an area known as Point No Point. Russian Beach (see below) is to the east, the Beach Drive beach cottage area to the west, and residential areas and several waterfront restaurants to the north. The public area extends for about 1,000 feet along Long Island Sound and occupies slightly less than one-half acre. The wide sandy beach that once existed in this area has long since eroded and a stone seawall with a riprap base now provides shore protection. Angled parking spaces and the sidewalk along the seawall encourage passive recreational use (e.g., walking, sitting) and fishing, which is quite popular here. Stairs through the seawall allow access to the shore at low tide but the lack of a sandy beach limits recreational use below the seawall.

### **Private Beach Areas**

The principal private beach area in the HMA is Russian Beach. Located between Point No Point and Stratford Point, this beach provides recreational opportunities for many residents of the Lordship area who have beach-use rights in their property deeds. The beach is about 2,400 feet long and relatively narrow. A number of paths to the beach area cross the uplands from private residences along Ocean Avenue and Park Boulevard.



## RECREATIONAL AND COMMERCIAL FISHING

As described earlier, the Housatonic River, Lewis Gut and nearshore waters of Long Island Sound have historically supported abundant shellfish populations. Because of poor water quality, however, shellfish grounds within the HMA are now classified as “closed” by the Aquaculture Division of the State Department of Agriculture. Within these closed grounds, shellfish can not be harvested for direct human consumption but can be harvested and then transplanted to other areas for purification and maturation.

The Housatonic River is generally considered to be the most naturally productive seed oyster environment in Connecticut, and is the most active area in the State for the harvesting of seed oysters. The River’s natural shellfish grounds are worked by independent commercial oystermen using small outboard-powered boats and mechanical dredges. In recent years as many as 20 commercial oystermen have worked the River. During the summer months these fishermen moor their vessels in the Housatonic River. During the nonboating/winter season they have rented berthing space at the Brown Boat Works marina.

The fishermen sell the harvested seed oysters to commercial shellfish companies for transplanting in other waters. At the present time, Tallmadge Brothers Oyster Company purchases seed oysters from the Housatonic River. When the oysters are being harvested, an oyster-buying boat will enter the River sometimes twice a week and tie up to the aforementioned mooring piles. Seed oysters are then purchased from smaller boats and loaded on the larger boat. Tallmadge Brothers also harvests oysters from designated private oyster grounds in Lewis Gut.

Recreational fishing — from small boats and shore points such as Bond’s Dock — is an important recreational activity in the Housatonic River. The brackish water creates a good habitat for many species of resident and migratory fish. The River supports a significant bluefish run from late April through August and sometimes into September. There are numerous “hot spots” for blue fish, including areas near Milford Point, Short Beach, Bond’s Dock, and Caswell Cove. Striped bass are also plentiful in the River and nearshore in the Sound where 50-pound fish have been caught. Good sized sea-run brown trout are reported to be present in limited numbers and the State of Connecticut stocks trout at several sites upriver. During the 1993 boating season five charter fishing boats operated out of the Housatonic River in Stratford.

The Merritt Parkway bridge is the boundary between the saltwater fishing area where fishing does not require a license, and freshwater fishing areas upriver where a license is needed.

## **WATER-DEPENDENT COMMERCIAL/INDUSTRIAL OPERATIONS**

There are no commercial/industrial operations in the HMA that can be described as truly water-dependent. The Sikorsky Aircraft facility and Textron-Lycoming plant both discharge treated industrial process water into the Housatonic River but neither industry depends on waterborne shipments of materials or products.

Waterborne commercial/industrial operations just outside of Stratford's jurisdiction, however, do conduct activities that affect the HMA. For example, barges carrying fuel oil to the Devon Power Plant travel up and down the Housatonic River. The Power Plant contains six steam-powered generators with a total generating capacity of 500 megawatts and discharges cooling water into the River. Originally a coal-powered facility that began operating in 1924, the plant was converted to an oil burning facility in 1971. The total number of barge shipments of fuel oil in the course of a year varies depending on electrical demand. Only one barge can be off-loaded at a time and oil is pumped to four storage tanks with a total storage capacity of 20 million gallons. (Corps of Engineers records show that 221,494 tons of residual fuel oil were shipped to the Housatonic River in 1987.) Oil spill containment equipment is maintained on site.

Other water-dependent commercial/industrial operations near the HMA include sand and gravel excavation from the River, and barge shipment of petroleum products to storage facilities in the Johnson's Creek area of Bridgeport.

## CHAPTER TWO:\* ---

# EXISTING ROLES AND AUTHORITIES FOR HARBOR MANAGEMENT

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This Chapter describes the existing “institutional framework” for harbor management in Stratford.

A number of government bodies at the Town, State and Federal levels have roles and responsibilities pertaining to harbor management and the Stratford Harbor Management Area. The Town Council, Waterfront and Harbor Management Commission, Planning Commission, Zoning Commission, Shellfish Commission, and Police Department, for example, have important Town authorities and responsibilities. On the State and Federal levels, the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers are two of the agencies that carry out important harbor management-related responsibilities. Private individuals and organizations also undertake activities and have important rights in the Harbor Management Area.

The current roles and authorities described in this Chapter were first presented, in more detail, in the report entitled “Existing Authorities and Responsibilities for Waterfront and Harbor Management in the Town of Stratford,” February 14, 1990, prepared for the Waterfront and Harbor Management Commission by L.R. Johnston Associates.

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\* Chapter Two has not been significantly revised since the “Draft for Agency Review” was prepared in December 1991. While some changes in the “institutional framework” may have occurred since that time, the “substance” of the Plan, which consists of the Plan’s goals, objectives, policies, and guidelines, has not been affected by these changes.

## **TOWN OF STRATFORD**

Along with the Town Council, which has overall management responsibility for the Town, and the Waterfront and Harbor Management Commission, other Town commissions, boards and departments, including the Planning Commission, Zoning Commission, Shellfish Commission, Police Department, and Fire Department have responsibilities affecting Stratford's Harbor Management Area (HMA).

### **TOWN COUNCIL**

The Stratford Town Council makes budgetary and capital improvement decisions and, as the Town's legislative body, has several responsibilities directly related to harbor management. These responsibilities include: a) appointment of the Waterfront and Harbor Management Commission and other Town commissions with roles and responsibilities affecting the HMA; b) adoption of the Town ordinance creating the Waterfront and Harbor Management Commission and authorizing preparation of the Harbor Management Plan; c) adoption of other Town ordinances that affect the HMA; and d) approval of the Harbor Management Plan and any new Town ordinance(s) needed to enforce the Plan.

Additionally, the Council is responsible for administering leases between the Town of Stratford and food vendors at Short Beach Park and the Birdseye Street Boat Launching Area, as well as the leases between the Town and residents of the Long Beach West cottages.

### **WATERFRONT AND HARBOR MANAGEMENT COMMISSION**

The Stratford Waterfront and Harbor Management Commission was created by action of the Town Council in 1988. The predecessor to the Waterfront and Harbor Management Commission was the Stratford Waterfront Authority which was established by a Special Act of the Connecticut Legislature ("An Act to Establish a Waterfront Authority for the Town of Stratford," House Bill No. 2217; see Appendix A) enacted on June 7, 1957.

Following passage of the Connecticut Harbor Management Act of 1984 (P.A. 84-287; Sections 22a-113k through 113t of the Connecticut General Statutes; see Appendix B) the Town considered the establishment of a Town harbor management commission as authorized by the Harbor Management Act. After much study and debate among Town officials and residents, the Town Council adopted Chapter 210 of the Code of the Town of Stratford to establish a combined Stratford Waterfront Authority and Harbor Management Commission — the Stratford Waterfront and Harbor Management Commission.

Chapter 210 (the “Waterfront and Harbor Management” Chapter) of the Stratford Code establishes the powers, duties and authorities of the Waterfront and Harbor Management Commission. Chapter 210 specifies that the Commission shall be composed of eleven members appointed by the Town Council. The jurisdiction of the Commission is defined as those areas within the territorial limits of the Town below the mean high water mark. The jurisdiction of the Commission above the high water mark is defined in Chapter 210 as the jurisdiction set forth in the Special Act of 1957 that created the Waterfront Authority.

Among the responsibilities of the Waterfront and Harbor Management Commission specified in Chapter 210 are the preparation of a “management plan for the most desirable use of the Stratford coastal area and harbors for recreational, commercial, industrial and other purposes.” Consistent with the requirements of the Connecticut Harbor Management Act, Chapter 210 specifies what the Plan shall contain, what it may recommend, and what must be considered in its preparation. For example, the Plan must “identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of Stratford’s coastal area and harbors. Such recommendations shall identify officials responsible for enforcement of the Plan and propose ordinances to implement the Plan.”

Chapter 210 also specifies that the Commission may review and make recommendations consistent with the management plan “on any proposal affecting the real property on, in, or contiguous to the harbor” that is received by any Zoning Commission, Planning Commission, Zoning Board of Appeals, Shellfish Commission, or other Town commission or agency. “Such agencies shall send a copy of any such proposal to the Commission upon the request of the Commission. The Commission shall be notified of any such proposal at least 35 days prior to the commencement of the hearing thereon or, where no hearing is held, at least 35 days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the Commission. A 2/3 vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the Commission.”

In addition, Chapter 210 establishes requirements for mooring permits and specifies a number of other considerations (relating to recreational and commercial boating, recreational and commercial fisheries, natural resources, public access to tidal waters, water quality, and other in-water and waterfront uses) that the Commission must address in formulating the management plan.

Chapter 210 also establishes important Town goals and policies in furtherance of the Connecticut Coastal Management Act (CCMA) of 1979. (See the following section describing roles and authorities of the Planning Commission.)

Specified in Chapter 210 and pursuant to authority granted by Section 7-147 of the Connecticut General Statutes the Commission is also authorized, for flood management purposes within its jurisdiction, “to establish lines along any part of any waterway beyond

which, in a direction of the waterway, no permanent obstruction or encroachment shall be placed by any private person or any firm or corporation, unless permission is granted in writing by the Commission.”

In addition to powers authorized by the Connecticut Harbor Management Act, the Waterfront and Harbor Management Commission continues to exercise its responsibilities as the Stratford Waterfront Authority in accordance with the Special Act of 1957 which remains in effect today. (See Appendix A.) Section 1 of the Act creating the Waterfront Authority reads as follows: “There shall be a waterfront authority for the Town of Stratford. Said authority shall make regulations concerning wharfs, channels, docks, wharf lines, bulkhead lines and anchorage and mooring of vessels; the establishment of public bath houses and bathing beaches, and the maintenance and improvement of beaches and harbor conditions and, in general, shall make regulations to improve and enhance the natural waterways of the town so that they become physical assets of the town.”

In carrying out its responsibilities as authorized by the Connecticut Harbor Management Act, the Waterfront and Harbor Management Commission continues the Stratford Waterfront Authority’s 30-year history of conducting special studies of the Town’s marine resources, working to upgrade Town beach and boating facilities, reviewing proposals affecting the Stratford waterfront, and generally working toward the primary goal of protecting the public interest in Stratford’s marine environment.<sup>1</sup> The Commission, along with other Town departments, reviews the development plans of all applicants seeking building/zoning approval for marinas and other facilities and structures along the Stratford waterfront, and coordinates its review of these plans with the other Town departments.

## PLANNING COMMISSION

On January 1, 1990, by action of the Town Council, the Town’s combined Planning and Zoning Commission was divided into separate commissions. Section 4.2.7 of the Town Charter specifies the powers and duties of the Planning Commission, including those conferred on planning commissions by State statute. In addition, the Planning Commission’s responsibilities include preparing, amending and updating the Town’s Plan of Development and authorizing development in accordance with the Town’s Subdivision Regulations.

The Planning Commission also has important responsibilities, along with the Zoning Commission, for overseeing Stratford’s Municipal Coastal Program in accordance with the provisions of the Connecticut Coastal Management Act (CCMA) of 1979 (C.G.S. Sections 22a-90 through 22a-112 as amended) and Chapter 210 of the Stratford Code. In addition to establishing the powers and duties of the Stratford Waterfront and Harbor Management

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<sup>1</sup> Described at the outset of the Harbor Management Plan and elsewhere in the Plan, powers and duties derived solely from the Special Act of 1957 are implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan, but in a manner that complements and is consistent with the Plan.

Commission, Chapter 210 defines the coastal resources of the Town of Stratford and establishes goals and policies, consistent with the goals and policies of the CCMA, for the protection and use of these coastal resources.

The Connecticut Coastal Management Act requires that municipalities undertake reviews of all major activities or projects proposed within the coastal area for consistency with the coastal policies established by the Act. This is the mandatory process of Coastal Site Plan Review (CSPR). While the principal responsibilities for CSPR are now carried out by the Zoning Commission, the Planning Commission also conducts such reviews as necessary for its review of subdivision proposals, and the Board of Zoning Appeals does so as well with respect to considering applications for zoning variances.

In addition to the Coastal Site Plan Review Process, the CCMA also provides for the voluntary development and adoption of a "municipal coastal program" to guide land use and protect coastal resources in each coastal community. Stratford's Planning and Zoning Commission began to prepare a Municipal Coastal Program in 1988. As the first step in developing the coastal program, the *Stratford Coastal Plan* was prepared as an addendum to the Town's 1964 Plan of Development and 1981 Update to the Plan of Development.

The *Stratford Coastal Plan* identifies problems and issues affecting the use and protection of coastal resources in the Town and describes coastal land uses and important coastal resources such as tidal wetlands, beaches, and shellfish grounds. The Plan contains special Town goals and policies for the use and protection of coastal resources and for coastal area land uses. The Plan also presents recommendations for revisions to the Town's land use regulations.

Following the split of the Planning and Zoning Commission into separate commissions, responsibilities for completing the Municipal Coastal Program were divided between the new commissions. The Planning Commission became responsible for completing and adopting the *Stratford Coastal Plan*, which it did in 1990. The Zoning Commission became responsible for making any needed zoning changes as identified in the adopted Coastal Plan, and is working toward those changes.

## ZONING COMMISSION

The powers and duties of the Zoning Commission are established in the Town Charter. Section 4.2.2 of the Charter specifies these powers and duties, including those conferred on zoning commissions by State statute. The Zoning Commission's responsibilities include preparing and revising, as necessary, the Town's Zoning Regulations and zoning districts.

In addition to reviewing development proposals for conformance with the requirements of the Town Zoning Regulations, the Zoning Commission also conducts a coastal site plan review for most development activities within the Town's defined coastal area. (Requirements for coastal site plan review in Stratford are included in Section 3.1.1 of the

Zoning Regulations.) Each proposed activity subject to the Coastal Site Plan Review process must be reviewed to ensure that it is consistent with the policies of the Connecticut Coastal Management Act and the *Stratford Coastal Plan*.

The Zoning Commission is responsible for carrying out Phase II of the Town's Municipal Coastal Program and is preparing modifications to the Town's zoning regulations to carry out the coastal polices established in the Coastal Plan.

In addition, Section 20 of the Stratford Zoning Regulations provides for the review and approval by the Zoning Commission of uses named as "special cases" in the Town's different zoning districts. For example, all permitted uses and locations, including marinas and boatyards, in a waterfront business district are subject to "special case" approval by the Zoning Commission. Parking requirements for marinas and yacht clubs are also established in the zoning regulations.

## **SHELLFISH COMMISSION**

The purpose of the Stratford Shellfish Commission as established by Chapter 5, Article II of the Stratford Code is to protect the natural growth of shellfish in waters under the jurisdiction of the Town, and to establish such regulations as necessary to preserve and improve existing natural shellfish grounds and to reclaim those grounds that have been destroyed.

The Commission consists of three members who are appointed by the Town Manager with approval by a majority of the Town Council. Among other powers and duties, the Commission is empowered to: a) conduct research into the use of Town areas for shellfishing; b) release educational material as necessary to keep the public informed as to the need for protecting shellfish resources; c) keep an index of all shellfish areas under the jurisdiction of the Town; and d) from time to time recommend to the Town Manager and the Town Council regulations necessary to protect and enhance the Town's shellfish resources.

In the absence of a shellfish management commission in the City of Milford, the Stratford Shellfish Commission carries out its responsibilities for shellfish management in both the Milford and Stratford sections of the Housatonic River. The Commission issues licenses for the collection of shellfish from the Housatonic River for seed oystering and transplanting purposes. All fees collected for the issuance of these licenses, plus fees collected by the Commission for each bushel of oysters harvested, are used to support the Commission's efforts to maintain and enhance the Town's shellfish resources. In addition to its programs for active management and licensing of shellfishing, the Shellfish Commission also reviews proposed development projects that would impact (through proposed dredging for marina facilities, for example) the Town's shellfish resources. The Commission recommends approval, denial or modification of such projects to the permitting agencies.



## **POLICE DEPARTMENT**

The Stratford Police Department's Marine Division has important responsibilities for law enforcement within the Town's marine jurisdiction. Like other municipal police departments in Connecticut, the Stratford Police Department has State-delegated authority to enforce the State boating laws, including speed regulations, and does so in coordination with the Marine Patrol Unit of the Connecticut Department of Environmental Protection's Law Enforcement Division. The Police Department's Marine Division also provides a variety of boating-related services, including search and rescue and general assistance to boaters in distress. In addition, the Marine Division helps to enforce the State's boat registration laws and checks parking stickers on vehicles using the Town's boat launching ramps. Boaters stopped by the Marine Division for a violation of boating law or a safety warning are given a copy of a State boating safety booklet that contains the existing laws. The Marine Division also enforces shellfishing regulations as necessary in the Town's marine jurisdiction.

The marine jurisdiction of the Police Department extends from the Stratford/Bridgeport boundary on the west to the Stratford/Milford boundary on the east, upstream in the Housatonic River to the Stratford/Shelton boundary, and south to the Connecticut/New York State boundary in the center of Long Island Sound. To assist the police departments of the adjoining communities, however, the Marine Division also provides assistance and enforcement as needed within the Housatonic River jurisdictions of Milford and Shelton, and in the Bridgeport marine area.

When the Marine Division was established in the mid-1980s it did not operate on a full-time basis, and patrols were typically conducted on weekends. The Marine Division was established on a full-time basis several years ago in response to the growth of new boating facilities and the increase of boating activities in Stratford. During the 1990 boating season, five officers were assigned to the Marine Division, three on a full-time basis and two as alternates, and the Division patrolled Stratford's coastal waters seven days a week. The available man-power allowed for a daily 8-hour patrol shift, sometimes extended to 12 hours during peak days in the boating season.

In recent boating seasons the Marine Division has operated a 24-foot vessel equipped with twin 150 hp outboard motors that is put into the water usually in mid-May and taken out of service the first of October. This vessel was upgraded in 1989 with rotating motors and trim tabs, Loran navigational equipment, radar, and VHF and CB radio equipment. The boat is manned by a crew of two. During the boating season the Police Boat is docked at the Stratford Marina. A second boat, a trailered Boston Whaler judged by the Police Department to be inadequate for current needs, is available to respond to off-season emergencies. This boat is kept on a trailer at Police Headquarters during the nonboating season.

The Marine Division works cooperatively with, and will assist, as necessary, the State Department of Environmental Protection, the Coast Guard, and other agencies with marine responsibilities.

## **FIRE DEPARTMENT**

In addition to its emergency response functions, the Stratford Fire Department carries out important responsibilities regarding fire prevention and preparedness in the Waterfront and Harbor Management Area. The Fire Marshall reviews the development plans of all applicants seeking zoning/building approval and specifies necessary measures for fire protection. These measures are especially important with regard to marina developments that are particularly vulnerable to fire hazards because of the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials.

In his review of proposed development projects, the Fire Marshall applies standards and guidelines contained in the Connecticut Fire Safety Code which incorporates codes and standards established by the National Fire Protection Association (NFPA). In some instances the Fire Marshall has been able to require specific fire protection standards be met, in other cases he has only been able to recommend certain guidelines be followed. If, for example, a proposed development would include a fuel dispensing facility, then the NFPA code addressing flammable liquids would be applied. If the marina facility would not be dispensing fuel, then more general guidelines would be applied. In this case, the Fire Marshall has typically required that a proposed marina facility provide a "stand-pipe" fire protection system with an on-shore hydrant to feed the system. This high-pressure system would be intended for operation by the Fire Department which would attach its own hoses or make use of hoses stored on the site in response to a fire at the marina. New State guidelines for applying marina fire protection requirements are now being prepared by the State Department of Public Safety. A study group established by the State Fire Marshall's Office is preparing recommendations for acceptable equivalent fire protection for those facilities not in strict compliance with current code requirements for standpipe systems.

The Town does not have a fire boat but obtaining such a boat is not as high a priority for the Fire Department at this time as is ensuring "fixed" fire protection for waterfront development. To ensure "fixed" protection, there must be adequate access for fire and other emergency vehicles, as well as adequate water supply available on the site.

## **OTHER TOWN COMMISSIONS AND AUTHORITIES**

The following Town Commissions and Departments also have important roles and responsibilities that may affect the Harbor Management Area. It should also be noted that the Town Historian is an important source of information on the history of use and development of the Stratford Harbor Management Area, and on waterfront resources of historic significance.

- **Parks Department.** The Parks Department, within the Department of Public Works, is responsible for maintaining all of the Town's parks, beaches and recreation areas.

- **Recreation Department.** The Recreation Department reports directly to the Town Manager, and is responsible for developing and carrying out recreational programs at the Town's parks, beaches and other recreational areas. The Recreation Department administers permits for the various recreational activities that take place in those areas. In cooperation with the Waterfront and Harbor Management Commission, the Recreation Department issues permits and collects fees for use of the Birdseye Street boat launching ramp. Funds for printing the launching permits are provided from the budget of the Waterfront and Harbor Management Commission. The Recreation Department does not provide any personnel to enforce the permit requirements at the Birdseye Street boat launching ramp. (The Police Department patrols the area on summer weekends to enforce the permit requirements.)

- **Building Department.** The Building Department enforces the State Building Code and enforces the provisions of the National Flood Insurance Program as embodied in the Town's Flood Damage Prevention Law (Chapter 102 of the Stratford Code). The purpose of the Flood Damage Prevention Law is to promote the public health, safety and welfare and to minimize public and private losses due to flood conditions. A development permit must be obtained before construction or development begins within any area of special flood hazard, including coastal flood hazard areas. The Town's Building Inspector is responsible for implementing the Flood Damage Prevention Law by granting or denying development permit applications.

- **Conservation Commission.** The purpose of the Stratford Conservation Commission as established in Chapter 5, Article II of the Stratford Code is to promote the development and conservation of natural resources, including water resources, within the Town. Among the powers of the seven-member Commission are the power to: a) conduct research into the utilization or possible utilization of land areas of the Town; b) coordinate the activities of unofficial bodies organized for similar purposes; c) keep an index of all open areas, publicly or privately owned, including open marshlands, swamps, and other wetlands, for the purpose of obtaining information on the proper use of such areas; and e) request the Town Council to acquire land in the name of the Town for any of the Conservation Commission's purposes.

While the Commission is not a regulatory body, it is charged with promoting the development and conservation of natural resources, including water resources, in Stratford. The Commission participates in public educational programs, and has secured resources to assist with local conservation efforts. The Commission is concerned with the future use and protection of important waterfront resources, including the Great Meadows and Long Beach areas, and with the protection of the rare nesting habitat on Short Beach and Long Beach.

- **Inland Wetlands Commission.** The Inland Wetlands Commission has jurisdictional authority over freshwater wetlands. The Commission was established in 1988 by adoption of Chapter 217 ("Wetlands and Watercourses") of the Stratford Code, and is authorized by Chapter 217 and the Connecticut General Statutes to carry out the appropriate provisions of the State's wetland protection statutes, and to promulgate regulations necessary to protect

the wetlands and watercourses within the Town's jurisdiction. As described in Chapter 217, the Commission shall: provide for the manner in which the boundaries of inland wetland and watercourse areas in the Town shall be established and amended; provide a form for an application to conduct regulated activities that would affect those areas; and establish criteria and procedures for its review of activities affecting inland wetland and watercourse areas.

Wetlands and watercourse areas subject to the authority of the Inland Wetlands Commission are defined in Chapter 217. These include all inland wetlands for which the Commission may grant, deny or limit any permit for a regulated activity. Historically, the Inland Wetlands Commission has exercised jurisdiction over "nondesignated" tidal wetlands (wetlands not mapped by the State of Connecticut). As described by the Connecticut Department of Environmental Protection, amendments to the State's Tidal Wetlands Act in 1991 clarify that responsibility for regulation of all tidal wetlands — both designated and nondesignated — now rests with the DEP.

- **Water Pollution Control Authority.** The Water Pollution Control Authority is responsible for waste water treatment and operation of the Town's sewerage system, including operation and maintenance of the waste water treatment plant located just south of the Birdseye Street boat launching area.

## FEDERAL AGENCIES

The principal Federal agencies with roles and responsibilities pertaining to harbor management in Stratford are the U.S. Army Corps of Engineers and the U.S. Coast Guard. Several other Federal agencies also have roles and responsibilities.

### U.S. ARMY, CORPS OF ENGINEERS

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

In general, a permit must be received from the Corps for: a) any filling in wetlands and waterways; b) placement of structures in navigable water; and c) dredging and disposal of dredged material. Docks, piers, pilings, bulkheads, floats, groins, jetties, aids to navigation, and moorings are all structures in navigable water that require Corps permits. No application for a Corps of Engineers' permit will be acted upon unless the applicant's entire

facility (including any moorings owned, occupied or controlled by the applicant) is properly permitted by the Corps and is in strict compliance with all such permits.

To reduce potential adverse impacts on navigation, the Corps has established guidelines for the placement of fixed and floating structures subject to its permitting authorities. These “Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers,” dated 2 April 1991, are included as Appendix F of the Harbor Management Plan. The Corps’ guidelines do not have the force of regulation, but when used to design projects in navigable waters of the United States, impacts to navigation are generally not expected.

Described in Chapter One, the Congressionally authorized Federal Navigation Project in the Housatonic River consists of the designated channel extending from the mouth of the River upstream for approximately 13 miles as well as the stone breakwater at the mouth of the River, and the “training dike” at Beacon Point. The Corps of Engineers is responsible for periodic maintenance dredging, as necessary, of the navigation channel, and for maintenance of the breakwater and dike. Corps of Engineers’ policies specify that no piers, docks, moorings or other obstructions are permitted within a Federal navigation channel and that any public facilities such as a dock or launching ramp making use of a Federal Project must be available to all users without discrimination according to residence or other criteria.<sup>2</sup>

## U.S. COAST GUARD

Coast Guard responsibilities related to harbor management include: placement and maintenance of aids to navigation; search and rescue; responding to oil and hazardous materials spills; enforcement of Federal boating laws and regulations; overseeing drawbridge operations; and education for navigation and boating safety. The Stratford area and all of

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<sup>2</sup> The Corps of Engineers has prepared the following definition of “Open-To-All on Equal Terms”: “Federal navigation projects must be managed in the general public interest and must be accessible and available to all on equal terms. Any number of approaches may be used to assure that all citizens desiring mooring or other access to the projects are treated impartially; it is not the Federal Government’s intention to prescribe specific procedures.

A management system shall be considered acceptable provided that it:

- Makes no arbitrary distinction or requirement of any kind in allocating use of the project and ancillary facilities and services to the public except as may be consistent with the purpose for which the project was constructed.
- Does not impose arbitrary fees or arbitrary variations in fees among users. The cost of providing necessary management and ancillary facilities and services may be offset through equitable user fees based on the actual costs incurred.

Information pertinent to harbor management — including but not limited to rules and regulations, lists of mooring holders, waiting lists and fee schedules — shall be readily available to the public at all times.

Long Island Sound are within the First Coast Guard District South which is headquartered in Boston. Coast Guard stations at New London and New Haven, under the direction of Group Long Island Sound in New Haven, and at Eaton's Neck on Long Island, have responsibility for carrying out different Coast Guard functions in the Stratford area. The Coast Guard operates the Federally owned Stratford Point lighthouse at the mouth of the Housatonic River.

The Coast Guard Auxiliary is a volunteer organization that assists the Coast Guard with search and rescue efforts and with education and boating safety in the Stratford area. Coast Guard Auxiliary Flotilla 71 is based at the Birdseye Street Boat Launching Area.

### **OTHER FEDERAL AGENCIES**

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

## **STATE AGENCIES AND OFFICIALS**

A number of State agencies and officials carry out roles and responsibilities pertaining to harbor management in Stratford. The most prominent agencies are the Department of Transportation and various units of the Department of Environmental Protection. Because the Stratford Harbor Master is appointed by the Governor and his authorities are established by State statute, the Harbor Master is considered a State official.

### **DEPARTMENT OF TRANSPORTATION, BUREAU OF AVIATION AND PORTS**

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

The DOT's Bureau of Aviation and Ports is responsible for establishing a variety of navigation-related regulations, and reviews and comments on applications submitted to the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs for dredging, filling and structures in waterways. Any harbor management plan proposed by a municipality must be submitted to the DOT for approval (approval by the Connecticut Department of Environmental Protection is also required) before it can be adopted by a municipality.

### **HARBOR MASTER**

The Stratford Harbor Master is appointed by the Governor for a three-year period and is responsible for the general care and supervision of the waters within the marine boundaries of the Town of Stratford, subject to the direction and control of the Commissioner of Transportation. The Town's Deputy Harbor Master, also appointed by the Governor, has all of the powers and duties of the Harbor Master, subject to the control and direction of the Harbor Master. The Harbor Master is responsible to the Commissioner of Transportation for the safe and efficient operation of the Town's harbors and waterways. Principal duties of the Harbor Master as described in Sections 15-1 through 15-12 of the Connecticut General Statutes are to: a) determine the anchoring/mooring location of all vessels so they do not obstruct navigable waterways; and b) remove, when necessary, vessels moored or anchored or other obstructions to the navigable waterways. In addition, the Harbor Master is empowered to enforce, within Stratford's marine area, all State boating laws.

Chapter 114 of the Stratford Code establishes similar authorities for the Stratford Harbor Master within the Housatonic River, including authority to designate mooring areas and

regulate mooring and anchoring, to enforce a four mile per hour speed limit, and to remove abandoned vessels, within the Housatonic River.

The Harbor Master is a nonvoting, ex-officio member of the Stratford Waterfront and Harbor Management Commission.

## **DEPARTMENT OF ENVIRONMENTAL PROTECTION, OFFICE OF LONG ISLAND SOUND PROGRAMS**

The Office of Long Island Sound Programs (OLISP) of the Department of Environmental Protection (DEP) has important responsibilities for implementing the Connecticut Coastal Management Act of 1979 and the Connecticut Harbor Management Act of 1984. (The OLISP was established in 1991 and is now responsible for programs previously carried out by the DEP's Coastal Resources Management Division which was replaced by the OLISP.) The OLISP provides technical assistance for harbor management and will review the Stratford Harbor Management Plan to see that it is consistent with State statutes. The DEP (along with the DOT) must approve any proposed Harbor Management Plan before it can be adopted by the Town.

The OLISP also reviews proposed development activities and issues or denies permits for the following activities: placement of structures including docks, piers, pilings, bulkheads and commercial moorings below the high tide line; placement of structures in tidal wetlands; filling in tidal wetlands; filling in coastal, tidal or navigable waters; dredging for navigation and disposal of dredged material; and construction and maintenance of non-Federal channels. The OLISP attempts to coordinate to the greatest degree possible with the Corps of Engineers in processing permit applications involving filling, dredging, or structures in wetlands or coastal waters. All Corps of Engineer's permit actions must be consistent with the Connecticut Coastal Management Program, and thus no Corps permits can be issued without State concurrence or waiver.

## **OTHER DIVISIONS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Other divisions of the DEP also carry out important activities related to harbor management. For example, the Planning and Water Quality Standards Division of the Water Management Bureau is responsible for: a) issuance of discharge permits under the National Pollution Discharge Elimination System (NPDES); b) emergency response to oil and chemical spills; and c) development of requirements for marine sanitation devices. The Fisheries Division of the Bureau of Natural Resources is responsible for the management of finfish, lobster, squid, and crab resources living within the waters of the State and has licensing and reporting requirements for commercial fisheries. The Fisheries Division is extremely interested in maintaining and improving access for both shore- and vessel-based recreational fishing, and will provide technical assistance for the review of any proposed waterfront development activities that would improve fishing access. Fisheries Division staff have been



conducting a "Marine Anglers Survey" of the lower Housatonic River since the mid-1980s. In addition, the Fisheries Division is now conducting a cooperative assessment of the fisheries resources of the lower Housatonic River with the University of Connecticut's Department of Natural Resources Management and Engineering. The final report should be available in 1995.

The Law Enforcement Division has responsibility for enforcing State boating laws, fish and wildlife laws, and other State laws and regulations. The Law Enforcement Division is divided into Marine and Inland units, with I-95 defining the approximate boundary between the jurisdiction of the two units in the Stratford area. Jurisdiction of the Marine Unit is often shared with the marine units of local police departments and the Marine Unit cooperates with the Stratford Police Department's Marine Division. The Law Enforcement Division must also approve any local boating regulations before they can be adopted by a municipality, including any that may be included in a local ordinance addressing boating and navigation.

In accordance with Section 15-136 of the Connecticut General Statutes, the Commissioner of Environmental Protection may make special regulations respecting the operation of vessels on any body of water (the Housatonic River, for example) that lies within the territorial limits of two or more municipalities (1) when no local regulations exist or (2) when such action is required to establish uniformity in the boating regulations of the several municipalities. Procedures for adoption, amendment or repeal of such special regulations are specified in Section 15-136.

## **DEPARTMENT OF MOTOR VEHICLES**

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

## **DEPARTMENT OF AGRICULTURE, AQUACULTURE DIVISION**

Under authority provided by P.A. 89-381, the Department of Agriculture now carries out responsibilities for monitoring and licensing of the shellfish industry in Connecticut. (These responsibilities were previously carried out by the Department of Health Services which continues to carry out laboratory testing of water samples and makes recommendations to the Department of Agriculture pertaining to shellfish management.) The Aquaculture Division is now the State's lead shellfish management agency in accordance with the State plan to reorganize Connecticut's shellfish monitoring program. The plan was established in response to threatened sanctions by the Federal Food and Drug Administration (see section on Federal Agencies). The Aquaculture Division is responsible for evaluating and classifying waters for shellfishing, and for licensing shellfish activities.

## INDIVIDUALS AND PRIVATE GROUPS

Private individuals and groups have important water-related rights and also carry out activities in and affecting the Harbor Management Area. Consistent with the Public Trust Doctrine,<sup>3</sup> individuals and groups do not own underwater land or land subject to the ebb and flow of the tide. The State of Connecticut owns the foreshore, open tidal waters and submerged land under tidal waters seaward of the mean high water line. These resources are held by the State in trust for the benefit of all residents of the State. Both the general public and shorefront property owners have important rights in the Harbor Management Area.

### THE GENERAL PUBLIC

The general public has important rights of navigation and of access to the shoreline below the mean high water line. In accordance with the Public Trust Doctrine, the public has the right to use the land and waters below the mean high water mark.

- *Public Rights of Navigation.* In general, navigational rights take precedence over other in-water rights. Boaters have the right of free navigation (generally interpreted to including fishing) subject to lawfully enacted restrictions. The right of navigation includes the right to anchor, but does not include the right to a mooring (a mooring is a structure subject to a permit from the Corps of Engineers and the Harbor Master).

- *Public Right of Access to the Public Beach.* Section 22a-93(6) of the Connecticut General Statutes defines “public beach” as “that portion of the shoreline held in public fee ownership by the State or that portion of the shoreline below the mean high tide elevation that is held in public trust by the state.” Individuals have the right of passage along this public beach area, known as the “foreshore,” between mean high tide and mean low tide. No person, however, may unlawfully cross private property to gain access to the foreshore.

### SHOREFRONT PROPERTY OWNERS

Certain rights — referred to as riparian or littoral rights<sup>4</sup> — are inherent in the ownership of lands bordering navigable waters.

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<sup>3</sup> The Public Trust Doctrine is based on the common law principle that certain lands and waters are so important to the public that private ownership or other impediments to public use of these lands and waters should not be permitted.

<sup>4</sup> With regard to water rights law, water rights arise when property either abuts or contains water. If the water in question is flowing (e.g., river or stream) the rights are said to be riparian. If the property is subject to the ebb and flow of the tide, or is located on a lakeshore, the rights are said to be littoral rights. Despite these distinctions, the terms “riparian” and “littoral” are commonly used interchangeably. Riparian rights may be defined as principally the right of access to the water, the right of accretions and relictions, and the right to other improvements, including the right to wharf out to navigability. Littoral rights are usually concerned with the use and enjoyment of the shore.

- *The Right to Wharf Out.* The Connecticut courts have held that the owner of upland property adjacent to navigable water has “certain exclusive yet qualified rights and privileges” in the adjoining submerged land, including the exclusive right to build piers from the upland to reach deep water (often referred to as “wharfing out”), as long as the piers do not interfere with free navigation and are acceptable under other regulatory statutes, such as those that protect wetlands. Also, the riparian/littoral owner can not exercise the right to build out from the shore in a manner that interferes with the riparian/littoral rights of abutting property owners. Where a wharf or pier is to be constructed in a navigable water of the United States, a permit from the Corps of Engineers must first be obtained, as well as a permit from the DEP.

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

## PRIVATE ORGANIZATIONS AND GROUPS

Several private groups and organizations also have interest with regard to management of the Stratford Harbor Management Area.

- **Neighborhood Groups and Associations:** Waterfront property owners’ associations with an interest in the future use and protection of the HMA include the Long Beach West Improvement Association, Housatonic Avenue Neighborhood Group, Lordship Improvement Associates, West Lordship Beach Corporation, and the Beach Drive Condominium Association.

- **Nonprofit and Community Service Groups:** These groups include: the Connecticut Valley Audubon Society and The Nature Conservancy, both of which are concerned with the preservation of natural resources in the Long Beach and Great Meadows areas as well as the protection of rare nesting habitat in the Stratford area; the Housatonic Valley Association which is concerned with environmental conditions throughout the River valley; local environmental advocacy groups; the Sea Scouts; and local fishing clubs and other groups that sponsor and participate in environmental clean-up programs.

- **Owners of Rights to Shellfish Grounds:** Those who own the rights to private shellfish grounds designated by the Town in Lewis Gut also have important rights in the Waterfront and Harbor Management Area. A State statute (26-157a (e)) requires that “No person shall set, tend or assist in setting or tending any lobster pot, trap or similar device for the catching of lobsters or set any mooring on any oyster bed without the permission of the owner or lessee of such bed.”

## CHAPTER THREE:\* ---

# HARBOR MANAGEMENT ISSUES AND CONCERNS

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This Chapter describes issues and concerns pertaining to use and management of the Stratford Harbor Management Area (HMA). Some of these issues and concerns may require immediate attention and others may be of more significance in the future.

Existing and possible future harbor management issues can be grouped into five categories related to: 1) boating and water-use; 2) waterfront land-use and development; 3) coastal resources; 4) water access; and 5) harbor administration. These categories help to organize discussion but in many instances there are interrelationships between the concerns that have been identified. The order in which the categories and the specific issues are presented in the Chapter is not meant to imply priority.

Identification of the issues and concerns by the Waterfront and Harbor Management Commission was based on input received by the Commission from concerned Town residents and officials, including information from the Commission's Waterfront and Harbor Management Survey (printed in the Stratford Bard in March of 1990), and on the Commission's own first-hand knowledge of existing conditions in the Harbor Management Area. In addition, public concerns were expressed at the two special public meetings held by the Commission in 1990, and during the Commission's bi-monthly public meetings held in the course of preparing the Harbor Management Plan.

The issues and concerns described in this Chapter were first presented, and described at more length, in the report entitled "Draft Report: Waterfront and Harbor Management Issues," June 11, 1990, prepared for the Waterfront and Harbor Management Commission by L.R. Johnston Associates.

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\* The descriptions of harbor management issues and concerns included in Chapter Three have not been significantly revised since the "Draft for Agency Review" was prepared in December 1991. Some changes in Harbor Management Area conditions have occurred since that time and may affect the issue descriptions included in the Chapter. The "substance" of the Harbor Management Plan, which consists of the Plan's goals, objectives, policies, and guidelines, has not been affected by these changes.

## **BOATING AND WATER-USE CONCERNS**

- **The “Carrying Capacity” of the Housatonic River for Boating and Water Use**

“Carrying capacity” is a term used to refer to the level of use or modification that a particular resource can bear without experiencing unacceptable degradation of environmental resources and other conditions. With regard to boating activities in and near the Stratford Harbor Management Area (HMA), there is growing concern over the capacity of the Housatonic River to accommodate boating use and water activities without negative effects on public safety and enjoyment occurring. In other words, could the situation develop in the future where there are so many boats using the Harbor Management Area that there are not enough surface water and channel areas to safely accommodate the resulting boating uses and activities? This concern is heightened by the large number of existing and pending boat slips and moorings in the Housatonic River. The total number of slips, moorings, and rack storage spaces (either existing or pending) associated with commercial marinas, private clubs, and dockminiums in the Housatonic River south of the Stratford/Shelton town line has been estimated at between 1,750 and 2,000. This total does not include the many individual docks and piers owned by waterfront property owners and extending from residential areas along the waterfront.

Resource carrying capacity is also of concern with regard to potential impacts on wetlands, water quality, and other natural resources (see page 3-16).

- **Speeding Boats**

Many Town residents have expressed concern over speeding boats in Town waters. The reduced speed limit established by State law in the Housatonic River channel is enforced by the Stratford Police Department’s Marine Division and the Connecticut Department of Environmental Protection’s Law Enforcement Division, but problems with observance of the speed limit continue. Excessive rates of speed on the Housatonic River, near the shoreline, or in close proximity to other vessels, presents a significant safety hazard, and can also cause damage to docking and mooring facilities as well as shoreline erosion.

Speeding in the natural channel behind Nell’s Island in the Wheeler Wildlife Refuge, although within the jurisdiction of the City of Milford, is of particular concern to the Stratford Police Department and has resulted in several serious accidents in recent years.

- **Boating Congestion and Conflicts**

The potential public safety impacts of vessel congestion and overcrowding are of particular concern in the Housatonic River. Congestion in the River is most evident on weekends and holidays, particularly during the late afternoon and evening hours. Intense weekend boating traffic on the lower Housatonic River has been of concern for some time, and now some

boaters are worried about the congestion that could result from increased marina development further upstream.

The River is used by power and sail boats based at marinas and private clubs in Stratford as well as in Milford and upstream in Shelton. The River is also used by those who launch their vessels from the several Town and State launching areas, by shellfishermen, and by barges carrying oil to the Devon Power Station. As a result of these different uses and their intensity at times, there is always the possibility of conflict. Along with increased boating activity comes the need for increased boating safety administration and enforcement, and possibly expanded emergency services capabilities.

The most constricted reach of the Housatonic River in Stratford is the area between the Washington Bridge and the I-95 bridge. Vessels from commercial marina and boat club facilities located on the shoreline here, as well as boats from upstream marinas and destinations use this section of the River, as do barges bringing fuel oil to the Devon Power Plant.

Congested boating conditions would be one indication that the “carrying capacity” of the Harbor Management Area is being reached or exceeded.

- **Enforcement of Existing Boating Laws and Public Safety Regulations**

The just-described boating safety concerns point to the need for effective boating and water-use regulations. No regulations, however, can be effective without adequate enforcement. The principal regulations governing boating use in Stratford are the State boating regulations. In addition, the Town Code has established a four mph speed limit for vessels passing any mooring grounds that might be designated by the Town, and the Waterfront and Harbor Management Commission has the authority, provided by the Special Act of 1957, to establish regulations to improve and enhance the Town’s natural waterways.<sup>1</sup>

The ability of the Connecticut Department of Environmental Protection’s Law Enforcement Division to patrol the Stratford Harbor Management Area is limited, so the main responsibility for enforcement of the State laws and any Town boating laws that might be enacted in the future rests with the Police Department’s Marine Division. Effective enforcement of these laws in the Housatonic River will require coordination with the City of Milford.

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<sup>1</sup> Described elsewhere in the Harbor Management Plan, powers and duties derived solely from the Special Act of 1957, including power to establish regulations, are implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan, and in a manner that complements and is consistent with the Plan.

- **Possible Encroachments into Navigable Waters**

Two basic types of encroachments into the Town's navigable waters are of potential concern. The first type would include any piles, floats, piers, moorings and other work that might extend into the Federal navigation channel, and which would therefore be in conflict with Federal and State regulations. The second type of encroachment would be any structures (docks and piers, for example) and other work (such as dredging and filling) that may have been, or may be in the future, carried out below the high tide line without necessary Town, State and Federal approvals, or in a manner inconsistent with permit conditions.

- **Extension of Docks and Piers to Navigable Water**

Recent and possible future proposals by marina operators and individual landowners to construct docks and piers to reach navigable water have raised some concern regarding: 1) the potential environmental impacts of these structures (including impacts on intertidal resources and shellfish grounds, as well as esthetic impacts) of these structures; 2) the possible effect of these structures on small boat navigation and other public uses of Public Trust waters; 3) the appropriate size and length to which these docks and piers should be constructed; and 4) the extent to which the Town can and should control or limit these structures. As with dredging, filling, and the use of shore protection structures, the environmental impacts of individual docks and piers may be relatively minor but the cumulative impacts may be much more significant.

Because of the relative narrowness of the Housatonic River and the existence of the Federal channel, some recent boating facility development proposals in the River have raised concern over the appropriate distance that piles, floats, piers, and other structures should be set back from the channel boundaries. Concern has been expressed that docks and piers are extending out too far from shore and are therefore interfering with public rights to use the River, including the rights of canoeists and others with small vessels. Those proposing to extend docks and piers to navigable water may argue that the maximum extension of these structures is consistent with their riparian/littoral rights, or necessary to maintain the economic viability of their operations.

The closer that marine structures and vessels are located to the Federal channel, the greater the potential for these structures and vessels to interfere with the safe and free passage of recreational and commercial vessels, and the greater the possible restriction of public recreational use of the River.

When reviewing proposals for the extension of docks and piers into the Housatonic River, the Waterfront and Harbor Management Commission has attempted to maintain a 130-foot "setback" distance between these in-water structures and the Federal navigation channel. The purpose of the 130-foot setback distance is to promote public safety, protect coastal resources, and maintain meaningful opportunities for public use of Public Trust waters outside of the Federal channel. The 130-foot distance has evolved over time in the course

of first the Waterfront Authority's and then the Waterfront and Harbor Management Commission's review of proposed boating facility developments.

- **Placement of Moorings in the Housatonic River**

Due to the narrowness of the Housatonic River and the existence of the Federal channel, there is little space remaining for the safe and easily accessible placement of additional boat moorings in the River. (Most of the moorings now in the River are on the Milford side. The mooring owners pay permit and other fees to the City of Milford, but access to all of the moorings in the River is from the Stratford shoreline.) The Harbor Master reports, however, that annual requests for mooring locations in Stratford's Housatonic River jurisdiction have increased slightly in recent years.

Another important consideration affecting the availability of mooring locations is the existence of shellfish beds that can be affected by mooring placement. Some shellfishermen have complained that the existing moorings interfere with shellfishing, and they would therefore like to see the moorings removed during the winter and replaced in the spring.

There have been no Town-established minimum standards for mooring tackle. Chapter 114 of the Town Code gives the Harbor Master authority to make reasonable rules and regulations concerning the mooring of vessels in designated areas, and mooring tackle standards can be adopted as part of a municipality's harbor management plan. The City of Milford's Harbor Management Commission has established mooring tackle standards that apply in Milford's Housatonic River jurisdiction. In Stratford, however, there has been no Town requirement for periodic inspection and maintenance of mooring tackle, and responsibility and liability in the event of tackle failure is of concern.

A commercial mooring buoy was previously located just north of the Birdseye Street Boat Launching Area, and was used to enable transfer of Housatonic River seed oysters from small boats to a larger oyster boat that would moor here. Oyster-buying boats now tie up to mooring piles that have been placed in the Housatonic River near Bond's Dock. These piles were permitted by the Connecticut Department of Environmental Protection (DEP) and Corps of Engineers in 1990. The granting of these State and Federal permits raised considerable controversy, and public concerns have been expressed with regard to the potential impacts of these mooring piles on navigation and on the riparian rights of the adjacent waterfront property owner. In response to these concerns, the permit granted by the DEP calls for annual review of the use of the mooring piles, and application for permit renewal.

- **Future Dockominium Development**

The dockominium is a relatively new concept in marina operation and development, whereby the user of a berthing space purchases fee simple title for the use of that space. Some argue



that dockminiums reduce public access to the water and that the concept conflicts with the Public Trust Doctrine by which lands below the mean high water line are held in trust by the State of Connecticut for the use and benefit of the general public (see page 3-20).

In addition to Public Trust concerns, the concern has been expressed that dockminiums typically provide space for primarily large boats and may contribute to the exclusion of smaller boats and moderate income boaters. Also, the Corps of Engineers is concerned that the conversion of commercial marinas to dockminiums represents a change in the originally permitted use of a waterfront site and may require a new permit from the Corps. The DEP requires a written request for authorization to transfer ownership. An argument in favor of dockminiums is that they provide a profitable waterfront use and without them, waterfront land may be converted to some other, nonwater-dependent use.

While only two dockminium facilities have been developed in Stratford (at Harbor Woods and Breakwater Key and both are located in excavated basins set back from the River's main shoreline) proposals for other dockminiums, including the conversion of existing marina facilities to dockminiums, may be prepared in the future.

- **Shoaling of the Federal Navigation Channel**

Shoaling of navigation areas, including the Federal navigation channel, is a matter of continuing concern. The Housatonic River channel was last dredged in 1974 and sections of the channel have become shallow and narrow at several locations. In particular, the channel segments near the mouth of the River and north of Bond's Dock are seen to require maintenance dredging. Maintaining adequate depths in the channel is important for recreational boating safety and the continued safe transport of barge shipments of fuel oil to the Devon Power Plant.

The Waterfront and Harbor Management Commission and Harbor Master have reported shoaling problems in the Housatonic River to the Corps of Engineers. Described in Chapter One, the Commission in 1991 requested that the Corps survey channel depths and the need for maintenance dredging. This survey was completed in 1992. In 1993, a private contractor applied for necessary Federal and State permits to dredge the Federal navigation channel and restore the channel to authorized depths. This dredging project would be an alternative to dredging of the channel by the Corps of Engineers at Federal expense. The proposed dredging project will also provide the applicant with material to be processed for construction aggregate at the applicant's existing sand and gravel facility in Shelton.

All future maintenance dredging of the Federal channel will be carried out according to the need for such dredging as determined by the Corps of Engineers and, if the dredging is not conducted by a private applicant as currently proposed, by the availability of Federal funds. For dredging to take place, certain Federal criteria must be satisfied. For example, there can be no encroachments and there must continue to exist free, equal and unobstructed public access to the navigation channel (see the Corps' definition of "Open-to-all on equal

terms” in Chapter Two). Also prior to any future Federal maintenance dredging, an assessment of the potential environmental impacts of this dredging and the disposal of dredged material must be conducted by the Corps and dredging must be approved by the State DEP. Concern has been expressed over the dredging and disposal of polluted sediments from the Housatonic River.

- **Nonfederal Dredging Needs and Impacts**

Nonfederal maintenance dredging (outside of the Federal navigation channel) is carried out periodically by the operators of local marina facilities under the terms of permits issued by the Corps of Engineers and the State DEP. This dredging is required to maintain navigation safety and the viability of marina operations. In addition, sand and gravel for use in the construction industry have been mined from the River by a private contractor.

The potential impacts of maintenance dredging of existing facilities is typically minor. Dredging associated with expansion of existing marinas or the development of new facilities, however, may impact water quality as well as aquatic and wetland habitat resources by altering water circulation patterns, increasing turbidity or siltation, decreasing dissolved oxygen, introducing pollutants from sediments, and increasing erosion or shoaling rates. For these reasons, proposals for new dredging of valuable aquatic habitat areas are discouraged by State and Federal permitting agencies. In recent years, proposals for new boating facilities in Stratford that would have involved new dredging have been withdrawn or modified.

Similar adverse impacts on a smaller scale may also be associated with dredging activities carried out by individual shorefront property owners constructing private docks and piers.

Dredged material disposal can also be problematic if the sediments to be dredged are found to be contaminated.

- **Lack of Transient Boating Facilities**

There are currently limited facilities in Stratford available for the use of transient boaters, including those boaters who may wish to tie up or anchor and visit points of interest on the shore. In the future, redevelopment of such waterfront sites as the American Festival Theater site may attract additional visitors to Stratford, some of whom may wish to arrive by boat. In the course of work on the Harbor Management Plan, it was suggested by some that a specific section of the River be designated for transient anchoring or mooring. Section 22a-113n of the Connecticut General Statutes enables municipalities preparing harbor management plans to establish “space for moorings and anchorages for transient vessels.”

- **Placement and Maintenance of Aids to Navigation**

Potential navigation hazards near the Housatonic River channel include shoal areas and moored boats. Current aids to navigation include those maintained by the Coast Guard as well as some “private” aids. Some boaters have identified the need for additional aids to navigation, particularly to mark restricted vessel speed areas.

In recent years, several changes have been made in the location and type of buoys that mark the Federal channel. Some of these changes are not shown on the latest navigation charts. The stone supports from previously abandoned aids to navigation remain at two locations near the Federal channel. The existence of the abandoned stone-pile north of the Stratford Marina interferes with the potential use of this water area as a mooring or anchoring area.

- **Improvement of Town Boating Facilities at Birdseye Street**

Described in Chapter One, the Birdseye Street Boat Launching Area is the largest and most heavily used of the Town’s three public boating facilities (the other facilities are the small launching ramps at Broad Street and Bond’s Dock). The Waterfront and Harbor Management Commission has given much consideration to needed improvements to this launching area, including improvement of the existing launching and docking area and Coast Guard Auxiliary dock, construction of a public access pier for nonboating uses, construction of a new marine and emergency services building to replace the existing Coast Guard Auxiliary building, and improved vendor service and infrastructure. A number of Town residents have expressed concern over delays in establishing a previously planned public access pier for nonboating uses at the Birdseye Street area. The Waterfront and Harbor Management Commission began to prepare a long range master plan for improvement of the Birdseye Street Boat Launching Area in 1990. A Master Plan for use and improvement of the area was approved by the Commission in 1991. The Commission is now proceeding with implementation of the “Birdseye Street Boat Launching Area Master Plan,” including application for the State and Federal permits necessary for planned improvements.

- **Use of the Broad Street and Bond’s Dock Launching Ramps**

Use of the Town launching areas at Broad Street and Bond’s Dock is restricted by the small size of these facilities and the lack of parking space. Nevertheless, these facilities provide important water access opportunities, and their continued active management and maintenance is important.

The launching ramp at the foot of Broad Street is surrounded by the facilities of the Stratford Marina. There is no designated public parking and some users have parked illegally along Broad Street. The ramp is difficult to distinguish from the adjacent commercial marina facilities, and some Town residents are surprised to learn that the launching ramp is actually a Town facility.

- **Lack of a Town Marina**

There is no Town marina facility, although development of such a facility has been suggested by different Town and private groups for a number of years. The vacant, Town-owned Hunter Haven property and part of the adjacent basin (referred to in the Harbor Management Plan as the “Textron Basin”) south of Beacon Point have previously been suggested as the site of a municipal marina. However, State permitting agencies indicated that dredging of the shallow intertidal area to develop marina facilities at this location would have unacceptable adverse impacts on coastal resources. Another potential Town marina site that has been suggested is the Sikorsky Airport’s previously dredged “Marine Basin” just north of Short Beach. Use of this basin would also require dredging, and the area would be near the flight path for one of the airport runways.

- **Fire Prevention and Preparedness on the Water and Waterfront**

The Stratford Fire Department has expressed important concerns regarding fire prevention and preparedness in and adjoining the Harbor Management Area. The Fire Marshall reviews the development plans of all applicants seeking zoning/building approval and specifies necessary measures for fire protection. These measures are especially important with regard to marina developments that are particularly vulnerable to fire hazards because of the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials. A committee of the Waterfront and Harbor Management Commission is actively involved in the promotion of fire prevention and preparedness measures for waterfront facilities.

In his review of proposed development projects, the Fire Marshall applies standards and guidelines contained in the Connecticut Fire Safety Code which incorporates codes and standards established by the National Fire Protection Association. New State guidelines for applying marina fire protection requirements are now being prepared by the State Department of Public Safety.

The Town does not have a fire boat, but obtaining such a boat is not as high a priority for the Fire Department at this time as ensuring “fixed” fire protection for waterfront development is. Ensuring fixed fire protection involves making sure that there is adequate access for fire and other emergency vehicles as well as adequate water supply available on the site.

- **Emergency Response and Rescue Capabilities**

In addition to emergency fire response, the need for emergency response capabilities to serve boaters and others in distress in the Harbor Management Area is also an important concern. The principal responsibilities for this response rest with the officers of the Police Department’s Marine Division and the Stratford Emergency Medical Services (EMS) who

work together to coordinate their actions. In addition, the Stratford Fire Department now operates an inflatable, outboard-powered vessel that is transported by trailer and can be used for emergency response purposes. Officers of the Marine Division are not available on a 24-hour basis and as a result emergency response capabilities are sometimes limited. The Birdseye Street Boat Launching Area is the main location on the River for emergency access. Convenient locations to remove accident victims from the water are not available along more upstream sections of the River in Stratford.

In some instances, emergency assistance is also provided by the Coast Guard and by helicopters from the Sikorsky Aircraft plant. The EMS typically responds several times a week to distress calls from planes approaching the airport. Most of these potential emergencies are fortunately not realized. In addition, emergency assistance to duck hunters is sometimes required during the winter when the Police Boat is not in the water. Also of concern is the ability to respond to emergencies in the beach cottage area on Long Beach. The cottages are isolated; there is no vehicle access to them from Stratford; and Stratford emergency services must respond to any emergencies on Long Beach by traveling through Bridgeport and across the Pleasure Beach bridge which has limited capacity to accommodate emergency vehicles.

- **Use of Vessels as Living Quarters**

The primary issue raised by the short or long-term use of vessels as living quarters in Stratford waters is related to water pollution that could be caused by the discharge of marine toilets. A secondary issue relates to the maintenance of a floating residence without paying real estate taxes to the Town.

- **Derelict Vessels and Structures**

Abandoned and/or derelict vessels and structures adjacent to, in, or near the Harbor Management Area may cause hazards or inconveniences to navigation as a result of floating debris or other obstructions. Such vessels and structures can also detract from the overall scenic quality of the area. A number of abandoned boats are currently found in Lewis Gut. The Harbor Master is empowered by State law and by the Town Code to remove abandoned vessels, but procedures for removing such vessels as established in the State boating law often prove to be lengthy and ineffective. Furthermore, if the owner can not be located, the Town or the State may have to pay the costs of removal and disposal.

- **Boating Education**

As new boating facilities are developed and boating safety issues become more prominent, it becomes especially important that all boat operators be fully aware of the rules and regulations for safe vessel operation and conduct their operations accordingly. The need for

boating education is a basic concern in the Harbor Management Area and in all Connecticut waterways as, unfortunately, not all boat operators demonstrate adequate boat handling skills and awareness of boating regulations, including navigation rights-of-way.

State law now prohibits the operation of a power boat by anyone under the age of 18 without a parent present unless licensed by the State after passing an approved boating safety course. As a result of State legislation passed in 1989 and amended in 1990, all boaters operating with a motor of 25 hp or greater, or operating a sailboat 19½ feet long or greater, will be required, beginning in 1992, to take a safe boating course.

- **Future Availability of Boat Service Facilities**

Boat maintenance, repair and storage facilities are found in several locations along the Housatonic River. Although on-land winter storage space is limited and facilities providing this service are typically filled to capacity, no major concerns with regard to the current availability of boatyard services have been reported. In recent years, however, in southwestern Connecticut and elsewhere, boat service facilities have been displaced by nonwater-dependent uses such as condominiums and offices. In Stratford, relatively high waterfront land values may put pressure on the owners of boat service facilities to develop more extensive income generating uses (e.g., condominiums, offices) on their sites. In the future, such pressures could result in a reduction of current boat maintenance, repair and storage services.

- **Effect of Bridges on Navigation and Other Conditions**

Although the Washington Bridge and the Metro North Commuter Railroad Bridge provide limited vertical clearance and impede the movement of some water traffic, particularly sail boats and fuel barges being towed to and from the Devon Power Plant, these bridges are moveable and can be opened to allow vessel passage. Drawbridge operating regulations are established by the U.S. Coast Guard and published in the Federal Register and U.S. Coast Pilot. The channel between the Washington Bridge and the Railroad Bridge is the most constricted reach of the River in Stratford. Concerns pertaining to the effect of these bridges on navigation include the possible drifting of fuel barges waiting for the bridges to open.

The swing bridge connecting Long Beach with the mainland in Bridgeport is outside of Stratford's jurisdiction, but its limited clearance affects vessel access for commercial shellfishing and other water activities in Lewis Gut, and its limited vehicle capacity reduces emergency access (e.g., fire trucks can not cross the bridge) to the beach cottages on Long Beach.

## WATERFRONT LAND-USE AND DEVELOPMENT CONCERNS

### ● Public Attitudes Toward Waterfront Development

Development of the shoreline has become an important issue to some Town residents who have called for changes in land-use management policies and, in response to proposed waterfront development projects, have urged the Town to be more restrictive with regard to new development. On the other hand, some members of the business community expressed concern that some of the Town's previous actions could be viewed as "shutting down" waterfront development at the expense of needed economic growth. These two viewpoints can lead to a polarization of environmental protection and pro-development attitudes that can be detrimental to effective planning for both resource use and conservation.

### ● The Water-Dependency of Proposed Waterfront Development Projects

The State of Connecticut and Town of Stratford (through the *Stratford Coastal Plan*) have established special policies to promote and protect water-dependent uses such as marinas and boatyards on the Stratford waterfront. The Stratford Zoning Commission will have the ultimate responsibility for determining the water-dependency of proposed development projects, but the question of water-dependency will also be relevant to the Waterfront and Harbor Management Commission's review of future proposals affecting the Harbor Management Area.

One of the issues that emerged in the course of preparing the *Stratford Coastal Plan* concerned the lack of a clear Town policy on water-dependent uses. Some Town residents expressed the feeling that waterfront land should be used only for purposes that are truly dependent on the water. Some developers expressed concern with what they described as a lack of direction on the part of the Town regarding acceptable types of waterfront commercial development. In response to these concerns, the Zoning Commission prepared an amendment to the Town Zoning Regulations. This amendment defines water-dependent uses as those uses defined in Chapter 444 of the Connecticut General Statutes, except that a water-dependent use that is water-dependent only by virtue of providing "general public access to marine and tidal waters" shall also provide two or more of several specified amenities for general public use. These specified amenities include: open space easement for public park; conservation easement for natural preservation; canoe and/or boat ramp; fishing pier/public viewing walkway; public docking facilities; drydock boat storage; and boat rentals.

Described in Chapter One, current water-dependent uses in Stratford include the marinas, boatyards and private clubs along the Housatonic River. Several development proposals including marina and public access components are pending. Future waterfront development proposals for other sites are almost certain to include water-related components, and must

be evaluated by the Town to determine if they are, in fact, water-dependent and therefore consistent with State and Town policies.

Evaluating water-dependency and determining consistency with the State and Town policies to protect and promote water-dependent uses, however, may require sometimes difficult decisions and interpretations. Although the Connecticut Coastal Management Act (CCMA) establishes a specific policy favoring water-dependent use of coastal sites, this policy has over the years been the subject of varying interpretations, debate and controversy. The CCMA defines water-dependent uses to include facilities such as marinas, boat yards, commercial fishing facilities, and industrial uses requiring direct access to marine waters, but also defines water-dependent uses to include “uses which provide general public access to marine and tidal waters.” In other words, principal uses such as condominiums and offices that are not genuinely water-dependent have been interpreted by some to be water-dependent under the Act’s definition if public water access is provided.

Representatives of the State DEP have previously stated that the public access component had become the most misunderstood part of the water-dependent use definition in the CCMA. These representatives have also stated that any nonwater-dependent use (such as waterfront condominiums) can not automatically be considered as water-dependent simply because it provides public water access opportunities and facilities. They go on to note that the CCMA requires that public access in a waterfront development proposal can only be considered if the particular site is not suitable for other water-dependent use due to topographic or resource constraints. They further state 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.

- **Potential Impacts of Proposed Private Waterfront Development Projects**

In recent years, new waterfront development has been proposed for a number of privately owned waterfront sites. In the 1980’s, increased pressures for new waterfront use and development led to growing concern over the potential environmental and other impacts (on boating safety and public use of water resources, for example) of such development.

Recent private development proposals and projects on the Stratford waterfront include residential projects with boating and water access facilities, proposals for the development of new and expanded marina facilities, as well as proposals involving new commercial uses on waterfront sites.

The future water-dependent development of several key waterfront sites could have significant long-term impacts on the Harbor Management Area. Development proposals for these and other sites will be brought before the Waterfront and Harbor Management Commission, and will require careful evaluation to help ensure that any potential adverse impacts are avoided or minimized and that the projects are consistent with applicable Town policies and guidelines.



In coordination with other Town commissions and departments (e.g., the Planning Commission and Zoning Commission with responsibilities for preparing and implementing the *Stratford Coastal Plan*), the Waterfront and Harbor Management Commission will have an important responsibility to review and evaluate these development proposals not only in terms of their water-dependency, but also in terms of their potential in-water and waterfront impacts.

- **Future Use and Development of the Remington Gun Club Property**

The site of the Remington Gun Club on Stratford Point, while not the focus of an existing development proposal, has been the subject of special planning attention for several years. The area was used for some 60 years as a private skeet shooting range with shooting occurring over the Housatonic River. About 1,500 tons of lead shot are now estimated to have accumulated in the River's sediment. In September of 1991, a Federal judge ruled that the Remington Arms Company was liable for the substantial environmental damage caused by this lead shot.

Much attention has been given to possible future uses of the Gun Club site, including its use for residential development as well as opportunities for maintaining the land as open space. Because of the site's coastal area prominence, its future use and development will have a major impact on the Stratford Harbor Management Area.

- **Future Use and Development of the Hunter Haven Property**

The Hunter Haven property located south of the Birdseye Street Boat Launching Area has often been suggested as a potential location for development of a Town marina. In 1986, the Town solicited proposals for the "design, finance, construction and operation of a marina/water oriented project" for this currently undeveloped and Town-owned waterfront site. In 1987, the Town Council voted to approve initial plans that would provide for a marina, retail and office space, a hotel, and senior citizen housing units for the site. Development of the site, however, has not proceeded due in part to anticipated difficulties in obtaining the State and Federal permits that would be required for marina dredging in the adjoining Textron Basin.

- **Future Use of the Beach Cottage Area on Long Beach**

The Town will be required to make important decisions regarding the future use of the western part of Long Beach where 43 privately owned cottages are now located on Town-owned land. The Town maintains leases with the individual cottage owners for use of this land, and the current leases, which will expire on June 30, 1997, are managed by the Waterfront and Harbor Management Commission. The future use of the beach cottage area has emerged as an important land-use issue and some Town residents have proposed that

the leases not be renewed, that the cottages be removed upon lease expiration, and that the permitted use of this area be restricted to conservation-related use.

The cottage area was addressed in a special study completed by the Planning and Zoning Commission in 1988. This study identified a number of concerns that should be addressed by the Town before making a decision on whether or not to renew the current leases. Of particular concern are the difficulties in providing emergency services such as fire protection when the only means of vehicle access is from Bridgeport and over the low capacity Pleasure Beach Bridge. Also of concern are the potential environmental impacts of continued residential use on a sensitive natural resource area.

In 1992, the Waterfront and Harbor Management Commission worked with representatives of the Planning Commission and the Town's emergency services (police, fire and emergency medical service departments) to evaluate the potential costs and benefits associated with the current lease arrangements. In the course of this evaluation, representatives of the emergency services departments expressed serious concerns regarding their ability to provide adequate services to the cottage area.

- **Possible Additions to the McKinney National Wildlife Refuge**

The U.S. Fish and Wildlife Service has proposed adding the Great Meadows and the middle section of Long Beach to the Stewart B. McKinney National Wildlife Refuge to help preserve the area's natural values. This addition would have an important impact on future land use in these areas. Federal acquisition of the middle section of Long Beach currently managed by the Town's Conservation Department and the State DEP for shorebird nesting habitat would provide additional protection to this rare habitat and would seasonally restrict future public use of the area. Adding the Great Meadows to the Wildlife Refuge would affect private development plans for the area, and could also affect current public uses in the area. Town and public support will be necessary if any part of the Great Meadows and Long Beach are to be added to the McKinney Wildlife Refuge. There may be several different options available for adding the Great Meadows and Long Beach to the Wildlife Refuge that would not involve the purchase of these lands by the Federal government.

- **Filling and Stabilization of Waterfront Property**

Over the years, sections of the Stratford waterfront have been filled or otherwise engineered to protect against shorefront erosion and coastal flooding. Shore protection measures such as seawalls, bulkheads, riprap, groins and other structures have been constructed. In some instances, these structural measures to protect waterfront development from flooding and erosion may cause adverse impacts on adjacent properties and prove ineffective in the long term. Future waterfront development proposals may include a small amount of filling along with shore protection measures that would modify the shoreline. Filling of submerged land to create additional land for development, however, poses the possibility of negative

environmental impacts. There are examples, particularly in the Great Meadows, where the filling of intertidal areas has adversely affected the marine environment.

When viewed individually, shore protection structures and small filling operations may appear insignificant; their cumulative impacts over time, however, may be very significant.

- **Protection of Shorefront Residential Areas**

The shorefront residential areas that occupy large sections of the waterfront, particularly in the Lordship area and along sections of the Housatonic River, are enhanced by the quality of the natural coastal area environment, and contribute to the overall quality of life associated with the Harbor Management Area. It is possible, however, that uses and conditions in the HMA could, in the future, have adverse impacts on shorefront residential areas. For example, poorly planned or otherwise inappropriate waterfront development and in-water activities can cause water pollution, and increased boating use can result in noise and other nuisance impacts.

## **COASTAL RESOURCES CONCERNS**

- **The “Carrying Capacity” of Stratford’s Coastal Resources With Respect to In-Water and Waterfront Uses and Development**

In addition to the previously-described concern over the capacity of the Harbor Management Area to safely support boating activities (see page 3-2), there is also concern with regard to the “carrying capacity” of the Harbor Management Area’s natural environment.

The coastal area in Stratford (as in many other communities) has been the scene of conflicts between development efforts and efforts to protect important natural resources. Increasing pressure for coastal resource use and development has raised concerns that new waterfront development in Stratford may have significant adverse impacts on the natural environment. In response to waterfront development pressures, including proposals for new marinas, concerns have been raised over the “carrying capacity” of the Town’s coastal resources to accommodate additional in-water and waterfront development without the occurrence of unacceptable adverse impacts on environmental resources.

Recreational boating facility development is of particular concern with regard to potential impacts on natural coastal resources and the capacity of these resources to accommodate new development. Potential environmental impacts associated with boating facility development are caused by: 1) the construction, maintenance, and operation of facilities such as docks, piers, launching ramps, support facilities and services; and 2) the boating uses and activities made possible by the facilities, and which can generate noise, wake, pollution and other impacts.

Of particular concern are the cumulative impacts of in-water and waterfront development on environmental resources. Cumulative impact may be defined as “the impact on the environment that results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” In other words, the seemingly insignificant impacts of minor dock construction and dredging operations may, over time, and when taken together, have an important effect on environmental quality in the Harbor Management Area.

There are those who feel that the capacity of the Housatonic River and Great Meadows—Lewis Gut area to accommodate additional development is very limited. During the course of work to prepare the Harbor Management Plan, there were even some who called for a moratorium on new waterfront development. Others suggested that studies should be undertaken to determine the capacity of environmental resources to accommodate new development.

- **Protection of Intertidal Resources, Including the Great Meadows**

The natural and beneficial values of wetlands, once poorly understood, have been the subject of much attention and study in recent years. As a result, public awareness and understanding of the importance of wetlands in the natural environment is generally high. The values of intertidal flats (“mudflats”) are of similar importance to the coastal ecosystem, but are often not as well understood by the general public.

With the continued use of Stratford’s Harbor Management Area, intertidal resources and the ecologically important functions provided by these resources may be negatively affected. The Town’s most extensive and valuable intertidal resources are found in the Great Meadows area. Because of extensive filling from the 1920’s to 1960’s, however, the Great Meadows now consists of about 400 wetland acres or roughly 28% of its former size. A large development proposal that would affect this area has been in the planning stages for some time and has generated significant public comment because of its potential impacts on the wetland system.

Less extensive but also ecologically important intertidal areas potentially subject to degradation are found along the Housatonic River shoreline at many locations. The wetlands and mudflats south of Beacon Point and adjacent to the Hunter Haven property, for example, have been identified by the DEP as important resources that should not be disturbed. As a result, past proposals for dredging a municipal marina in this location have not been carried out. Although the Wheeler Wildlife Refuge at the mouth of the Housatonic River is outside of Stratford’s harbor management jurisdiction, the Refuge is impacted by boating activities originating in Stratford.

Much concern has been expressed with regard to the degradation of intertidal resources, particularly wetlands, and the effect of this degradation on fisheries resources, water quality

and other natural values in Stratford. Although Town, State and Federal regulatory programs guide the use and protection of intertidal resources, there is still the danger that their quality and quantity will gradually diminish over the years as uses and developments place greater stress on them. Of particular concern with regard to potential impacts on intertidal resources are the previously mentioned cumulative impacts that can result from individually minor actions (small dock construction and dredging, for example) that collectively and over time can become very significant.

- **Water Quality in the Housatonic River and Lewis Gut**

Water quality in the Housatonic River is relatively poor. The current “SC” classification (see Chapter One) is the result of historical and current land- and water-use conditions, existing waste disposal practices, inadequacies in existing sewage treatment facilities, and other conditions. Poor water quality in the River can adversely affect many water activities ranging from recreational boating to shellfishing<sup>2</sup>, swimming, and passive enjoyment of the water.

Numerous sources of pollution can be identified. The largest point sources of pollution are from the municipal sewage treatment plants located on the River, including those in Stratford, Milford and the upstream communities. The Stratford Water Pollution Control Facility has a capacity of 11.5 million gallons per day (mgd). The other Housatonic River sewage treatment plants have a combined discharge of over 20 mgd of treated waste water into the River. As a result of lawsuits brought against the Town of Stratford by the Connecticut Fund for the Environment and the Connecticut Coastal Fishermen’s Association in 1988, State-mandated renovations to the Town’s outdated sewage treatment facility are now being planned. Most problems at the facility are said by Town officials to arise when inflow exceeds the plant’s capacity. In the past, discharges of partially treated sewage from the plant have forced the State to temporarily ban shellfishing from nearby waters and has resulted in prohibitions on swimming at Short Beach.

Other existing and potential sources of pollution in the Housatonic River include: the Shelton landfill which leaches into the River upstream of Stratford; dredging operations that disturb sediment in the River; the State DOT salt storage area south of the Merritt Parkway; industrial pollutants in River sediments; lead-shot deposits in sediments off Stratford Point and possible toxins associated with clay pigeons from the old Remington Gun Club; PCB-

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<sup>2</sup> Because of the relatively poor water quality in the Housatonic River, shellfish can not be harvested from the River for direct consumption. Nevertheless, conditions in the River remain generally favorable for shellfish production and, described in Chapter One, many independent shellfishermen working from small boats harvest seed oysters from the River and sell them to larger commercial shellfish companies for transplanting and depuration in Long Island Sound.

Lewis Gut is also closed for the harvesting of shellfish for direct consumption because of poor water quality. As in the Housatonic River, seed oysters are removed from the Gut for transplanting and depuration in other areas.

contaminated sediments; nutrient rich (eutrophic) water from dammed lakes upstream; inadequate separation of storm-water and sanitary sewer lines; rapid upland storm runoff in the vicinity of the Great Meadows; nonpoint source runoff from highways, industrial/commercial areas and residential development; and permitted industrial discharges.

Water quality in the Lewis Gut/Great Meadows area is better than in the Housatonic River (the Gut is classified "SB") although tidal flushing of the Gut is restricted. Water quality problems are much more significant in the nearby Bridgeport Harbor/Johnson's Creek area where over 30 combined sewer overflows have been identified.

Sources of water pollution in Stratford waters may also include sewage discharges from individual boats, although the extent to which these discharges contribute to overall water quality problems has not been determined in Stratford or in any other coastal community in the State. Potential recreational boating impacts on water quality include not only the untreated discharge of waste from vessel holding tanks, but also petroleum products leaking from motors, and anti-fouling and preservative compounds used on boats and marina structures.

State law now requires marinas with 150 slips or more to install facilities to pump sewage out of a boat's holding tank and provides for the establishment of "no-discharge" zones along the shore from Greenwich to Old Lyme (including the Housatonic River from I-95 to Long Island Sound). Boaters can not empty their holding tanks into the water within a "no discharge" zone. Regulations for implementing the "no-discharge" law are now being prepared by the State, and eventual implementation of the Housatonic River "no discharge" zone will require Federal as well as State approval.

- **Preparedness for Oil/Fuel Spill Emergencies**

Shipments of petroleum products account for approximately 75% of all waterborne commerce on Long Island Sound. Recent tragic oil spills around the country have served to raise awareness of the impacts that local spills could have. To further highlight this concern, in January of 1990 a barge carrying 1.7 million gallons of fuel oil to the Devon Power Plant ran aground on a shoal in the Housatonic River about a mile south of the Washington Bridge. The barge was eventually freed and no fuel was spilled.

The Power Plant is the only facility on the River that receives waterborne shipments of petroleum products but there are several facilities on the Stratford waterfront that dispense fuel to boaters. The Fire Marshall has worked with the Conservation Department to develop procedures and requirements for responding to hazardous materials spills. There will be a continuing need for effective oil/fuel spill contingency planning.

- **Protection and Management of Shellfish and Finfish Resources**

Much concern has been expressed that the Town's shellfish resources have deteriorated over the years and are subject to continuing degradation caused by pollution and such activities as dredging, dock and pier construction, and mooring placement. Today, shellfish can not be harvested for direct consumption from the Housatonic River because of the River's relatively poor water quality. Nevertheless, conditions in the River remain generally favorable for shellfish production and as a result the River is considered to contain the most productive seed oyster grounds in the State. The seed oysters are harvested and sold for transplanting and depuration in Long Island Sound.

Lewis Gut is another area from which shellfish can not be harvested for direct consumption because of water quality conditions, but from which seed oysters are harvested for transplant and depuration.

In addition to protection and management of shellfish resources, the protection and management of finfish resources is also a major concern. Fishing from small boats and popular shore points is an important recreational activity in Town waters. Fishermen have expressed concern over the negative effects of wetlands loss and water pollution on fisheries habitat, and the need to protect fish spawning areas.

- **Protection of Rare Nesting Habitat**

Several areas in and near the Harbor Management Area provide important nesting habitat for rare birds, most notably the piping plover and least tern. The piping plover is a Federally listed "threatened" species, and the least tern is a Connecticut species of "special concern." The nesting areas are found on Milford Point and Pleasure Beach (these areas are outside of Stratford's jurisdiction) and on Long Beach and Short Beach. Ensuring the continued protection of these nesting areas is an important concern of local conservationists. The critical habitat on Milford Point is part of the Stewart B. McKinney National Wildlife Refuge. On Short Beach, a small section of the beach is managed as a nesting area through the coordinated efforts of the Town and the Connecticut DEP. The middle third of the coastal barrier at Long Beach is also managed by the Town and the DEP as a conservation area and is considered the most valuable piping plover habitat in the State. The signs identifying this area as a critical habitat have deteriorated, however, and the area is not adequately fenced off as the Short Beach area is. The U.S. Fish and Wildlife Service has proposed that this section of Long Beach, along with the Great Meadows salt marsh, be included in the Stewart B. McKinney National Wildlife Refuge.

- **Protection of the Coastal Barrier Environment at Long Beach**

In the near future, the Town will find it necessary to make a number of resource management decisions that will have important long-term effects on the Long Beach

environment. Over the years, Long Beach has undergone significant natural and human alteration and remains subject to a number of forces that can cause its erosion and affect its natural values. As a result, the barrier has been the subject of much planning and management attention. Several years ago the Town's Conservation Commission conducted a special study of the Long Beach—Great Meadows—Lewis Gut area to help formulate planning and management guidelines for the area. As mentioned above, the Fish and Wildlife Service has proposed adding a section of the barrier to the McKinney Wildlife Refuge. The Town is currently evaluating the future use of that section of the Town-owned barrier on which the privately owned beach cottages are located. Also, the Town has looked at the feasibility of re-establishing a connection between Long Island Sound and Lewis Gut through the barrier beach in order to increase tidal exchange in the Gut.

- **Risk of Coastal Flooding, Erosion and Wave Impacts**

Considerable sections of the Stratford waterfront fall within coastal flood hazard areas identified on Flood Insurance Rate Maps. Almost the entire southwest portion of Stratford south of Birdseye Street except for Stratford Point is subject to coastal flooding during a 100-year flood event.<sup>3</sup> This floodplain area encompasses the Long Beach—Great Meadows—Lewis Gut area, the airport, a majority of the industrial and commercial facilities, and several residential areas.

Waterfront property falls within both A-Zone designations (areas potentially subject to “still water” flooding from a flood that has a 1% chance of occurring each year) and V-Zone designations (areas potentially subject to flooding and damaging wave effects from a flood that has a 1% chance of occurring each year). The highest potential flood elevations are associated with V-Zone wave heights. Although most of the Housatonic River shoreline is sheltered from potential wave effects, the Town's waterfront has historically been subject to significant flooding. Past hurricanes, including the famous storm of September 1938 that breached the Long Beach barrier, and lesser coastal storms have caused considerable damage.

Erosion has been of particular concern along Long Beach where stone groins have been constructed to stabilize the beach, and along the seawall at the foot of Washington Boulevard where significant Town expense has been required to repair the riprap shore protection needed at this location.

Manmade wave action resulting from the wakes of speeding vessels can also cause erosion in wetland and sandy shoreline areas. For example, speeding boats through the marsh

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<sup>3</sup> The “100-year” flood is a term commonly used to refer to a flood of the magnitude that has a one-percent chance of being equalled or exceeded in any given year. The “100-year” flood is the flood that is equalled or exceeded once in 100 years on the average, but the term should not be taken literally as there is no guarantee that the “100-year” flood will occur at all within the 100-year period or that it will not recur several times.



channels in the Wheeler Wildlife Refuge (although outside of the Town's jurisdiction) can cause erosion of the adjacent wetlands. Waves generated by speeding boats can also cause damage to boats and equipment, as well as to floats, pilings and other mooring and docking facilities.

- **Protection of Scenic Quality**

One of Stratford's most important coastal resources is the scenic quality associated with the Town's Housatonic River and Long Island Sound setting. As a result, much concern has been expressed with regard to proposed or possible future waterfront development activities perceived to have a potentially negative effect on scenic quality and water views. Protection of water views and vistas is expected to be an important issue in the review of future waterfront development proposals and actions.

- **Protection of Historic and Cultural Resources**

Among the historic waterfront structures and sites that some Town residents feel should be protected are Bond's Dock, the Hepburn cottage<sup>4</sup>, and Mac's Harbor. Some have questioned the historic significance of the Hepburn cottage and have identified other waterfront structures of greater significance. Historic and prehistoric archaeological resources are found in coastal towns throughout Connecticut and these resources are invaluable in the reconstruction of the cultural heritage of a number of communities. Such resources, if found in the Stratford area, could be subject to inadvertent destruction or damage caused by in-water and waterfront development activities.

## WATER ACCESS CONCERNS

- **Managing and Enhancing Water Access Opportunities at Public Facilities**

The major Town waterfront facilities providing opportunities for water access are (listed in order of their general frequency of use): Short Beach, Long Beach, the Seawall, the Birdseye Street Boat Launching Area, Bond's Dock, and the Broad Street launching ramp. The Waterfront and Harbor Management Commission will find it necessary to make a number of future decisions with regard to maintaining and enhancing the opportunities for water access through these areas.

- **Short Beach:** Much of this Town park was developed on reclaimed land that was once a Town landfill. Site development alternatives for use of the park were prepared in

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<sup>4</sup> The Hepburn cottage was dismantled in 1993. The dismantled structure is now being stored while those proposing to use the cottage as a duck decoy museum featuring the carvings of Charles Wheeler seek an appropriate site on which to reassemble it.

1982. Approximately 14 acres of landfill remain and several plans have been suggested for the future use of this remaining area. The facilities included in these plans range from ball fields and a scenic overlook to a golf driving range and mini-golf course. In addition to decisions regarding new uses of the park, other concerns affecting management of the park include the continued protection of the rare piping plover and least tern nesting habitat found here, and possible future consideration of the development of water access facilities in the Airport's "Marine Basin" just north of the park. In addition, the large shoal area between the public beach and the Housatonic River navigation channel is of concern because it limits swimming use of the beach.

- **Long Beach:** Concerns regarding the future use and condition of the Town-owned section of Long Beach have been identified with respect to: future management of the active recreation area on the eastern third of the beach; management of the rare nesting habitat on the middle third, and possible inclusion of the nesting area in the McKinney National Wildlife Refuge; and future use of the western third on which the beach cottages are now located.
- **The Seawall:** The Seawall at the foot of Washington Parkway is another popular recreation area for people who park, walk, enjoy the water views, and fish here. The wide sandy beach that once existed along the shoreline has long since eroded and a stone seawall with riprap at its base now provides shore protection. Stairs through the seawall allow access to the shore at low tide but the lack of a beach limits recreational use below the seawall. Management concerns include future maintenance and repair of the seawall and riprap as needed.
- **Birdseye Street Boat Launching Area:** Described in Chapter One, the Waterfront and Harbor Management Commission has conducted a special study of the Birdseye Street Boat Launching Area, and has evaluated the opportunities and constraints associated with a number of possible improvements to the area, including not only improvements for boating access but for nonboating, fishing, and more passive use of the site as well. The Commission has prepared a long-range Master Plan to guide future public use and development of the Birdseye Street area and is now proceeding with implementation of the Master Plan.
- **Bond's Dock:** Although parking is very limited here, the dock area is heavily used for fishing and the enjoyment of water views, and continuing management attention is needed to maintain the existing facilities. The small launching ramp receives relatively little use. Only a short distance separates the dock from the Federal navigation channel. Oil barges have hit the dock on occasion and damaged the structure.
- **Broad Street Launching Ramp:** The Broad Street launching ramp provides limited boating access constrained by the lack of parking. There is some concern that users of this ramp may park illegally along Broad Street and nearby streets.

- **Use of Town-Owned Street Ends for Waterfront Access**

A number of Town residents have expressed concern that opportunities for water access provided by waterfront street ends are not being fully utilized. Most of these street ends are not used for public water access because of very limited parking, other space limitations, or lack of development for access, particularly physical access. Still other street end areas have been traditionally used only by neighborhood residents, and some have the appearance of private ownership.

For several years the public access right-of-way at Main Street/River Road and Peck's Mill Pond has been the focus of a use and ownership conflict between the Town and an adjacent private landowner. The land in question has been determined to be owned by the Town and an agreement was reached between the private owner and the Waterfront and Harbor Management Commission to ensure future public access to the water here. This agreement, which stipulates site improvements and a small land exchange, remains to be approved by the Town Council.

- **Providing Public Access Through Private Waterfront Development Projects**

The Connecticut Coastal Management Act (CCMA) policy favoring water-dependent use of coastal sites will influence the Town's review of future development proposals for a number of sites along the Stratford waterfront. The CCMA defines water-dependent uses to include facilities such as marinas, boat yards, and industrial uses requiring direct access to marine waters. Also included in this definition are uses that provide increased public access to tidal waters. In other words, it may be determined that principal site uses that are not truly water-dependent are in conformance with the CCMA water-dependent standards and policies if adequate public access opportunities are provided.

In Stratford, as in most Connecticut towns, current economic conditions are seen to preclude proposals for truly water-dependent uses as new principal uses of privately owned waterfront land. As a result, through application of a) the CCMA's water-dependent use policy and public access provision, and b) Stratford's zoning requirements pertaining to water-dependent uses and requirements for public access amenities, the Town has the opportunity to obtain important public access facilities from private developers. There are, however, a number of important questions pertinent to the review of future waterfront development proposals and the provision of public access in Stratford. These questions include: What type and how much public access should be required? How to ensure that it is well designed? How to best link and coordinate access opportunities provided at different sites? How to ensure that the access provided remains open to the public in the future?

In the absence of pre-established answers to these and other questions, Town officials responsible for reviewing waterfront development proposals for consistency with CCMA policies have sought to answer the important questions as best they can on a site-by-site

basis. Technical assistance for the review of waterfront development proposals has been available from the DEP.

Developers required to provide public access have expressed legitimate concerns over costs, site planning considerations, security, liability and other issues, and some developers have complained that the Town offered no clear guidelines as to what type of public access would be appropriate and acceptable in a proposed project. The *Stratford Coastal Plan* and recent amendments to the Town Zoning Regulations that define water-dependent uses and public amenities to be provided by the developers of waterfront sites address this concern.

- **Conflicts Between Public and Private Rights in Navigable Waters**

Some of the issues that have arisen in recent years as a result of increasing pressures for boating and other uses of navigable water involve conflicts between the public's right to use the land and water areas below the mean high water (mhw) line and the right of shorefront property owners to "wharf out" to navigable water. These issues have been raised in Stratford and may increase in significance in the future. To address these issues, an understanding of the Public Trust Doctrine and riparian/littoral rights is essential.

While riparian/littoral rights give waterfront property owners the right of access to navigable water, waterfront property owners do not have an inherent or exclusive right to use underwater lands or a mooring location, nor to control any navigation activities. Any private rights in areas below mhw, including the rights of shorefront property owners, are subject to permits from State and Federal authorities, and necessary Town approvals.

The principal issues involving riparian/littoral rights and the Public Trust in Stratford have been raised with respect to the appropriate distance that docks and piers can extend from shore consistent with the shorefront property owner's riparian/littoral rights and not interfere with the public use of Public Trust waters. Described earlier, recent and possible future proposals by marina operators and individual homeowners to construct docks and piers from waterfront properties have raised concerns over the potential environmental impacts of these structures, their possible effect on small boat navigation, the appropriate size and length to which they should be constructed, and the extent to which the Town should control or limit these structures. Concern has been expressed that docks and piers are extending out too far from shore toward the Federal channel and are therefore interfering with public use of the River, including use by canoeists and others with small boats. Marina developers argue that the maximum extension of docks is consistent with their riparian/littoral rights and necessary to maintain the economic viability of their operations.

Of lesser concern in Stratford at the present time but of concern in a number of other Connecticut towns are Public Trust and riparian/littoral rights conflicts involving moorings. For example: Does the shorefront property owner have the littoral right to place a mooring offshore of his or her property? Can rights to a mooring be sold or otherwise transferred

along with upland property? Can a property owner in any way control who may place a mooring and how many moorings may be placed offshore of his or her property?

Also of concern are issues associated with the separation of riparian/littoral rights from waterfront properties for the purpose of selling those rights, possibly to parties who may not own the adjacent waterfront land. Connecticut Courts (*Mianus Realty Co. v. Greenway*, 151 Conn 128 (1963)) have previously upheld the sale of riparian rights to parties that do not own the adjacent upland. The possibility of increased instances of this type of conveyance for the purpose of enabling in-water development (e.g., docks and piers), however, has raised questions pertaining to the use of Public Trust waters, and to the capacity of in-water and waterfront resources to support increased use and development.

The seaward and lateral limits of littoral rights can be the subject of contention between abutting owners. For example, one property owner may knowingly or inadvertently construct boating facilities that encroach on the riparian/littoral rights of the adjoining property owner. In Connecticut, the courts have the power to define the location of disputed riparian/littoral boundary lines between abutting property owners.

The placement of mooring piles in the Housatonic River to facilitate the transfer of seed oysters from small vessels to a larger oyster-buying boat has also raised riparian/littoral rights issues. The owner of the mooring piles owned no riparian/littoral rights in this section of the River. An adjacent property owner claimed the piles interfered with his riparian/littoral rights and that his permission was therefore necessary for placement of the piles. The State DEP, however, found the proposed mooring piles to be an acceptable use of Public Trust waters, and issued a permit for the mooring piles without requiring the permit applicant to obtain permission from the affected riparian/littoral property owners.

## HARBOR ADMINISTRATION CONCERNS

- **Defining the Jurisdiction of the Waterfront and Harbor Management Commission and the Boundaries of the Harbor Management Area**

The jurisdiction of the Waterfront and Harbor Management Commission is defined in Chapter 210 of the Town Code. The Commission's jurisdiction seaward of the mean high water line, in accordance with authority established by the Connecticut Harbor Management Act, is known as the Town's Harbor Management Area. Chapter 210 of the Town Code describes the jurisdiction of the Commission below the mean high water line as all those areas within the territorial limits of the Town of Stratford. This jurisdictional area can therefore be described as bounded on the north by the Stratford/Shelton boundary, on the east by the Stratford/Milford boundary in the Housatonic River, and on the west by the Stratford/Bridgeport boundary. The southern extent of the Town's jurisdiction theoretically extends to the Connecticut/New York boundary in the center of Long Island Sound. For management purposes, however, extending the Town's harbor management jurisdiction to the center of Long Island Sound would be impractical and inappropriate, in part because

such an extension would include areas of intra- and inter-state commerce. It is therefore necessary to establish a more functional offshore boundary in Long Island Sound to define the Town's active area of harbor management within Stratford's overall territorial limits. Section 22a-113k of the Connecticut General Statutes enables a municipality establishing a Harbor Management Commission to designate the area within the territorial limits of the municipality and below the mean high water line that shall be within the jurisdiction of the Commission.<sup>5</sup>

In addition to its area of jurisdiction seaward of the mean high water line, the Waterfront and Harbor Management Commission also exercises jurisdiction on certain upland areas in accordance with its powers and duties established by the Special Legislative Act of 1957 which created the Stratford Waterfront Authority. These upland areas are separate and distinct from the Stratford Harbor Management Area.

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<sup>5</sup> Many Connecticut coastal towns have clearly defined harbors, others do not. All of these communities, however, have stretches of shoreline and nearshore waters that do not fit the definition of "harbor" in the traditional sense of the term. These "nonharbor" areas may or may not be included in broader, locally defined areas for management purposes. Management of uses and conservation of resources in these nonharbor areas, however, may be every bit as important to local citizens as the management of uses and resources in clearly defined harbor areas.

Section 22a-113k of the Connecticut General Statutes authorizes any municipality "having within its limits navigable waters as defined in subsection (b) of section 15-3" to establish by ordinance a harbor management commission, and to "designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of the commission." The territorial limits of all Connecticut coastal communities extend, on the south, to the Connecticut/New York state boundary in the center of Long Island Sound. In other words, the statutes do not limit the jurisdiction of harbor management commissions to any traditional definition of harbor (e.g., a sheltered place of refuge for vessels), but rather imply that the designation of local management areas should be based on management needs and concerns. In many cases local harbor management areas have been defined by imaginary offshore lines drawn from promontory to promontory in Long Island Sound. Many of these offshore boundaries follow boundaries drawn for local shellfish management purposes in the 1800s.

Stratford's waterfront is not only extensive, but quite varied, and is defined by three distinct coastal environments: the Housatonic River; the nearshore waters of Long Island Sound; and the coastal barrier environment of the Long Beach—Great Meadows—Lewis Gut area. The geography of Stratford's Long Island Sound shoreline is such that there are no promontories that can be used to easily define a local management area. There are, however, a number of existing and potential management concerns affecting the use of nearshore waters and the protection of coastal resources in this area. These include concerns with regard to beach use and replenishment, shoreline erosion, construction and repair of shore protection structures, littoral transport of sediment, water quality, management of natural shellfish beds, board sailing, small boat launching, surf fishing, use of personal watercraft, and other water-use considerations. Since many of the same management concerns are found in this "open" area adjoining Stratford's Long Island Sound shoreline as are found in more traditionally defined harbor areas, it is important to designate an offshore boundary for local planning and management purposes.

- **Function and Role of the Harbor Master**

In the course of preparing the Harbor Management Plan, some questions arose with regard to the function and role of the Harbor Master. Some suggestions were received that his role should become more active and expanded in order to better manage boating and other water activities in the Harbor Management Area.

The Stratford Harbor Master is appointed by the Governor, derives his authority from the Connecticut General Statutes, and is subject to the direction and control of the State's Commissioner of Transportation. The Harbor Master is also directed by Chapter 114 of the Town Code to undertake certain duties including ensuring the safe mooring and operation of vessels in the area of the Housatonic River bounded on the north by the Stratford/Shelton line, on the east by the Stratford/Milford line, and on the south by a line drawn from the Stratford Light on Stratford Point to the end of the breakwater at the mouth of the River. It may now be useful to evaluate the Harbor Master's duties specified in Chapter 114, and the Town's current authority to establish those duties, to eliminate any conflicts with current State statutes establishing Harbor Master authorities.

The Harbor Master is appointed for a three-year period and can be replaced by the Governor at any time. He receives only minimal compensation from the State to carry out his duties and therefore performs those duties on a part-time basis. Although the Harbor Master is a nonvoting, ex-officio member of the Waterfront and Harbor Management Commission, prior to preparation of the Harbor Management Plan he was not actively involved in the activities of the Commission. An important purpose of the Connecticut Harbor Management Act was to provide local direction and control with regard to harbor master activities, and to ensure continuity between the actions of current and future harbor masters in each municipality. Approval and adoption of the Stratford Harbor Management Plan will help ensure that the duties of the current Harbor Master and any future Harbor Master will be carried out in accordance with the Plan. In the absence of a Town Harbor Management Plan, there is no assurance that future Harbor Masters will carry out their duties in a consistent manner.

State law now requires that the Harbor Master for any municipality with an approved and adopted harbor management plan be appointed by the Governor from a list of not less than three candidates provided by that municipality's harbor management commission.

- **Administration of Mooring Permits**

In the past, there has not been a high demand for mooring locations in the Housatonic River. As a result, administrative procedures for the issuance of mooring permits have not been well developed. Also, there has been little coordination between the Town of Stratford and the City of Milford with regard to the administration of mooring locations in the Housatonic River. Demand for mooring locations in the Harbor Management Area is increasing, however, and specific Town procedures to guide the placement of moorings in

a way that ensures public safety, avoids environmental impacts, and provides for the most efficient use of mooring areas are now needed. It is also necessary to establish standardized procedures (including procedures for maintaining waiting lists, keeping records, and assigning mooring locations) for mooring permit application and issuance.

Section 22a-113s of the Connecticut General Statutes authorizes municipalities, in accordance with their harbor management plans, to set an annual mooring permit fee not to exceed \$100.00. All such fees collected must be deposited into a special fund maintained by the municipality and used exclusively for harbor improvement and maintenance purposes, and for expenses directly related to the function of the municipality's harbor management commission and harbor master or deputy harbor master. Specific procedures are necessary for collecting, managing, and applying mooring permit fees.

- **Coordination of Planning and Management Activities with Adjoining Municipalities**

The Connecticut Harbor Management Act authorizes any two or more municipalities whose common boundaries lie within a navigable water body to establish a joint harbor management commission to plan for the use and protection of that water body. Although Stratford and Milford share a common boundary in the Housatonic River, a joint harbor management commission was not formed. A number of the major harbor management issues and concerns affecting the Housatonic River, however, do not respect the municipal boundaries. Management of Stratford's Housatonic River jurisdiction can be affected by harbor management actions in Milford's jurisdiction and vice-versa. For example, most of the existing Housatonic River moorings are within Milford's jurisdiction but access to these moorings is from Stratford. Although Milford has established a Harbor Management Commission and adopted a Harbor Management Plan, this plan directs relatively little attention toward the Housatonic River.

In the upstream communities, uses and activities such as leaching from the Shelton landfill and boating activities emanating from upstream marinas also affect conditions in the lower reaches of the River.

Similarly, conditions in the Long Beach—Great Meadows—Lewis Gut section of the Harbor Management Area can be affected by conditions within the jurisdiction of the City of Bridgeport. Water pollution from Johnson Creek, for example, can degrade water quality in Lewis Gut, and vehicle access to the beach cottages on Long Beach as well as vessel access to Lewis Gut are affected by the Pleasure Beach bridge in Bridgeport. Bridgeport has established a Harbor Management Commission and is preparing a Harbor Management Plan that may address some of these concerns.



- **The Town's Role With Regard To In-Water and Waterfront Permitting Decisions**

Authority for regulation of in-water structures and activities such as dredging, filling, and dock and pier construction, rests primarily with the State and Federal government, and in particular with the State Department of Environmental Protection and the Corps of Engineers. Stratford's Town Code (Chapter 210), however, gives the Waterfront and Harbor Management Commission authority originally granted by the State Legislature to the Stratford Waterfront Authority by Special Act in 1957. Included in this Town authority is the power to "make regulations concerning wharves, channels, docks, wharf lines..." along with other powers. In this regard, Stratford has greater authority, particularly with respect to regulatory powers, than other Connecticut communities that have not been granted special authorities by the State legislature.

The State DEP has questioned the current applicability of the Special Act's provisions as they relate to the regulation of in-water structures currently subject to State and Federal permitting requirements. Research conducted by both the Stratford Town Attorney and the DEP in the course of work to prepare the Harbor Management Plan has confirmed the current validity of the Special Act of 1957, and the authority of the Waterfront and Harbor Management Commission to establish regulations in accordance with that Act. These Special Act powers and duties are in addition to the powers and authorities established by the Connecticut General Statutes. (See Appendices A and B.)

Recognizing the current validity of the Special Act, the DEP has also expressed concerns regarding the need to ensure consistency between applicable State laws and regulations and any local regulations adopted pursuant to the Special Act. To help reduce the potential for conflict between such local regulations and existing State requirements affecting the Harbor Management Area, any regulations adopted pursuant to the Special Act must be kept separate and distinct from the Harbor Management Plan (see next page), and developed and adopted in accordance with a specified Town process, including a required public notice and hearing procedure.

Adding some additional concern with regard to the Town's involvement with in-water and waterfront permitting decisions is the February 1990 ruling by a Superior Court judge that the former Stratford Planning and Zoning Commission (separate planning and zoning commissions have since been established) had no authority to pass judgement on a proposal by the Pootatuck Yacht Club to extend its dock. The judge ruled that the Planning and Zoning Commission exceeded its authority by making a ruling in a waterway regulated by the State.

Independent of the Town's own authority to regulate in-water and waterfront development, its influence in State and Federal permitting decisions is particularly important in light of pressures for new waterfront development. The State and Federal permitting decisions pertaining to the Harbor Management Area are currently carried out by agencies in Hartford and Waltham, Massachusetts. A commonly heard complaint is that the existing permitting processes are not only cumbersome and confusing but fraught with delay.

Because of their distance from Stratford, the permitting agencies are not as familiar with local conditions as Town officials and members of the Waterfront and Harbor Management Commission are. As a result, there is need for increased Town involvement in the State and Federal permitting processes to ensure that Town concerns are understood and addressed, and that the processes are carried out in the most timely manner possible.

- **Coordination of “Special Act of 1957” Authorities and Authorities Provided by the Connecticut Harbor Management Act.**

The Special Act and the State Harbor Management Act are complementary to the extent that both are intended to provide local authority for protection of the public interest in Stratford’s marine environment. There is, however, no statutory authority for incorporating the Special Act powers and duties into a harbor management plan prepared, approved and adopted in accordance with the Connecticut Harbor Management Act. In other words, there is no legal mechanism for the State of Connecticut to approve the Stratford Harbor Management Plan if it incorporates powers and duties in addition to those provided by the Harbor Management Act. As a result, it was determined by the Waterfront and Harbor Management Commission and Department of Environmental Protection in the course of work to prepare the Harbor Management Plan that the Plan should describe and make reference to the distinct powers and duties established by the Special Act, but should not serve to implement those powers and duties. Further, it was determined that powers and duties derived solely from the Special Act should be implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan, but in a manner that complements and is consistent with the Plan.

- **Coordination Between Town Commissions and Departments for Harbor Management**

In the course of work on the Harbor Management Plan, some concern was expressed that the roles and responsibilities of the several Town commissions and departments (e.g., Town Council, Waterfront and Harbor Management Commission, Zoning Commission, Planning Commission, Police Department, Fire Department, Shellfish Commission) with roles and responsibilities affecting the Harbor Management Area have not always been carried out in the most coordinated manner.

Also, the number of commissions and departments involved, each with different roles and authorities, can cause confusion for some proponents of waterfront development projects. The need for multiple approvals, including State and Federal approvals, can make the development review process seem particularly cumbersome and confusing, especially for those who do not have experience with such processes. Confusion and lack of awareness by interested parties can result, and lack of awareness can lead to violations of existing review and permitting requirements. In addition, some project developers have expressed concern over the lack of opportunity to meet informally with Town bodies to discuss project concepts prior to submitting a formal application.

Following approval and adoption of the Harbor Management Plan, the Waterfront and Harbor Management Commission may require that other Town bodies (the Zoning Commission, for example) forward copies of applications for proposals affecting the Harbor Management Area to the Waterfront and Harbor Management Commission. The Waterfront and Harbor Management Commission will then review specific aspects of those proposals for consistency with the Harbor Management Plan. A two-thirds vote of the Town body receiving and forwarding the application to the Harbor Management Commission would then be required to approve any proposal that the Commission determines is inconsistent with the Plan. An important purpose of this “Harbor Management Consistency Review Process” would be to ensure that the in-water as well as upland aspects of a waterfront development proposal receive careful review and attention. However, care must be exercised in establishing this process to ensure that it does not lengthen or add “red tape” to the project review process, and that it does result in more coordinated Town review.

- **Enforcement of Harbor Management Plan Provisions**

An important factor influencing the effectiveness of existing harbor management regulations as well as any future regulations that may be adopted to help implement the Harbor Management Plan is the ability to adequately enforce those regulations. There are several different government agencies and officials with enforcement authority in the Harbor Management Area. These include the Stratford Police Department, Zoning Administrator, Harbor Master, the Connecticut DEP and DOT, the Coast Guard, and the Corps of Engineers. Effective implementation of the Harbor Management Plan will require coordination among all agencies with enforcement authority.

State and Federal agency presence in the Harbor Management Area is limited, and as a result major responsibility for enforcement of harbor management regulations should be borne by Town officials, departments, and the Harbor Master. The Harbor Management Plan shall, in accordance with authority provided by Harbor Management Act and Town Code, identify officials responsible for implementing the Plan and propose ordinances necessary for Plan implementation.

- **State and Federal Coordination in Plan Implementation**

Effective implementation of the Harbor Management Plan will require State and Federal agency involvement. The Waterfront and Harbor Management Commission may review development permit applications submitted to the DEP and Corps of Engineers for activities in or adjacent to the Harbor Management Area, and may comment on those proposals with regard to their consistency with the provisions of the Harbor Management Plan. This review and comment should be undertaken to ensure that State and Federal decisions pertaining to future water and waterfront uses and development are consistent with the Plan.

In accordance with authority provided by the Connecticut Harbor Management Act, the Waterfront and Harbor Management Commission may, following adoption of the Harbor Management Plan, apply for a “General Permit” from the Corps of Engineers for specific types of coastal structures and activities that could be proposed within the Harbor Management Area. The intent of this General Permit would be for the Corps of Engineers to rely more heavily on the Waterfront and Harbor Management Commission for review of relatively minor activities that have the potential for little or no adverse environmental impact. The extent to which a General Permit from the Corps of Engineers to a local harbor management commission would actually expedite the permitting process for certain structures and activities is currently not clear. In the course of harbor management planning efforts elsewhere in Connecticut, the Corps of Engineers has indicated a willingness to issue a General Permit that would cover: 1) private maintenance dredging; 2) small docks and piers; and 3) reconfiguration of boat slips in existing marinas. The actual procedures and details for obtaining and using such a General Permit, however, have not yet been developed.

Also in accordance with authority provided by the Harbor Management Act, the Waterfront and Harbor Management Commission may request delegation of enforcement authority from the Connecticut Commissioner of Environmental Protection. This authority would pertain to certain State regulatory programs affecting the Harbor Management Area.

- **Amendments and Revisions to the Harbor Management Plan and Chapter 210 of the Town Code**

Conditions in the Harbor Management Area are subject to ongoing change, and some of these changes may require additions or modifications to the goals, objectives, policies, and guidelines included in the Harbor Management Plan. To respond to changing conditions and needs, the Plan should be amended as necessary. The Connecticut Harbor Management Act specifies that modifications to an approved harbor management plan may be proposed at any time and shall be approved in the same manner as the plan. In accordance with the Harbor Management Act, the Waterfront and Harbor Management Commission must conduct an annual review of the Plan, and the Plan is also to be reviewed annually by the Connecticut commissioners of environmental protection and transportation.

Chapter 210 (“Waterfront and Harbor Management”) of the Stratford Code establishes the powers, duties and authorities of the Stratford Waterfront and Harbor Management Commission. Other chapters of the Town Code also contain provisions pertaining to the water and waterfront. For the sake of management efficiency, all of the relevant chapters could be consolidated into Chapter 210, and any conflicts or inconsistencies between these Town regulations and applicable State regulations eliminated.

- **Maintaining Public Support and Awareness**

Successful implementation of the Harbor Management Plan will depend in large part on continued public support and awareness, including awareness of the value of the Town's water and waterfront resources, the provisions of the Harbor Management Plan, and the requirements of regulations and ordinances to implement the Plan. The Waterfront and Harbor Management Commission, through its regular public meetings and special programs can provide a continuing public forum for the presentation and hearing of all concerns related to the Harbor Management Area and implementation of the Harbor Management Plan. By encouraging public participation, the Commission can help to develop and maintain public support for long-range management efforts to guide future use, development and conservation in the Harbor Management Area.

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**PART II:**

**THE HARBOR MANAGEMENT PLAN**

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- **CHAPTER FOUR: STRATFORD'S GOALS, OBJECTIVES, AND  
POLICIES FOR HARBOR MANAGEMENT**
- **CHAPTER FIVE: "AREA GUIDELINES" FOR  
HARBOR MANAGEMENT**
- **CHAPTER SIX: RECOMMENDATIONS AND RESPONSIBILITIES  
FOR PLAN IMPLEMENTATION**

## CHAPTER FOUR: \_\_\_\_\_

# STRATFORD'S GOALS, OBJECTIVES AND POLICIES FOR HARBOR MANAGEMENT

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This Chapter contains goals, objectives and policies for guiding harbor management in the Town of Stratford. These Town goals, objectives and policies are consistent with the *Stratford Coastal Plan*, with established State coastal management policies, and with applicable Federal policies.

The goals and objectives are directed toward achieving “balance” in the Town’s Harbor Management Area — balance between the use of harbor resources for recreational and other purposes on the one hand, and protection of environmental resources and the existing quality of life in the Town on the other.

The broad goals and objectives establish the framework for the harbor management policies that follow. The policies are grouped into five main categories: 1) boating and water-use policies; 2) waterfront land-use and development policies; 3) coastal resources policies; 4) water access policies; and 5) harbor administration policies. The policies will guide the Waterfront and Harbor Management Commission and other Town, State and Federal agencies in making decisions affecting Stratford’s Harbor Management Area.

The goals, objectives and policies will also guide actions of the Waterfront and Harbor Management Commission carried out in accordance with the Commission’s powers and duties established by the Special Act of the Connecticut Legislature passed on June 7, 1957 (“An Act to Establish a Waterfront Authority for the Town of Stratford”).

The goals and policies are numbered for reference purposes. An index to the goals, objectives and policy categories is included as Figure 4-1.

**INDEX TO GOALS, OBJECTIVES AND POLICY CATEGORIES**

	<u>Page</u>
<b>Goals and Objectives</b> .....	4-4
<b>Boating and Water-Use Policies</b> .....	4-8
1. Encroachments into Navigable Waters .....	4-8
2. Navigation Fairways .....	4-8
3. Marine Setback Standards .....	4-8
4. Aids to Navigation .....	4-10
5. Dredging .....	4-10
6. Derelict, Abandoned and Deteriorated Vessels and Structures .....	4-11
7. Recreational Boating Facilities .....	4-12
8. Dockminiums .....	4-13
9. Mooring Locations .....	4-13
10. Boating Safety .....	4-14
11. Emergency Response and Rescue Capabilities .....	4-16
12. Fire Prevention and Preparedness .....	4-16
13. Town Boating Facilities .....	4-16
14. Live-Aboard Vessels .....	4-17
15. Commercial Fishing .....	4-17
16. Boating Education .....	4-18
17. Bridge Operations .....	4-18
<b>Waterfront Land-Use and Development Policies</b> .....	4-18
1. Planning and Review of Waterfront Development .....	4-18
2. Construction of In-Water Structures .....	4-19
3. Filling and Stabilization of Waterfront Property .....	4-20
4. Shorefront Neighborhoods .....	4-21
5. Riparian and Littoral Rights .....	4-21
<b>Coastal Resources Policies</b> .....	4-21
1. Capacity of Coastal Resources to Accommodate Additional Uses and Development .....	4-21
2. Protection and Management of Fisheries Resource Areas .....	4-22
3. Protection and Enhancement of Intertidal Resources .....	4-22
4. Protection and Management of Rare Nesting Habitat .....	4-23
5. Protection and Management of Beaches and Sand Dunes .....	4-23
6. Water Quality .....	4-23
7. Fuel Spill Contingency Planning .....	4-24
8. Natural and Man-Made Hazards .....	4-25
9. Scenic Quality .....	4-25
10. Protection of Historic and Cultural Resources .....	4-25

Figure 4-1: Index to Goals, Objectives and Policy Categories.



**INDEX TO GOALS, OBJECTIVES AND POLICY CATEGORIES  
(Continued)**

	<u>Page</u>
<b>Water Access Policies</b> .....	4-26
1. Water Access Opportunities .....	4-26
2. Use of Public Water Access Right-of-Ways .....	4-26
3. Use of Town Beaches and Other Town-Owned Waterfront Areas .....	4-27
4. Protection of Public Rights in Public Trust Lands and Waters .....	4-27
<b>Harbor Administration Policies</b> .....	4-27
1. Harbor Management Area Boundaries .....	4-27
2. Implementation and Enforcement of Harbor Management Plan Provisions .....	4-28
3. Review of Development Proposals Affecting the Harbor Management Area .....	4-28
4. Duties of the Harbor Master .....	4-30
5. Administration of Mooring Permits .....	4-30
6. Establishing and Managing Funds for Harbor Management .....	4-31
7. Amending and Revising the Harbor Management Plan and Town Code .....	4-31
8. Coordinating Harbor Management with Adjoining Municipalities .....	4-32

**Figure 4-1:** *Index to Goals, Objectives and Policy Categories (Continued).*

## GOALS AND OBJECTIVES

**Goal 1: To strengthen the role of the Town of Stratford in the planning, management and regulation of in-water and waterfront activities within and adjoining the Town's harbor management jurisdiction.**

### Objectives

- (a) To establish and apply short-term and long-range goals, objectives, policies, and guidelines to guide Town decisions (and, to the extent possible, State and Federal government decisions) pertaining to uses, activities and development in the Stratford Harbor Management Area.
- (b) To establish and implement specific responsibilities for efficient and coordinated harbor management by Town authorities, in coordination with State and Federal authorities.
- (c) To establish and implement specific Town regulations, as needed, for guiding use and development in the Harbor Management Area, and to achieve effective enforcement of all existing and future regulations.
- (d) To obtain funds to be used specifically for Town harbor management purposes.
- (e) To support implementation of the goals, policies and recommendations of the *Stratford Coastal Plan*.
- (f) To cooperate with the adjoining municipalities of Milford, Bridgeport and Shelton for effective harbor management.
- (g) To ensure that the actions of the State-appointed Harbor Master are guided by and consistent with Town goals, objectives, policies, and guidelines for harbor management.
- (h) To promote public awareness of water and waterfront resources and concerns, as well as support for an on-going harbor management program.

**Goal 2: To maintain a diversity of water-based facilities and uses that individually and collectively enhance the quality of the waterfront and harbor environment and the overall quality of life in the Town of Stratford.**

Objectives:

- (a) To support the continued operation and enhancement of existing boating-related facilities and uses, including marina, boatyard and boat launching facilities, recreational boating uses, and commercial and recreational fishing uses.
- (b) To support the continued operation and enhancement of nonboating water-dependent facilities and uses (including waterfront park and beach facilities and passive recreational uses) that provide opportunities for public access to the Harbor Management Area.
- (c) To support the development of new boating and other water access areas and facilities where consistent with public needs and Town goals, objectives, policies, and guidelines for harbor management.

**Goal 3: To plan for and regulate waterfront land-use and development consistent with the capabilities of the natural and man-made environment to support this use and development.**

Objectives

- (a) To recognize that the Town's waterfront and harbor environment has a limited capacity ("carrying capacity") to support use and development and that this carrying capacity is subject to change over time.
- (b) To apply special Town policies to guide the use and development of waterfront land, recognizing the importance of the Town's coastal resources and existing water-dependent land uses.
- (c) To carefully evaluate the possible impacts on natural coastal resources associated with proposals for waterfront uses and activities.
- (d) To avoid new or expanded uses and development that exceed the carrying capacity of the natural and man-made environment to support such uses and development.
- (e) To support appropriate new, expanded or enhanced water-dependent uses and development that will not exceed the carrying capacity of waterfront and harbor resources.

- (f) To coordinate the actions of the Waterfront and Harbor Management Commission with the actions of Town commissions with authority for land-use planning and regulation.

**Goal 4: To protect and, where possible, improve the quality of natural and cultural resources within and adjoining the Town's harbor management jurisdiction.**

Objectives:

- (a) To improve water quality in the Housatonic River, Lewis Gut and nearshore Long Island Sound waters.
- (b) To properly manage and protect natural coastal resources such as tidal wetlands, intertidal flats, shellfish beds, fisheries resources, beaches, and other resources.
- (c) To preserve significant natural features and historic resources.
- (d) To direct future uses and development away from fragile and sensitive natural coastal resources.
- (e) To recognize that Stratford's natural coastal resources are part of the total Long Island Sound estuarine system and that negative impacts on the resources within any one part of this system can have important effects on the larger system.

**Goal 5: To plan for and regulate boating and other water uses to assure safe, orderly and efficient use of waterfront and harbor resources.**

Objectives:

- (a) To avoid unauthorized uses and structures seaward of the mean high water line.
- (b) To support the continued and timely maintenance of the existing Federal navigation channel in the Housatonic River, consistent with current and projected need.
- (c) To achieve optimum use of public water areas through the implementation of area-specific guidelines for water use.
- (d) To apply and enforce Town rules and regulations, as needed, for boating and water use.

- (e) To support an active, ongoing role for the Stratford Harbor Master in the management and regulation of water activities in the Harbor Management Area.

**Goal 6: To provide suitable access to the Town's Harbor Management Area, as needed, for active and passive recreational uses.**

Objectives:

- (a) To recognize that the Harbor Management Area provides important economic, recreation, social, and other benefits to all residents of the Town of Stratford, and that the area should be managed for the benefit of all Town residents and other users of the Harbor Management Area.
- (b) To maintain and improve existing water access areas, including Town parks, beaches and water access right-of-ways, and to provide new water access areas, as needed, in appropriate locations.
- (c) To ensure that the public's right to use the land and water seaward of the mean high water line in accordance with the Public Trust Doctrine is not adversely affected by private in-water and waterfront development.

**Goal 7: To preserve the existing character and beneficial quality of life in shorefront residential areas.**

Objectives:

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

## BOATING AND WATER-USE POLICIES

### 1. Encroachments into Navigable Waters

- a. In accordance with State and Federal laws and regulations, all unauthorized structures (including docks, piers, floats, pilings, moorings, and other structures) and other work (including unauthorized fill) extending into the Federal navigation channel or into any other areas seaward of the mean high water line should be considered as encroachments into navigable water and eliminated or otherwise corrected.
- b. Existing encroachments: All existing encroachments (those pre-dating the effective date of the Harbor Management Plan, and identified either prior to or after the effective date of the Plan) should be evaluated individually, and specific measures developed to remove or otherwise correct these existing violations.
- c. Future encroachments: Any future encroachments (those that may be constructed or occur after the effective date of the Harbor Management Plan) should be eliminated by the offending party without delay. Accountable Town, State and Federal regulatory agencies should take appropriate legal actions necessary to correct these violations. Issuance of “after-the-fact” permits that would bring future encroachments into compliance should generally not be considered unless there are compelling, clearly demonstrated reasons to do so.

### 2. Navigation Fairways

- a. Where necessary, specific water areas to be kept free of obstructions should be designated as navigation fairways to ensure safe passage of recreational and commercial vessels to, from, through, and alongside navigation channels, mooring areas, anchorages, and berthing areas.
- b. Designated fairways should be of an appropriate width, consistent with the type of vessel use anticipated, to ensure ease and safety of navigation.

### 3. Marine Setback Standards

- a. All piers, docks, bulkheads, pilings, moorings, and other structures located seaward of the mean high water line should be set back from the boundaries of navigation channels, mooring areas and anchorages a sufficient distance to (1) ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with the safe and free passage of any vessel using the channels, mooring areas and anchorages, and (2) avoid or otherwise mitigate potential adverse impacts

of in-water structures on valuable coastal resources, opportunities for public use of navigable water, and opportunities for access to fishery resources by small vessels.

- b. Setback distances should be measured from the nearest boundary of the nearest channel, mooring area or anchorage to: 1) the nearest point of the particular structure; or 2) the nearest point to which a typical vessel docked or anchored at the structure might approach the boundary line. The setback distance should be measured as the shorter of these two distances.
- c. Appropriate setback distances should be determined based on consideration of existing conditions including, but not limited to, shoreline conditions, the width of the Housatonic River, and the position and configuration of the Federal navigation channel.
- d. When determining appropriate set-back distances, consideration should also be given to the navigation rights and reasonable use expectations of the general public, and to the riparian rights of waterfront property owners.
- e. The appropriate distance that in-water structures should be set back from the nearest boundary (based on established channel coordinates) of the Housatonic River Federal navigation channel may be established on a case-by-case basis, and may vary in different reaches of the River.
  - i. When determining the distance that in-water structures should be set back from the nearest boundary of the Federal navigation channel, consideration should be given to design guidelines established by the U.S. Army Corps of Engineers<sup>1</sup> and past decisions by the Stratford Waterfront Authority and the Waterfront and Harbor Management Commission.<sup>2</sup>
  - ii. Among the potential impacts of in-water structures that should be evaluated when determining the appropriate distances that in-water structures should be set back from the nearest boundary of the Federal navigation channel are potential impacts on valuable coastal resources, ease and safety of navigation,

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<sup>1</sup> See "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers," 2 April 1991, included as Appendix F of the Harbor Management Plan.

<sup>2</sup> When reviewing proposals for the extension of docks and piers into the Housatonic River, the Stratford Waterfront Authority and Stratford Waterfront and Harbor Management Commission have attempted to maintain a 130-foot setback distance between in-water structures and the Federal navigation channel. The purpose of this historically applied 130-foot setback distance is to promote public safety, protect coastal resources, and maintain meaningful opportunities for public use of Public Trust waters outside of the Federal channel. The 130-foot distance has evolved over time in the course of first the Waterfront Authority's and then the Waterfront and Harbor Management Commission's review of proposed boating facility developments.

opportunities for public use of navigable water outside of the navigation channel, and opportunities for access to fishery resources by small vessels alongside the navigation channel.

- iii. When determining the appropriate distance that in-water structures should be set back from the Federal navigation channel, consideration should be given to existing conditions including, but not limited to: (a) channel maintenance (dredging) requirements; (b) traditional navigation patterns; (c) the configuration and capacity of the proposed structures; and (d) the presence of any adjacent, authorized structures
- iv. Setback distances should be established to maintain a reasonable area of public water to sustain, in the public interest, activities not specifically related to simply transiting the River in safety.

#### **4. Aids to Navigation**

- a. Aids to navigation should be adequate for marking channels, fairways, mooring areas, and anchorages as well as navigation hazards, restricted speed areas and other conditions affecting ease and safety of navigation.
- b. No “private” (nonfederal) aids to navigation should be placed without approval from the Waterfront and Harbor Management Commission and necessary permits from the U.S. Coast Guard, U.S. Army Corps of Engineers, and Connecticut Department of Environmental Protection. Placement of aids to navigation by shorefront residents, marina operators, boaters and others without appropriate permits from the Department of Environmental Protection, Corps of Engineers, and Coast Guard may subject the owner of the aid to navigation to potential liability as well as penalties imposed in accordance with applicable State statutes.
- c. Approved “private” aids to navigation, supplemental to those placed by the Coast Guard, may be placed to mark fairways, mooring areas, and anchorages designated in the Harbor Management Plan, as well as any navigation hazards and restricted speed areas.

#### **5. Dredging**

- a. Dredging in the Harbor Management Area should be carefully planned and carried out in a manner that provides for the continued viability of boating facilities, safe and efficient navigation, and minimal disruption of natural systems and values.



- b. Priority areas for dredging should include existing marina basins and facilities and the Federal navigation channel. Dredging of new channels and navigation areas should be discouraged.
- c. Future maintenance dredging of nonfederal channels and navigation areas should be carried out by private interests in the most timely manner necessary to ensure the continued viability of boating facilities and safe and efficient navigation.
- d. Future maintenance dredging of the Federal navigation channel in the Housatonic River should be carried out in the most timely manner necessary to ensure the continued viability of boating facilities and safe and efficient navigation.
- e. To the extent feasible, maintenance dredging of the Federal navigation channel should be coordinated with nonfederal maintenance dredging and with dredging of other Federal navigation projects near the Housatonic River to reduce the economic costs and potential environmental impacts of dredging.
- f. Maintenance dredging of all channels, mooring areas, docking facilities, and berthing areas should be undertaken in compliance with all applicable State and Federal regulations and in a manner that will minimize adverse impacts on coastal resources. (See Coastal Resources Policies.)
- g. Disposal of dredged material from all channels, mooring areas, docking facilities and berthing areas should take place in a manner that minimizes potential environmental impacts.
- h. All appropriate efforts should be undertaken to reduce siltation and the resulting need for dredging in the Harbor Management Area. These efforts should include regular cleaning of storm drainage catch basins, construction of additional catch basins as necessary, control of runoff from construction sites, prohibitions on the disposal of leaves, branches or other debris in Town waters, and reducing or eliminating all other human activities that introduce sediment into the Harbor Management Area.

## **6. Derelict, Abandoned and Deteriorated Vessels and Structures**

- a. In accordance with State and Federal laws and regulations, all derelict, abandoned, or deteriorated vessels and structures presenting a hazard or obstruction to persons, property or navigation should be removed from the Harbor Management Area.
- b. All mooring buoys and ground tackle abandoned or left unused for an inordinate period of time (as specified in mooring rules and procedures adopted by the Waterfront and Harbor Management Commission) should be removed from the Harbor Management Area.

- c. No building, structure or floating facility within or adjacent to the Harbor Management Area, nor any marine facility, either on land or seaward of the mean high water line, should be allowed to deteriorate to the point that a hazard to persons and property or a hazard or obstruction to navigation may result.

## 7. Recreational Boating Facilities

- a. The Town should encourage and support the continued operation of commercial marinas and private boating/yacht clubs and the establishment of new boat service facilities in appropriate locations. The authority and policies of the Connecticut Coastal Management Act and the *Stratford Coastal Plan* should be used to support and encourage the continued operation of commercial boat service facilities (including maintenance, repair and storage facilities) and to promote the establishment of new boat service facilities in appropriate locations.
- b. Any future redevelopment activities that may affect existing marina and/or boatyard facilities should not result in any significant reduction of currently available boat slips and boat service facilities.
- c. Town planning and zoning requirements should protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boatyard facilities. (See Waterfront Use and Development Policies.)
- d. The provision of additional commercial and private boat slips to meet current and future demands for recreational boating facilities should be encouraged where the construction of such slips will be consistent with all other harbor management goals, objectives, policies, and guidelines. The provision of slips for small boats (25 feet and less in length) should be encouraged to help maintain a diversity of water-dependent uses and activities as well as water access opportunities for all boat owners.
- e. The design and review of future boating facility development proposals should take into consideration the capacity of water areas to accommodate increased water use while maintaining ease and safety of navigation, avoiding vessel congestion, and supporting other recreational and commercial uses in the Harbor Management Area.
- f. The design and review of future boating facility development proposals should take into consideration: 1) the potential cumulative impacts of this type of development on coastal resources; and 2) the capacity of coastal resources to accommodate additional boating facilities without the occurrence of significant adverse impacts on navigation requirements and coastal resources. (See Coastal Resources Policies.)

## 8. Dockominiums

- a. Any proposal for dockominium development should be carefully evaluated, and approved only when there are compelling reasons to do so, and when potential adverse impacts of the proposal are avoided, minimized, or otherwise deemed acceptable.
  - i. Among the potential adverse impacts of dockominium development that should be evaluated are potential impacts on: 1) opportunities for public access to the Harbor Management Area; 2) the public's right, in accordance with the Public Trust Doctrine, to use the land and water resources seaward of the mean high water line; 3) small-boat berthing facilities and opportunities for moderate income boaters to use the Harbor Management Area; and 4) the originally-permitted use of the proposed development site.
- b. Any dockominium development, either as the principal use of a waterfront site or as a secondary use to another, nonwater-dependent site use, should incorporate water access facilities for the general public.

## 9. Mooring Locations

- a. The location and placement of all moorings in the Harbor Management Area should be carefully planned and regulated in a manner that provides for efficient and equitable distribution of individual-private and appropriate commercial moorings, including transient moorings and moorings for the members of private yacht clubs.
- b. To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum use of the Stratford Harbor Management Area, and protection of environmental quality, the Stratford Harbor Master must approve all mooring locations in the Harbor Management Area. The Harbor Master should issue a permit for each approved mooring location or area. The issuance of mooring permits and placement of all moorings should be in accordance with procedures established by the Waterfront and Harbor Management Commission (see Harbor Administration Policies and Appendix D of the Harbor Management Plan), and in accordance with applicable State and Federal laws and regulations.
- c. Determination of the number and location of moorings in the Harbor Management Area should be based on consideration of:
  - 1) water depths and bottom conditions;
  - 2) the availability of suitable on-land access areas to serve the moorings;

- 3) the need to maintain appropriate set-backs from navigation channels and fairways; and
  - 4) the need to achieve the most efficient use of limited mooring space without adversely affecting navigation safety or environmental resources.
- d. The owners/users of all appropriate commercial moorings, including moorings maintained by private boating and yacht clubs for use by members, guests and transient boaters, should receive a commercial mooring permit from the Harbor Master, the U.S. Army Corps of Engineers, and the Connecticut DEP in accordance with State and Federal regulations. Commercial moorings should be limited to specific areas designated in commercial mooring permits and in the Harbor Management Plan.
  - e. Permits for the use of individual-private moorings should only be issued to the owner of the vessel to be moored.
  - f. All moorings should be served by suitable public or private (including private commercial) onshore access facilities. Receipt of a mooring permit should not eliminate the need to obtain the necessary Town permit for use of any Town facility that may be used for mooring access.
  - g. All mooring tackle should meet minimum mooring tackle guidelines and be subject to periodic inspection (see Appendices D and E of the Harbor Management Plan).
  - h. Each person mooring a vessel in the Harbor Management Area is responsible for any damage to his or her own vessel (or to any other vessel or property) that may be caused by failure of the mooring tackle used to secure his or her own vessel.
  - i. A mooring plan should be prepared and updated as necessary to identify all permitted mooring locations in the Harbor Management Area.

## **10. Boating Safety**

- a. All appropriate actions, including implementation and enforcement of applicable Town, State and Federal regulations, should be undertaken to maintain and improve boating safety in the Harbor Management Area.
- b. The Stratford Police Department's capital and operating budget requirements for maintaining and enhancing, as necessary, the operations of its Marine Division should be supported.

- c. Within designated areas in the Harbor Management Area, vessel speed should be limited to 6 (six) miles per hour or to a speed that will not cause a wake, whichever is the lesser speed. Any person operating a vessel in the Harbor Management Area at such a speed as to cause a wake should be held responsible for any damage caused by this wake.
- d. Strict enforcement of vessel speed limits should be carried out by the Police Department's Marine Division (in coordination with the Milford and Bridgeport police departments) and the Department of Environmental Protection's Marine Enforcement Unit.
- e. Swimming and underwater diving (except for emergency or inspection purposes) should not occur within navigation channels and fairways.
- f. Water skiing should not occur within navigation channels, fairways, anchorages, and mooring areas.
- g. Board sailing (except as necessary to safely proceed to/from suitable board sailing areas) should be discouraged within navigation channels, fairways, mooring areas, and anchorages to reduce potential conflicts with recreational and commercial vessels.
- h. Vessel-based fishing should not occur within navigation channels in a manner that poses a hazard to navigation, or impedes the safe passage of vessels which because of their draft are restricted to the navigation channel.
- i. Sea plane takeoffs and landings should not interfere with general navigation and with recreational boating and other water-dependent activities, and should be conducted in accordance with State regulations. The boating public should be informed of potential takeoff and landing areas.
- j. Except by specific authorization, or in the case of an emergency, no vessel should enter into the area of any public swimming area as indicated by official markers placed by the Town of Stratford or into any legally designated private beach area.
- k. The operation of all personal watercraft (including "jet skis" and similar craft) in the Harbor Management Area should be in accordance with all applicable boating laws and regulations, including limitations on noise levels established in Section 15-129 of the Connecticut General Statutes.

**11. Emergency Response and Rescue Capabilities**

- a. Emergency response and rescue actions should be coordinated to the maximum extent possible among responsible Town authorities, and between the Town of Stratford and adjoining municipalities.
- b. The Town should support the development and maintenance of necessary waterfront facilities to maintain and enhance emergency response and rescue capabilities.
- c. Future land-use and water-use decisions affecting the Harbor Management Area should take into consideration requirements for emergency vehicle access and the potential effects of waterfront use and development proposals on emergency response and rescue capabilities.

**12. Fire Prevention and Preparedness**

- a. The developers of all new marinas and other waterfront facilities should provide for appropriate fire prevention and preparedness as required by the Fire Marshall, including adequate access for fire and other emergency vehicles and adequate on-site water supply for fire fighting purposes. Standards and guidelines contained in the Connecticut Fire Safety Code and in any Town ordinance that may be adopted for waterfront fire protection should be incorporated in the design and construction of all marinas and waterfront facilities.
- b. Existing marinas and waterfront facilities should also provide for appropriate fire prevention and preparedness as required by the Fire Marshall. All existing facilities should conform to appropriate fire prevention and preparedness requirements within a reasonable period of time.

**13. Town Boating Facilities**

- a. The Town should continue to provide and maintain needed boating facilities for the use of Town residents and others who may obtain a valid Town permit for the use of such facilities.
- b. The enhancement of existing Town boating facilities and the establishment of new public boating facilities should be encouraged, as needed, to provide facilities and services as well as appropriate opportunities for public access to the Harbor Management Area by resident, nonresident and transient boaters. The provision of facilities for smaller boats (less than 25 feet in length) should be emphasized.

- c. Consistent with other harbor management goals, objectives, policies, and guidelines, new public facilities should be established, as needed, to serve transient boaters. The development of transient boating facilities should be encouraged to support and complement economic development efforts in the Town. The establishment of appropriate land-based transportation services to serve transient boaters should be supported.

#### **14. Live-Aboard Vessels**

- a. The use of berthed, anchored or moored vessels as permanent residences (as distinguished from seasonal or short-term use of a vessel for sleeping quarters) should be prohibited in the Harbor Management Area. The continued use of any vessel currently used as a permanent residence in the Harbor Management Area may be permitted if such use is consistent with all Town, State and Federal regulations and with the availability of land-based support facilities and utilities, including sewage disposal facilities.
- b. Seasonal or short-term use of a berthed, anchored or moored vessel for living quarters should be permitted in the Harbor Management Area, but must be consistent with all Town, State and Federal regulations that address anchoring, lighting, taxation and other pertinent concerns, and with the availability of land-based support facilities and utilities, including sewage disposal facilities.

#### **15. Commercial Fishing**

- a. Commercial fishing activities, including commercial shellfishing by independent fishermen and group sport-fishing activities on commercial charter boats and other vessels, should be supported.
- b. Consistent with other harbor management goals, objectives, policies, and guidelines, the Town should support, where feasible, the provision of berthing space and well-planned and maintained upland support facilities as needed to support continued commercial fishing activities in the Harbor Management Area.
- c. The placement of all structures, including mooring tackle in the Harbor Management Area, should be in accordance with the applicable rights of shellfish bed owners or lessees, and should be consistent with applicable Town plans and regulations for shellfish management.
- d. Existing and potential conflicts between recreational and commercial fishing vessels and activities should be reduced or eliminated. Commercial fishing activities should not pose a hazard or obstruction to general navigation or to other water-dependent activities.

- e. The Town should support continued efforts to: 1) monitor commercial fisheries in the Harbor Management Area; and 2) establish appropriate management controls as necessary to ensure the continued viability of fisheries resources.

## **16. Boating Education**

- a. Local training and educational programs to promote boating safety should be encouraged and supported.
- b. The Town should support a continued role for the Coast Guard Auxiliary for conducting boating training and education programs in the Stratford area.

## **17. Bridge Operations**

- a. The operation of moveable bridges affecting navigation in the Harbor Management Area should be carried out in the most efficient manner in accordance with published Coast Guard regulations. Bridge operations should be carried out in the most efficient manner so as to not unreasonably interfere with vehicle traffic or cause navigation-related problems.
- b. The moveable bridges should be maintained in a manner that ensures their continued safe and reliable operation.

# **WATERFRONT LAND-USE AND DEVELOPMENT POLICIES**

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

- a. All public and private waterfront development proposals affecting the Harbor Management Area should be carefully planned and reviewed for consistency with the Harbor Management Plan.
- b. All Town-supported planning and development initiatives affecting the Harbor Management Area should be undertaken in the most coordinated manner possible, and should have consistent project objectives related to future use of the Harbor Management Area and protection of coastal resources.
- c. The potential effects of waterfront development proposals on future water uses, activities and vessel congestion should be an important consideration in the design of future waterfront development proposals and the review of those proposals for consistency with the Harbor Management Plan.



- d. The Town should support and encourage the development and continued operation of truly water-dependent (as opposed to water-enhanced) land uses on waterfront sites.
- e. Public access to the Harbor Management Area should be encouraged wherever feasible, but the Town should ensure that existing water-dependent uses are not replaced by nonwater-dependent uses that provide only limited public access to the water. (See Water Access Policies.)
- f. Opportunities for stimulating economic growth through water-dependent development consistent with the Harbor Management Plan should be carefully evaluated and pursued.

## 2. Construction of In-Water Structures

- a. All docks, piers, pilings and other in-water structures for commercial and private use should be set back from the boundaries of identified channels, mooring areas, anchorages, and fairways a sufficient distance to ensure that these docks and piers and any vessels attached to them do not interfere with: 1) ease and safety of navigation; and 2) public use, consistent with the Public Trust Doctrine, of the land and water seaward of the mean high water line.
- b. Construction of in-water structures should not have a significant impact on natural resources, water access opportunities, visual quality, and Public Trust uses. In all cases, alternatives to the construction of fixed structures to reach navigable water should be considered. Alternatives to be considered should include floating docks and individual-private moorings.
- c. Docks and piers should be of minimal length. The appropriate extent to which docks and piers should extend seaward to reach navigable water should be determined based on consideration of the riparian/littoral rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water, public access requirements, the presence of coastal resources such as intertidal flats and shellfish beds, and other relevant conditions.
- i. To reduce potential impacts on navigation resulting from the construction of new or extended docks and piers, design guidelines established by the U.S. Army Corps of Engineers for the placement of fixed and floating structures in navigable water<sup>3</sup> should be considered in the design and review of proposed docks and piers. In the absence of compelling reasons to the contrary, including

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<sup>3</sup> See "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers," 2 April 1991.

the need to protect valuable coastal resources, new or extended docks and piers should be consistent with the Corps of Engineers' Guidelines.

- ii. The construction of new or extended docks and piers should not infringe on the littoral rights of adjoining property owners nor interfere with navigation.
- d. In general, permits for the placement of permanent structures seaward of the mean high water line should only be granted to permit applicants possessing the riparian/littoral right for the placement of such structures, or to those applicants who have obtained permission from the riparian/littoral owner to place such structures.
  - i. Exceptions to this policy should be made only when there are compelling reasons to do so, as demonstrated by the permit applicant. Granting of permits for the placement of permanent structures to nonriparian owners, or without the permission of the riparian owner, should only be considered where the proposed structure is shown to be the only feasible alternative necessary to support a statutorily-encouraged water-dependent use, and this use is further determined to be in the public interest. In such instances, any decision to grant a permit should be based on reasonable and specific criteria consistently applied to all permit applicants, and follow careful Town, State and Federal review of applicable navigation, resource protection, public safety, and other relevant factors. Any permit granted to a nonriparian owner without permission of the affected riparian owner should be subject to review, modification, suspension or revocation as may be made necessary by considerations of the public interest in accordance with applicable State and Federal laws and regulations.
- e. All docks, piers and other in-water structures should be subject to ongoing inspection to ensure conformance with, and continuing adherence to, any terms and conditions associated with the approval of these structures.

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

- a. Bulkheads and other shore protection structures should be maintained in a timely manner, and repaired as necessary.
- b. Repair of existing bulkheads and other shore protection structures should be encouraged in coordination with waterfront redevelopment projects affecting the sites protected by these structures.
- c. Filling and/or excavation of viable and productive intertidal areas and submerged land seaward of the mean high water line for the purpose of creating additional land area for development should be strongly discouraged.

- d. In accordance with Section 22a-92(b)(2)(F) and Section 22a-92(b)(2)(J) of the Connecticut General Statutes, those proposing to use structural measures (including but not limited to bulkheads, seawalls, groins, and riprap) to stabilize the shoreline and/or protect existing development from flooding and erosion should show that these measures will not result in significant adverse impacts on natural resources and adjacent properties.

#### **4. Shorefront Neighborhoods**

- a. In-water and waterfront activities should not cause nuisance impacts — including, but not limited to, noise, litter and wave impacts — that affect waterfront residential areas. Existing State boating regulations limiting powerboat noise levels should be strictly enforced.
- b. The planning and review of new development and water-dependent activities should take into consideration the possible impacts on the existing character and quality of life in shorefront residential areas. Potential adverse impacts on shorefront residential areas should be minimized or eliminated.

#### **5. Riparian and Littoral Rights**

- a. Consistent with the Public Trust Doctrine, the exercise of riparian or littoral rights by waterfront property owners should not have significant adverse impacts on coastal resources, visual quality, and Public Trust uses of the land and water resources seaward of the mean high water line.
- b. The construction of public and private docks, piers and other in-water structures should not infringe on the riparian or littoral rights of adjoining property owners.

### **COASTAL RESOURCES POLICIES**

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

- a. Development activities affecting the Harbor Management Area should be balanced with the need to protect and maintain natural coastal resources, and should cause only minimal disruption to natural resource systems and values.
- b. The design and review of development proposals in or adjacent to the Harbor Management Area should take into consideration cumulative impacts on coastal resources and the capacity of coastal resources to support development with only minimal disruption of the natural environment occurring.

- c. The design and review of development proposals should be guided by recognition that there are limits to the amount of growth and development that the Town's natural marine environment can absorb without important public resources and values being lost as a result of environmental degradation.
- d. Determinations of resource capacities for accommodating new development should be carried out through review of individual development proposals by the Waterfront and Harbor Management Commission and State and Federal regulatory agencies. This review should address: 1) the ability of environmental resources to support development; and 2) the public safety and navigation impacts associated with increased water use and activity.
- e. Development projects that affect currently undeveloped areas and areas of environmental sensitivity may be subject to more detailed review than projects in already developed areas.
- f. It should be the responsibility of project applicants to provide the information necessary for the Waterfront and Harbor Management Commission to adequately assess the potential impacts of proposed development projects on harbor resources and the consistency of such proposals with the Harbor Management Plan. The information required should be reasonable in scope and in balance with the size, scope and potential positive and negative impacts of the proposal. (See Harbor Administration Policies.)

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

- a. Shellfish and finfish resources should be protected and enhanced to the extent possible. Opportunities for recreational shellfishing and finfishing should be expanded through appropriate management techniques and controls.
- b. Recreational and commercial fishing activities should be balanced with boating and other water-dependent recreational and commercial uses in the Harbor Management Area.

## **3. Protection and Enhancement of Intertidal Resources**

- a. The ecological values of tidal wetlands, intertidal flats and other intertidal resources, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and flood hazard buffer, should be protected.
- b. Unless consistent with Town, State and Federal regulations, no dredging should take place in productive intertidal resource areas.

- c. Intertidal resources with Town-wide or State-wide significance should be preserved in their natural state.
- d. The Town should encourage the restoration and/or enhancement of degraded intertidal areas, including previously filled areas, in coordination with new development proposals affecting the Harbor Management Area.

#### **4. Protection and Management of Rare Nesting Habitat**

- a. Nesting habitat used by threatened and endangered shorebird and migratory bird species should be preserved and managed for nesting use through a cooperative effort by the Town of Stratford, the Connecticut Department of Environmental Protection, relevant Federal government agencies, and nonprofit conservation organizations.
- b. Plans for management of rare nesting habitat should also provide for compatible recreational use at the appropriate time of year and in a manner that does not result in adverse impacts on the nesting species.

#### **5. Protection and Management of Beaches and Sand Dunes**

- a. The ecological values of beaches and sand dunes, including values related to fish and wildlife habitat, flood hazard buffer, and protection of vital intertidal areas, as well as the public recreational values of these resources, should be protected.
- b. Beaches and sand dunes with Town-wide or State-wide significance should be preserved in their natural state.
- c. Increased attention and study should be directed toward assessing the direction, quantity and sources of sediment transport along the shoreline for the purpose of more accurately projecting long-term trends in beach erosion and replenishment, and to better consider any future plans for beach replenishment and shore protection.

#### **6. Water Quality**

- a. All appropriate efforts, including implementation and enforcement of applicable Town, State and Federal regulations, should be undertaken to maintain and improve water quality in the Harbor Management Area.

- b. Current State water quality classifications should be upgraded through correction or elimination of nonpoint sources of pollution (including storm-water runoff), improvement of waste-water treatment facilities, and elimination of industrial sources of pollution.
- c. The Town should continue to upgrade its waste-water treatment facilities. The Water Pollution Control Authority's capital budget requirements necessary for continuing sewer system improvements should be supported.
- d. Water quality in the Harbor Management Area should be regularly monitored to identify any pollution problems that may exist and to help identify sources of pollution and feasible pollution abatement measures.
- e. The Town should work closely with State and Federal agencies to implement the Housatonic River and Lewis Gut "no-discharge" zones as authorized by State law. State and Federal regulations controlling the disposal of waste from vessels should be publicized for area boaters and strictly enforced.
- f. All new and expanded marina facilities providing additional boat slips should provide on-site sewage pump-out facilities to serve the vessels using those facilities, or demonstrate that available pump-out capacity exists elsewhere to accommodate these vessels.
- g. To minimize use of marine sanitation devices in the Harbor Management Area, all new and expanded marina facilities should be required to provide restroom facilities for marina users. Where feasible, these restroom facilities should be connected to the Town's sewer system.
- h. The Town should evaluate the feasibility of providing, in coordination with Town boating facilities, sewage pump-out facilities available for public use.
- i. To the extent possible, the Town should coordinate water quality monitoring and the formulation of pollution abatement measures with the adjacent communities of Milford, Bridgeport and Shelton.

## **7. Fuel Spill Contingency Planning**

- a. In coordination with Town, State and Federal government agencies, the boating facilities dispensing fuel in and adjoining the Harbor Management Area should develop appropriate fuel spill contingency plans.
- b. Equipment necessary for the control of fuel spill emergencies should be properly maintained and periodically inspected to ensure continued readiness for responding to fuel spill emergencies.

- c. Fueling of vessels berthed or stored in the Harbor Management Area should take place only at approved fuel dispensing facilities.

## **8. Natural and Man-Made Hazards**

- a. All construction in designated flood hazard zones should conform to Town and State floodplain regulations and construction standards.
- b. In accordance with Section 22a-92(b)(2)(F) and Section 22a-92(b)(2)(J) of the Connecticut General Statutes, nonstructural alternatives to the use of seawalls, breakwaters, jetties, groins, and other structural measures for protecting existing development from flooding and erosion should be considered by the owners/operators of waterfront sites and facilities. The use of structural measures to protect existing development should not result in significant adverse impacts on natural resources and adjacent properties.
- c. All public and private marina facilities should develop and maintain emergency procedures for securing and protecting vessels and other property from the impacts of flooding, coastal storms, and other hazards, including fires and boating emergencies.
- d. The Town's overall emergency response plan should address the broad range of emergency situations and responses possible in the Harbor Management Area.

## **9. Scenic Quality**

- a. The design and review of future development proposals in and adjoining the Harbor Management Area should take into consideration cumulative impacts on coastal resources, and the carrying capacity of coastal resources to support development without significant disruption of the natural environment, including existing scenic quality, occurring.
- b. The design of waterfront structures and facilities should reflect, to the extent possible, nautical/marine themes, and should be consistent in scale with adjoining in-water and waterfront development.

## **10. Protection of Historic and Cultural Resources**

- a. Important historic and cultural resources within and adjoining the Harbor Management Area should be identified and protected from any negative impacts that might be caused by in-water or waterfront development activities.

- b. The historic and cultural values associated with historic and cultural resources in and adjoining the Harbor Management Area should be maintained, where appropriate, for public use and enjoyment.

## **WATER ACCESS POLICIES**

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

- a. The Town should promote and support the provision of facilities and opportunities for public access to the Harbor Management Area. Public access should be considered as physical and/or visual access to the Harbor Management Area that will be available to all members of the general public and not limited to any particular groups or individuals. When defining the general public, a distinction may sometimes be made between residents and nonresidents of the Town of Stratford, where such distinction is consistent with applicable Town, State and Federal laws and regulations.
- b. The Town should promote and support the provision of facilities and opportunities for public access to the Harbor Management Area through existing publicly-owned lands, water access right-of-ways, and other areas. The Town should also pursue any opportunities that may arise in the future to provide for increased water access, including opportunities for public acquisition of waterfront land.
- c. To the extent possible, the Town should require the provision of well-designed facilities and opportunities for public access to the water by all waterfront development subject to the Town's Coastal Site Plan Review authority (excepting existing single family development). Concerns pertaining to security and public safety should be adequately addressed when considering such public access provisions.

### **2. Use of Public Water Access Right-Of-Ways**

- a. Where feasible, the Town should improve Town-owned street ends and other water access right-of-ways in the near term, and in all cases ensure the retention of these water access opportunities for future enhancement and public use.
- b. Any improvement of water access right-of-ways for public purposes should be consistent with the character of adjoining neighborhoods and with applicable zoning designations.



**3. Use of Town Beaches and Other Town-Owned Waterfront Areas**

- a. Opportunities for improving public access to the Harbor Management Area through the Town's public beaches and other Town-owned waterfront areas should be fully utilized. To the extent possible, the Town should promote and encourage enhanced water-dependent use and activities (including opportunities for visual and physical access to the water) at the Town beaches and other waterfront lands. These uses and activities should be consistent with all applicable Harbor Management Plan goals, objectives, policies, and guidelines, and with the carrying capacity of the Town-owned waterfront areas to accommodate enhanced or expanded use.

**4. Protection of Public Rights in Public Trust Lands and Waters**

- a. Consistent with the Public Trust Doctrine and the rights of waterfront property owners, the public right of free access along the foreshore (that part of the shoreline seaward of the mean high water line) should be protected.
- b. Consistent with the Public Trust Doctrine and subject to the riparian/littoral rights of upland property owners and the Federal navigation servitude, the public right of free navigation and use of the land and water resources seaward of the mean high water line should not be impaired.

**HARBOR ADMINISTRATION POLICIES**

**1. Harbor Management Area Boundaries**

- a. Stratford's Harbor Management Area subject to the jurisdiction of the Waterfront and Harbor Management Commission should be defined in accordance with authority provided by the Connecticut Harbor Management Act.<sup>4</sup>
- b. The Harbor Management Area should include all of the area within the territorial limits of the Town, seaward of the mean high water line and bounded on the north by the Stratford/Shelton boundary, on the east by the Stratford/Milford boundary in the Housatonic River, and on the west by the Stratford/Bridgeport boundary. To enable adequate Town attention to such management concerns as beach use and replenishment, shoreline erosion, construction and repair of shore protection

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<sup>4</sup> The Waterfront and Harbor Management Commission also has jurisdiction over specific upland areas landward of the mean high water line in accordance with powers and duties authorized by the Special Act of 1957 ("An Act to Establish a Waterfront Authority for the Town of Stratford"). Powers and duties pertaining to these upland areas and derived solely from the Special Act are implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan, and in a manner that complements and is consistent with the Plan.

structures, littoral transport of sediment, remediation of contaminated sediments, water quality, management of natural shellfish beds, board sailing, small boat launching, surf fishing, swimming, use of personal watercraft, and other water-use considerations, the Harbor Management Area should be bounded on the south by an imaginary line in Long Island Sound 1,000 feet offshore. This Harbor Management Area should be considered the Town's area of "active" harbor management within the Town's overall territorial limits which, on the south, extend to the Connecticut/New York boundary in the center of Long Island Sound.

- c. Management of water uses and conservation of resources in all parts of the Harbor Management Area by the Waterfront and Harbor Management Commission should be carried out through application of the goals, objectives, policies, and guidelines established in the Harbor Management Plan and, as necessary, enactment and enforcement of appropriate Town ordinances, in coordination with affected Town, State and Federal commissions, departments and agencies, and in a manner consistent with applicable Town, State and Federal laws and regulations.

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

- a. As needed, the Town should adopt appropriate additions and modifications to the Waterfront and Harbor Management Chapter (Chapter 210) and other relevant chapters of the Code of the Town of Stratford, including comprehensive rules and regulations for implementing and enforcing the goals, policies and management guidelines contained in the Harbor Management Plan.
- b. Through implementation of the Harbor Management Plan, the Town of Stratford and the Harbor Master should assume a major role in the management and regulation of uses and activities in the Harbor Management Area in coordination with State and Federal agencies, including the Connecticut Department of Environmental Protection and the U.S. Army Corps of Engineers.

## **3. Review of Development Proposals Affecting the Harbor Management Area**

- a. A "Harbor Management Consistency Review" process should be established and carried out by the Waterfront and Harbor Management Commission to ensure effective implementation of the Harbor Management Plan, and to provide coordinated, efficient and comprehensive local review of proposed projects affecting use and activities on, in or adjacent to the Harbor Management Area.
- b. The Waterfront and Harbor Management Commission should review, for consistency with the Harbor Management Plan, development proposals submitted to, or proposed by, Town of Stratford commissions and departments.

- i. Proposals to be referred by Town commissions and departments to the Waterfront and Harbor Management Commission for review should include:
  - All proposals requiring a Coastal Site Plan Review (e.g., submitted to the Zoning Commission and Zoning Board of Appeals in accordance with the Connecticut Coastal Management Act and the *Stratford Coastal Plan*) and occurring on property in, on or adjacent to the Harbor Management Area.
  - All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling, or other activities seaward of the mean high water line.
- c. It should be the responsibility of project applicants to provide the information necessary for the Waterfront and Harbor Management Commission to adequately assess the potential impacts of proposed development projects on waterfront and harbor resources and the consistency of such proposals with the Harbor Management Plan. The information required should be reasonable in scope and in balance with the size, scope and potential positive and negative impacts of the proposal.
- d. The Plan "Consistency Review" process should include the review of permit applications submitted to the Connecticut Department of Environmental Protection, and affecting property in, on or adjacent to the Harbor Management Area.
- e. The Plan "Consistency Review" process should include the review of permit applications submitted to the U.S. Army Corps of Engineers and affecting property on, in or adjacent to the Harbor Management Area.
- f. The Waterfront and Harbor Management Commission should determine the consistency of proposed projects with the Harbor Management Plan and make that consistency finding known to the appropriate Town, State or Federal authority within an established period of time. If no comment regarding the consistency of the proposed project is made by the Commission within the established time period, the proposal should be assumed to be consistent with the Plan.
- g. In accordance with Section 22a-113p of the Connecticut General Statutes, a 2/3 vote of the referring Town commission or department will be required to approve a proposed project that has not received a favorable recommendation from the Commission, provided that the Commission's recommendation does not alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal.

#### **4. Duties of the Harbor Master**

- a. In accordance with State statutes, the Stratford Harbor Master should work cooperatively with the Waterfront and Harbor Management Commission (and with any persons assigned to assist the Commission in carrying out its responsibilities) to enforce State and Town boating laws and ordinances. The Harbor Master should also work cooperatively with and assist the Commission with implementation of certain provisions of the Harbor Management Plan and the Waterfront and Harbor Management Chapter of the Town Code.
- b. The Waterfront and Harbor Management Commission may appoint a “Harbor Manager” or other person to assist the Commission and Harbor Master with implementation of the Harbor Management Plan and relevant chapters of the Town Code.

#### **5. Administration of Mooring Permits**

- a. To provide for adequate navigation access for recreational and commercial vessels, for the safety of persons and property, for the optimum use of the Stratford Harbor Management Area, and protection of environmental quality, the Stratford Harbor Master must approve the location of all moorings in the Harbor Management Area. The Harbor Master will issue a permit for each approved mooring location or area.
- b. Application for and issuance of all permits for mooring locations in the Harbor Management Area should be in accordance with standardized procedures established by the Waterfront and Harbor Management Commission (see Appendix D of the Harbor Management Plan) and State and Federal laws and regulations. These procedures should include provision for an orderly waiting list and assignment procedure to be applied for all new applicants. The public should be informed of the procedures through appropriate notices and other means.
- c. Standardized mooring permit record-keeping procedures to allow compilation of, and easy and complete access to, all pertinent information regarding mooring use and allocation in the Harbor Management Area should be maintained.
- d. The Harbor Master should maintain in the Stratford Town Hall a waiting list for mooring space in the Harbor Management Area, as necessary, and a list of current assignments of mooring spaces, and both lists should be updated annually.
- e. Any person, association, corporation, or other group may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbor Master at any time.

- f. In allocating mooring locations in accordance with rules and procedures established by the Waterfront and Harbor Management Commission, the Harbor Master should not discriminate on the basis of Town residence or any other factor.

## **6. Establishing and Managing Funds for Harbor Management**

- a. A fee schedule should be established for mooring and boat launching permits and for other activities within the scope of the Harbor Management Plan. Such fees should be commensurate with services provided by the Town, and all fees collected should be dedicated for the maintenance and improvement of the Harbor Management Area for the public, and for personnel and equipment directly related to management of the Town's harbor resources.
- b. An annual operating budget for harbor management purposes should be established to include activities of the Waterfront and Harbor Management Commission and the administrative and maintenance costs of implementing the Harbor Management Plan.
- c. In accordance with Section 22a-113s of the Connecticut General Statutes, a Town Harbor Management Fund should be established to receive all monies collected from mooring and boat launching permits and other fees within the scope of the Harbor Management Plan. All fees collected and deposited into this fund should be used exclusively for the maintenance and improvement of the Harbor Management Area for the public, and for personnel and equipment directly related to management of the Town's harbor resources.

## **7. Amending and Revising the Harbor Management Plan and Town Code**

- a. The Harbor Management Plan and related chapters of the Stratford Town Code should be amended/revised as necessary to respond to changing circumstances and conditions affecting the Harbor Management Area.
- b. The same process required for State approval and Town adoption of the Harbor Management Plan (review by the Corps of Engineers, approval by the State Department of Environmental Protection and Department of Transportation, and adoption by the Town Council following a public hearing) should be carried out to amend or revise the adopted Plan and related chapters of the Town Code.

**8. Coordinating Harbor Management with Adjoining Municipalities**

- a. Harbor management activities should be coordinated with the adjoining municipalities of Bridgeport, Milford and Shelton to ensure that consistent management policies and guidelines are established for shared and adjoining jurisdictions in the Housatonic River and Lewis Gut.
- b. The Police Departments of Stratford, Bridgeport and Milford should coordinate their marine patrols within their joint jurisdictions to ensure maximum patrol coverage and the most effective and efficient use of available funds for the protection of public health, safety and welfare.

## CHAPTER FIVE: \_\_\_\_\_

# **“AREA GUIDELINES” FOR HARBOR MANAGEMENT**

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Within the overall boundaries of the Stratford Harbor Management Area, six “management areas” are identified based on natural features, current and potential uses, and management concerns. The six management areas are:

- 1) Upper Housatonic River Area;
- 2) Railroad Bridge—Washington Bridge Area;
- 3) Lower Housatonic River Area;
- 4) Mouth of the Housatonic River Area;
- 5) Lordship—Seawall Area; and
- 6) Long Beach—Great Meadows—Lewis Gut Area.

This Chapter contains harbor management guidelines for each of the management areas. The guidelines add more specificity to the goals, objectives and policies presented in Chapter Four. The general location of the management areas is shown on Figure 5-1; application of some of the guidelines is illustrated on Figures 5-15 through 5-19.

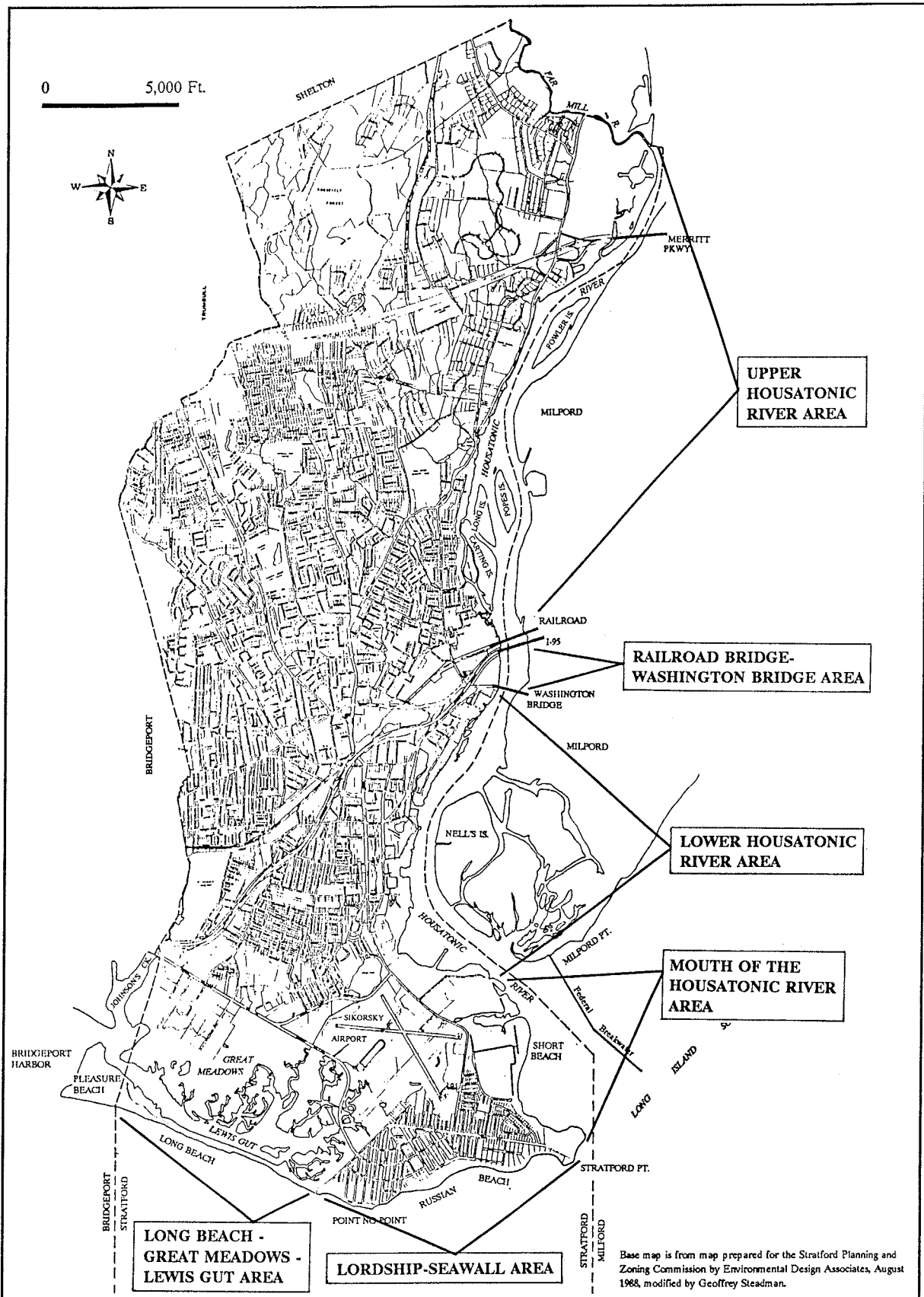


Figure 5-1: Management Areas.



## UPPER HOUSATONIC RIVER MANAGEMENT AREA

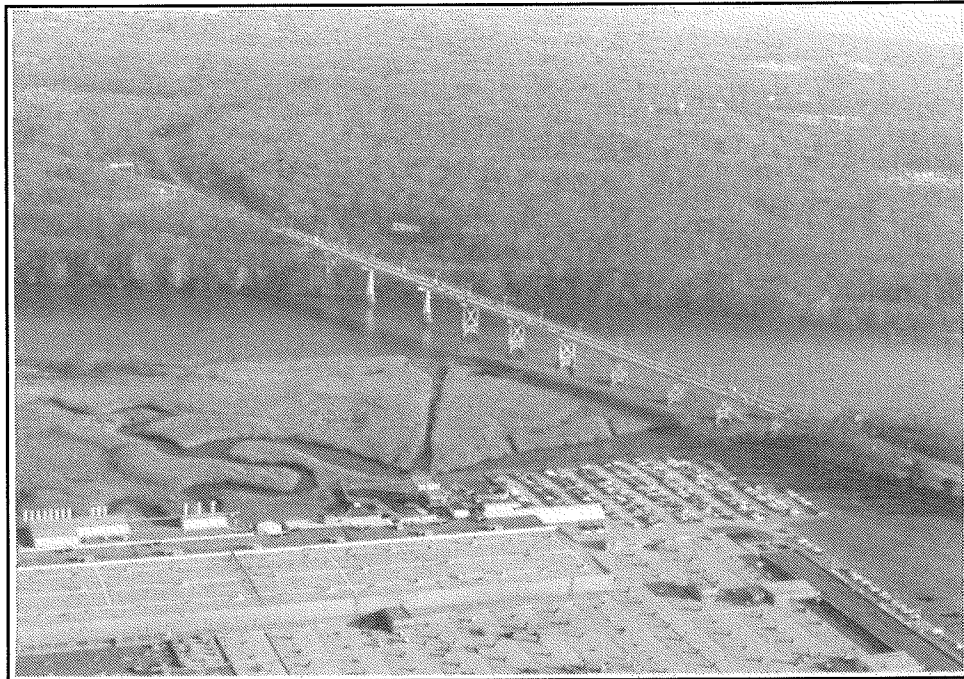
The Upper Housatonic River Management Area includes that part of the Harbor Management Area north of the railroad bridge and south of the Stratford/Shelton boundary at the Far Mill River. (See Figures 5-1, 5-2 and 5-3.)

### 1. PRIORITY USES AND MANAGEMENT OBJECTIVES:

- a. The priority management objective for this area is protection and enhancement of natural coastal resources and existing environmental quality.
- b. Priority water uses are water-dependent recreational activities that have little or no adverse impacts on natural coastal resources and are appropriate given the limitations imposed by the relatively narrow width of the River and other physical conditions.
- c. The Housatonic River in this management area should be used primarily as a recreational activity area and navigation passage linking downstream and upstream boating facilities and areas. In accordance with existing waterfront zoning requirements, the development of commercial facilities to support boating uses and activities is prohibited.
- d. With the exception of the designated industrial area just north of the railroad bridge and the Sikorsky Aircraft plant north of the Merritt Parkway, waterfront land-use should be limited to residential uses and to uses consistent with the "parks and recreation, open space" land-use category established in the *Stratford Coastal Plan*.

### 2. WATER ACCESS OPPORTUNITIES:

- a. Existing water access right-of-ways extending to the Housatonic River at Ryder's Lane, Peck's Mill Pond, Bronson Road, Marchant Street, and Oxbow Lane should be reserved for possible future use consistent with existing land-use and physical conditions. No private encroachments should be permitted in these public right-of-ways.
  - i. The right-of-way at Ryder's Lane should be considered for future use as a scenic River overlook.
  - ii. The Town-owned right-of-way at Peck's Mill Pond should provide unobstructed visual and physical public access from Main Street to the Housatonic River.



**Figure 5-2:** *Upper Housatonic River Area Near Merritt Parkway, Looking East; Sikorsky Aircraft Plant in Foreground.*

### 3. PROTECTION OF COASTAL RESOURCES:

- a. The protection of natural resource values, including values related to fish and wildlife habitat, water quality maintenance, flood protection, and esthetic quality, should take precedence over recreational boating activities and boating facility development in this area.
- b. All tidal wetlands in this management area, including wetlands at the mouth of the Far Mill River, in the areas north and south of the Merritt Parkway Bridge, along the shoreline north of Peck's Mill Pond, in and around the Housatonic River islands, and along the shoreline north of the railroad bridge, should be preserved.
- c. The Housatonic River islands — Pope's Flat, Long Island, Carting Island and Peacock Island — should be protected and maintained in their natural condition.
- d. The Town should vigorously pursue the improvement of water quality and upgrading of the current "SC" water quality classification.
  - i. All feasible measures to correct, reduce and/or eliminate nonpoint sources of pollution, including sources upstream in the Housatonic River, should be supported.

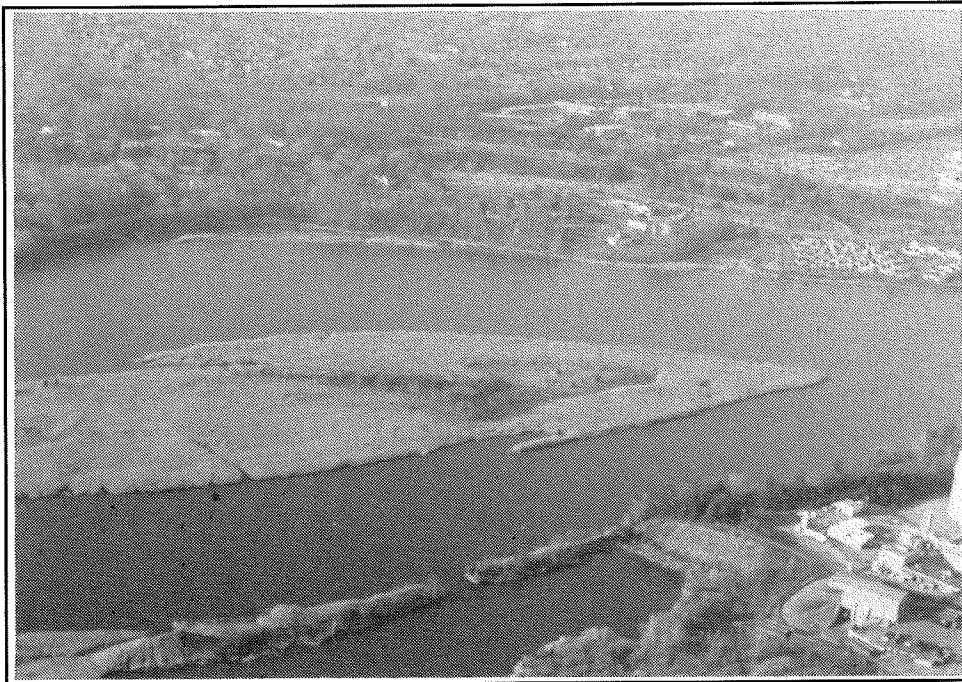


Figure 5-3: Upper Housatonic River Area Near Fowler Island Looking West.

- ii. Water quality in the areas of the Milford Wastewater Treatment Plant, the Devon Power Station, Sikorsky Aircraft plant, and other areas of potential water quality concern should be regularly monitored to help identify any pollution problems that may exist as well as sources of pollution and feasible pollution abatement measures.

#### 4. DREDGING:

- a. Dredging should be limited to dredging required for maintenance of the Federal navigation channel and to permitted marine mining activities. Maintenance dredging of the Federal channel should be carried out in the most timely manner necessary to ensure safe navigation.
- b. To the extent possible, commercial gravel mining should be carried out in a manner that contributes to maintenance dredging of the Federal navigation channel.
- c. Future gravel mining should be limited to existing and historical mining sites and the area of the Federal navigation channel. Such mining should be in accordance with all applicable laws and regulations, and should result in only minimal adverse impacts on natural coastal resources.

## 5. PUBLIC SAFETY:

- a. Power boat operation should be carried out in accordance with limitations imposed by the relatively narrow width of the River, and controlled through strict enforcement of applicable boating laws and regulations.

## 6. IN-WATER STRUCTURES:

- a. Consistent with the riparian/littoral rights of waterfront property owners, private docks and piers should be designed so as not to have significant adverse impacts on coastal resources and water activities, and should be of the minimal length necessary to reach navigable water.
- b. Due to the limited water access opportunities and the relatively narrow width of the River, the placement of moorings should generally be discouraged in this management area. Individual-private mooring locations may be considered if concerns regarding access to the mooring locations, coastal resource protection, navigation safety, and other limiting conditions are satisfactorily addressed, and if individual-private mooring locations are necessary for riparian owners to have reasonable access to navigable water.

## 7. COORDINATION WITH SHELTON AND MILFORD:

- a. To the maximum extent possible, water and waterfront planning, enforcement and management activities, including water quality monitoring and the formulation of pollution abatement plans, should be coordinated with the City of Milford and City of Shelton.
- b. Marine enforcement and the Stratford Police Department's marine patrols should be coordinated with the City of Milford and City of Shelton.

## THE RAILROAD BRIDGE—WASHINGTON BRIDGE MANAGEMENT AREA

This management area is bounded on the north by the railroad bridge over the Housatonic River and on the south by the Washington Bridge. (See Figures 5-1 and 5-4.)

### 1. PRIORITY USES AND MANAGEMENT OBJECTIVES:

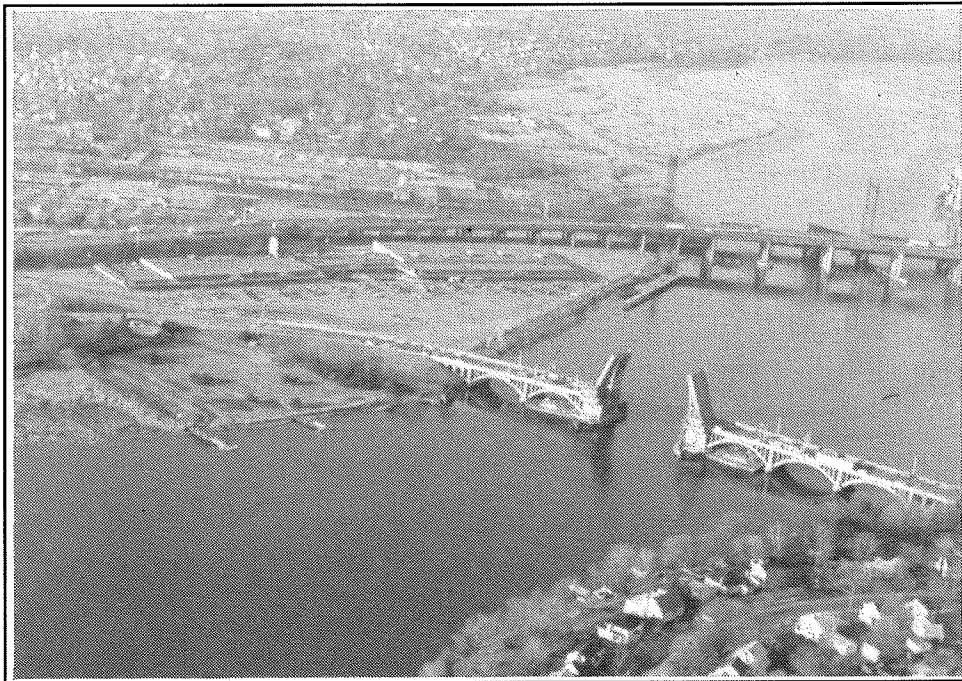
- a. The priority management objective is maintenance of navigation safety, including the elimination of any conflicts between recreational and commercial vessels using the Federal navigation channel.
- b. The principal uses of the Housatonic River in this section of the Harbor Management Area should be: 1) berthing and docking in designated areas; and 2) expedient navigation passage for recreational and commercial vessels, including barges delivering fuel oil to the Devon Power Station.
- c. In-water recreational activities should be limited to the prompt movement of recreational vessels to and from marina and launching facilities in this area, and to recreational fishing in a manner that does not pose a hazard or obstruction to navigation.
- d. Waterfront land-use should be limited to “marine commercial” uses in accordance with the land-use plan established in the *Stratford Coastal Plan*.

### 2. BRIDGE OPERATIONS:

- a. The operations of the railroad bridge and Washington Bridge should be carried out in the most efficient manner in accordance with published Coast Guard regulations. Bridge operations should not unreasonably interfere with vehicle traffic on affected roadways, and should not cause navigation-related problems.
- b. The bridges should be maintained in a manner that ensures their continued safe and reliable operation. Necessary fenders and height gauges should be provided and maintained.
- c. Future increases in bridge openings that would result in unreasonable interference with vehicle traffic should be avoided.

### 3. IN-WATER STRUCTURES:

- a. Future in-water and waterfront development actions should not result in any further constriction of navigable water area necessary to ensure the safe passage of vessels in the area between the two bridges.



**Figure 5-4:** *The Railroad Bridge—Washington Bridge Management Area Looking Toward the Northwest.*

- b. All proposals for in-water and waterfront structures and development in this area should be subject to detailed review because of the constricted navigation conditions and potential for conflict with vessels using the channel.
- c. Docks and other in-water structures should be set back from the Federal channel boundaries a sufficient distance so as not to interfere with vessels using the Federal channel and with vessels passing through all “under-bridge” passageways, including the passageway under the main bridge opening. Careful consideration should be given to determination of appropriate in-water setback standards in this area to ensure that all piers, docks, bulkheads, seawalls, pilings, and other structures are set back from the boundaries of the channel a sufficient distance to ensure that these structures (and any vessels docked or anchored at these structures) do not interfere with the safe and free passage of any vessel using the channel or “under-bridge” passageways.
- d. No moorings, floats, piles, or other structures not associated with permitted boating facilities should be placed in this area except as necessary for maintaining navigation safety.

4. PUBLIC SAFETY:

- a. The speed of all vessels in this area should be limited to that which causes no wake except when a greater speed is necessary for safe navigation.
- b. Appropriate emergency equipment should be maintained in this area to ensure prompt and effective response to any fuel spills, fires and other emergencies that may occur.
- c. Appropriate measures should be applied to ensure public awareness of existing navigation conditions in this most constricted reach of the Housatonic River. Boaters should be reminded to be particularly alert and cautious when operating in this area, and to monitor VHF Channel 13 before approaching the railroad bridge or Washington Bridge to hear any advance warning of less maneuverable tug/barge traffic proceeding up or downstream.

5. WATER ACCESS OPPORTUNITIES:

- a. Facilities and opportunities for public access to the Housatonic River should be provided in conjunction with existing and any future waterfront development in this area. Facilities and opportunities for public access should be consistent with the limitations posed by constricted navigation conditions and other physical and environmental conditions.
- b. Public water access areas associated with waterfront development in this area should be linked (with approval from the Connecticut Department of Transportation) by means of a pedestrian pathway along the shoreline and under the Washington Bridge to the old Route 1 right-of-way and public facilities south of the Bridge.
- c. Public facilities for consideration in this area should include a waterfront walkway, landscaped open space, an observation platform, transient boat slips, a sewage pump-out station for recreational and commercial vessels, a marine fueling station, and other facilities that may be appropriate.

6. DREDGING:

- a. Dredging of the Federal navigation channel should be carried out in the most timely manner necessary to ensure recreational boating safety and the safe transport of barge shipments of fuel oil to the Devon Power Station.
- b. Dredging outside of the Federal navigation channel should be limited to historically dredged areas and to dredging necessary to maintain permitted facilities that support boating uses and activities.

## 7. COORDINATION WITH THE CITY OF MILFORD:

- a. The City of Milford should be encouraged to maintain an appropriate navigation fairway on the Milford side of the Federal channel to ensure no further constriction of navigation conditions.
- b. Marine enforcement and police department marine patrols should be coordinated with the City of Milford to strictly enforce a “no wake” vessel speed requirement in this area.

## LOWER HOUSATONIC RIVER MANAGEMENT AREA

The Lower Housatonic River Management Area is that part of the Harbor Management Area from the Washington Bridge on the north to Sniffens Point on the south. (See Figures 5-1, 5-5 and 5-6.)

### 1. PRIORITY USES AND MANAGEMENT OBJECTIVES:

- a. Priority water uses are: water-dependent recreational uses; commercial shellfishing for seed oysters; and use of the Federal navigation channel for delivery of fuel oil to the Devon Power Station. The Federal navigation channel and Public Trust waters outside of the Federal channel should be used for recreational and appropriate commercial boating activities.
- b. Waterfront land-use should be consistent with the “residential,” “waterfront commercial,” “parks and recreation, open space,” and “public facility” land-use categories established in the *Stratford Coastal Plan*.
- c. Stratford’s principal “Waterfront Commercial Area” should extend along the waterfront from roughly the foot of Broad Street to south of Sniffens Point at Breakwater Key (see “Mouth of the Housatonic River Management Area”) in accordance with the land-use plan established in the *Stratford Coastal Plan*. In addition, the Fagan’s Restaurant site immediately south of the Washington Bridge should be considered a Waterfront Commercial Area. In all cases where potential waterfront commercial uses are indicated, the onsite conditions and coastal resources should be carefully evaluated to determine the actual capacity for this type of development.
- d. The area including the Town-owned Birdseye Street Water Access Area and Hunter Haven property should be developed and used in accordance with the “parks and recreation, open space” and “public facility” land-use categories established in the *Stratford Coastal Plan*.





**Figure 5-5:** *The Waterfront Commercial Area and Ferry Creek Looking Toward the Northeast. (Housatonic Boat Club in center of photo.)*

- e. The existing character of the waterfront residential area along Housatonic Avenue between the Fagan's Restaurant site and the Pootatuck Yacht Club should be maintained in accordance with the land-use plan established in the *Stratford Coastal Plan*. In accordance with existing waterfront zoning requirements, the development of waterfront commercial facilities should be prohibited in this area.

## 2. WATERFRONT COMMERCIAL AREA:

- a. The Town should encourage the continued operation of the commercial marina/boatyard facilities and private boat clubs in the Waterfront Commercial Area. The Town should use the authority and policies of the Connecticut Coastal Management Act to develop special zoning and other regulations and incentives for supporting and encouraging the continued operation of these facilities.
- b. Any future development activities that may affect existing marina and/or boatyard facilities in this area should not result in a reduction of currently available marine service facilities.

- c. The potential effects of future waterfront development proposals in the Waterfront Commercial Area on future water uses, vessel congestion and navigation safety should be important considerations in the review of these proposals by the Waterfront and Harbor Management Commission, the Planning and Zoning commissions, and other Town commissions as well as by State regulatory agencies and the Corps of Engineers.
- d. The design and review of future waterfront development proposals in this area should take into consideration the carrying capacity of the lower Housatonic River to accommodate increased water use without the occurrence of significant adverse impacts on coastal resources and public safety.
- e. The construction or extension of public and private docks and piers from waterfront properties in the Marine Commercial Area should not infringe on the riparian/littoral rights of adjoining waterfront property owners.
- f. Any new or expanded marina facility should provide on-site sewage pump-out facilities for vessel holding tanks. Existing marinas should be encouraged to add on-site sewage pump-out facilities.
- g. Consistent with all other Harbor Management Plan goals, objectives, policies, and guidelines, including policies for the construction of in-water structures, an “oyster transfer station” should be established to facilitate the transfer (from small boats to larger vessels) of seed oysters harvested in the Housatonic River. The preferred means for establishing the oyster transfer station should be placement of not more than two temporary moorings that may be used to secure the receiving vessel.
  - i. The placement of permanent structures to facilitate the transfer of oysters should be discouraged, unless there are compelling reasons to do otherwise. Such structures should only be considered where they are shown to be the only feasible alternative necessary to support a statutorily-encouraged water-dependent use, and are further determined to be in the public interest.
  - ii. The location and operation of the oyster transfer station should not interfere with safe navigation in the Harbor Management Area.
  - iii. Any permit granted for establishment of an oyster transfer station should provide for periodic review and renewal. Any permitted moorings or other structures for establishment of an oyster transfer station should be removed by the permittee at the permittee’s expense if it is shown that the structures cause a documented conflict with navigation or other authorized structures, including authorized moorings, and if the permittee fails to make use of the structure for a specified period of time or fails to make required application for permit renewal.

- h. Boat slips and other necessary support facilities for independent commercial fishermen should continue to be provided in the Marine Commercial Area.

3. MOORINGS:

- a. The location of all moorings should be carefully planned and controlled by the Waterfront and Harbor Management Commission and the Harbor Master. (See mooring-related policies on pages 4-13 and 4-31, the section on Responsibilities of the Harbor Master beginning on page 6-27, and “Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area” in Appendix D.) The total number of moorings permitted in the Housatonic River should not exceed the capacity of the River to accommodate boating use without undue impacts on public safety and environmental quality occurring.
- b. Individual-private moorings and permitted commercial moorings should be placed in the designated mooring area between the Birdseye Street Water Access Area and Bond’s Dock. (The general location of this mooring area is shown on Figure 5-18.) All moorings placed in this area should be placed under the direction of the Harbor Master.
- c. Determination of the precise number and location of moorings in the designated mooring area should be based on consideration by the Harbor Master of: water depths; the capacity of the River to accommodate additional moorings without adverse effects on navigation safety and natural resources (including fisheries resources); and the availability of suitable upland sites to provide access to additional moorings.
- d. To ensure the most orderly and efficient distribution of moorings and to maximize the availability of limited mooring space, the Harbor Master and the Waterfront and Harbor Management Commission may, at some future time, establish a mooring grid plan for the designated mooring area. This grid plan should be prepared and implemented by the Harbor Master if and when the need may arise.
- e. No moorings may be located within the Federal navigation channel, and all moorings should be set back from the navigation channel a sufficient distance to help ensure safe navigation by vessels using the channel.
- f. All moorings currently located in the Housatonic River in conformance with existing mooring allocation procedures should be recorded on a single list of mooring locations. A single list should also be maintained, as necessary, for all those waiting for a mooring location.

- g. Mooring tackle should be inspected on a regular basis to ensure that it meets minimum mooring tackle guidelines established by the Waterfront and Harbor Management Commission (see Appendix E) and that the tackle is in good, safe condition. Any mooring tackle found to be inadequate should be replaced before the mooring can continue to be used. Any mooring interfering with shellfishing should be removed during the nonboating season as necessary to allow for shellfish harvesting.

#### 4. FACILITIES FOR TRANSIENT BOATERS:

- a. Specific areas for transient anchoring use may be designated by the Waterfront and Harbor Management Commission in accordance with future demand for transient anchoring use.
- b. The private boat clubs and commercial marinas should be encouraged to provide transient facilities, including moorings and slips, for the use of transient boaters, including those visiting public and commercial facilities and areas in the Town of Stratford.

#### 5. PUBLIC SAFETY:

- a. High speed boating use should be prohibited in this part of the River. The speed of all vessels should be limited to that which causes no wake or to that necessary for safe navigation.
- b. Appropriate emergency equipment should be maintained at the Birdseye Street Water Access Area to ensure prompt response to any fuel spills and other emergencies that may affect this part of the River.
- c. Appropriate measures should be developed to ensure public awareness of existing speed limits and discourage speeding in the natural channel east of Nell's Island within the jurisdiction of the City of Milford.

#### 6. IN-WATER STRUCTURES:

- a. Docks and other in-water structures should be set back from the Federal channel boundary a sufficient distance so as not to interfere with the passage of vessels in the Federal channel and with appropriate public use of the Public Trust waters outside of the Federal channel.

- b. The appropriate distance that in-water structures should be set back from the nearest boundary (based on established channel coordinates) of the Housatonic River Federal navigation channel may be established on a case-by-case basis.
- i. When determining the distance that in-water structures should be set back from the nearest boundary of the Federal navigation channel, consideration should be given to design guidelines established by the U.S. Army Corps of Engineers<sup>1</sup> and past decisions by the Stratford Waterfront Authority and the Waterfront and Harbor Management Commission.<sup>2</sup>
  - ii. Among the potential impacts of in-water structures that should be evaluated when determining the appropriate distances that in-water structures should be set back from the nearest boundary of the Federal navigation channel are potential impacts on valuable coastal resources, ease and safety of navigation, opportunities for public use of navigable water outside of the navigation channel, and opportunities for access to fishery resources by small vessels alongside the navigation channel.
  - iii. When determining the appropriate distance that in-water structures should be set back from the Federal navigation channel, consideration should be given to existing conditions including, but not limited to: (a) channel maintenance (dredging) requirements; (b) traditional navigation patterns; (c) the configuration and capacity of the proposed structures; and (d) the presence of any adjacent, authorized structures
  - iv. Setback distances should be established to maintain a reasonable area of public water to sustain, in the public interest, activities not specifically related to simply transiting the River in safety.
- c. When considering applications for placement of permanent structures seaward of the mean high water line, priority should be given to structures associated with commercial marina/boatyard facilities, private clubs, Town water access facilities, and water access facilities for the use of waterfront property owners. In general, permits

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<sup>1</sup> See "Guidelines for the Placement of Fixed and Floating Structures in Navigable Waters of the United States Regulated by the New England Division U.S. Army Corps of Engineers," 2 April 1991, included as Appendix F of the Harbor Management Plan.

<sup>2</sup> When reviewing proposals for the extension of docks and piers into the Housatonic River, the Stratford Waterfront Authority and Stratford Waterfront and Harbor Management Commission have attempted to maintain a 130-foot setback distance between in-water structures and the Federal navigation channel. The purpose of this historically applied 130-foot setback distance is to promote public safety, protect coastal resources, and maintain meaningful opportunities for public use of Public Trust waters outside of the Federal channel. The 130-foot distance has evolved over time in the course of first the Waterfront Authority's and then the Waterfront and Harbor Management Commission's review of proposed boating facility developments.

for the placement of permanent structures seaward of the mean high water line should only be granted to those owning the riparian/littoral right for the placement of such structures, or to those applicants who have obtained permission from the riparian/littoral owner to place such structures. Exceptions to this guideline should only be made when there are compelling reasons to do so, as demonstrated by the permit applicant. (See "Waterfront Land-Use and Development Policies" in Chapter Four.)

#### 7. DREDGING:

- a. Dredging of the Federal navigation channel should be carried out in the most timely manner necessary to ensure navigation safety and the safe transport of barge shipments of fuel oil to the Devon Power Station.
- b. Dredging outside of the Federal navigation channel should be limited to historically dredged areas and to dredging necessary to maintain existing boating support facilities at commercial marinas/boatyards, private clubs, and Town-owned boating access facilities.

#### 8. PROTECTION OF COASTAL RESOURCES:

- a. Shellfish resources and natural shellfish grounds should be protected and, to the extent feasible, enhanced.
- b. All tidal wetlands in this management area, including wetlands along the shoreline from the Washington Bridge to Ferry Creek, adjacent to Ferry Creek, south of Bond's Dock to the Birdseye Street Water Access Area, south of the Birdseye Street area to Beacon Point, and along the shoreline in the Textron Basin, should be preserved.
- c. The ecological functions and values associated with the intertidal flat found in the Textron Basin should be preserved.
- d. The ecological values associated with Ferry Creek and Selby Pond should be preserved.
- e. The Town should pursue the improvement of water quality and upgrading of the current "SC" water quality classification.
  - i. All feasible measures to correct, reduce and/or eliminate nonpoint sources of pollution should be supported.

- ii. The Town should continue ongoing efforts to upgrade the Water Pollution Control Facility, including continued capital programming for plant improvements and active pursuit of any State and Federal funding that may be available in the future for upgrading the plant. The plant should be operated and maintained in accordance with design standards.
- iii. The Town should work closely with State and Federal agencies to implement the Housatonic River “no-discharge” zone as authorized by State law.
- f. Historically significant resources including, but not limited to, the Mac’s Harbor site should be protected.

9. WATER ACCESS OPPORTUNITIES:

- a. Existing water access right-of-ways extending to the Housatonic River at Orchard Street, Riverview Place and Homestead Avenue should be reserved for possible future use consistent with existing land-use and physical conditions. No private encroachments should be permitted in these public right-of-ways.
- b. The old Route 1 right-of-way south of the Washington Bridge should be linked to public water access areas north of the bridge by means of a walkway under the bridge.
- c. In this management area, physical access to the waters of the Housatonic River from upland areas, including access to mooring locations, should be accommodated through the Birdseye Street Water Access Area and, consistent with the limited capacity of available facilities, the Town boat launching ramp at Broad Street and the Town launching ramp at Bond’s Dock. Physical access, consistent with the rights of waterfront property owners, should also continue through the private clubs and commercial boatyards/marinas, and by means of the private water access facilities maintained by waterfront residents.

10. BIRDSEYE STREET WATER ACCESS AREA:

- a. The Birdseye Street Water Access Area should be maintained as a multiple-use public recreation area providing boating and other water-dependent recreation and educational facilities for Stratford residents and others. Water access facilities should include a public boat launching ramp and dock, parking area for cars and boat trailers, rest rooms, food vending service, a public fishing pier and River overlook, and other appropriate facilities.



**Figure 5-6:** *Birdseye St. Water Access Area with Tide Harbor and Harbor Woods Condominiums to the Right and the Water Pollution Control Plant to the Left.*

- b. The entire site should be utilized to its full potential as a multiple-use public recreation area in a manner that does not result in significantly adverse impacts on natural coastal resources adjacent to and nearby the area.
- c. All development, operation and maintenance of the Water Access Area should be in accordance with the “Birdseye Street Water Access Area Master Plan” prepared and adopted by the Waterfront and Harbor Management Commission.
- d. The Water Access Area should function as the central facility for public marine-related activities in the lower Housatonic River. Support facilities should be provided for the Coast Guard Auxiliary, Stratford Police Department’s Marine Division, Stratford Emergency Medical Services, Department of Environmental Protection’s Marine Patrol, Harbor Master, and the Waterfront and Harbor Management Commission.
- e. In conjunction with implementation of the “Birdseye Street Water Access Area Master Plan,” trailered boat launching, including launching for commercial purposes, should generally be directed to the Birdseye Street Water Access Area where there is adequate parking space and facilities to support boat launching.



- f. A “Lower Housatonic River Environmental Education Center” for the purpose of contributing to increased public awareness of environmental conditions and issues affecting the River should be established and maintained at the Water Access Area. The Center should be maintained for the use and education of both residents and nonresidents of the Town of Stratford.
- g. Use of the Water Access Area should be carefully monitored and all regulations pertaining to boat launching, parking and other site uses, including requirements for annual purchase of boat launching permits, strictly enforced.
- h. Commercial use of the boat launching ramp should be carefully controlled and monitored and should not unreasonably interfere with public use of the area.

11. BROAD STREET LAUNCHING AREA:

- a. Use of the Town launching ramp at Broad Street should be compatible with the limited capacity of the area and lack of parking facilities. Use of the launching ramp by small, “car-top” vessels that can be transported without trailers should be encouraged. Maintenance of the launching area should be carried out in the most timely manner possible to provide for ease and safety of public use and use of the ramp for emergency services purposes.
- b. Vehicle parking regulations in the area of the boat launching ramp should be strictly enforced. Parking should be closely monitored to ensure that use of the launching area does not result in traffic congestion and parking problems along Broad Street and Housatonic Avenue.

12. BOND’S DOCK:

- a. Use of the Town launching ramp at Bond’s Dock should be compatible with the limited capacity of the area and, because of the lack of parking space, generally limited to canoes, kayaks and other small vessels that can be transported without trailers.
- b. Maintenance of Bond’s Dock, including the launching ramp, public deck and picnic area, should be carried out in the most timely manner possible.

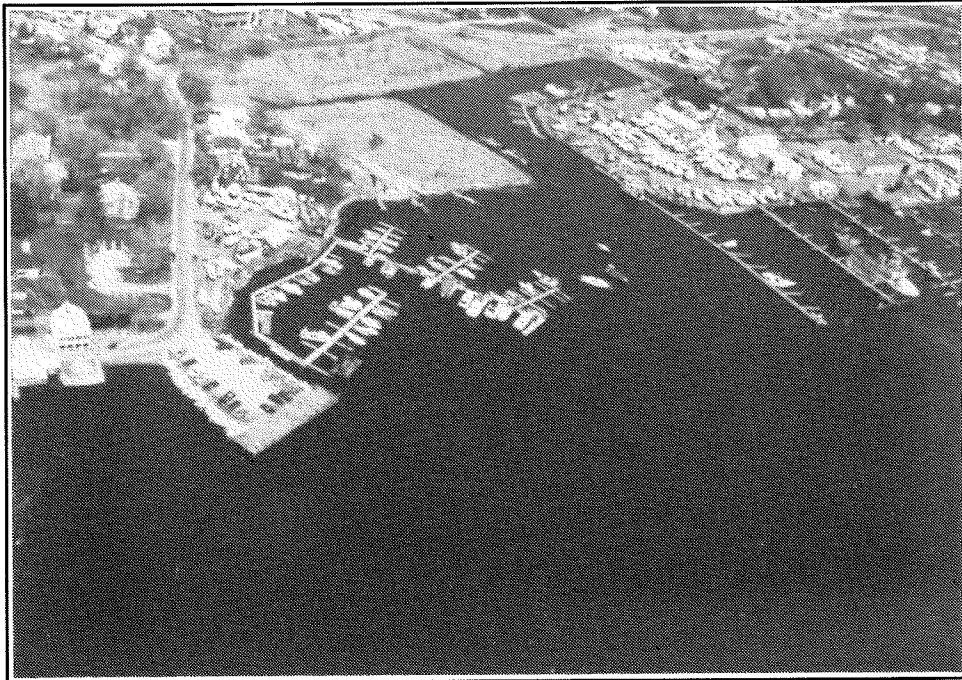


Figure 5-7: *The Ferry Creek Area; Bond's Dock and Brown Boat Works to the Left and Stratford Marina to the Right.*

### 13. HUNTER HAVEN PROPERTY:

- a. Future use and development of the Town-owned Hunter Haven property should be water-dependent and serve to enhance public access to the Housatonic River. Use and development of the property should be linked to the maximum extent possible with the nearby Birdseye Street Water Access Area and should provide for future expansion, as needed, of the adjacent sewage treatment plant.
- b. Water-dependent use and development should focus on the upland portion of the Hunter Haven site and should not involve disturbance of the intertidal flat and wetland area adjacent to the shoreline. Any facilities for physical access to the Housatonic River should be limited to facilities for canoes, kayaks and other small vessels that can be transported without trailers.

### 14. COORDINATION WITH THE CITY OF MILFORD:

- a. Water and waterfront planning, as well as enforcement and management activities, and including the allocation of mooring locations and enforcement of vessel speed limits, should be coordinated to the maximum extent possible with the City of Milford.

## MOUTH OF THE HOUSATONIC RIVER MANAGEMENT AREA

This management area includes that part of the Harbor Management Area at the mouth of the Housatonic River from Sniffens Point to the easternmost point of Stratford Point. (See Figure 5-1.)

### 1. PRIORITY USES AND MANAGEMENT OBJECTIVES:

- a. Priority water uses are: water-dependent recreational uses; commercial shellfishing for seed oysters; and use of the Federal navigation channel for delivery of fuel oil to the Devon Power Station. The Federal navigation channel and Public Trust waters outside of the Federal channel should be used for recreational and appropriate commercial boating activities.
- b. Waterfront land-use should be “waterfront commercial” from Sniffens Point to and including the Breakwater Key Condominium area, and “parks and recreation, open space” in the remainder of the area in accordance with the land-use plan established in the *Stratford Coastal Plan*.
- c. Short Beach should be maintained as a multiple-use public recreation area providing beach recreation and other recreation opportunities and facilities.
- d. The existing open space character of Stratford Point should be maintained and appropriate opportunities for future public use established.

### 2. PUBLIC SAFETY:

- a. North of the Marine Basin, the speed of all vessels should be limited to that which causes no wake or to that necessary for safe navigation.
- b. Appropriate speed limit signs should be placed to increase boater awareness and help improve enforcement of marine speed limits.
- c. Except by specific authorization, or in the case of emergency, no vessel should enter into the public swimming area at Short Beach.

### 3. IN-WATER STRUCTURES:

- a. Docks and other in-water structures should be set back from the boundaries of the Federal navigation channel a sufficient distance so as not to interfere with passage of vessels in the Federal channel and appropriate public use of the Public Trust waters outside of the Federal channel.

- b. To avoid the potential for conflicts between boating activities and swimming use, and because of the lack of adequate water depths to accommodate moored vessels, mooring locations should not be considered in the area between Short Beach and the Federal navigation channel.

#### 4. DREDGING:

- a. Dredging of the Federal navigation channel should be carried out in the most timely manner necessary to ensure navigation safety and the safe transport of barge shipments of fuel oil to the Devon Power Station.
- b. Dredging outside of the Federal channel should be limited to historically dredged areas and to dredging necessary to maintain existing boating support facilities.
- c. Priority attention for maintenance dredging should be directed toward the rapidly shoaling section of the Federal channel between the outer breakwater and Short Beach.

#### 5. WATER ACCESS OPPORTUNITIES:

- a. The existing water access right-of-ways extending to the Housatonic River off Riverdale Drive and Prospect Drive should be reserved for possible future use consistent with existing land uses and physical conditions. No private encroachments should be permitted in these public right-of-ways.
- b. Beach-related and other water-dependent recreational opportunities should continue to be provided at Short Beach for Town residents and others with valid Town permits for parking and beach use.
- c. The Town should pursue the development of public water access opportunities at Stratford Point, including pedestrian “linkage” along the shoreline between Short Beach and Stratford Point as recommended in the *Stratford Coastal Plan* and described in the Plan as Stratford’s “Shore Walk.”
- d. The launching ramp and other public facilities at Breakwater Key should be used for public access to the water in accordance with the permit conditions for coastal site plan approval of this development.



Figure 5-8: Short Beach and the Marine Basin.

6. SHORT BEACH:

- a. Short Beach should be developed and maintained as a multiple-use public recreation area providing beach and other recreation facilities for Stratford residents and others.
- b. The entire Short Beach area should be utilized to its full potential as a multiple use recreation area in a manner that does not result in significantly adverse impacts on natural coastal resources. Continued site improvements should be pursued.
- c. All development, operation and maintenance of the Short Beach area should be in accordance with a long-range Town Master Plan for the area.
- d. Use of the area should be carefully monitored and all regulations pertaining to beach use, parking and other site uses strictly monitored.
- e. Short Beach should be linked with Stratford Point by means of a pedestrian pathway as recommended in the *Stratford Coastal Plan* and described in the Plan as Stratford's "Shore Walk."

## 7. STRATFORD POINT:

- a. The Remington Gun Club property on Stratford Point should be considered as a long-term opportunity area for the development of a public waterfront park and other public uses consistent with the site's coastal area prominence.
- b. The Town should pursue all feasible opportunities for maintaining the Remington Gun Club property as open space and for providing increased public use of the property. The Town should develop long-term objectives for future public, water-dependent use of all or a portion of Gun Club site in the event that some or all of this site may become available for Town acquisition and/or use in the future.
- c. Any future subdivision, use or development of this property should incorporate substantial public access provisions, including waterfront walkways, scenic vistas and the "Shore Walk" concept recommended in the Stratford Coastal Plan.

## 8. MARINE BASIN:

- a. The Town should evaluate the feasibility of developing a public small boat marina in the Marine Basin as a joint venture with the City of Bridgeport.

## 9. PROTECTION OF COASTAL RESOURCES:

- a. Nesting habitat used by threatened and endangered shorebird and migratory bird species at Short Beach should be preserved and managed for nesting use through a cooperative effort by the Town of Stratford, the Connecticut Department of Environmental Protection, relevant Federal government agencies, and nonprofit conservation organizations. Plans for the management of this nesting habitat should be coordinated with surrounding recreational use in a manner that does not result in adverse impacts on the nesting species.
- b. The ecological values of the beaches, sand dunes and intertidal area at Short Beach, including values related to fish and wildlife habitat and flood hazard buffer, as well as the public recreational values of these resources, should be protected.
- c. Shellfish resources and natural shellfish grounds should be protected and enhanced.
- d. The Town should pursue the improvement of water quality and upgrading of the current "SC" water quality classification in the Housatonic River.
  - i. All feasible measures to correct, reduce and/or eliminate nonpoint sources of pollution should be supported.

- ii. The Town should work closely with State and Federal agencies to implement the Housatonic River “no-discharge” zone as authorized by State law.
- e. Contaminated sediments caused by lead-shot and other contaminants from historical skeet-shooting use of the Remington Gun Club should be removed in an environmentally acceptable manner and/or appropriate actions should be taken to otherwise protect the nearshore environment from the effects of this contamination.

## **LORDSHIP—SEAWALL MANAGEMENT AREA**

The Lordship—Seawall Management Area extends along the shoreline of Long Island Sound from Stratford Point to the eastern boundary of Long Beach at Oak Bluff Avenue. Offshore, the area is bounded by an imaginary line in Long Island Sound 1,000 feet from the shoreline. (See Figures 5-1, 5-9, 5-10 and 5-11.)

### **1. PRIORITY USES AND MANAGEMENT OBJECTIVES:**

- a. Priority management objectives are: 1) protection and enhancement of natural coastal resources and environmental quality; 2) provision of appropriate recreational and water access opportunities; and 3) maintenance of the existing quality of life associated with the shorefront residential neighborhoods.
- b. Priority water uses are water-dependent recreational uses that have little or no adverse impacts on natural coastal resources and are appropriate given exposure to the open waters of Long Island Sound and the predominantly residential character of the shoreline.
- c. The predominant waterfront land-use should be residential in accordance with the land-use plan established in the *Stratford Coastal Plan*. In addition, the shoreline between Park Boulevard and the mean high water line in the Russian Beach area should be considered “quasi-public,” the Stratford Point lighthouse area should be considered as “public land,” and the Seawall Park area as “parks and recreation, open space” in accordance with the land-use plan established in the *Stratford Coastal Plan*.
- d. The residential character of the Lordship, Beach Drive and Shoreline Drive areas should be maintained. The development of waterfront commercial facilities should be prohibited in these areas in accordance with the land-use plan established in the *Stratford Coastal Plan*.

## 2. WATER ACCESS OPPORTUNITIES:

- a. The existing water access right-of-way extending to Long Island Sound at Pauline Street should be reserved for possible future use consistent with existing land uses and physical conditions. No private encroachments should be permitted in this right-of-way.



Figure 5-9: Stratford Point Looking West Toward Russian Beach; Stratford Point Lighthouse in the Right Foreground.

- b. The public right to the foreshore (seaward of the mean high water line) should be protected in accordance with the Public Trust Doctrine, but access to the foreshore should be consistent with the rights of waterfront property owners. The Town should pursue development of the “Shore Walk” concept, as established in the *Stratford Coastal Plan*, between Stratford Point and Long Beach.
- c. Public access to the foreshore should be provided through the Town-owned Seawall Park at the foot of Washington Parkway.
- d. Upland access to Russian Beach should be reserved for the residents of the Lordship residential area.



3. SEAWALL PARK:

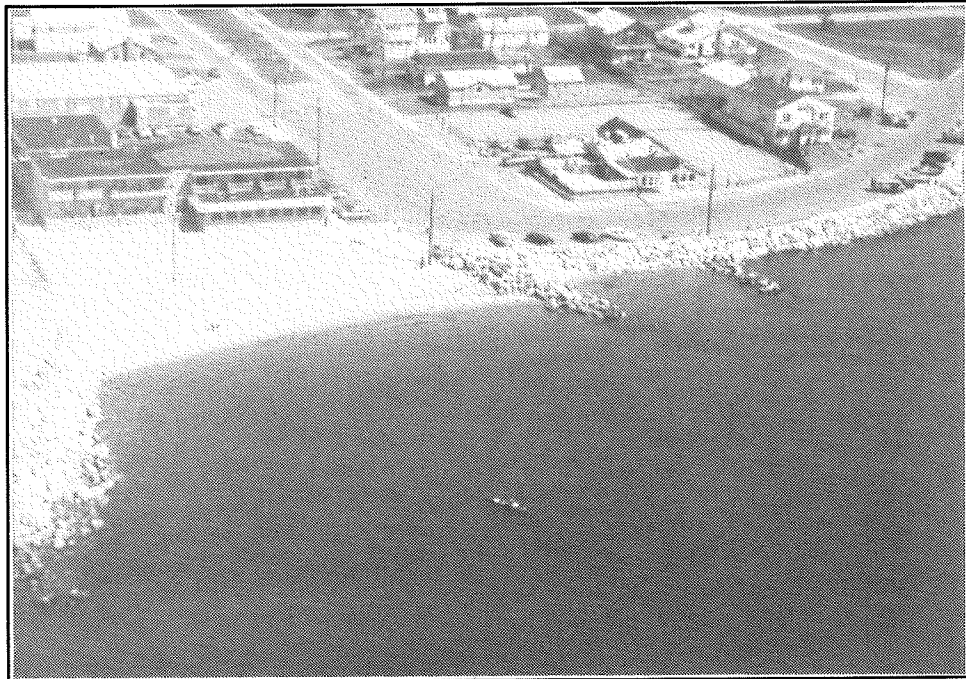
- a. The Seawall Park should provide opportunities for public access to the foreshore, including the foreshore east of the Park from Jefferson Street to Cove Place, for passive recreational uses, including fishing. Recreational uses and public access facilities should be consistent with the existing character of the surrounding residential areas. The Town should support the provision of well-designed Park enhancements consistent with the capability of the area to support public access to the water.
- b. Appropriate measures should be applied to protect the seawall from erosion. Maintenance of the Park should be carried out in the most timely manner necessary to ensure continued public use, enjoyment and safety.

4. PROTECTION OF COASTAL RESOURCES:

- a. Shellfish resources and the natural shellfish grounds in the nearshore waters of Long Island Sound should be protected and, to the extent feasible, enhanced.
- b. Actions that would increase natural erosion rates or otherwise result in negative impacts on the ecological values associated with the bluffs and escarpments along the Long Island Sound shoreline should be prohibited.
- c. The ecological functions and values associated with the rocky beaches, intertidal flats and other intertidal resources in this area should be preserved.

5. BEACH COTTAGE AREA:

- a. Any future residential use and development in the beach cottage area should be undertaken in a manner consistent with the capacity of the land and water resources in this area to support such use and development while providing for proper sewage disposal, internal circulation, and other requirements for protecting coastal resources and ensuring public health, safety and welfare.
- b. Reconstruction of cottages damaged greater than 50% of their value in a coastal storm or hurricane should occur in a manner that will reduce future vulnerability to flood damage and provide other public benefits, including improved vehicle circulation, parking and other infrastructure improvements, increased open space, and appropriate setbacks from the mean high water line. Consideration should be given to removal of damaged structures that may be located seaward of the mean high water line.



**Figure 5-10:** *The Seawall Park at the Foot of Washington Parkway.*



**Figure 5-11:** *Beach Cottage Area.*

- c. Nonstructural measures to control erosion should be considered as long-term alternatives to structural or engineered approaches that accelerate beach loss, erode adjacent land and require continued maintenance expenditures.
- d. Continued use of structural measures to protect individual properties may be considered, but such measures, consistent with all applicable Town, State and Federal requirements, should not be developed independently, but in coordination with measures to protect adjacent properties.

6. SHORE PROTECTION MEASURES:

- a. Efforts to stabilize the shoreline and protect against erosion should be carefully planned and should not result in significant adverse impacts on natural coastal resources and adjacent properties.
- b. Increased attention and study should be directed toward assessing the direction, quantity and sources of sediment transport along the shoreline. Such attention and study should be for the purpose of more accurately projecting long-term trends in beach erosion and replenishment, and to better consider any future plans for beach replenishment and shore protection.
- c. Planning for erosion control measures should take into consideration that beach and bluff erosion is an on-going natural process and that the shoreline in this area is subject to continuing change.
- d. Erosion control structures intended to “fortify” the shoreline should not be constructed except in those instances where: 1) no other reasonable alternative exists for protecting existing development; and 2) the structures employed do not result in significant adverse impacts on adjacent properties and natural resources.
- e. Nonstructural erosion control and shore protection measures should be considered, including enactment of restrictive land-use controls, relocation of imperiled structures, planting of stabilizing vegetation, beach nourishment, and other appropriate measures.
- f. To the extent possible, any structural measures deemed to be the only alternatives available for protecting individual properties from erosion should not be developed independently, but should be coordinated with measures to protect adjacent properties as well.

## **LONG BEACH—GREAT MEADOWS—LEWIS GUT MANAGEMENT AREA**

This management area including the Long Beach coastal barrier and the Great Meadows and Lewis Gut areas is bounded by Oak Bluff Avenue on the east and the Bridgeport/Stratford boundary on the west. Offshore, the area is bounded by an imaginary line in Long Island Sound 1,000 feet from the shoreline. (See Figures 5-1, 5-12, 5-13 and 5-14.)

### **1. PRIORITY USES AND MANAGEMENT OBJECTIVES:**

- a. The priority management objective is protection and enhancement of natural coastal resources and environmental quality while providing for appropriate public recreational uses.
- b. Priority water uses are: 1) recreational uses that have little or no adverse impact on coastal resources and are appropriate given the natural limitations imposed by the coastal barrier environment; and 2) commercial shellfishing in Lewis Gut.
- c. The Long Beach—Great Meadows—Lewis Gut coastal barrier environment should be recognized as a natural area with State-wide significance.
- d. Waterfront land-use in this entire area should be “parks and recreation, open space,” consistent with the land-use plan established in the *Stratford Coastal Plan*.
- e. Future land use and development adjacent to the management area should have only minimal adverse impacts on natural systems, resources and values.

### **2. WATER ACCESS OPPORTUNITIES:**

- a. The Town should continue to provide public beach-related recreational opportunities at Long Beach for Town residents and others with valid permits for parking and beach use. In a manner compatible with swimming and other beach uses, opportunity for launching small, nonmotorized vessels such as sailboards, canoes and small sailboats should also be provided at Long Beach.
- b. The public right to the foreshore (seaward of the mean high water line) should be protected in accordance with the Public Trust Doctrine. The Town should pursue development of the “Shore Walk” concept, as established in the *Stratford Coastal Plan*, along the full length of Long Beach.
- c. Commercial facilities to support boating uses and water access opportunities should be prohibited in accordance with the land-use plan established in the *Stratford Coastal Plan*.



**Figure 5-12:** *Long Beach and the Eastern Part of the Great Meadows at Oak Bluff Avenue.*

### 3. LONG BEACH MANAGEMENT UNITS:

- a. Based on existing and historic uses and activities, three “management units” should be designated on the Long Beach coastal barrier to ensure that sensitive barrier system resources are protected while appropriate recreational and other uses are maintained.
  - i. The eastern third of Long Beach should be maintained as an “active” public beach recreation area, providing opportunities for swimming, passive recreational activities, and access to Long Island Sound for small nonmotorized vessels such as sailboards, canoes and small sailboats. Structural facilities for beach users should be limited to parking, picnic and restroom facilities.
  - ii. The middle third of Long Beach should be maintained as a conservation area providing critical nesting habitat for piping plover and least tern while maintaining appropriate human use at certain times of the year. Recreational use of this management area landward of the mean high water line should be prohibited during the nesting season of July and August. Passive recreational use should be permitted at other times of the year.

- iii. The western third of Long Beach should be maintained as a beach cottage area with cottage sites leased by the Town to cottage owners until at least such time as the current leases expire in 1997. Public use of this area while the cottage sites are still leased from the Town should be limited to the foreshore (seaward of the mean high water line.)

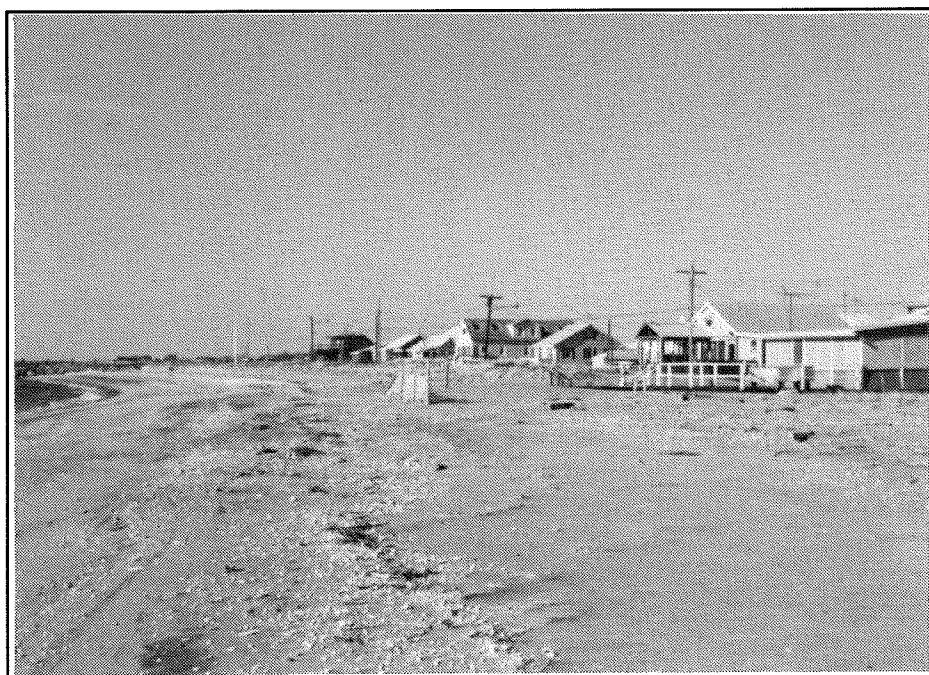


Figure 5-13: Long Beach Cottages Looking West.

#### 4. BEACH COTTAGE AREA:

- a. The Town should carefully evaluate the consequences of future decisions to renew or not renew the current leases between the Town and beach cottage owners.
- b. No decision to renew the existing leases should be made unless concerns with regard to emergency access, flood hazard protection, and other concerns affecting public health, safety and welfare, and environmental quality are adequately addressed. The public costs of ensuring public health, safety and welfare and environmental quality should not outweigh the public benefits gained through private use of this Town-owned land.
- c. If the leases are not renewed, consideration should be given to maintaining the area in a natural condition for conservation purposes and “passive” recreational use that has little or no impact on barrier system resources.

5. PROTECTION OF COASTAL RESOURCES:

- a. Shellfish resources, including natural shellfish grounds in Long Island Sound and private shellfish grounds in Lewis Gut, should be protected and, to the extent feasible, enhanced.
- b. The Town should pursue the improvement of water quality and upgrading of the current “SB” water quality classification.
  - i. All feasible measures to correct, reduce and/or eliminate nonpoint sources of pollution should be supported.
  - ii. The Town should work closely with State and Federal agencies to implement the Lewis Gut “no-discharge” zone as authorized by State law.
  - iii. All feasible measures should be employed to protect Lewis Gut and the Great Meadows from the negative impacts of any oil spills and other sources of water pollution that may emanate from Johnson’s Creek or Bridgeport Harbor.
- c. The protection of natural resource values, including values related to fish and wildlife habitat, water quality maintenance, flood protection, and esthetic quality, should take precedence over recreational boating activities and boating facility development in the Great Meadows and Lewis Gut.
- d. The tidal wetlands and intertidal flats in the Great Meadows and Lewis Gut area should be preserved in their natural condition.
- e. All feasible measures should be considered for protecting the environmental resources in this area, including inclusion of the Great Meadows and the middle third of the Long Beach barrier into the Stewart B. McKinney National Wildlife Refuge. Inclusion in the Wildlife Refuge, however, should not preclude recreational activities compatible with the goals of natural value protection in the area.
- f. Nesting habitat used by threatened and endangered shorebird and migratory bird species at Long Beach should be preserved and managed for nesting use through a cooperative effort by the Town of Stratford, the Connecticut Department of Environmental Protection, relevant Federal government agencies, and nonprofit conservation organizations. Plans for management of this nesting habitat should be coordinated with surrounding recreational use in a manner that does not result in adverse impacts on the nesting species.
- g. The ecological values of the beaches and sand dunes at Long Beach, including values related to fish and wildlife habitat and flood hazard buffer, as well as the public recreational values of those resources, should be protected.





**Figure 5-14:** *Pleasure Beach at the Western End of Long Beach; Pleasure Beach Bridge and the Entrance to Lewis Gut from Bridgeport Harbor.*

- h. No efforts should be undertaken to re-establish a connection between Long Island Sound and Lewis Gut through Long Beach without further analysis of the potential impacts of such a connection on tidal circulation, the physical integrity of the coastal barrier, and other potentially affected environmental conditions.

#### 6. IN-WATER STRUCTURES:

- a. Due to the limited water access opportunities and the sensitivity of the natural resources of Lewis Gut and the Great Meadows, moorings should not be permitted in Lewis Gut unless there are compelling reasons that it is in the public interest to do so.
- b. Lessees of Town-owned land in the beach cottage area should not be permitted to construct new or expanded docks and piers (from Town-owned land on Long Beach) to reach navigable water in Lewis Gut or Long Island Sound.
- c. Any other docks or piers extending into Lewis Gut should be designed so as not to have significant adverse impacts on coastal resources and water activities, and should be of the minimal length necessary to reach navigable water.



7. EROSION CONTROL:

- a. Efforts to stabilize the shoreline and protect against erosion should be carefully planned and should not result in significant adverse impacts on natural coastal resources and the overall physical integrity of the coastal barrier.
- b. Increased attention and study should be directed toward assessing the direction, quantity and sources of sediment transport. The purpose of this attention and study should be to more accurately project long-term trends in beach erosion and replenishment, and to better consider any future plans for beach replenishment and shore protection.
- c. Planning for erosion control measures should take into consideration that the coastal barrier at Long Beach exists in a state of dynamic equilibrium and the barrier is constantly being shaped and modified by natural forces. Natural forces should be allowed to continue to shape and modify the coastal barrier.
- d. Structural erosion control measures such as bulkheads and seawalls intended to “fortify” the shoreline should not be constructed.
- e. Priority erosion control and shore protection measures should be nonstructural measures, including the enactment of restrictive land-use controls, relocation of imperiled structures, planting of stabilizing vegetation, beach nourishment, and placement of snowfencing to encourage sand dune formation. These nonstructural erosion control measures should be considered as alternatives to structural or engineered approaches that accelerate beach loss, erode adjacent land, and lead to diminished function of the barrier.

8. DERELICT VESSELS AND STRUCTURES:

- a. The derelict, abandoned, or deteriorated vessels and structures in the Great Meadows—Lewis Gut area should be removed and properly disposed of in accordance with Town, State and Federal laws and regulations.

9. COORDINATION WITH BRIDGEPORT:

- a. To the maximum extent feasible, harbor management-related activities, including water quality monitoring and formulation of pollution abatement plans, should be coordinated with the City of Bridgeport.
- b. Marine enforcement and the Stratford Police Department’s marine patrols should be coordinated with the City of Bridgeport.

- c. Public access to Stratford's Long Beach jurisdiction from Pleasure Beach in Bridgeport should be properly managed to reduce potential adverse impacts on the natural barrier environment. If the Town does not extend the current leases for beach cottage use on the western third of Long Beach, and this area is to be managed as a natural area in the future, it will be necessary for Stratford and Bridgeport to work together to develop appropriate measures to control and enforce public access to the area. The purpose of any future access controls should be to help ensure the protection of sensitive sand dunes and nesting habitat, and not to restrict the public's right to walk along the shoreline seaward of the mean high water line. Access by unauthorized motorized vehicles should be prohibited.

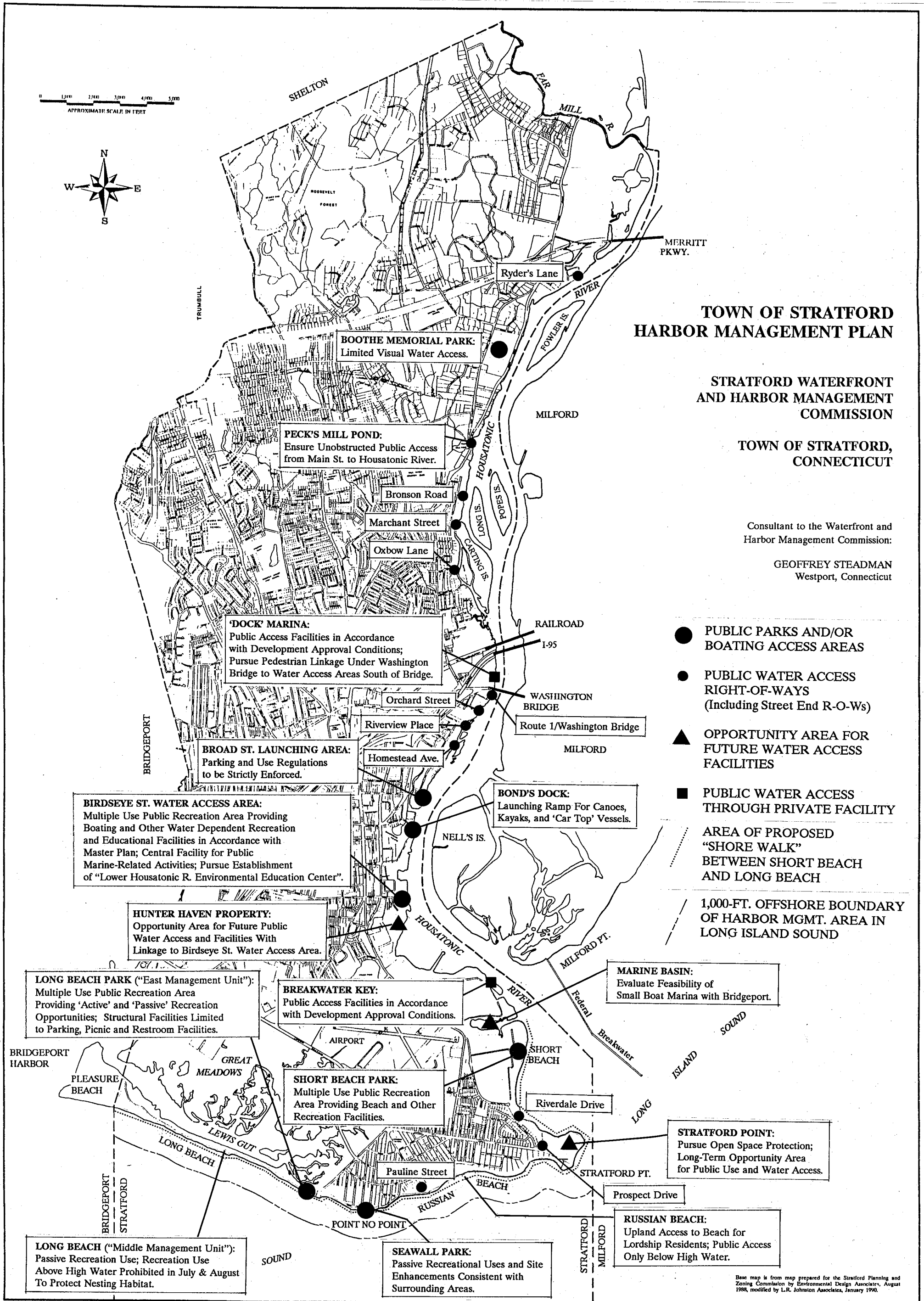


FIGURE 5-15: PUBLIC WATER ACCESS FACILITIES, AREAS AND RECOMMENDATIONS.

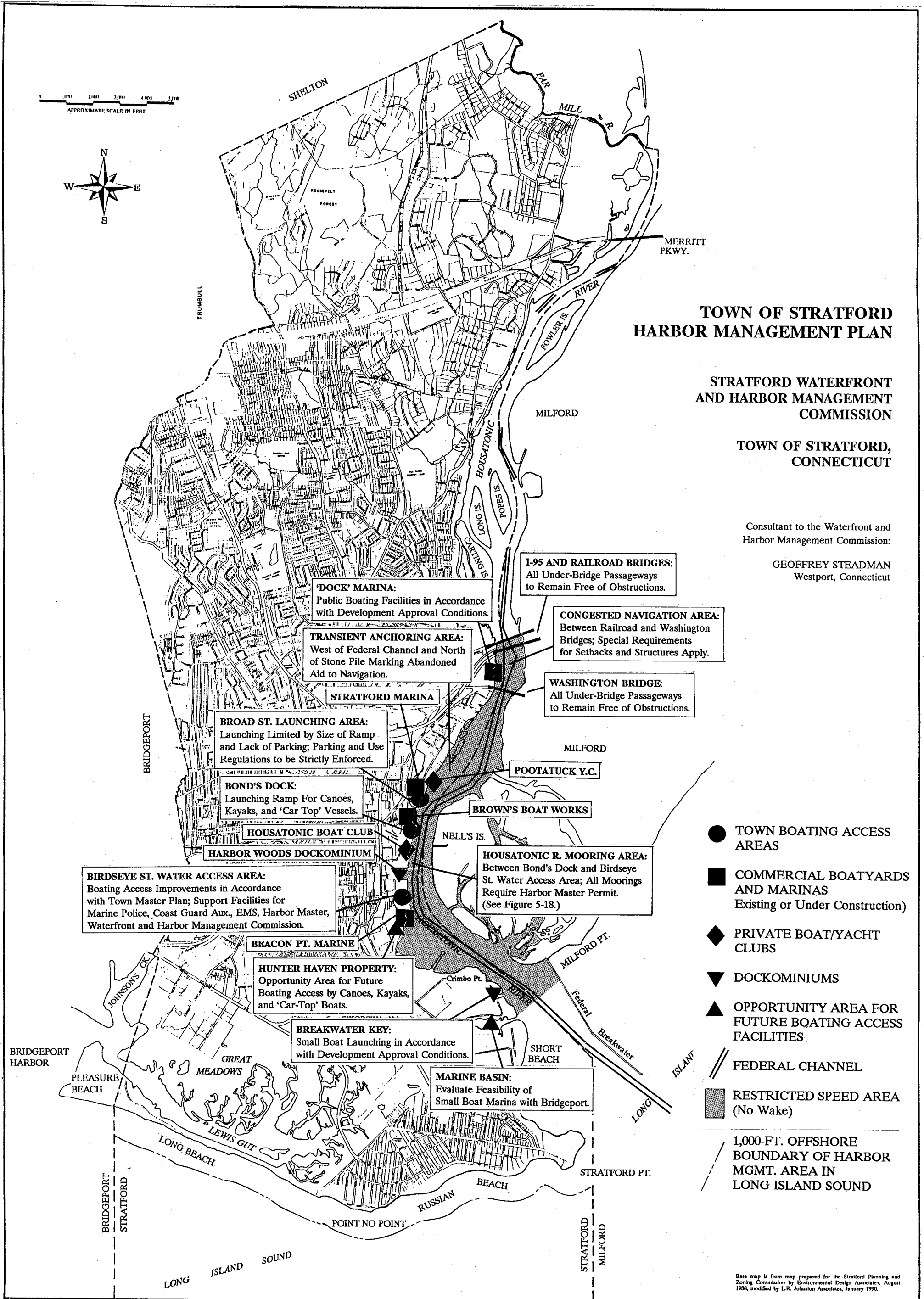


FIGURE 5-16: BOATING AND NAVIGATION FACILITIES, AREAS AND RECOMMENDATIONS.

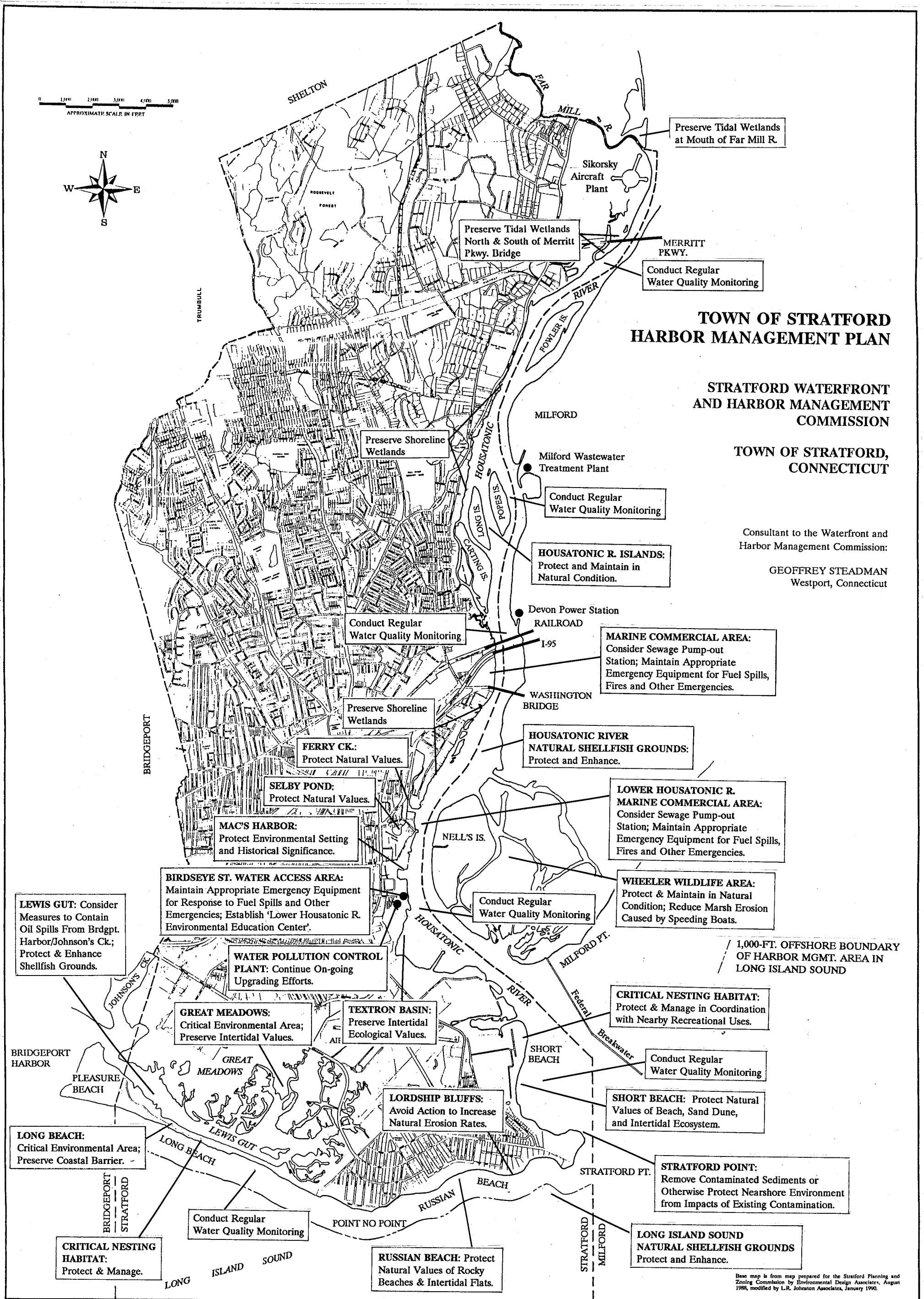


FIGURE 5-17: COASTAL RESOURCE AREAS AND RECOMMENDATIONS.

NOTE: Mooring spaces shown are for illustrative purposes only, and should be adjusted by the Harbor Master as needed to accommodate individual boats. Mooring areas and spaces shown are approximate of existing mooring locations in the Housatonic River. Moorings in Stratford jurisdiction should be limited to the area between the Birdseye St. Water Access Area and Bond's Dock. All moored boats should be set back a sufficient distance from the Federal Navigation Channel to ensure ease and safety of navigation.

● Approximate mooring location

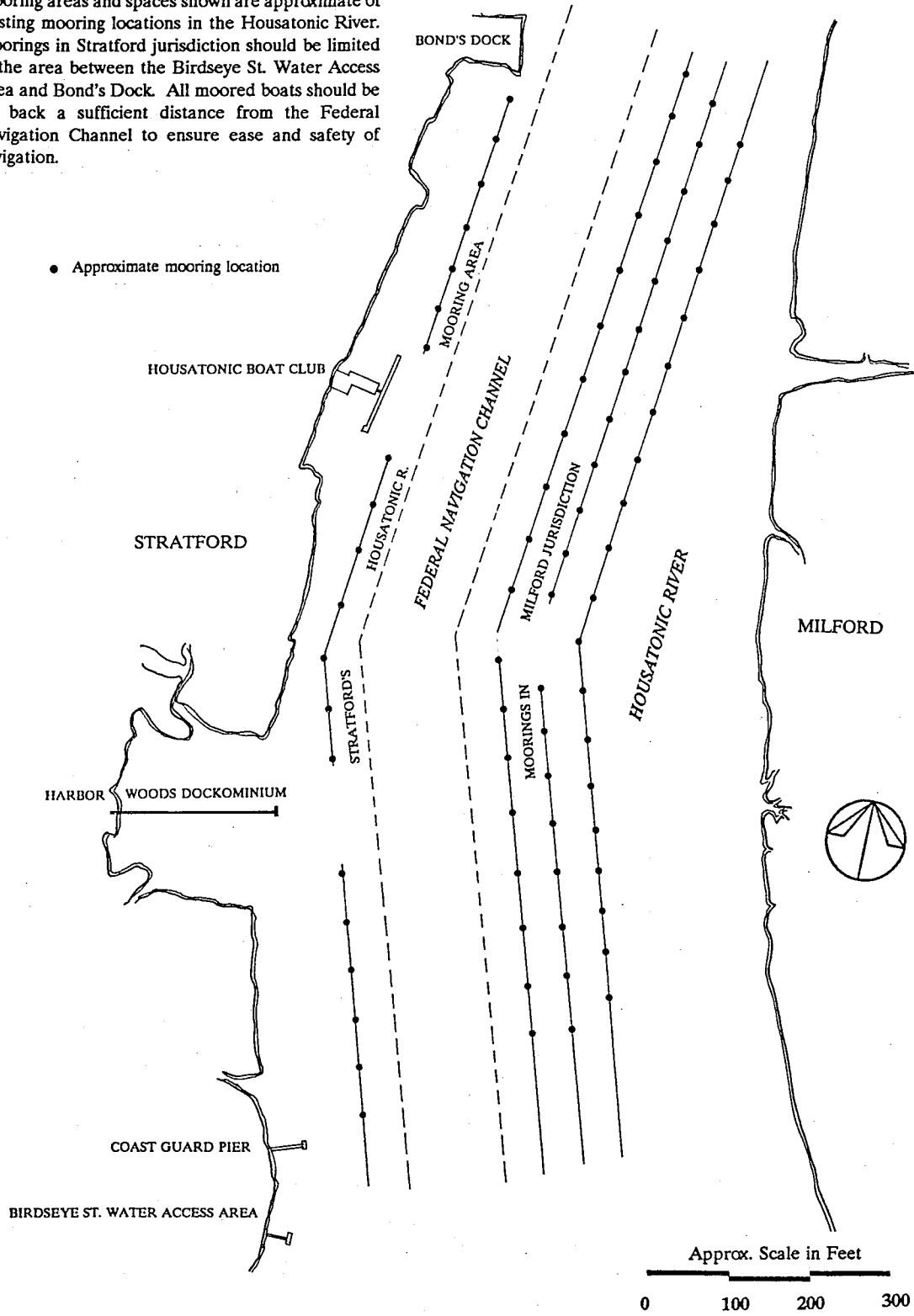


Figure 5-18: Housatonic River Mooring Area.

## **CHAPTER SIX:** \_\_\_\_\_

# **RECOMMENDATIONS AND RESPONSIBILITIES FOR PLAN IMPLEMENTATION**

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This Chapter contains recommendations for implementing the goals, objectives, policies and guidelines for harbor management presented in Chapters Four and Five of the Harbor Management Plan. Some of the recommendations can be realized in the near future; others will require a longer period of time to achieve. Also, conditions in the Harbor Management Area (HMA), and our understanding of those conditions, will change in the years ahead. As a result, the harbor management provisions will likely require modification from time to time. It is therefore important that the Town's efforts to manage and enhance its harbor resources be considered as part of an on-going, evolving process.

The recommendations are directed toward actions and responsibilities of: 1) the Town Council; 2) the Waterfront and Harbor Management Commission; 3) other Town commissions and departments; 4) the Harbor Master; 5) relevant State and Federal government agencies; and 6) private groups and individuals. The order in which the recommendations are presented is not meant to imply priority.

## RECOMMENDED ACTIONS FOR THE TOWN COUNCIL

For the Town of Stratford to assume an increased role in the planning, management and regulation of activities in the Harbor Management Area, the Town Council (acting in its capacity as the Town's legislative body) should continue to support the Waterfront and Harbor Management Commission and implementation of a Town Harbor Management Plan through the following actions.

1. **The Town Council should adopt the Harbor Management Plan as the Town's principal guide (in coordination with the *Stratford Coastal Plan*) for: a) water-dependent use and development; and b) protection of natural resources and environmental quality in the Harbor Management Area.**

Following approval of the Harbor Management Plan by the State Department of Environmental Protection (DEP) and Department of Transportation (DOT), and a public hearing on the Plan, the Town Council should adopt the Harbor Management Plan. Section 22a-113m of the Connecticut General Statutes states that a harbor management plan "... may be adopted by ordinance by the legislative body of each municipality..." "Adopted by ordinance" should not be confused with "adopted as an ordinance." The Stratford Harbor Management Plan need not be published and adopted as an ordinance. The "ordinance" by which the Town Council may adopt the Plan should be very short and simple — more in the form of a resolution than an ordinance. Implementation of certain aspects of the Plan, however, will require addition to or modification of the ordinances contained in the Town Code, as described below.

2. **The Town Council should modify the Town Code as necessary to implement specific provisions of the adopted Harbor Management Plan. Modification of the existing Code should be based on recommendations provided by the Waterfront and Harbor Management Commission.**
  - a. The existing Waterfront and Harbor Management Chapter (Chapter 210) of the Town Code should be amended.

The current description of the jurisdiction and authorities of the Waterfront and Harbor Management Commission contained in Chapter 210 of the Town Code should be clarified, as recommended by the Commission and proposed in Appendix C of the Harbor Management Plan. Amendment of Chapter 210 should include clarification of the Commission's jurisdiction and powers authorized by the Special Laws of 1957, No. 585, page 790 ("An Act to Establish a Waterfront Authority for the Town of Stratford"), and the Commission's jurisdiction and powers authorized by Section 22a-113k to 22a-113t of the Connecticut General Statutes (the Connecticut Harbor Management Act). Amendment of Chapter 210 should clarify that powers and duties derived solely from the Special Act are implemented by the Commission separately from the Harbor Management Plan (which is prepared with



authority provided by the Connecticut General Statutes), and that the Special Act powers are to be implemented in a manner that complements and is consistent with the Plan.

- b. Other chapters of the Town Code should be updated and modified where necessary, and chapters pertaining to waterfront and harbor management should be consolidated into Chapter 210.

In addition to the existing Chapter 210, other chapters of the Town Code, including the Boat Launching Facilities Chapter (Chapter 60), the Harbor Chapter (Chapter 114), and the Parks and Beaches Chapter (Chapter 152), should be updated and modified where necessary to help implement and enforce certain provisions of the Harbor Management Plan and, where necessary, to achieve consistency with applicable State statutes. For purposes of efficiency and ease of reference, all chapters of the Town Code pertaining to harbor management should, following approval and adoption of the Harbor Management Plan, be consolidated into Chapter 210.

- c. Any proposed revision of the Town Code pertaining to the operation of vessels should be submitted to the State DEP's Law Enforcement Division for review and approval.

Appropriate sections of the Town's revised Waterfront and Harbor Management Chapter or other revised chapters of the Town Code pertaining to the operation of vessels should be submitted to the DEP's Law Enforcement Division for review and approval as required by State law. Section 15-136 of the Connecticut General Statutes requires that any local ordinance "... respecting the operation of vessels on any body of water within its territorial limits" be submitted to the Commissioner of Environmental Protection for review and approval. This review is carried out by the DEP's Law Enforcement Division. The DEP has sixty days to disapprove any part of the ordinance that it finds to be "... arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with..." established State policy regarding administration of boating safety. If the DEP does not disapprove all or part of the ordinance within 60 days, the ordinance will take effect on the first day of April following its adoption.

3. **The Town Council should support the Stratford's Police Department's capital and operating budget requirements for maintaining and expanding, as necessary, the operation of the Marine Unit.**

While some harbor management actions are most appropriately carried out by the Waterfront and Harbor Management Commission and Harbor Master, the regular patrolling of the Harbor Management Area and enforcement of all Town and State boating laws is most appropriately handled by the Stratford Police Department's Marine

Unit (in coordination with the Milford and Bridgeport police departments, and the DEP's Law Enforcement Division). The Police Department's budget requirements for continuing (and expanding as necessary) the operation of the Marine Unit should be supported.

- 4. The Town Council should support the Water Pollution Control Authority's capital budget requirements necessary for continuing sewer system improvements.**

The Council should continue to support necessary improvement of the Waste Water Treatment Plant and pursue any State and Federal funding that may be available for upgrading the plant in the interest of improving water quality in the Housatonic River.

- 5. The Town Council should approve the agreement prepared by the Waterfront and Harbor Management Commission for correcting existing encroachments into the Town-owned water access right-of-way at Peck's Mill Pond.**

The existing private encroachments blocking public access to the Housatonic River at the Town-owned right-of-way at Peck's Mill Pond should be corrected in accordance with the proposed agreement between the Town of Stratford and the adjoining property owner as prepared by the Waterfront and Harbor Management Commission and submitted to the Chairman of the Town Council on February 13, 1990.

- 6. The Town Council should appoint a member of the Waterfront and Harbor Management Commission to the Short Beach Committee.**

To help ensure that the entire Short Beach area is used to its full potential as a major waterfront recreation area and that its future development, operation and maintenance is carried out in the most coordinated manner by the different Town bodies with authority in the area, a member of the Waterfront and Harbor Management Commission should be appointed to the Short Beach Committee.

## **RESPONSIBILITIES OF THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION**

Consistent with its powers, duties and responsibilities authorized by the Connecticut Harbor Management Act, the Waterfront and Harbor Management Commission should carry out the following important responsibilities:

1. *Plan for and manage uses and activities in the Stratford Harbor Management Area to the maximum extent permissible under Town, State and Federal law.*
2. *Carry out necessary actions to ensure continued boating and navigation safety in the Harbor Management Area, including the recommendation of necessary Town ordinances to control boating and other in-water activities;*
3. *Evaluate the feasibility of obtaining a General Permit from the Corps of Engineers to facilitate the review and approval of specific activities;*
4. *Adopt administrative rules and procedures to guide its activities;*
5. *Establish and carry out a "Harbor Management Consistency Review Process" and review all proposals potentially affecting the HMA for consistency with the Harbor Management Plan;*
6. *Conduct an on-going examination of the effectiveness of the Harbor Management Plan and update/revise the Plan as necessary;*
7. *Review actions by persons or organizations acting under authority of the Commission and the Harbor Management Plan;*
8. *Serve in an advisory capacity on all Town-supported planning and development initiatives affecting the Harbor Management Area;*
9. *Serve as the lead Town body for planning and management of the Birdseye Street Water Access Area;*
10. *Provide educational and information services to boaters and other users of the Harbor Management Area and to all those concerned with use and protection of waterfront and harbor resources;*
11. *Work with the Town Council to establish a Harbor Management Fund and prepare and present to the Town Council an annual operating budget;*
12. *Coordinate harbor management planning to the maximum extent possible with the adjacent municipalities of Bridgeport, Milford and Shelton;*

13. *Establish a data base of information and materials pertaining to the HMA;*
14. *Pursue, on behalf of the Town, grants for Harbor Management Area improvements and management purposes;*
15. *Continue to study conditions in the Harbor Management Area to provide useful information for decision-making and other management purposes; and*
16. *Encourage the presentation and discussion of all public concerns, including those of Town residents, business owners and boaters, related to the Harbor Management Area.*

Each of these general areas of responsibility are further described below and on the following pages.

1. **The Waterfront and Harbor Management Commission should plan for and manage uses and activities in the Harbor Management Area to the maximum extent permissible under Town, State and Federal law.**

Consistent with its powers, duties and responsibilities as a Harbor Management Commission authorized by the Connecticut General Statutes and established by ordinance in the Stratford Town Code, the Waterfront and Harbor Management Commission should continue to carry out the Town's most direct responsibilities with regard to managing the Town's Harbor Management Area, including implementing the Town's Harbor Management Plan. The Commission should carry out its State-authorized powers, duties and responsibilities in a manner that complements and is consistent with its powers and duties authorized by the Special Act of 1957 creating the Stratford Waterfront Authority. The Harbor Management Act and the Special Act of 1957 are complementary to the extent that both are intended to provide local authority for protection of the public interest in Stratford's marine environment. There is, however, no statutory authority for incorporating the Special Act powers and duties into a harbor management plan prepared, approved and adopted in accordance with the Connecticut Harbor Management Act.

To help reduce the potential for conflict between existing State requirements affecting the Harbor Management Area and any Town actions undertaken pursuant to the Special Act, powers and duties derived solely from the Special Act should be implemented by the Waterfront and Harbor Management Commission separately from the Harbor Management Plan. Any local regulations adopted pursuant to the Special Act, for example, must be kept separate from the Plan and developed and adopted in accordance with a specified Town process, including a required public notice and hearing procedure.

2. **The Waterfront and Harbor Management Commission should carry out necessary actions to ensure continued boating and navigation safety in the Harbor Management Area, including the recommendation of necessary Town ordinances to control boating and other in-water activities.**
- a. The Commission should submit recommended changes to existing chapters of the Stratford Town Code pertaining to harbor management to the Town Council for adoption.

The Waterfront and Harbor Management Commission should continue to review existing Town ordinances pertaining to waterfront and harbor management — including the Waterfront and Harbor Management Chapter (210), the Boat Launching Facilities Chapter (60), the Harbor Chapter (114), and the Parks and Beaches Chapter (152) — and recommend necessary changes and consolidation, including any changes that may be necessary to achieve consistency with applicable State statutes. The Commission should seek advice and comments from the Connecticut Department of Environmental Protection and Department of Transportation when preparing its recommendations for modifying and consolidating the just-described chapters. The Commission’s recommendations for modification of the existing chapters of the Town Code should be submitted to the Town Council for adoption. Any recommended changes should be based on, and be in conformance with, the provisions of the Harbor Management Plan. (Proposed initial modifications to Chapter 210 have been prepared by the Commission and are included as Appendix C of the Harbor Management Plan.)

- b. The Commission should adopt minimum guidelines for the mooring tackle used in the Harbor Management Area.

To help assure that all boats moored in the HMA are safely and securely moored, the Commission should adopt minimum guidelines for the mooring tackle that is used. The Harbor Master should be responsible for ensuring that these guidelines are followed. Draft “Minimum Standards for Mooring Tackle” are included as Appendix E of the Harbor Management Plan.

- c. The Commission should support and cooperate with State and Federal agencies in the identification and elimination of any encroachments in the Town’s Harbor Management Area.

All unauthorized structures (including docks, piers, pilings, and moorings) and other work (including unauthorized fill) extending into the Federal navigation channel or into any other areas seaward of the mean high water line should be eliminated or otherwise corrected. Any existing encroachments (those pre-dating the effective date of the Harbor Management Plan and identified either prior to, or after the effective date of the Harbor Management Plan) should be evaluated individually by the accountable State and/or Federal regulatory agency, with appropriate input from

the Commission, and specific measures developed, with appropriate input from the Commission, to remove or otherwise correct these existing violations.

The Commission should work in coordination with the appropriate State and Federal authorities to ensure that future encroachments constructed or occurring after the effective date of the Harbor Management Plan are eliminated by the offending party without delay. The Commission should discourage the issuance of “after-the-fact” permits that would bring future violations into compliance, unless there are compelling, clearly demonstrated reasons to do so.

- d. The Commission should review and approve the placement of all “private” (nonfederal) aids to navigation.

In addition to permits from the State DEP, Corps of Engineers, and Coast Guard, approval from the Waterfront and Harbor Management Commission should be necessary for the placement of all “private” (nonfederal) aids to navigation in the Harbor Management Area. In coordination with the Police Department’s Marine Division, the Commission should conduct an annual review of the number, type, location, condition, and adequacy of aids to navigation within the HMA and transmit the results of this review to the Coast Guard. The Commission should also conduct and maintain an inventory of all private aids to navigation in the HMA.

- e. The Commission may designate navigation fairways to be kept free of obstructions.

Navigation fairways may be designated by the Commission, where necessary, to ensure safe passage of recreational and commercial vessels to, from, through, and alongside channels, mooring areas, anchorages, and berthing areas.

- f. The Commission should evaluate and recommend, on a case-by-case basis, appropriate distances that proposed structures and work seaward of the mean high water line should be set back from the Federal navigation channel in the Housatonic River.

Recommended set-back distances should be determined by the Commission based on a review of existing conditions including, but not limited to, shoreline conditions, the width of the Housatonic River, the presence of valuable coastal resources, and the configuration of the Federal navigation channel. In accordance with the policies and guidelines established in the Harbor Management Plan, and consistent with past decisions by the Stratford Waterfront Authority and the Waterfront and Harbor Management Commission, all in-water structures should be set back at least 130 feet from the channel boundary. The 130-foot setback distance should be considered as a design guideline, not an inflexible standard. Exceptions to this guideline may be recommended by the Commission when there are compelling reasons to do so, and when potential adverse impacts of the proposed in-water structures are avoided or minimized.

- g. The Commission should initiate actions needed for necessary dredging of the Federal navigation channel.

The Commission should work with the Corps of Engineers and Department of Environmental Protection to establish specific procedures for determining future maintenance dredging needs in the Federal channel and for initiating environmental assessments and other pre-dredging requirements to allow the most timely dredging to occur.

- h. The Commission should monitor and review the operation of the moveable bridges affecting navigation in the Harbor Management Area.

This review should determine if: a) the bridges are operating in accordance with published Coast Guard regulations; b) the bridges are being maintained in a manner to assure their continued safe and reliable operation; c) the number of bridge openings is consistent with past trends; and d) there are any problems or complaints concerning bridge operations.

Deficiencies and suggestions for improved bridge operation should be brought to the attention of the appropriate State and Federal agencies and Town officials.

- i. The Commission should evaluate the appropriate extent to which docks and piers should extend seaward to reach “navigable water.”

This evaluation should be carried out taking into consideration the riparian or littoral rights of waterfront property owners, the Public Trust Doctrine, existing conditions such as distance from shore to navigable water, location of the Federal navigation channel, the presence of coastal resources such as intertidal resources and shellfish beds, and other relevant conditions. The Commission’s recommendations concerning the appropriate distance that docks and piers should extend from the shore to reach navigable water should be incorporated in the decisions of State and Federal permitting agencies.

The Commission should develop and maintain an inventory of all docks, piers, and other structures seaward of the mean high water line.

- 3. The Commission should evaluate the feasibility of obtaining a General Permit from the Corps of Engineers to facilitate the review and approval of specified in-water activities.**

In accordance with Section 22a-113q of the Connecticut General Statutes, the Waterfront and Harbor Management Commission may, following adoption of the Harbor Management Plan, apply for a special General Permit from the Corps of Engineers that would apply to certain coastal structures and activities within the Harbor Management Area. The intent of this permit would be for the Corps to delegate some

responsibility for the review of relatively minor activities that have the potential for only little or no adverse environmental impact, and to expedite the permitting process for certain uses and activities judged to be consistent with the Harbor Management Plan.

Representatives of the Corps of Engineers have indicated that the Corps would consider issuing such a General Permit that would give prior approval to certain activities that meet a set of pre-established conditions in selected areas. Activities that potentially could be included in the General Permit are: 1) private maintenance dredging; 2) construction of private piers and docks; and 3) reconfiguration of boat slips in existing marinas. Proposals for these types of activities would not be subjected to the Corps' detailed permit review procedure but would have to be reviewed for consistency with the terms of the General Permit and the Harbor Management Plan.

The Waterfront and Harbor Management Commission should evaluate the feasibility of applying for this type of General Permit that would apply to the Stratford Harbor Management Area. The permit should only be accepted by the Commission if it is shown that such a permit will facilitate review and approval of the specified structures and activities.

If, in the future, the Commission should obtain the General Permit, a separate set of procedures will be required to guide the Commission's review of those activities. For proposals covered by the General Permit, an applicant would be required to submit an application directly to the Commission as well as to the Corps of Engineers.

**4. The Commission should adopt administrative rules and procedures to guide its activities.**

The Commission should adopt administrative rules and procedures to guide its various activities including: conducting meetings; reviewing applications referred to it by Federal, State and Town agencies to determine consistency with the Harbor Management Plan; supervising the issuance of mooring permits; selecting vendors to provide services and facilities in the HMA; and other activities that become necessary from time to time. All administrative rules and procedures should conform to the adopted Harbor Management Plan and the Town Code. Draft "Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area" are included as Appendix D of the Harbor Management Plan.

**5. The Commission should establish and carry out a "Harbor Management Consistency Review" process, and review all proposals potentially affecting the Harbor Management Area for consistency with the Harbor Management Plan.**

To ensure that uses and activities proposed to occur in, on, or adjacent to the Harbor Management Area are consistent with the Harbor Management Plan, specific



procedures should be followed by the Commission when reviewing proposals referred to the Commission by: 1) Town commissions and departments; 2) the Connecticut Department of Environmental Protection; and 3) the U.S. Army Corps of Engineers. Whenever possible, the Commission should attempt to conduct a single review of any proposal that is submitted to a Town agency as well as to the DEP and the Corps of Engineers. However, since an applicant is not required to submit these applications simultaneously, it may not always be possible for the Commission to perform a single review.

- a. The Plan “Consistency Review” Process should include review of applications to Town of Stratford commissions and departments.

As authorized by Section 22a-113p of the Connecticut General Statutes and Chapter 210 of the Town Code, proposals involving activities in, on or adjacent to the Harbor Management Area *submitted to or prepared by* the Planning Commission, Zoning Commission, Zoning Board of Appeals, Parks Department, Recreation Department, Water Pollution Control Authority, Department of Public Works, Inland Wetlands Commission, Conservation Commission, Shellfish Commission, and other Town bodies will be referred by these Town authorities to the Waterfront and Harbor Management Commission for review. Proposals to be submitted to the Commission for review should include:

- i. All proposals requiring a Coastal Site Plan Review (in accordance with the Connecticut Coastal Management Act and the *Stratford Coastal Plan*) and occurring on property in, on or adjacent to the Harbor Management Area. Exceptions include proposals to construct or modify single or two-family residences located within a residential zoning district that do not affect or interfere with an existing water-dependent use.
- ii. All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling or other activities seaward of the mean high water line.
- iii. All proposed revisions or amendments to Town plans, rules and regulations affecting real property on, in or contiguous to the Harbor Management Area.

In accordance with authority provided by Section 22a-113p of the Connecticut General Statutes and as specified in Chapter 210 of the Town Code, each Town commission or department must refer all proposals subject to the “Harbor Management Consistency Review” process to the Waterfront and Harbor Management Commission at least thirty-five days prior to any Town hearing on the proposal. If no hearing is to be held, the Town commission or agency must notify the Waterfront and Harbor Management Commission at least thirty-five days prior to taking any final action on the proposal. The Waterfront and Harbor Management Commission should work with the other Town commissions and departments

to establish review periods of less than 35 days in those instances where a shorter review period will still provide adequate time for the Waterfront and Harbor Management Commission's review.

The Waterfront and Harbor Management Commission should review referred proposals for consistency with the Harbor Management Plan and provide comments and recommendations to the approving agency within the thirty-five day period and prior to or during the public hearing on the proposal. If a public hearing is not held, the Commission should provide its comments prior to final action by the approving agency. Failure of the Commission to provide a recommendation to the approving agency will, in accordance with Section 22a-113p of the Connecticut General Statutes, be considered as approval of the proposal.

When reviewing a proposal for consistency with the Harbor Management Plan, the Waterfront and Harbor Management Commission should consider whether the proposal is consistent with the Plan's goals, objectives, policies, guidelines, and recommendations.

The approving agency must consider the comments and recommendations of the Waterfront and Harbor Management Commission. If the Commission judges a proposal to be inconsistent with the Harbor Management Plan, a two-thirds (instead of a simple majority) vote of the approving agency will be required to over-ride the Commission's findings and approve the proposal. This "two-thirds" requirement, however, should not alter the authority of the approving agency to deny, modify or condition a proposal that has received an unfavorable recommendation from the Waterfront and Harbor Management Commission.

It should be the responsibility of project applicants to provide the Waterfront and Harbor Management Commission with the information necessary to adequately assess the potential impacts of proposed projects on harbor resources and the consistency of such proposals with the Harbor Management Plan. The Commission may request that an applicant provide specific information addressing the conformance of the proposal with the Waterfront and Harbor Management Plan.

All applicants whose proposals are reviewed by the Commission should be provided an opportunity to describe the proposal to the Commission and answer any questions posed by Commission members. Members of the public should be afforded an appropriate opportunity to speak in favor of, or in opposition to, a proposal as it relates to the Harbor Management Plan.

Whenever possible, the Commission should, along with its recommendation for approval or disapproval, prepare written comments on any proposal it reviews for consistency with the Management Plan. A recommendation may include suggested conditions or modifications that would make an otherwise unacceptable proposal consistent with the Plan. All recommendations by the Commission, including

suggested modifications and conditions, should be prepared with reference to the relevant sections of the Harbor Management Plan.

The Waterfront and Harbor Management Commission should coordinate its review procedures with each referring/approving commission or department. Each Town commission or department has specific legal requirements and administrative procedures with regard to: time available between official receipt of a proposal and the need to act on the proposal; frequency of meetings; and other factors affecting coordination with the Waterfront and Harbor Management Commission. The Commission should therefore develop review procedures that are specific to each referring/approving body. In addition, the Commission may require, where feasible, that a specified number of copies of proposals be provided to the Commission, either directly by the applicant or by the approving commission or department.

A specific public notice and review procedure should be established by the Waterfront and Harbor Management Commission to help guide the Commission's "Harbor Management Consistency Review" process.

- b. The Plan "Consistency Review" process should include the review of applications to the State Department of Environmental Protection.

All proposals involving filling, dredging or structures seaward of the high tide line must be submitted by the project sponsor to the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs for review and approval. In coordination with this State review and to help implement Section 22a-113n of the Connecticut General Statutes which requires that the regulatory or development-related decisions of State officials be consistent with the Harbor Management Plan, the DEP should forward the public notice copies of such proposals to the Waterfront and Harbor Management Commission. The Commission should formally review and comment to the DEP (in a manner similar to that just described with respect to proposals submitted to or prepared by Town agencies) on the consistency of each proposal with the Harbor Management Plan.

- c. The Plan "Consistency Review" Process should include review of applications to the Corps of Engineers.

Proposals involving filling, dredging or structures seaward of the mean high water line must be submitted by the project sponsor to the Corps of Engineers for review and approval with respect to Federal laws and regulations. In coordination with this Federal review, the Corps of Engineers should send copies of the public notices issued by the Corps for all proposals affecting the HMA to the Waterfront and Harbor Management Commission. The Commission should formally review and comment to the Corps of Engineers on each of these proposals in a manner similar to that described above with respect to proposals submitted to or prepared by Town and State agencies.

**6. The Commission should conduct an on-going examination of the effectiveness of the Harbor Management Plan and revise the Plan as necessary.**

In order that the Harbor Management Plan may respond to changing circumstances over the years, provisions for amending the Plan are necessary. Throughout the course of the year, members of the Commission should observe conditions and activities in the HMA and assess how well the Plan is functioning with respect to those conditions and activities. Any observed problems may be raised and discussed at the Commission's regularly scheduled monthly meetings. Town officials and the general public should be encouraged to attend Commission meetings and express any concerns regarding Plan provisions and effectiveness. An annual review of the Management Plan should also be conducted. This review should preferably take place at the conclusion of each boating season. If the Commission determines that amendment of the Plan is necessary, a specific procedure to do so should be carried out.

a. The Commission should conduct an annual review of the Plan.

Each year, preferably at the close of the boating season, the Waterfront and Harbor Management Commission should hold a formal review meeting to determine if any changes to the Plan are required. This review should include examination of:

- Plan goals and objectives;
- Plan policies and area guidelines; and
- Recommendations and responsibilities for Plan implementation.

The Commission should also consider any physical or institutional changes affecting the Harbor Management Area that have taken place during the previous year, including new development, development proposals, physical changes caused by storms and other forces of nature, improvement or degradation of environmental quality, and any new plans or policies established by Town, State or Federal agencies.

b. If necessary, the Commission should carry out specific actions to amend the Harbor Management Plan and/or Town ordinances for implementing the Plan.

If the Waterfront and Harbor Management Commission determines that some aspect of the Plan needs to be changed, it should carry out the following steps:

- 1) Prepare recommended changes to the Plan, including any changes in the text, maps or other aspects of the Plan.
- 2) Submit the proposed changes to the Corps of Engineers for comment and to the DEP and DOT for review and approval.
- 3) Hold a public hearing on the proposed changes.

4) Make any changes to the Plan document resulting from the public hearing and adopt the changes.

5) Submit the changes to the Town Council for formal adoption by the Town.

A similar procedure will be followed for any changes needed to Chapter 210 of the Town Code or other pertinent chapters of the Town Code. Changes to the Plan or Town Code should, if at all possible, be adopted and in effect prior to the start of the next boating season.

The Waterfront and Harbor Management Commission should not be restricted to any specific time period for making changes to the Plan. If unusual circumstances arise that demand immediate modification of the Plan, the Commission may initiate the review and revision process at any time.

- c. The Commission may prepare an annual "Harbor Management Plan Addendum" to present the results of its annual Plan review and any necessary Plan amendments.

Instead of rewriting and reprinting the Harbor Management Plan each year to incorporate the results of the annual Plan review, the Commission should prepare a Plan Addendum to summarize the more significant changes that have taken place, and to present any proposed amendments to the Plan's goals, objectives, policies, guidelines, and recommendations. Periodically, the Waterfront and Harbor Management Commission should publish a revised Plan document to incorporate updated descriptions of all Harbor Management Area conditions that will have changed since the Plan was adopted, as well as any Plan modifications that may be adopted in the future. Until such time as the complete document is revised, the Commission should incorporate all previously-prepared yearly addenda into the latest addendum. In other words, the 1994 Addendum should incorporate the changes included in the 1993 Addendum, and so on.

## **7. The Commission should review actions by the Harbor Master.**

Any person aggrieved by a decision or action of the Harbor Master may present their concerns to the Commission. At a regular or special meeting, the Commission should review the decision or action of concern and provide an opportunity for all involved parties to present information.

While there is no authority provided in the Connecticut General Statutes for harbor management commissions to overturn harbor master decisions or to act as an appeals board with regard to those decisions, the Commission can and should be able to hear any local concerns with regard to the Harbor Master's function. The Commission should attempt to resolve those concerns without usurping the Harbor Master's

authority, and then, if necessary, bring those concerns to the attention of the DOT's Bureau of Aviation and Ports for corrective action.

**8. The Commission should serve in an advisory capacity on all Town-supported planning and development initiatives affecting the Harbor Management Area.**

Should the Town initiate any planning and development actions landward of the mean high water line that would affect the Harbor Management Area, the Waterfront and Harbor Commission should serve in an advisory capacity to the lead Town body undertaking the action. The Commission should provide information on how the project can best be planned and implemented for consistency with the Harbor Management Plan and how the project can have the most positive impact on the Harbor Management Area. The Commission's advisory comments should help to avoid — before the proposal is finalized — any potential concerns or conflicts. Another important purpose of the Commission's involvement should be to help establish a spirit of cooperation and coordination among all Town commissions and departments with authorities that directly and indirectly affect the Harbor Management Area.

**9. The Commission should be the lead Town body for planning and management of the Birdseye Street Water Access Area.**

The Commission should continue to exercise the primary responsibility for managing the Birdseye Street Water Access Area as a multiple-use public recreation area providing boating and other water-dependent recreation and educational facilities. The Commission should continue to proceed with implementation of its long-range Master Plan for the area and ensure that all development, operation and maintenance of the Water Access Area proceeds in accordance with the Master Plan.

**10. The Commission should promote the provision of educational and information services to boaters and other users of the Harbor Management Area and to all those concerned with use and protection of waterfront and harbor resources.**

Wise management of the Harbor Management Area and protection of harbor resources in the future will require continued public support and involvement. In addition to providing a continuing forum for the expression of public concerns, the Commission should support and promote special programs and events that will stimulate public interest and community involvement in matters pertaining to the Harbor Management Area.

The Commission should take an active role in informing and educating boaters and other water users with regard to the provisions of the Harbor Management Plan and activities occurring in the Harbor Management Area.

The Commission should also be a source of information to members of the public who are planning activities that would affect the HMA and are not familiar with the requirements of State and Federal permitting programs and the provisions of the Harbor Management Plan.

In addition, the Commission should promote programs that will educate the public with regard to the proper use and protection of the Town's waterfront and harbor resources in accordance with the provisions of the Harbor Management Plan. Toward this end, the Commission should exercise the lead Town responsibility for managing development, operation and maintenance of a "Lower Housatonic River Environmental Education Center" at the Birdseye Street Water Access Area in accordance with the long-range Master Plan for the area.

**11. The Commission should work with the Town Council to establish a Harbor Management Fund and prepare and present to the Town Council an annual operating budget.**

- a. The Commission should work with the Town Council to establish a Harbor Management Fund.

Section 22a-113s of the Connecticut General Statutes authorizes the establishment of a special municipal fund to be used for maintenance and improvement of harbor resources and for personnel and equipment expenses directly related to the functions of the Waterfront and Harbor Management Commission and the Harbor Master. The Commission is authorized to propose a fee schedule for a mooring or anchorage permits or any other activity within the scope of the Harbor Management Plan. In accordance with Section 22a-113s of the Connecticut General Statutes, fees for mooring permits and other activities within the scope of the Harbor Management Plan are to be deposited into a special Town fund and used for maintenance and improvement of the Harbor Management Area and for expenses for personnel and equipment directly related to the functions of the Waterfront and Harbor Management Commission and the Harbor Master.

A Town Harbor Management Fund should be created to receive and expend monies for harbor management purposes determined by the Waterfront and Harbor Management Commission. All Town revenues generated by: (1) permits for mooring or anchorage or any other activity within the scope of the Harbor Management Plan; (2) Town boat launching permits; (3) fees for lease or other use of Town waterfront land; (4) fines levied under provisions of the Town Code as it applies to the Harbor Management Area; and (5) boat registration fees received from the State of Connecticut; should be deposited into this fund along with other monies generated or allocated specifically for harbor management purposes.

Funds should be disbursed for purposes directly associated with the management and improvement of Stratford's Harbor Management Area and implementation of

the Stratford Harbor Management Plan. Monies from the Harbor Management Fund may be allocated to the Stratford Harbor Master, his Deputy or designee for the purpose of carrying out the provisions of the Stratford Harbor Management Plan and applicable sections of the Stratford Code.

The Waterfront and Harbor Management Commission should regularly audit the Harbor Management Fund and report to the Town Council on the status, use and allocation of all monies from the Fund.

- b. Potential sources of harbor management funds should be identified and pursued by the Waterfront and Harbor Management Commission.

The Commission should establish procedures to generate operating funds. Potential sources of funds include but are not limited to:

- Annual fees for mooring locations;
- Permits for boat launching and beach parking;
- Fees from concessionaires for providing specified facilities and services;
- Appropriations from the Town's General Fund;
- Fines for violations of Town rules and regulations;
- Donations;
- Investment and management of harbor management funds.

- c. The Commission should establish a \$100 fee to be charged for the issuance of mooring permits in accordance with authority provided by Section 22a-113s of the Connecticut General Statutes.

As specified in Section 22a-113s, the maximum annual fee for a mooring or anchorage permit is limited to one hundred dollars, and the fee is to be collected by the Harbor Master or Deputy Harbor Master. The Commission should establish a \$100 annual mooring permit fee to cover the administrative costs of issuing a mooring permit to ensure the safe and equitable allocation of moorings in the Harbor Management Area.

- d. The Commission should prepare and present to the Town Manager an annual operating budget.

The Waterfront and Harbor Management Commission should prepare and present to the Town Manager an annual operating budget including an estimate of revenues and expenses. Items for which the Commission may need to expend funds include but are not necessarily limited to:

- Office equipment and supplies;
- Secretarial services;
- Postage;
- Printing and distribution of the Harbor Management Plan;



- Printing and photocopying;
- Legal advertisements;
- Telephone expenses;
- Preparation of informational/educational materials regarding harbor management;
- Additional investigations and studies of harbor management needs;
- Compensation to the Harbor Master and Deputy Harbor Master for duties to implement the Harbor Management Plan;
- Conferences and other educational programs that Commission members may attend;
- Purchase and maintenance of aids to navigation;
- Emergency removal of unsafe or abandoned structures, including moorings and vessels; and
- Fees for necessary consultant services.

**12. The Commission should coordinate harbor management planning to the maximum extent possible with the adjacent municipalities of Bridgeport, Milford, and Shelton.**

- a. The Commission should coordinate its planning and management activities with the Milford Harbor Management Commission to ensure that consistent management policies, guidelines and regulations are established for the Stratford and Milford sections of the Housatonic River.
  - i. The Commission should coordinate any placement of additional moorings in the Housatonic River with the City of Milford's Harbor Management Commission. The Waterfront and Harbor Management Commission should review any proposed expansion of mooring areas within the jurisdiction of the City of Milford. The Commission's comments on proposed expansion of mooring areas and its effect on Stratford's Harbor Management Area should be forwarded to the Milford Harbor Management Commission.
  - ii. Proposals for uses and activities on the Milford side of the Housatonic River and upstream along the Shelton shoreline that would affect Stratford's jurisdiction should also be reviewed by the Waterfront and Harbor Management Commission. The Commission's comments on these proposals and their effect on Stratford's Harbor Management Area should be forwarded to the adjoining municipalities.
  - iii. The Commission should coordinate efforts with the Milford Harbor Management Commission to ensure that any special municipal regulations respecting the operation of vessels on the Housatonic River within the shared jurisdiction of Stratford and Milford are established in uniformity.
- b. The Commission should coordinate its planning and management activities with the Bridgeport Harbor Management Commission to ensure that consistent management policies and guidelines are established for the Long Beach—Great Meadows—Lewis Gut area.

- i. The Commission should coordinate efforts to protect water quality in the Long Beach—Great Meadows—Lewis Gut area, including the establishment of measures to protect Lewis Gut from any oil spills emanating from Johnson Creek and Bridgeport Harbor, with the Bridgeport Harbor Management Commission.
- c. The Commission should establish specific liaison procedures, including regular exchange of meeting agendas and minutes, with the Milford and Bridgeport harbor management commissions. In addition, the Commission should organize special meetings, as necessary, with the Milford Commission and Shelton authorities to discuss issues of common concern in the Housatonic River. Special meetings should also be held, as necessary, with the Bridgeport Harbor Management Commission to discuss issues of common concern in the Long Beach—Great Meadows—Lewis Gut area.

**13. The Commission should establish and maintain a data base of information and materials pertaining to the Harbor Management Area.**

A Town data base containing information and materials pertaining to the Harbor Management Area should be established in Town Hall and regularly updated and added to. The data base should serve as a source of information on existing and historic conditions in the HMA and should be used by the Commission when making decisions pertaining to the HMA. The data base should be computerized to the extent possible and should contain information on all docks, piers and other structures seaward of the mean high water line, as well as mooring records and all permit applications reviewed by the Waterfront and Harbor Management Commission. The data base should also include reports, documents, studies, and photographs pertaining to the HMA, and a compilation of all applicable Town, State, and Federal laws, regulations and policies pertaining to management of the HMA.

**14. The Commission should pursue, on behalf of the Town, grants for Harbor Management Area improvements and management purposes.**

The costs of implementing many of the goals, objectives, policies, guidelines, and recommendations established in the Harbor Management Plan will be minimal. Following approval and adoption of the Plan, these provisions will be carried out primarily through the Waterfront and Harbor Management Commission's "Harbor Management Consistency Review" process whereby proposed activities affecting the Harbor Management Area will be reviewed for consistency with the Plan. This review will be carried out with little or no added financial cost to the Town. Some of the longer-term guidelines and recommendations presented in the Plan, however, will require expenditures of funds if they are to be realized, but only if the Town chooses to implement those guidelines and recommendations. While Town funds are limited,

State and Federal government grants continue to be available for harbor improvement and management purposes.

The Waterfront and Harbor Management Commission should continue to actively pursue government and private grants to help fund Harbor improvement projects. The Harbor Management Plan provides the basis for a number of projects that would be eligible for State and Federal funds. Water quality sampling, implementation of the Master Plan for the Birdseye Street Water Access Area, and public outreach programs to increase public awareness of harbor management concerns and support for the Harbor Management Plan are examples of potentially eligible projects.

**15. The Commission should continue to study conditions in the Harbor Management Area to provide useful information for decision-making and other management purposes.**

It is important to recognize that the Stratford Harbor Management Plan establishes an important planning and management framework to be built on in the future. The Plan should be considered as part of an on-going process that will continue to evolve in the years ahead as the Town takes necessary actions to ensure wise use of the Harbor Management Area and conservation of the natural resources and environmental quality in the HMA.

Conditions in the Harbor Management Area, particularly conditions pertaining to uses and activities and the “institutional framework” for harbor management (see Chapter Two), are continually changing. Some of the changes that will occur will affect the goals, objectives, policies, guidelines, and recommendations established in the Harbor Management Plan; others will not. As a result, it will be necessary for the Waterfront and Harbor Management Commission to continue to monitor conditions in the Harbor Management Area for the purpose of identifying any changes that may influence future management decisions and programs. The Commission should also continue scientific studies and other investigations that provide useful information for harbor improvement and management purposes.

The Commission’s continuing investigations should be designed to increase understanding of natural forces and human actions affecting the Harbor Management Area, and to increase understanding of harbor management-related issues and concerns. These investigations will help to provide a solid basis for future management decisions, and for any modifications of the Harbor goals, objectives, policies, guidelines, and recommendations that may be necessary.

- 16. The Commission should encourage the presentation and discussion of all public concerns, including those of Town residents, business owners, and boaters, related to the Harbor Management Area.**

Throughout its work to prepare the Stratford Harbor Management Plan, the Commission has provided opportunities for interested citizens and groups to express their interests and concerns. Following approval and adoption of the Plan, the Commission should continue to provide those who have harbor management-related questions, concerns or suggestions with an opportunity to express their views. Providing a continuing forum for the expression of public concerns should help the Commission identify changing conditions and circumstances affecting the Harbor Management Area. This forum is also needed to help develop public awareness of harbor resources and to maintain a base of public support for management programs and efforts.

## **RESPONSIBILITIES OF OTHER TOWN COMMISSIONS AND DEPARTMENTS**

In addition to the Waterfront and Harbor Management Commission, a number of other Town commissions and departments carry out harbor management-related responsibilities. These other Town bodies include the: Planning Commission, Zoning Commission, Zoning Board of Appeals, Parks Department, Recreation Department, Water Pollution Control Authority, Department of Public Works, Inland Wetlands Commission, Conservation Commission, Shellfish Commission, and other Town bodies.

Adoption of the Harbor Management Plan will not change the existing regulations and authorities of these Town commissions and departments. Implementation of the Plan will, however, require that all Town commissions and departments with harbor management-related responsibilities carry out their responsibilities in a manner that is consistent with the goals, objectives, policies, guidelines, and recommendations established in the Plan. The "Harbor Management Consistency Review Process" described earlier will help to ensure this consistency.

- 1. Town commissions and departments with authority to review and approve proposals for activities affecting the Town's Harbor Management Area should refer these proposals to the Waterfront and Harbor Management Commission for review as part of the "Harbor Management Consistency Review" process.**

Each Town commission or department with approval authority over a proposed action affecting the HMA (except for specified residential proposals) should refer the proposal to the Waterfront and Harbor Management Commission for its review. The proposal should be referred to the Commission at least thirty-five days prior to any public hearing to be held on the proposal or prior to any final action to be taken by the approving body if a hearing will not be held.

The Waterfront and Harbor Management Commission should review the proposal for consistency with the Harbor Management Plan. If the Commission finds the proposal to be inconsistent with the Plan, then the proposed activity can not be approved unless the approving Town body acts to over-ride the Commission's findings by a two-thirds majority vote of all members (as required by Section 22a-113p of the Connecticut General Statutes and Chapter 210 of the Town Code).

Each Town commission and department affected by the Consistency Review process should work with the Waterfront and Harbor Management Commission to develop appropriate referral/review/approval procedures.

- 2. Town commissions and departments proposing actions themselves that would affect the Harbor Management Area should formulate their proposals to be consistent with the provisions of the Harbor Management Plan and refer their proposals to the Waterfront and Harbor Management Commission for review.**

Just as the activities of private individuals should be consistent with the Harbor Management Plan, so should activities of the Town. Therefore, each of the Town's commissions and departments should work cooperatively with the Waterfront and Harbor Management Commission when developing any plans for Town-sponsored activities that may affect the HMA.

Conversely, the Waterfront and Harbor Management Commission should also work cooperatively with other Town commissions and departments to ensure that any activities it undertakes will be consistent with the plans and regulations of these other Town bodies.

- 3. The Police Department should continue to coordinate marine law enforcement and emergency response activities with the adjoining municipalities.**

The Stratford Police Department is the only Town body with personnel trained for marine law enforcement. The Marine Unit of the Police Department should continue strict enforcement of "no wake" speed restrictions and other boating laws. To the extent necessary, the Police Department should continue to coordinate its activities with the police departments of the adjacent municipalities of Milford, Bridgeport, and Shelton and with the DEP's Boating Safety Division to ensure maximum patrol coverage and the most effective and efficient use of available Town funds for protection of public health, safety and welfare. The Police Department should also continue to coordinate emergency response and rescue actions with the adjoining municipalities and with the Stratford Emergency Medical Services.

4. **The Town Council and Town Manager should work with the Waterfront and Harbor Management Commission to establish appropriate accounting procedures for allocation of funds generated by launching, waterfront parking, and mooring permit fees.**

In accordance with Section 22a-113s of the Connecticut General Statutes, any funds generated by mooring permit fees or similar fees must be used only for activities of the Waterfront and Harbor Management Commission and the Harbor Master that are related to maintenance and improvement of the Harbor Management Area. The Town Council and Town Manager should work with the Commission to establish procedures for ensuring that fees collected by the Town and the Harbor Master for launching, waterfront parking, mooring permits, and other purposes within the scope of the Harbor Management Plan are properly deposited into the Town's Harbor Management Fund and that these funds are readily available for use by the Waterfront and Harbor Management Commission, subject to necessary Town Council approvals.

5. **The Zoning Commission should adopt new and/or modified regulations, as necessary, to implement the *Stratford Coastal Plan*.**

The Town should continue to use the authority and policies of the Connecticut Coastal Management Act and the *Stratford Coastal Plan* in developing special zoning and other regulations to support and encourage the continued operation of water-dependent uses (including boat maintenance, repair and storage facilities) and the protection of sensitive coastal resources.

## **RESPONSIBILITIES OF THE HARBOR MASTER**

The Stratford Harbor Master is appointed by the Governor of Connecticut and is responsible for the general care and supervision of the waters within the marine boundaries of the Town of Stratford, subject to the direction and control of the State's Commissioner of Transportation. In addition, Section 15-1 of the Connecticut General Statutes states that "The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan adopted pursuant to section 22a-113m for a harbor over which they have jurisdiction." As authorized by Section 22a-113k of the Connecticut General Statutes and established by Chapter 210 of the Town Code, the Harbor Master is a nonvoting, ex-officio member of the Waterfront and Harbor Management Commission.

Following adoption of the Harbor Management Plan, the Harbor Master will be required to carry out his responsibilities in accordance with the Plan. These responsibilities will include the administration, placement and inspection of moorings, and will also include appropriate enforcement of boating regulations. Some of these responsibilities may be delegated by the Harbor Master to the Deputy Harbor Master, and assistance may be

provided by other officials that may be appointed by the Waterfront and Harbor Management Commission.

The Harbor Master should work cooperatively with the Waterfront and Harbor Management Commission, including any persons assigned to assist the Commission, in implementing provisions of the Harbor Management Plan and Town Code.

**1. The Harbor Master should carry out specific responsibilities for administration, placement and inspection of all moorings placed in the Harbor Management Area.**

- a. The Harbor Master should be responsible for issuing all mooring permits, allocating all mooring locations and collecting mooring permit fees.

In accordance with mooring allocation rules and procedures established by the Waterfront and Harbor Management Commission, a mooring permit from the Harbor Master should be obtained for the use of every mooring placed in the HMA. Draft “Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area” are included as Appendix D of the Harbor Management Plan.

The Harbor Master should make use of a mooring permit application form that allows for the collection of information on the vessel and the vessel’s owner/operator as requested by the Connecticut Department of Transportation as well as any additional information considered necessary by the Harbor Master and Waterfront and Harbor Management Commission. If the application is approved, the Harbor Master should send a copy of the approved permit to the applicant. One copy should be retained for the Harbor Master’s records.

A required mooring permit fee should be submitted along with the permit application. Any applicant who can not immediately be allocated a mooring space should have the permit application fee returned. The fee need not be submitted again until a mooring space is available and a permit can be issued.

The Harbor Master should determine the allocation of moorings and assignment of mooring locations for all moorings in Town waters. Location preferences of permit applicants should be accommodated to the extent possible, but the Harbor Master should also consider:

- 1) the capacity of the Harbor Management Area to accommodate moorings, including requirements for navigation safety and potential adverse impacts on water quality, shellfish resources and other coastal resources;
- 2) vessel size relative to the maximum number of moorings that can be accommodated at various locations within the Harbor Management Area;

- 3) priority consideration given to waterfront property owners for a mooring location adjacent to the owner's property.<sup>1</sup>

Provided sufficient mooring space is available, mooring permits should be issued by the Harbor Master only to those applicants owning a vessel properly registered in accordance with laws of the State of Connecticut.

In allocating mooring locations in accordance with rules and procedures established by the Waterfront and Harbor Management Commission, the Harbor Master should not discriminate on the basis of Town residence or any other factor. Any person, association, corporation, or other group may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbor Master at any time.

Holders of a valid mooring permit should be given preference for renewal of the permit for the following year over new applicants. Mooring permits should be valid for a period of not more than one year.

- b. The Harbor Master should maintain complete and accurate records of all mooring applications, permit fees, moorings, and moored vessels.

The Harbor Master should maintain complete and accurate records of all mooring applications, permit fees, moorings, and moored vessels. This information should be maintained in such a manner that information can easily be obtained with regard to any individual mooring, vessel or owner and also with regard to all moorings within a particular harbor area. An up-to-date copy of mooring records should be maintained in an appropriate Town office and be accessible to members of the public during normal office hours.

- c. The Harbor Master should supervise the placement of all moorings to ensure that they are properly located in suitable areas.

The Harbor Master should supervise the placement of all moorings to ensure that they are properly located in suitable areas. Supervision of mooring placement may be delegated by the Harbor Master to the Deputy Harbor Master, other Town official appointed by the Waterfront and Harbor Management Commission, and/or a qualified commercial service. If necessary, existing moorings should be relocated at the start of each boating season to conform with any mooring allocation provisions contained in the Harbor Management Plan.

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<sup>1</sup> Although a waterfront property owner does not have an absolute or exclusive right to a mooring adjacent to his or her property, State policy and Corps of Engineers regulations do provide that a waterfront property owner may receive priority for a mooring space adjacent to his or her property, as an extension of the owner's riparian or littoral rights.



- d. The Harbor Master should be responsible for ensuring that all mooring tackle is inspected at appropriate intervals to ensure compliance with minimum mooring tackle requirements.

Each mooring permit holder should be responsible for periodically having the mooring tackle inspected to ensure that it meets minimum mooring tackle standards established by the Waterfront and Harbor Management Commission (see Appendix E of the Harbor Management Plan) and that the tackle is in good, safe condition. The inspection may be performed by the Harbor Master, Deputy Harbor Master, or a commercial service. Any mooring and tackle found to be inadequate (e.g., with excessive wear or not meeting minimum standards) should be replaced by the mooring permit holder before the mooring can be used.

Each mooring permit holder should submit appropriate evidence to the Harbor Master that an inspection has been performed and that the tackle meets minimum guidelines and is in good and safe condition. The Harbor Master should maintain complete and accurate records regarding the date of inspections and who performed the inspection.

- e. The Harbor Master should have the authority to revoke a mooring permit for failure to comply with any permit provisions, including:
- Failure to maintain a properly registered vessel;
  - Failure to maintain adequate mooring tackle;
  - Failure to use the mooring.
  - Failure to maintain a moored vessel in a seaworthy condition.

**2. The Harbor Master should assist the Stratford Police Department and DEP Law Enforcement Division, as necessary, in enforcing Town and State boating laws and regulations.**

The Harbor Master is empowered by State law to enforce the boating rules and regulations of the State of Connecticut.

Nevertheless, because there is no requirement that the Harbor Master be trained as a police officer, the Harbor Master (unless properly trained and certified) should not engage in arrests or other enforcement activities that may represent a potential for personal injury. The Harbor Master should call upon the Marine Unit of the Stratford Police Department or other law enforcement authority for assistance in all situations involving potential arrest or confrontation.

**3. The Harbor Master should enforce the Connecticut boating statutes and regulations concerning removal of abandoned vessels.**

Consistent with State boating statutes and regulations, all vessels not moored, anchored or made fast to the shore and left unattended for a period greater than 24 hours, or left upon private property without consent from the waterfront property owner for a period greater than 24 hours, should be removed from the HMA by the Harbor Master at the expense of the last owner of record. In the event of an emergency or hazardous situation caused by an abandoned vessel, funds from the Town's Harbor Management Fund may be allocated by the Waterfront and Harbor Management Commission for the immediate removal of the abandoned vessel.

### **RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES WITH HARBOR MANAGEMENT AUTHORITIES**

Implementation of the Harbor Management Plan will require that State and Federal agencies with harbor management-related responsibilities in Stratford carry out their responsibilities in accordance with the provisions of the Plan. These agencies include various units of the State departments of Environmental Protection and Transportation, the U.S. Army Corps of Engineers, and others.

The State and Federal agency responsibilities and authorities pertaining to harbor management (in particular, the permitting programs of the Department of Environmental Protection and the Corps of Engineers) will remain unchanged from the existing authorities and responsibilities for harbor management. Once the Plan is approved and adopted, however, governmental and private actions subject to these State and Federal permit programs should be consistent with the Plan. This consistency requirement represents one of the major benefits of the Plan as the Town's goals, objectives, policies and guidelines for harbor management should be incorporated into the various State and Federal decision-making processes affecting the HMA.

**1. The Department of Environmental Protection and the Department of Transportation should approve the Harbor Management Plan and work with the Waterfront and Harbor Management Commission to ensure its implementation.**

The DEP and DOT should approve the Harbor Management Plan as the Town's principal guide (in coordination with the *Stratford Coastal Plan* and consistent with applicable State and Federal laws and regulations) for: a) water-dependent use and development; and b) protection of natural resources and environmental quality in the HMA.

- 2. Actions by State and Federal government agencies should, to the extent possible in accordance with State and Federal law, be consistent with the provisions of the Harbor Management Plan and applicable chapters of the Town Code.**

Following adoption of the Plan, the State DEP and the Corps of Engineers should forward the public notice copies of all permit applications they receive that pertain to the Stratford Harbor Management Area to the Waterfront and Harbor Management Commission for the Commission's comments regarding the consistency of those applications with the Harbor Management Plan. The DEP, Corps of Engineers, or other approving authority should incorporate, to the maximum extent possible in accordance with State and Federal law, the Commission's findings regarding the proposed activity's consistency with the Harbor Management Plan and Town Code into their overall review and decision process. If, in accordance with State and Federal laws and regulations, the DEP or the Corps of Engineers makes a decision on a proposed activity that is contrary to the findings of the Waterfront and Harbor Management Commission, those agencies must provide the Commission, in writing, with the compelling reasons for doing so.

## **RESPONSIBILITIES OF PRIVATE INDIVIDUALS AND ORGANIZATIONS**

In addition to government agencies and officials, private individuals and groups should also contribute to implementation of the Harbor Management Plan. There are a number of voluntary or nonregulatory initiatives for managing and enhancing harbor resources that can be carried out by Town residents and others.

- 1. Those proposing development actions that would affect the Harbor Management Area should design their proposals for consistency with the Harbor Management Plan.**

The design of development proposals that would affect the HMA should be consistent with the goals, objectives, policies, guidelines, and recommendations established in the Harbor Management Plan. Project proponents, including public and private sector proponents, should discuss their conceptual plans with the Waterfront and Harbor Management Commission prior to preparing final plans and permit applications. This sort of "pre-application" consultation should be intended to help reduce costs (by avoiding the expenditure of funds on projects not likely to be consistent with the Harbor Management Plan), and to help develop projects that will provide public as well as private benefits.

It should be the responsibility of project applicants to provide the Waterfront and Harbor Management Commission with the information necessary to adequately assess the potential impacts of proposed projects on harbor resources and the consistency of such proposals with the Harbor Management Plan.

- 2. Town residents and others concerned with use and protection of waterfront and harbor resources should demonstrate their interest and support for the planning and management efforts needed to guide the use and protection of these resources.**

The contribution that simple “good citizenship” can make to effective harbor management in Stratford should not be underestimated. The general public can make important contributions for guiding wise use of the Harbor Management Area, maintaining public safety, and protecting environmental quality. Stratford residents and others with concerns related to the quality and character of the Town’s harbor resources and to the provisions and effectiveness of the Harbor Management Plan should attend meetings of the Harbor Management Commission to express their concerns. The public should also participate in various special events and efforts organized to increase environmental awareness and improve the quality of public lands in the Harbor Management Area. Observed violations of boating laws, evidence of pollution, and other actions adversely impacting the Harbor Management Area should be reported to the Waterfront and Harbor Management Commission or other Town authorities.

In addition, the public should recognize that seemingly minor actions can, when added over time to other similar actions, have adverse impacts on the Harbor Management Area and on those who use the area. All citizens should refrain from actions that would have negative impacts on environmental, navigation and other conditions in the HMA.

Perhaps of most importance for the long-term use and management of the Stratford Harbor Management Area, private citizens should recognize the Harbor Management Area as a “public trust” resource that belongs to everyone. As such, it is the responsibility of public officials to manage the Harbor Management Area for the use and benefit of future generations. The public must also recognize, however, that waterfront property owners also have important rights related to use of the Harbor Management Area. As a result, the public’s important rights of access and navigation seaward of the mean high water line must be exercised in balance with the riparian/littoral rights of waterfront property owners.

- 3. The operators of commercial and private boating facilities should assist the Town with harbor management and improvement efforts, including efforts to educate the boating public regarding proper use of the Harbor Management Area and the need to protect environmental quality in the HMA.**

The marina and boating facility operators are particularly knowledgeable concerning conditions in the Harbor Management Area and interact with the boating public on a daily basis. As a result, they can provide information to resident as well as visiting boaters. Information provided to the users of commercial marinas by marina operators should include materials to increase boater awareness of the provisions of the Harbor Management Plan, including restricted speed areas, and other information pertaining to the protection of coastal resources. Also, when it is necessary for the Town to obtain

information concerning the needs and opinions of resident and transient boaters, the marina operators can help to distribute and collect questionnaires to obtain this information.

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**PART III:**

**APPENDICES:**

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■ **APPENDIX A:**  
“AN ACT TO ESTABLISH A WATERFRONT AUTHORITY  
FOR THE TOWN OF STRATFORD,” AND OPINION OF THE TOWN ATTORNEY’S  
OFFICE REGARDING CURRENT STATUS OF THAT ACT

■ **APPENDIX B:**  
THE CONNECTICUT HARBOR MANAGEMENT ACT

■ **APPENDIX C:**  
PROPOSED REVISIONS AND MODIFICATIONS TO CHAPTER 210  
(WATERFRONT AND HARBOR MANAGEMENT) OF THE STRATFORD CODE

■ **APPENDIX D:**  
DRAFT “RULES AND PROCEDURES FOR MOORING AND ANCHORING VESSELS  
IN THE STRATFORD HARBOR MANAGEMENT AREA”

■ **APPENDIX E:**  
DRAFT “MINIMUM STANDARDS FOR MOORING TACKLE”

■ **APPENDIX F:**  
“GUIDELINES FOR THE PLACEMENT OF FIXED AND FLOATING STRUCTURES  
IN NAVIGABLE WATERS OF THE UNITED STATES  
REGULATED BY THE NEW ENGLAND DIVISION U.S. ARMY CORPS OF ENGINEERS”

**APPENDIX A:\***

**“AN ACT TO ESTABLISH A WATERFRONT AUTHORITY  
FOR THE TOWN OF STRATFORD,”  
AND OPINION OF THE TOWN ATTORNEY’S OFFICE  
REGARDING CURRENT STATUS OF THAT ACT**

\* Information in Appendix A was included in two separate appendices in the December 1991 “Town of Stratford Waterfront and Harbor Management Plan, Draft for Agency Review.”

**“AN ACT TO ESTABLISH A WATERFRONT AUTHORITY  
FOR THE TOWN OF STRATFORD”**

Special Acts of Connecticut (House Bill No. 2217) (585)

SECTION 1. There shall be a waterfront authority for the town of Stratford. Said authority shall make regulations concerning wharfs, channels, docks, wharf lines, bulkhead lines and anchorage and mooring of vessels; the establishment of public bath houses and bathing beaches, and the maintenance and the improvement of beaches and harbor conditions and, in general, shall make regulations to improve and enhance the natural waterways of the town so that they may become physical assets of the town.

SECTION 2. The town council of the town of Stratford shall, on or before June 1, 1957, appoint five persons to serve as commissioners on the authority, one for five years, one for four years, one for three years, one for two years and one for one year. Each year thereafter, the town shall appoint one person as the successor to the member whose term shall expire, to serve five years and until his successor is duly appointed by the town council.

SECTION 3. Any vacancies on said authority shall be filled by the town council for the unexpired portion of the term.

SECTION 4. Any member of the authority may be removed by the town council only for cause, after being given a copy of charges against him and an opportunity to be heard on such charges before the town council and removal shall be effective only upon the two-thirds vote of the council.

SECTION 5. The members of the authority shall hold regular meetings at least once each month and shall hold additional meetings as may be required in the proper discharge of their duties.

SECTION 6. Said authority shall, with the approval of the town council, have the right to purchase, sell and lease land, take land by eminent domain, have the power to acquire financial assistance by the issuance of bonds and the power to levy and collect fees.

SECTION 7. Said authority shall make investigations, hear petitions and complaints from citizens, conduct investigations and hearings with regard to the carrying out of the purposes of the authority; and, from time to time, make such surveys, examinations and observations as they may deem necessary with regard to carrying out their purposes.

SECTION 8. Said authority may employ competent engineers and such clerical and other assistance as they may deem necessary and proper to carry out the provisions of this act.



SECTION 9. Said authority shall have the power to subpoena and require the attendance of witnesses and the production by them of maps and papers pertinent to any investigation, and to administer oaths to such witnesses.

SECTION 10. Said authority shall report annually to the town council concerning its activities and needs with details of expenditures.

Approved June 7, 1957

OPINION OF THE TOWN ATTORNEY'S OFFICE REGARDING  
CURRENT STATUS OF  
"AN ACT TO ESTABLISH A WATERFRONT AUTHORITY  
FOR THE TOWN OF STRATFORD"



TOWN OF STRATFORD

TOWN ATTORNEY  
JOHN A. FLOBEK

TOWN ATTORNEY'S OFFICE  
TOWN HALL, 2725 MAIN STREET  
STRATFORD, CONNECTICUT 06407

Telephone 385-4004

ASSISTANT TOWN ATTORNEYS  
KURT M. AHLBERG  
RICHARD P. CHLARD  
BENJAMIN S. PROTO, JR.

October 24, 1991

Mr. Robert H. Sammis  
Chairman  
Stratford Waterfront and Harbor  
Management Commission  
107 Margarita Lawn  
Stratford, CT 06497

Dear Mr. Sammis:

In response to your request, we have reviewed the 1957 Special Act of the State Legislature (Special Laws of 1957, No. 585, Page 790 "An Act to Establish a Waterfront Authority for the Town of Stratford"), as well as the relevant state statutes, C.G.S. 22a-113k to 22a-113t, which is the authority by which your Commission exists.

We are of the opinion that because the original Waterfront Authority was created by the 1957 Special Act, this enactment by the Legislature supercedes our local ordinances. A Legislative history which we have undertaken has not revealed that this 1957 Special Act has ever been repealed or modified. Therefore, your Commission still possesses all of the broad powers as granted by this Law, in addition to those powers set forth in the applicable state statutes which creates the Harbor Management Commission.

We are further of the opinion that your Commission had the authority to promulgate such regulations as are necessary to improve and enhance the natural waterways of the Town in order to carry out the responsibilities granted to your Commission pursuant to these state laws. All such regulations which may be adopted by your Commission must be consistent with all applicable state and federal regulatory authorities as well as other Town ordinances and regulations. Further, all such regulations as adopted by your Commission must comply with basic due process requirements, including Public Notice and a Public Hearing.

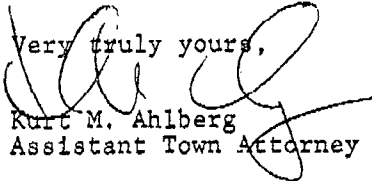
We have also reviewed your Commission's proposed revisions



Mr. Robert H. Sammis  
Chairman, Stratford Waterfront and  
Harbor Management Commission  
October 24, 1991  
Page Two

and modifications to Chapter 210 of the Stratford Town Code. We find that these proposed revisions and modifications are consistent with your Commission's powers and activities as authorized by the 1957 Special Act as well as Chapter 44a of the General Statutes which is the enabling legislation for the creation of a Harbor Management Commission.

If we may be of any further assistance, please feel free to contact us.

Very truly yours,  
  
Kurt M. Ahlberg  
Assistant Town Attorney

KMA/lml

**APPENDIX B:**  
**THE CONNECTICUT HARBOR MANAGEMENT ACT**

## THE CONNECTICUT HARBOR MANAGEMENT ACT

Effective October 1, 1984

Codified in Chapter 444a, Sections 22a-113k through 22a-113t of the Connecticut General Statutes

### CHAPTER 444a\*

#### HARBOR MANAGEMENT COMMISSIONS

\*See chapter 263 (Sec. 15-1 et seq.) re harbors and rivers.

**Sec. 22a-113k. Harbor management commissions.** (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance a harbor management commission or may designate any existing board, commission, council, committee or other agency as such commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of the commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of the commission and shall set forth the number of members of the commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish a harbor management commission. Such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of the commission may, by vote of its legislative body, elect to withdraw from the commission.

(P.A. 84-247, S. 1.)

**Sec. 22a-113l. Powers.** Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-133t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

**Sec. 22a-113m. Harbor management plan. Approval.** The commission, in consultation with the commissioners of environmental protection and transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-112, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the commissioners of environmental protection and transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the commissioners of environmental protection and transportation.

(P.A. 84-247, S. 3.)

**Sec. 22a-113n. Content of plan.** (a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the commissioner of environmental protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the commissioner of environmental protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the Federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this subsection shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4.)

**Sec. 22a-113o. Factors considered in preparation of plan.** In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93.

(P.A. 84-247, S. 5.)

**Sec. 22a-113p. Action on applications to municipal agencies referred to commission.** The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the

proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6.)

**Sec. 22a-113q. Request for general permit and delegation of enforcement authority.** Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

**Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan.** Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

**Sec. 22a-113s. Permit fee.** The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be one hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9.)

**Sec. 22a-113t. Model harbor management.** Not more than six months after October 1, 1984, the commissioner of environmental protection in consultation with the commissioner of transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10.)

**APPENDIX C:**

**PROPOSED REVISIONS AND MODIFICATIONS TO  
CHAPTER 210 (WATERFRONT AND HARBOR MANAGEMENT)  
OF THE STRATFORD CODE**



**PROPOSED REVISIONS AND MODIFICATIONS TO  
CHAPTER 210 (WATERFRONT AND HARBOR MANAGEMENT)  
OF THE STRATFORD CODE**

**Section 210-3. Designation of Waterfront Authority as Harbor Management Commission; membership; alternates; terms; compensation; vacancies; conflicts of interest; jurisdiction; powers. [“powers” to be added.]**

The existing Section 210-3B which reads as follows should be deleted:

B. Jurisdiction of the Commission. The jurisdiction of the Commission, in furtherance of the statutory authority permitted to be delegated by Connecticut General Statutes, Section 22a-113k, as amended, shall be all those areas within the territorial limits of the Town of Stratford below the mean high water mark. The jurisdiction of the Commission above the high-water mark, in furtherance of Special Laws 1957, No. 585, page 790, approved June 7, 1957, shall be as set forth in special legislative act.

The new Section 210-3B should be as follows:

B. Jurisdiction of the Commission. The Stratford Waterfront and Harbor Management Commission’s area of jurisdiction is hereby established pursuant to authority provided by the Special Laws of 1957, No. 585, page 790 (“An Act to Establish a Waterfront Authority for the Town of Stratford”) and Section 22a-113k of the Connecticut General Statutes.

The jurisdiction of the Commission above the mean high water mark, in furtherance of Special Laws of 1957, No. 585, page 790, shall be as set forth in said special legislative act and shall include all Town-owned waterfront land including water access right-of-ways providing public access to the land and water areas below the mean high water mark.

The jurisdiction of the Commission seaward of the mean high water line shall be in furtherance of the statutory authority permitted to be delegated by the Connecticut General Statutes, Section 22a-113k, as amended, and shall include all land and water areas within the territorial limits of the Town of Stratford, seaward of the mean high water line and bounded on the north by the Stratford/Shelton boundary, on the east by the Stratford/Milford boundary in the Housatonic River, and on the west by the Stratford/Bridgeport boundary. To enable adequate attention to such management concerns as beach use and replenishment, shoreline erosion, construction and repair of shore protection structures, littoral transport of sediment, remediation of contaminated sediments, water quality, management of natural shellfish beds, board sailing, small boat launching and use, surf fishing, swimming, use of personal watercraft, and other water-use considerations, the jurisdiction of the Commission shall be bounded on the south by an imaginary line in Long Island Sound 1,000 feet offshore. This area of jurisdiction in furtherance of the statutory authority permitted to be delegated by the Connecticut General Statutes, Section 22a-113k shall be known as the Stratford Harbor Management Area. On the south, the territorial limits of the Town of Stratford extend to the Connecticut/New York boundary in the center of Long Island Sound.

A new Section 210-3C should be added as follows:

- C. Powers of the Commission. The Stratford Waterfront and Harbor Management Commission shall have all of the powers conferred upon the Stratford Waterfront Authority by Sections 1 through 10 of the Special Laws of 1957, No. 585, page 790, including the power to promulgate regulations as further defined in Section 210-13 of this Chapter, and all powers granted to harbor management commissions by Sections 22a-113k through 113t of the Connecticut General Statutes, including the power to prepare and implement a Harbor Management Plan for the Town of Stratford.

**Section 210-12. Harbor Management Fund.** (Proposed new section)

A new Section 210-12 should be added as follows:

- A. Harbor Management Fund Created. A Town Harbor Management Fund is hereby created to receive and expend monies for harbor management purposes determined by the Waterfront and Harbor Management Commission. All revenues generated by: (1) permits for mooring or anchorage or any other activity within the scope of the Harbor Management Plan, as authorized by Section 210-10 of this Chapter; (2) Town boat launching permits; (3) fees for lease or other use of Town waterfront land; (4) fines levied under the provisions of this Chapter as it applies to the Harbor Management Area; and (5) boat registration fees received from the State of Connecticut, shall be deposited into this fund along with all other monies generated or allocated specifically for waterfront and harbor management purposes.
- B. Use of Harbor Management Fund. Funds shall be disbursed for purposes directly associated with the management and improvement of Stratford's Harbor Management Area and implementation of the Stratford Harbor Management Plan. Monies from the Harbor Management Fund may be allocated to the Stratford Harbor Master, his Deputy, or other official appointed by the Waterfront and Harbor Management Commission for the purpose of carrying out the provisions of the Stratford Harbor Management Plan and applicable sections of the Stratford Code.
- C. Audit of Funds. The Waterfront and Harbor Management Commission shall regularly audit the Harbor Management Fund and report to the Town Council on the status, use and allocation of all monies from the Fund.

**APPENDIX D:\***

**DRAFT RULES AND PROCEDURES  
FOR MOORING AND ANCHORING VESSELS  
IN THE STRATFORD HARBOR MANAGEMENT AREA\***

\* This Appendix was not included in the December 1991 "Town of Stratford Waterfront and Harbor Management Plan, Draft for Agency Review."



# TOWN OF STRATFORD

CONNECTICUT

September 1993

## **DRAFT RULES AND PROCEDURES<sup>1</sup> FOR MOORING AND ANCHORING VESSELS IN THE STRATFORD HARBOR MANAGEMENT AREA**

### 1. Mooring Permits Required

(a) In order to provide for adequate access for recreational and commercial vessels, for the safety of persons and property, and for the optimum use of the Stratford Harbor Management Area<sup>2</sup>, the Stratford Harbor Master must approve the location of all moorings — including individual-private moorings and commercial moorings as defined by the U.S. Army Corps of Engineers and the Connecticut Department of Environmental Protection — within the Harbor Management Area. The Harbor Master shall issue a permit for each approved mooring location or area.

(b) It shall be a violation of the Stratford Code for any person to place any individual-private or commercial mooring in the Harbor Management Area without a permit from the Harbor Master.

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<sup>1</sup> These Rules and Procedures are prepared and adopted in accordance with Chapter 210 of the Stratford Code and Sections 22a-113k through 22a-113t of the Connecticut General Statutes, and in furtherance of the provisions of the Stratford Harbor Management Plan as adopted by the Town of Stratford and approved by the State of Connecticut. In those instances where there may be conflicts between these rules and regulations and the provisions of the Harbor Management Plan, the Rules and Procedures shall take precedence.

<sup>2</sup> For the purpose of these Rules and Procedures, the Stratford Harbor Management Area is defined as the tidal waters subject to the jurisdiction of the Stratford Waterfront and Harbor Management Commission. Defined in the Stratford Harbor Management Plan, the Harbor Management Area includes the Housatonic River within Stratford's Town boundaries, the nearshore waters of Long Island Sound between the Stratford/Bridgeport boundary on the west and the Stratford/Milford boundary on the east, and the Lewis Gut area separated from Long Island Sound by the Long Beach barrier beach.



(c) The location of all commercial moorings must be approved by the Department of Environmental Protection and the Corps of Engineers. Permits issued by the Harbor Master for these commercial moorings shall be issued in coordination with commercial mooring permits issued by the Department of Environmental Protection and the U.S. Army Corps of Engineers.

(d) No provision contained in these Rules and Procedures shall limit the power of the Stratford Harbor Master to station and remove vessels as provided in Sections 15-8 and 15-9, and Section 22a-113r of the Connecticut General Statutes.

## 2. Mooring Records

(a) The Harbor Master shall keep a detailed record of each mooring, its location, and the owner's name, home address, evening and day-time telephone number, date mooring was set, and name, length, registration number or documentation, and type of vessel to be attached thereto.

(b) The information shall be maintained in such a manner that information can easily be obtained with regard to any individual mooring, vessel or owner and also with regard to all moorings within a particular Harbor location.

(c) The Harbor Master shall maintain in the Stratford Town Hall a waiting list for mooring space in the Harbor Management Area, as necessary, and a list of current assignments of mooring spaces, and both lists shall be updated annually.

## 3. Allocation of Moorings

(a) In allocating mooring locations, the Harbor Master shall give first priority to those persons applying for the renewal of permits granted in the preceding year, second priority to relocation requests in order of application, and third priority to new applicants in order of application.

(b) In allocating mooring locations, the Harbor Master shall, to the extent possible, assign priority for mooring allocations to riparian or littoral property owners who apply for moorings offshore of their property.

(c) In allocating mooring locations, the Harbor Master shall, to the extent possible, assign priority for mooring locations to licensed commercial fishermen. Up to 10% of the available mooring space in mooring areas not designated as "commercial" mooring areas in permits issued by the U.S. Army Corps of Engineers and Connecticut Department of Environmental Protection may be reserved for the use of licensed commercial fishermen.

(d) In allocating mooring locations, the Harbor Master shall give consideration to size, draft, type, and use of vessels.

(e) In allocating mooring locations in accordance with these Rules and Procedures, the Harbor Master shall not discriminate on the basis of Town of residence or any other factor.

(f) Mooring permits shall be issued by the Harbor Master only to those applicants owning a vessel properly registered in accordance with laws of the State of Connecticut.

(g) Within the limits of size and type of vessels, available mooring locations shall be offered to the senior applicant on the mooring waiting list, subject to the requirements of these Rules and Procedures. If an available mooring location is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his place on the waiting list in this case. The Harbor Master shall continue efforts to provide a suitable mooring for the senior applicant. If the senior applicant refuses a mooring which is suitable for his or her vessel in the opinion of the Harbor Master, that applicant shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants shall be maintained to include date of application and type or size of vessel. These lists will be available for public inspection at the Stratford Town Hall.

(h) In the interest of ensuring safe, efficient and equitable use of the Harbor Management Area, the Harbor Master may, at his discretion, limit the number of mooring locations that can be assigned to any one individual, household, corporation or other group. Only one mooring space shall be allocated to any one vessel.

#### 4. Application for Mooring Permit

(a) Any person, association, corporation, or other group may apply for a mooring permit by completing in full the application provided for that purpose and submitting the completed application to the Harbor Master at any time.

(b) The Harbor Master shall make use of a mooring permit application form that allows for the collection of information on the vessel and the vessel's owner/operator as requested by the Connecticut Department of Transportation as well as any additional information considered necessary by the Harbor Master and the Waterfront and Harbor Management Commission.

(c) If the mooring permit application is approved, the Harbor Master shall send a copy of the approved permit to the applicant and one copy shall be retained for the Harbor Master's records.

#### 5. Mooring Permits Valid for One Year Only

(a) In accordance with State regulations, all mooring permits shall be valid for a period not to exceed one year, unless renewed in accordance with the provisions of these Rules and Procedures. All mooring permits shall expire on the 31st day of December following the date of issuance.

#### 6. Renewal of Mooring Permit

(a) All mooring permits shall expire on December 31st, and should be renewed by January 31st of the following calendar year. A grace period lasting until the last calendar day of February is allowed. After this grace period, applications received for renewal of mooring permits shall be treated in the same manner as new applications. At least 30 days before the January 31st renewal date, notice of such date shall be published in a newspaper having circulation in the Town.

(b) The Harbor Master shall be responsible for administration of all mooring permit renewals.

7. Annual Mooring Permit Fee

(a) Any person, association, corporation or other group receiving a new or renewed permit for a mooring location in the Harbor Management Area shall pay an appropriate annual fee as established by the Stratford Town Council from time to time as authorized by Sec. 22a-113s of the Connecticut General Statutes.

(b) When the Harbor Master determines that a suitable mooring location exists for an applicant for a new or renewed mooring permit, the applicant will be notified and must pay the appropriate annual fee, payable to the Town of Stratford, before the permit shall be issued. This fee shall be nonrefundable.

(c) All fees collected pursuant to this section shall be deposited into the Stratford Harbor Management Fund, as authorized by Section 22a-113s of the Connecticut General Statutes, and used exclusively for the maintenance and improvement of the Harbor Management Area for the public and for expenses for personnel and equipment directly related to the function of the Waterfront and Harbor Management Commission and the Harbor Master or Deputy Harbor Master.

8. Transferral of Mooring Permits and Vessels

(a) Mooring permits shall not be transferrable. Whenever the holder of a mooring permit transfers the title or interest in or otherwise parts with possession of the vessel identified in the mooring permit to another person by any arrangement whatsoever, the new vessel possessor, transferee or owner shall have no vested right to use the mooring space covered by the mooring permit.

(b) The holder of a mooring permit may, upon written application to and approval by the Harbor Master, retain the mooring space assigned under the mooring permit for a replacement vessel provided that vessel is owned by the holder of the permit and is moved onto the mooring within sixty days (unless the period is extended by the Harbor Master because of special circumstances). If the replacement vessel is significantly smaller, larger or of different draft or type, the Harbor Master shall have the right to relocate the vessel to another, more suitable mooring.

9. Mooring Location and Placement

(a) When a permit is issued for a mooring, the Harbor Master shall assign a specific location for that mooring. No mooring shall be placed or maintained in any part of the Harbor Management Area until the location of that mooring has been approved by the Harbor Master.

(b) Moorings shall under no circumstances be located within navigation channels or fairways or otherwise interfere with the safe and free use of navigation channels and fairways.

(c) In accordance with Conn. Gen. Stat. Section 26-157a (e), no mooring shall be placed on any oyster bed without the permission of the owner or lessee of such bed.

(d) Moorings located within designated mooring areas identified in the Stratford Harbor Management Plan should be placed in accordance with specific mooring plans designed to provide safe and efficient mooring of vessels.

10. Transient Mooring and Anchoring

(a) The Waterfront and Harbor Management Commission may designate transient mooring and anchoring areas for the exclusive, short-term use (not to exceed seven consecutive days) of recreational vessels. This space shall be available on a first-come, first-served basis.

(b) The Harbor Master may require any person anchoring in the Harbor Management Area to display for inspection the anchors, chains, and other equipment used at such anchoring for soundness of condition.

11. Abandonment of Mooring Tackle

(a) Any permitted mooring not used for a period of one year may be considered abandoned and subject to removal or relocation. Any mooring not authorized by a current permit from the Harbor Master may be considered as abandoned and subject to removal at any time. No mooring may be left unused for more than one calendar year without written permission of the Waterfront and Harbor Management Commission.

(b) Any registered owner who owns mooring tackle and is abandoning his or her mooring space may offer to sell the tackle occupying such space to the next person assigned that space. Failure of the registered owner to remove such tackle shall constitute the abandonment thereof, and such tackle may be removed by the Harbor Master at the expense of such registered owner.

12. Mooring Inspection

(a) The Harbor Master shall require that all new moorings, anchors, chains, and other equipment used in connection with moorings in the Harbor Management Area be submitted to the Harbor Master or to an inspector designated by the Harbor Master or Waterfront and Harbor Management Commission for inspection to determine soundness of condition and compliance with minimum guidelines established by the Waterfront and Harbor Management Commission.

(b) It is required that all mooring tackle be inspected for soundness of condition no less than once every two calendar years. The Harbor Master may require any person who holds a mooring permit in the Harbor Management Area to display for inspection the anchor, chains, and other mooring equipment for soundness of condition. Each mooring shall be subject to inspection by the Harbor Master, or by an inspection service acceptable to the Harbor Master, at the discretion of the Harbor Master. A list of mooring inspection services shall be made available to the mooring permit holder by the Harbor Master. An official inspection form provided by the Harbor Master shall be filed by the mooring owner with the Harbor Master once every two years.

(c) The Harbor Master shall maintain a record of each inspection for a period of three years. If, as the result of such inspection it shall be determined that any chain, shackle, swivel or other piece of mooring tackle has become unsafe or otherwise inadequate, such chain, shackle, swivel or other piece of mooring tackle shall be replaced accordingly. Failure to make such replacement shall be grounds for revocation of the mooring permit by the Harbor Master.



13. Secure Mooring and Anchoring of Vessels

(a) The owner of any vessel moored or anchored within the Harbor Management Area shall be responsible for causing such vessel to be tied, secured, or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall thereafter provide for periodic inspection of mooring or anchoring equipment as the Harbor Master deems necessary.

(b) All mooring tackle shall comply with minimum standards established by the Harbor Management Commission and adjusted, as necessary, by the Harbor Master. The holders of all mooring permits shall recognize that requirements for mooring tackle will vary in different locations and that some locations and conditions may require mooring tackle that exceeds the minimum standards.

(c) The minimum standards for mooring tackle shall be provided by the Harbor Master to each person, corporation, organization or group applying for a mooring permit.

14. Identification of Approved Mooring Locations

(a) The Harbor Master may, from time to time, establish and amend reasonable standards for the marking of mooring buoys and provide marking tags to be attached to all approved moorings in the Harbor Management Area. Notice of standards and requirements for marking approved moorings shall be provided in writing to all approved mooring permit holders.

15. Removal of Moorings

(a) The Harbor Master may require any mooring or vessel to be removed to a new location whenever, in his judgement, the safety of any other vessel or optimum use of the mooring area so requires.

(b) If directions given by the Harbor Master with respect to removing unauthorized moorings, changing the location of existing moorings for the purpose of ensuring safety and optimum use of the mooring area, or replacing mooring tackle determined to be inadequate are not taken by the owner, if known, within fourteen days after notification, or, if not known, after notice has been posted for that period on the vessel or mooring, the Harbor Master may cause such moorings to be removed or changed, or may drop same to the bottom of the Harbor. The expense of such mooring removal or relocation and any liability arising from injury to person or property incurred thereby shall be the responsibility of the mooring permit holder.

(c) Nothing above shall prevent the Harbor Master or his designee from taking measures with or without notice if, in the judgement of the Harbor Master, it is necessary in order to provide for the safety of persons or property.

16. Designation of Channels or Fairways to be Kept Free of Moorings

(a) In order to provide safe navigation in all parts of the Harbor Management Area, the Waterfront and Harbor Management Commission, with the advice of the Harbor Master, is empowered to designate the location of channels or fairways within which approved moorings shall not be located and to make changes in such designations when conditions or needs require.

17. Suspension of Requirements and Imposition of Emergency Requirements

(a) The requirements of these Rules and Procedures pertaining to a specific mooring area and/or vessel may be modified by the Harbor Master if, in the judgement of the Harbor Master, such modification is necessary to provide for the safety of persons or property or if the imposition of the requirements would result in an unreasonable hardship on the person or persons so affected.

(b) In order to most effectively respond to any emergency as may be caused by a severe storm or other natural or man-made conditions, the Harbor Master is empowered to suspend the requirements of these Rules and Procedures and/or impose additional requirements in the interest of public safety.

18. Violations

(a) These Rules and Procedures have been adopted and approved in accordance with Section 22a-113r of the Connecticut General Statutes and Chapter 210 of the Stratford Code. In accordance with Section 210-\_\_ of the Stratford Code, any person who shall violate any of these Rules and Procedures shall be fined not more than ninety dollars (\$90.00). Each day such violation continues after the time for correction of the violation has been given in any written order shall constitute a continuing violation and shall be subject to a fine of ninety dollars (\$90.00) per day for each day said violation continues.

(b) Fines levied for violations of these Rules and Procedures as authorized by the Stratford Code shall be collected by the Town of Stratford and deposited into the Stratford Harbor Management Fund.

19. Revocation of Mooring Permits

(a) The Harbor Master shall have the authority to revoke a mooring permit if the permit holder fails to maintain the moored vessel in a seaworthy condition or fails to comply with any permit condition or provision of these Rules and Procedures.

20. Review of Decisions

(a) Any party aggrieved by any decision pertaining to the application of these Rules and Procedures may request the Waterfront and Harbor Management Commission to review that decision with respect to these Rules and Procedures and with respect to the goals, objectives, policies and guidelines established in the Stratford Harbor Management Plan. The Waterfront and Harbor Management Commission must respond with a decision or action within 60 days of receipt of a request for review.

(b) While State law requires the State-appointed Stratford Harbor Master to act in a manner consistent with the Stratford Harbor Management Plan, Town ordinances, rules and procedures can not alter the Harbor Master's duties and powers which include primary authority regarding mooring assignments. As a result, the Waterfront and Harbor Management Commission may not over-ride the Harbor Master's mooring assignments, as long as such assignments are consistent with the Harbor Management Plan and these Rules and Procedures.

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**APPENDIX E:\***

**DRAFT MINIMUM STANDARDS FOR MOORING TACKLE**

\* This Appendix was not included in the December 1991 "Town of Stratford Waterfront and Harbor Management Plan, Draft for Agency Review."



# TOWN OF STRATFORD

CONNECTICUT

September 1993

## MINIMUM STANDARDS FOR MOORING TACKLE

Use of proper mooring tackle is necessary to safely secure moored vessels in the Stratford Harbor Management Area. Each person mooring a vessel in the Harbor Management Area is responsible for any damage — to their own vessel or to any other vessel or property — caused by the failure of their mooring tackle. Water depth and bottom conditions, as well as storms, wind drag, current drag, wave action, tidal height and surge, seabed conditions, and the principles of good seamanship must be considered when selecting proper tackle.

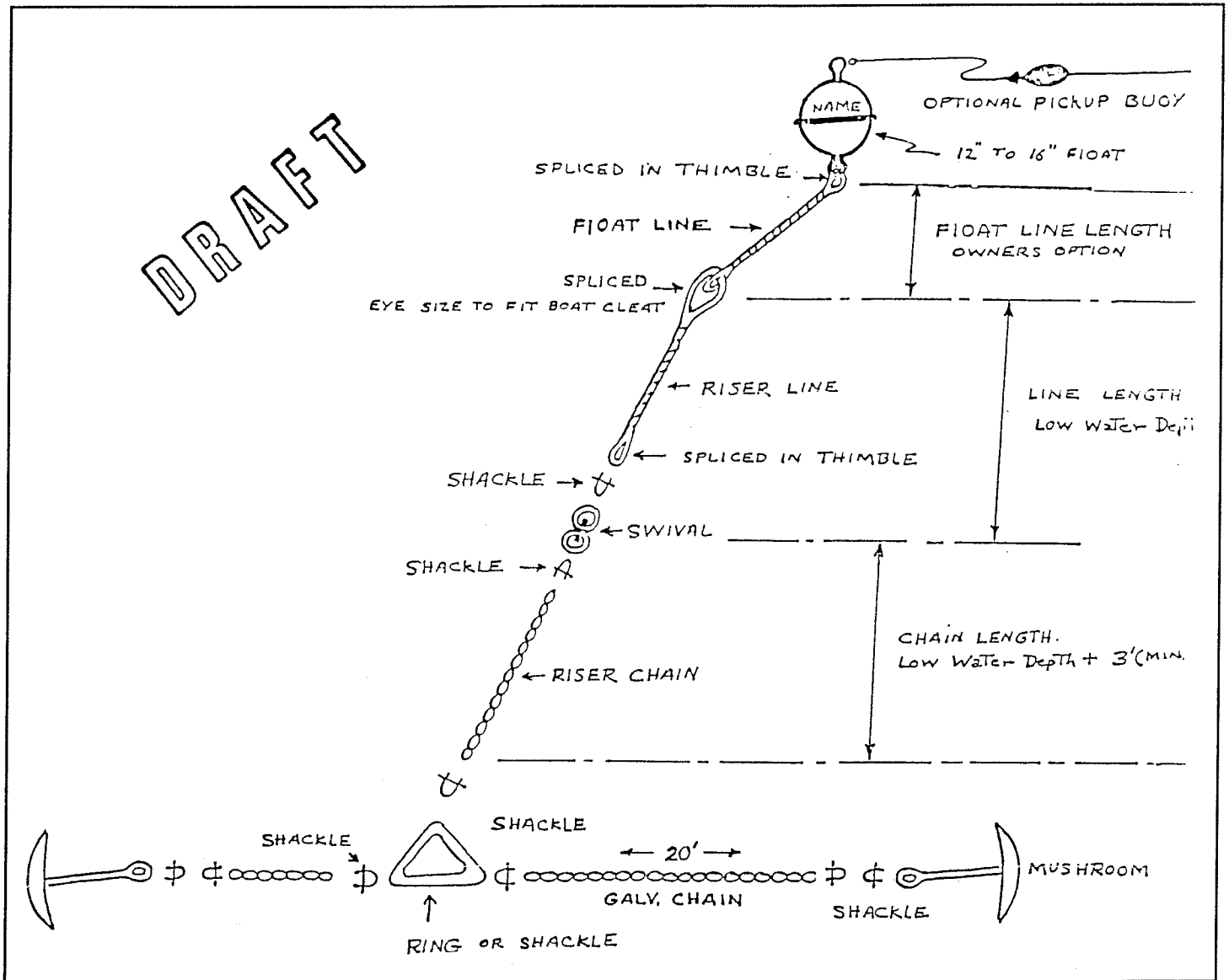
To help mooring permit holders choose the proper tackle, the Waterfront and Harbor Management Commission has adopted minimum standards for “single point” moorings placed in the Housatonic River. Adoption of these standards, prepared and also adopted by the Milford Harbor Management Commission, is intended to ensure consistency in all mooring tackle placed in the Housatonic River, within both Stratford and Milford jurisdictions. The adopted standards may be adjusted by the Harbor Master as necessary, but unless there are any compelling reasons to “relax” the standards as they would apply to a particular vessel or location, all mooring tackle placed in the Housatonic River must meet these minimum requirements. The standards will be periodically reviewed by the Waterfront and Harbor Management Commission and updated as necessary.

Requirements for mooring tackle will vary in different parts of the Harbor Management Area depending on bottom conditions, exposure to Long Island Sound, and other factors. In some instances, it may be necessary to exceed the minimum standards to ensure safety. Please consult with the Harbor Master before choosing your tackle. All mooring tackle is subject to inspection by the Harbor Master before it is placed in the water and all tackle must thereafter be inspected at least once every two years to check the soundness of its condition.

**No standards or inspection requirements, however, can ensure vessel security under all possible conditions, particularly severe storm conditions with associated wind and wave hazards. As a result, the Town of Stratford, the Waterfront and Harbor Management Commission, and the Harbor Master assume no responsibility for personal injury or property damage that may result from the use of any mooring tackle that either meets or exceeds the minimum standards.**

Remember that a permit from the Harbor Master is required for the placement of all moorings in the Harbor Management Area. Those applying for new permits or desiring to renew permits must do so in accordance with the Waterfront and Harbor Management Commission’s “Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area.”





Mooring Tackle Components for "Single Point" Moorings; Two Mushroom Anchors Required.

**HOUSATONIC RIVER MOORING REQUIREMENTS**

Boat Size	Mushrooms		Spreader Chain	Riser Chain	Shackle	Riser Line	Swivel
	Upriver	Downriver					
Up to 23 ft.	200 lbs.	150 lbs.	1/2 in.	1/2 in.	1/2 in.	1/2 in.	1/2 in.
23 to 28 ft.	250 lbs.	200 lbs.	1/2 in.	1/2 in.	1/2 in.	5/8 in.	5/8 in.
29 to 35 ft.	300 lbs.	250 lbs.	1/2 in.	1/2 in.	5/8 in.	5/8 in.	5/8 in.
36 to 41 ft.	350 lbs.	300 lbs.	5/8 in.	1/2 in.	5/8 in.	3/4 in.	3/4 in.

**APPENDIX F:**

**“GUIDELINES FOR PLACEMENT OF FIXED AND FLOATING  
STRUCTURES IN NAVIGABLE WATERS OF THE UNITED STATES  
REGULATED BY THE NEW ENGLAND DIVISION  
U.S. ARMY CORPS OF ENGINEERS”**

**“GUIDELINES FOR PLACEMENT OF FIXED AND FLOATING  
STRUCTURES IN NAVIGABLE WATERS OF THE  
UNITED STATES REGULATED BY THE NEW ENGLAND DIVISION  
U.S. ARMY CORPS OF ENGINEERS”**

( 2 April 1991, discard previous editions)

1. These guidelines have been developed due to the intense pressures of development in our coastal waters and on the adjacent land which have led to increasing conflict between users of these resources. They attempt to provide common sense guidance in allocating space for structures in navigable waters, recognizing reasonable use expectations of the general public and waterfront landowners. They will be recognized by the Corps in its review of permit applications and in administering its responsibilities in navigable waters for the purpose of reducing conflict in such waters.

2. In general no structures will be permitted in Federal Navigation Projects. (see sketch no. 1)

3. In those cases where a project is proposed within two hundred feet (200') of a Federal Navigation Project (FNP) the applicant shall determine and show the state plane coordinates for the extreme lateral limits of his project, the point on structures furthest beyond mean high water (NHW), and the point of closest approach of any structure to the FNP. (see sketch no.1)

4. Similarly no structures which may reasonably be expected to facilitate intrusion into Federal Navigation Projects will be permitted. FNP's are channels and anchorages created at public expense. Examples of intrusions are moored vessels, fish harvesting devices etc.

5. To preclude intrusions in to FNP's appropriate setbacks for structures from the project limits may be established on a case by case basis. The setbacks can be determined using appropriate criteria such as:

A. Project maintenance requirements. The typical setback shall be a horizontal distance three (3) times the authorized project depth since Corps projects often specify side slopes of 3H:1V. this would over the long term minimize the need, expense and inconvenience of forcing people to remove structures to dredge. (see sketch no.1)

B. Traditional navigation patterns where because of type and size of vessel, channel conditions, fishing or recreational activities etc. closer approach of structures



to a FNP is not in the public interest.

C. The configuration and capacity of structures proposed adjacent to FNP's to facilitate intrusion into it. An example would be a pier capable of mooring vessels longer than itself which would extend into the FNP. Such structures would require a greater setback than noted above.

D. The presence of adjacent, authorized structures where it would be reasonable for new facilities to conform to their length to provide safe access to the new structure. In some instances this might authorize a smaller setback than noted above.

6. An exception to the no structures in FNP's policy may be considered where the permittee would be a state or local government who would place such structures in a Federal Anchorage to provide greater or more effective use to the public, with the condition that such facilities would be available on an equal access basis to all citizens of the U.S..

7. In a linear waterway, i.e. river, canal, narrow estuary etc., a reasonable area of public water should be maintained in the public interest to sustain activities not specifically related to simply transiting the area in safety. Such activities are cruising, fishing, sailboarding, swimming, water skiing etc. which require open unobstructed water and should not be eliminated for private interest.

In such areas no structure shall extend more than 25% of the waterway width at mean low water. This will maintain 50% of the width as open water, an even split between public and private interest. (see sketch no.2)

8. A maximum intrusion into a waterway in areas where there is not a physical width constriction is also desirable to preclude excessive loss of public water usage. In general new structures should conform in length to adjacent structures and customary usage of the surrounding area. In areas where existing structures and usage do not seem applicable a reasonable maximum authorized distance beyond mean low water of 600 feet (the traditional cable length) will be used. This may be modified if necessary for site specific conditions or public benefit. (see sketch no.3).

9. Numerous conflicts between neighboring waterfront property owners have arisen during our permit review process concerning the spacing of projects relative to riparian lines (demarcations of rights in the water associated with owning waterfront property). These conflicts are generally concerned with access to piers and floats for mooring vessels. We shall require a minimum setback from the reasonable riparian boundary of 25 feet. This is based on the fact that a median sized recreational vessel length is in the range of 32 feet. A minimum turning distance for such a vessel is 1.5 times it's own length, or 48 feet which

of the resource. (see sketch no. 4).

If abutting property owners reach a mutual agreement regarding structures which has a lesser setback, that setback may be authorized, if the applicant agrees to record any ensuing Corps Permit which will have that agreement as a condition and the abuttor's letters of no objection, with the Registrar of Deeds, or other appropriate official charged with the responsibility for maintaining records of title to or interest in real property.

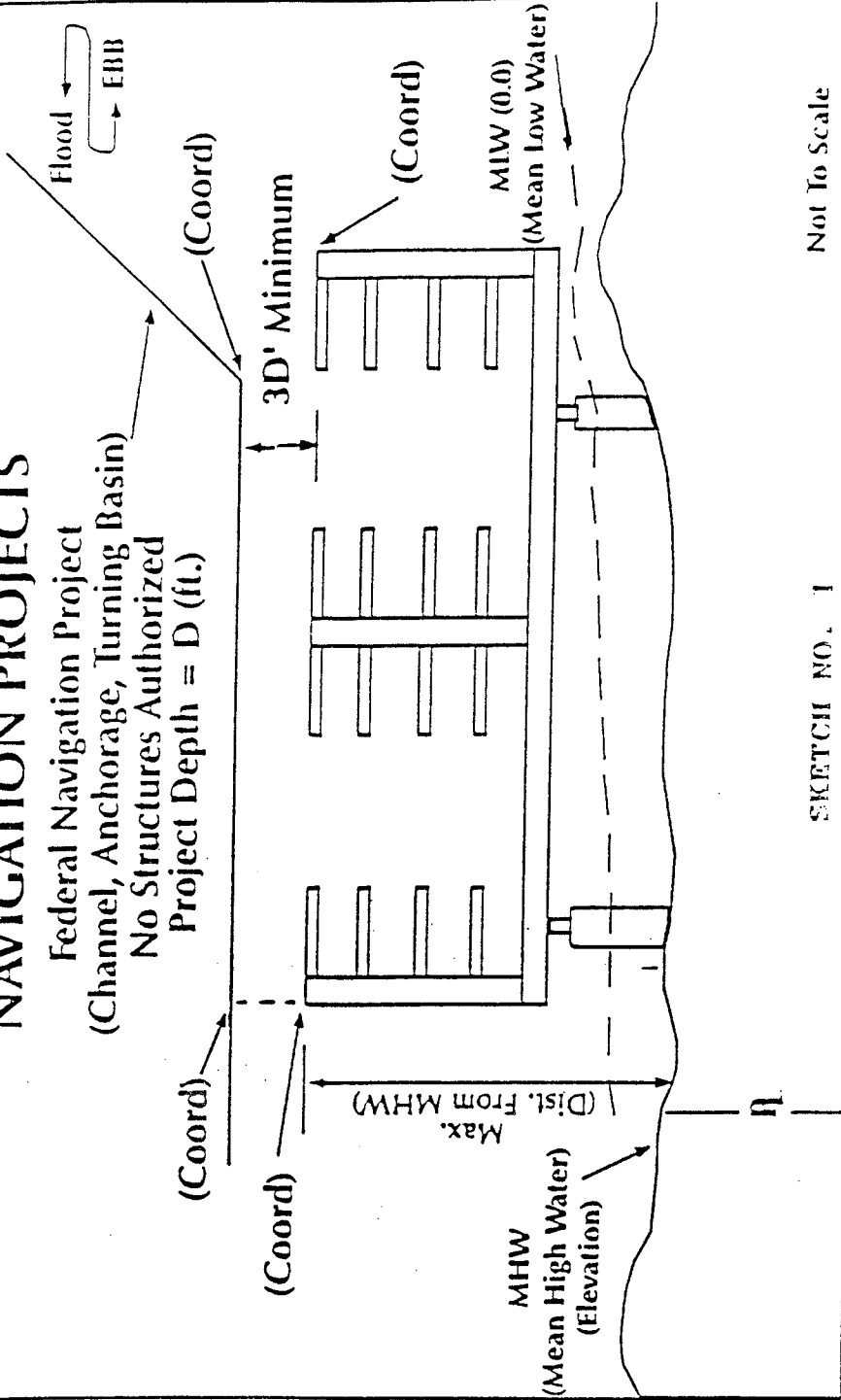
10. Fields of individual single point moorings shall be defined by a polygonal area whose angle points are defined by coordinates, to within 10 feet, in the applicable state plane coordinate system and by a maximum number of moorings authorized within it. A rule of thumb for the area needed by a vessel on a single point mooring is a circle with a radius equal to vessel length plus five times the depth of water at high tide. This can be reduced but the minimum should be length plus three times water depth.

These mooring fields should be in reasonably close proximity to the applicants property and if not encompassed by his riparian lines far enough offshore to keep noise disturbance to other shore owners in reasonable limits and not restrict reasonable future development by these owners. (see sketch no. 5).

# STRUCTURES NEAR FEDERAL NAVIGATION PROJECTS

Federal Navigation Project  
(Channel, Anchorage, Turning Basin)  
No Structures Authorized  
Project Depth = D (ft.)

CONTINUED ON REVERSE PAGE

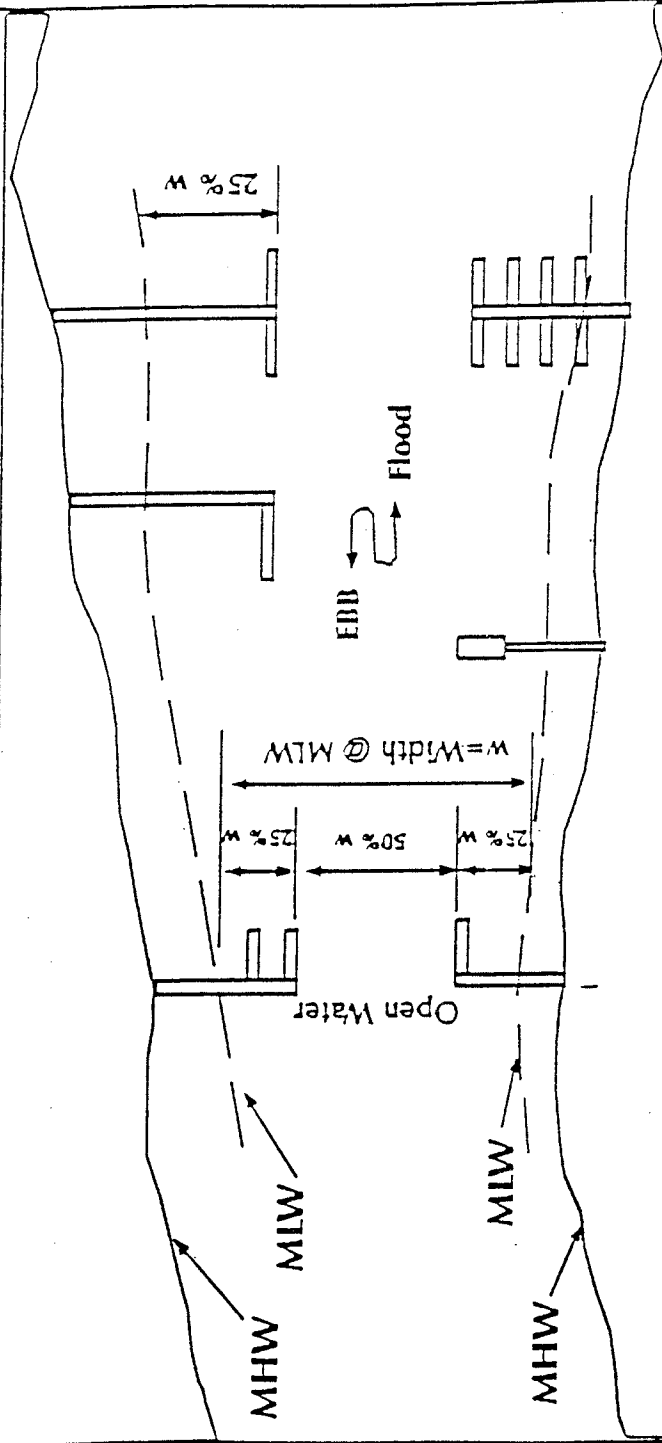


SKETCH NO. 1

Not To Scale

SECTION 06100 WATERWAYS

# GUIDANCE ON WIDTH OF STRUCTURES IN LINEAR WATERWAYS

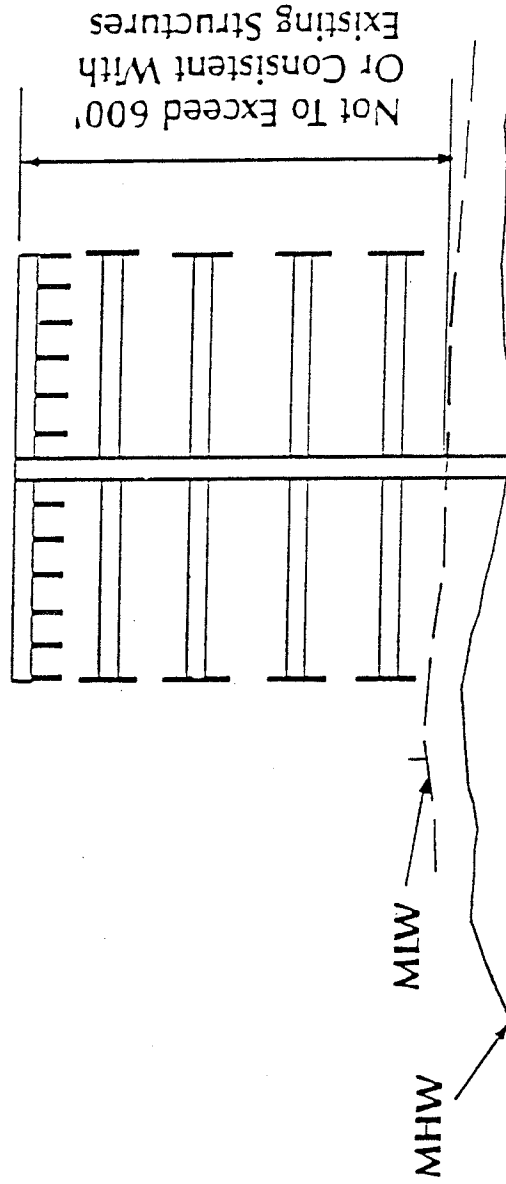


SKETCH NO. 2

Not To Scale

0011140 001114011EC

# STRUCTURES IN WATERWAYS WITHOUT WIDTH CONSTRUCTIONS

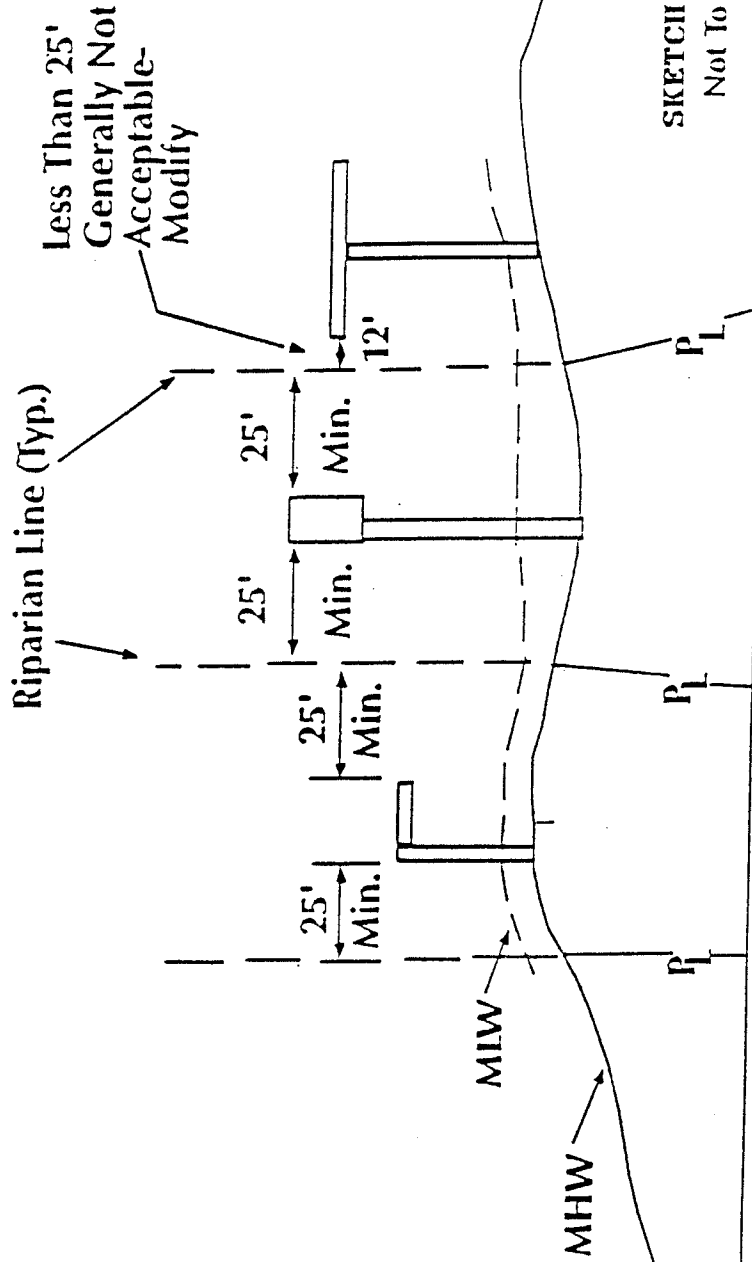


Maximum Extent Beyond MIW  
SKETCH NO. 3

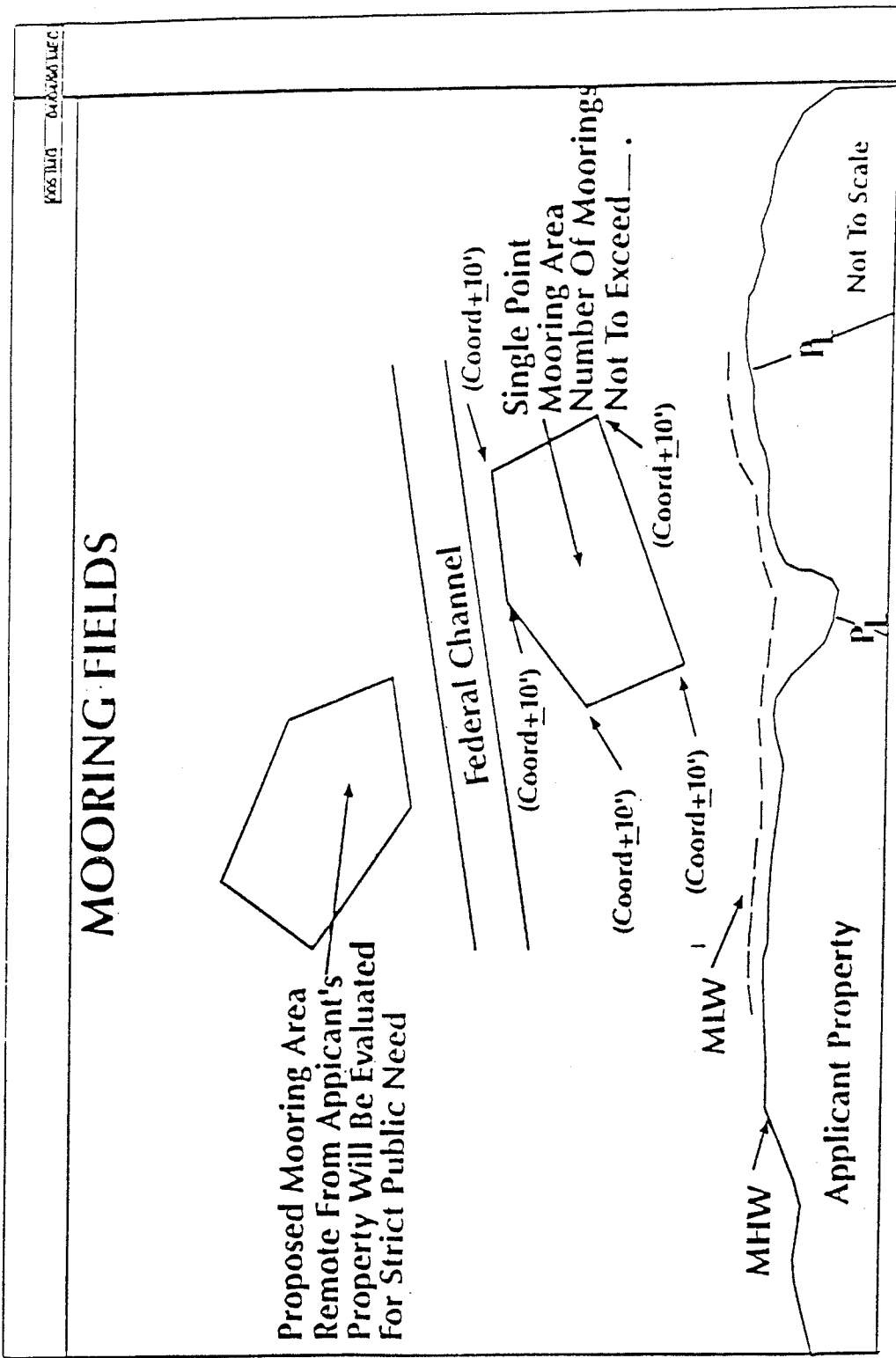
Not To Scale

004 1140 0104501 REC

# SPACING PROJECTS RELATIVE TO ADJACENT PROPERTIES



SKETCH NO. 4  
Not To Scale



SKETCH NO. 5

# **STRATFORD HARBOR MANAGEMENT PLAN 1999 PLAN ADDENDUM**



**WATERFRONT AND HARBOR MANAGEMENT COMMISSION**  
Town of Stratford, Connecticut

*Consultant to the Waterfront and Harbor Management Commission:*  
**Geoffrey Steadman**, Westport, Connecticut

April 1999

---



*Cover Photo: Housatonic River Marine Commercial Area looking north; water pollution control plant, Beacon Point property, and Birdseye Street River Access Area in foreground; Nell's Island to right.*

# **STRATFORD HARBOR MANAGEMENT PLAN 1999 PLAN ADDENDUM**

**STRATFORD WATERFRONT AND HARBOR MANAGEMENT COMMISSION**  
Town of Stratford, Connecticut

*Consultant to the Waterfront and Harbor Management Commission:*  
**Geoffrey Steadman**, Westport, Connecticut

April 1999

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## FOREWORD

This document is the 1999 Addendum to *The Stratford Harbor Management Plan*. The Plan, prepared by the Stratford Waterfront and Harbor Management Commission, was approved by the State of Connecticut in April 1994 and adopted by the Stratford Town Council on November 14, 1994. The Plan was formulated in accordance with the Connecticut Harbor Management Act of 1984 (Sections 22a-113k to 22a-113t of the Connecticut General Statutes) and Chapter 210 of the Stratford Code.

The Plan contains goals, objectives, policies, guidelines, and recommendations for balanced use of the Stratford Harbor Management Area (HMA) for recreational, commercial, and other purposes, and for protection of environmental quality in the HMA. Public and private actions affecting the HMA must be consistent with the Plan. The Waterfront and Harbor Management Commission is responsible for ensuring this consistency through the “Harbor Management Consistency Review” process established by the Plan. In some instances the Plan’s provisions are detailed and specific; in other instances they are necessarily general to allow for flexibility in Plan implementation and case-by-case decision-making by the Commission.

In accordance with the provisions of the Plan and Section 22a-113m of the Connecticut General Statutes, the Waterfront and Harbor Management Commission conducted a review of the Plan and conditions in and adjoining the HMA in the period 1997-99. A number of changes in waterfront and HMA conditions have occurred since the Plan was adopted in 1994. Those changes, however, are the sort to be expected over time and for the most part do not require modification of the Plan’s established goals, objectives, policies, and guidelines. Instead of rewriting the Plan document at this time, the Commission has prepared this 1999 Plan Addendum which has two parts. Part One summarizes notable waterfront and HMA conditions in 1999 and some of the significant changes that have taken place since the Plan was adopted. Part Two contains amendments of some of the Plan’s provisions, including the Plan’s goals, objectives, policies, guidelines, and recommendations. The appendix contains guidelines for the placement of fixed and floating structures in navigable waters of the United States regulated by the New England District, U.S. Army Corps of Engineers. In the future, the Commission may publish a revised Plan document to include updated descriptions of waterfront and HMA conditions and the new and amended Plan provisions included in this Addendum.

## ACKNOWLEDGMENTS

The 1999 Plan Addendum was prepared at the direction of the Stratford Waterfront and Harbor Management Commission:

Thomas D'Aulizio (Chairman)

Manny Brideau

Gary Caserta

Scott Corner

Robert Gabris

Ross Hatfield

John Kekacs

Robert Kekacs

Michael Koperwhats II (Alternate)

Alan Minter (Vice Chairman)

Leonard Petrucelli

Robert Sammis

William Stewart

Jack Flynn, the former Stratford Harbor Master and ex-officio member of the Waterfront and Harbor Management Commission, provided important information, assistance, and advice for preparation of the Plan Addendum, as did David Killeen, Town Planner of the Town of Stratford. Assistance was also provided by Al Grunow, Deputy Harbor Master and Executive Assistant to the Waterfront and Harbor Management Commission, Margaret Welch of the Connecticut Department of Environmental Protection's Office of Long Island Sound Programs, and Dolores Tischbein, Commission Secretary.

Geoffrey Steadman of Westport, Connecticut, planning consultant to the Waterfront and Harbor Management Commission, prepared the Addendum document at the direction of the Commission and the Commission's Plans and Recommendations Committee (Committee members: R. Sammis, Chairman; G. Caserta; J. Flynn; R. Gabris; R. Kekacs; and M. Koperwhats). Photographs in the Addendum are provided by Mr. Steadman and are from November 1997 excepting Figure 1-14 from June 1997.

Finally, the citizens of Stratford who have attended the public meetings of the Waterfront and Harbor Management Commission and otherwise demonstrated their concern for the future use and conservation of Stratford's waterfront and harbor resources must be given special thanks for their interest, input, and support.

## CONTENTS

	<u>Page</u>
Foreword . . . . .	ii
Acknowledgments . . . . .	iii
Contents . . . . .	iv
List of Figures . . . . .	iv
<b>PART ONE: UPDATE OF WATERFRONT AND HARBOR CONDITIONS IN 1999</b>	
Update of Waterfront and Harbor Conditions in 1999 . . . . .	1-1
Environmental Conditions . . . . .	1-1
Water and Waterfront Uses and Activities . . . . .	1-5
Institutional Framework for Waterfront and Harbor Management . . . . .	1-19
<b>PART TWO: AMENDMENTS TO HARBOR MANAGEMENT GOALS, OBJECTIVES, POLICIES, GUIDELINES, AND RECOMMENDATIONS</b>	
Proposed Amendments to the Harbor Management Plan . . . . .	2-1
Amendments to Goals, Objectives, and Policies for Harbor Management . . . . .	2-1
Amendments to Area Guidelines for Harbor Management . . . . .	2-8
Amendments to Recommendations and Responsibilities for Plan Implementation . . . . .	2-16
<b>APPENDIX: GUIDELINES FOR THE PLACEMENT OF FIXED AND FLOATING STRUCTURES IN WATERS OF THE UNITED STATES REGULATED BY THE NEW ENGLAND DISTRICT, U.S. ARMY CORPS OF ENGINEERS</b>	

## LIST OF FIGURES

	<u>Page</u>
Figure 1-1: Stratford Point, Remington Gun Club site, and Short Beach at the mouth of the Housatonic River . . . . .	1-3
Figure 1-2: Long Beach, Lewis Gut, and the Great Meadows looking west toward Pleasure Beach and Bridgeport Harbor; Lordship area in foreground . . . . .	1-4
Figure 1-3: Lordship—Seawall Management Area and nearshore Long Island Sound; Sikorsky Airport to left; Housatonic River in background . . . . .	1-5
Figure 1-4: Upper Housatonic River Management Area looking north; I-95, railroad bridge, and Devon Power Station in foreground . . . . .	1-6
Figure 1-5: Birdseye River Access Area and water pollution control plant; Tide Harbor condominiums to right; Beacon Point property at extreme left . . . . .	1-7
Figure 1-6: Brewer’s Stratford Marina, Pootatuck Yacht Club, Ferry Creek, Brown Boat Works, and Bond’s Dock; Selby Pond and Stratford Festival Theater property in right foreground . . . . .	1-8

## LIST OF FIGURES (Continued)

		<u>Page</u>
Figure 1-7:	Railroad Bridge—Washington Bridge Management Area and Dock Marina looking west; Raymark “Superfund” site in background . . . . .	1-9
Figure 1-8:	Housatonic River navigation channel at the mouth of the River; Milford Point and Federal breakwater to the right . . . . .	1-11
Figure 1-9:	Upper Housatonic River Management Area and Sikorsky Bridge (Merritt Parkway) looking south; Sikorsky Aircraft plant in foreground; Far Mill River at lower right . . . . .	1-12
Figure 1-10:	Key waterfront sites and areas of interest and opportunity . . . . .	1-14
Figure 1-11:	Stratford Army Engine Plant site; north and south coves of Army Engine Plant basin separated by seaplane ramp; Hunter Haven property to right . . . . .	1-15
Figure 1-12:	Stratford Festival Theater property, Housatonic Boat Club, and Bond’s Dock . . .	1-17
Figure 1-13:	Ferry Creek, Brewer’s Stratford Marina, and Pootatuck Yacht Club looking upstream toward the Washington Bridge and I-95; Brown Boat Works in lower right . . . . .	1-17
Figure 1-14:	Long Beach and Pleasure Beach looking west . . . . .	1-18

**PART ONE:**  
**UPDATE OF WATERFRONT AND HARBOR CONDITIONS**  
**IN 1999**

## UPDATE OF WATERFRONT AND HARBOR CONDITIONS IN 1999

Stratford's waterfront is defined by three distinct coastal environments: the Housatonic River; the nearshore waters of Long Island Sound; and the coastal barrier environment of the Long Beach—Great Meadows—Lewis Gut area. Conditions along the waterfront and in the Harbor Management Area (HMA)<sup>1</sup> pertaining to the natural environment, water and waterfront uses and activities, and the “institutional framework” for harbor management are described in the *Stratford Harbor Management Plan*. Within the overall boundaries of the HMA, six “management areas” (Upper Housatonic River Area, Railroad Bridge—Washington Bridge Area, Lower Housatonic River Area, Mouth of the Housatonic River Area, Lordship—Seawall Area, and Long Beach—Great Meadows—Lewis Gut Area) are identified based on natural features, current and potential uses, and management concerns. Some notable waterfront and harbor conditions in 1999 and some significant changes that have occurred since the Plan was adopted are described below.

### ENVIRONMENTAL CONDITIONS

The quality of the Town's natural marine environment, including the quality of the water in the HMA, was a major issue during the formulation of the Harbor Management Plan. Water quality classifications established by the Connecticut Department of Environmental Protection (DEP) in the Harbor Management Area have been modified since the Plan was adopted. The State water quality classification in the Housatonic River remains SC/SB (meaning the existing classification is SC and the future goal is to reduce sources of pollution and obtain an SB classification). The water quality classification in Lewis Gut has been downgraded from SB to SC/SB, and the classification of nearshore Long Island Sound waters from Long Beach to the mouth of the Housatonic River has been upgraded from SC/SB to SB/SA.

Some important environmental concerns in 1999 are described below with respect to: continuing efforts to reduce nonpoint sources of pollution; cleanup of contamination from waterfront areas, including contaminated sediment from nearshore areas surrounding Stratford Point and cleanup of asbestos and other contaminants identified through the Federal Superfund Program; conservation of wetlands and other environmental resources in the Long Beach—Great Meadows—Lewis Gut area; and continuing shoreline erosion along the Town's Long Island Sound shoreline.

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<sup>1</sup> The Stratford Harbor Management Area, subject to the jurisdiction of the Stratford Waterfront and Harbor Management Commission, is defined in the Harbor Management Plan and includes all of the area within the territorial limits of the Town, seaward of the mean high water line and bounded on the north by the Stratford/Shelton boundary, on the east by the Stratford/Milford boundary in the Housatonic River, and on the west by the Stratford/Bridgeport boundary. On the south, the HMA is bounded by an imaginary line in Long Island Sound 1,000 feet offshore. The distance along the Town's Housatonic River shoreline from the Stratford/Shelton boundary to the tip of Stratford Point is about 8.5 miles; the distance along the Town's Long Island Sound shoreline from the tip of Stratford Point to the Stratford/Bridgeport boundary is about 3.5 miles.



### Nonpoint Source Pollution

Increased attention is being given to nonpoint source (NPS) pollution affecting the HMA. Unlike point sources of pollutants, NPS pollution does not originate from a specific identifiable source (such as a wastewater discharge pipe) and therefore is more difficult to identify, regulate, and control. While the means and technology to reduce point source pollution are relatively advanced and successfully applied, not everyone is aware of the measures needed to reduce NPS pollution and the implementation of those measures can be improved. NPS pollution occurs when precipitation runs off roads, parking lots, driveways, lawns, and other surfaces in the Housatonic River watershed and in the areas that drain into Lewis Gut and directly into Long Island Sound. Many contaminants — including oil and sand washed off paved areas, chemicals from pesticides, and excessive nutrients (mostly nitrogen) from fertilizer and sewage — are picked up as the water runs over the ground, into storm drains, sometimes through the soil, and eventually to the HMA and Long Island Sound. Poorly functioning septic systems that leak bacteria and nutrients into the Housatonic River watershed are another source of NPS pollution. Since the Housatonic River watershed drains over 1,900 square miles in parts of three states, actions far from the shoreline can contribute to pollution in the HMA and Long Island Sound.

### Nearshore Sediment Contamination

In 1999 nearshore sediment contamination is of particular concern in the areas surrounding Stratford Point and in Ferry Creek. Described in the Harbor Management Plan, the Remington Gun Club property on Stratford Point (Figure 1-1) was used for some 60 years as a private skeet shooting range with shooting occurring over the Housatonic River. It is estimated that three to four million pounds of lead shot are now buried in the sediment of the River. In addition, the fragments of clay targets are also a significant source of nearshore sediment contamination. In 1991 a Federal judge ruled that the property owner was liable for the substantial environmental damage caused by this contamination. The owner, the E.I. Dupont company, developed a cleanup plan in response to an order from the Connecticut DEP. That plan, involving dredging and processing of sediment to remove the lead shot and target fragments, will affect both upland areas and areas waterward of the high tide line. Applications for the approvals needed to conduct this work have been submitted to the Stratford Zoning Commission and the Connecticut DEP and are currently being reviewed. The owner has estimated that the remediation project could take three years to complete and cost in excess of \$10 million dollars.

The proposed Stratford Point cleanup plan requires careful review and consideration to avoid adverse impacts on adjoining land areas and to ensure the protection and enhancement of the nearshore environment surrounding this unique promontory on Long Island Sound. Cleanup of contaminated sediments must also be considered in coordination with the Town's pursuit of opportunities for future development of public water access facilities on Stratford Point, including waterfront walkways, areas for observation of scenic views, pedestrian and bicycle linkage with Short Beach, and other facilities consistent with the Point's coastal area prominence and developed in coordination with implementation of the Stratford Housatonic River Greenway (see page 1-13).



**Figure 1-1:** Stratford Point, Remington Gun Club site, and Short Beach at the mouth of the Housatonic River.

In 1999 the U.S. Environmental Protection Agency (EPA), in coordination with the Connecticut DEP, continues to analyze the extent to which asbestos and other contaminants from the Raymark Industries hazardous waste sites have affected Ferry Creek, Selby Pond, and other waterfront sites. This analysis is being conducted through the Federal Superfund Program, administered by the EPA, for the cleanup of Federally designated hazardous waste sites (see page 1-27). Plans for the cleanup of Ferry Creek and other waterfront areas are to be developed by the EPA in coordination with the Connecticut DEP and may be completed for public review in 1999. Cleanup of the principal Raymark “Superfund” site was completed in November 1997.

#### Long Beach—Great Meadows—Lewis Gut Area

The natural environment of the Long Beach—Great Meadows—Lewis Gut area (Figure 1-2) provides ecological values of State-wide significance. In 1999 those values are widely recognized by Town, State, and Federal agencies, private conservation groups, and the general public. Described in the Harbor Management Plan, Long Beach is a narrow barrier of sand that separates the Great Meadows and Lewis Gut from Long Island Sound. The Long Beach barrier provides a number of ecologically important functions, including the provision of rare nesting habitat for least terns and piping plovers. In addition, the barrier serves to protect and maintain the natural habitat and ecological productivity of the open water and intertidal areas of the Great Meadows and Lewis Gut areas behind it. While most of the barrier is undeveloped, until 1997 its western part was leased by the Town to the owners of a number of beach cottages (see page 1-20). An important waterfront and harbor management issue in 1999 concerns development and implementation of a reuse plan for the former beach cottage area for beneficial public purposes, perhaps in coordination with redevelopment of the Pleasure Beach area in Bridgeport.



**Figure 1-2:** Long Beach, Lewis Gut, and the Great Meadows looking west toward Pleasure Beach and Bridgeport Harbor; Lordship area in foreground.

Behind the Long Beach barrier, the Great Meadows salt marsh is one of the largest and most valuable intertidal areas in Connecticut. The Great Meadows provides vital habitat for migratory birds including waterfowl, shorebirds, wading birds, and many rare species. It also contains the largest unditched saltwater high marsh in Connecticut, provides feeding and nesting habitat for over 270 species of birds, and is an important wintering area for the American black duck. Lewis Gut, which channels water into the marsh from Long Island Sound, contains one of the most productive shellfish grounds in the State and provides breeding and feeding grounds for several species of finfish. In 1999 the Waterfront and Harbor Management Commission continues to discuss opportunities for enhancing environmental quality and resources in Lewis Gut, including shellfish resources, through consideration of projects that would improve tidal circulation with Long Island Sound.

In the fall of 1994, following three years of negotiations with private landowners, about 400 acres of tidal wetland and upland habitat in the Great Meadows were acquired for inclusion in the Stewart B. McKinney National Wildlife Refuge managed by the U.S. Fish and Wildlife Service (FWS). In 1999 the FWS is working to restore degraded wetlands and to provide some parking, observation, and other facilities for public access to the Great Meadows. A long-range Comprehensive Conservation Plan will be prepared by the FWS to guide public use of the refuge, including use for hunting, fishing, scientific study, and wildlife observation, consistent with environmental conservation goals.

### Shoreline Erosion

Ongoing erosion of Stratford's Long Island Sound shoreline (Figure 1-3) from Stratford Point to Long Beach, including Russian Beach, the West Lordship Beach cottage area, and Long Beach, remains an important waterfront and harbor management concern in 1999. Described in the Harbor Management Plan, the relatively wide and sandy beach that once existed from Stratford Point to the Town's Seawall Park at Point No Point has eroded significantly over the years and Russian Beach is now generally narrow and rocky.



**Figure 1-3:** Lordship—Seawall Management Area and nearshore Long Island Sound; Sikorsky Airport to left; Housatonic River in background.

In accordance with the Harbor Management Plan, efforts to stabilize the shoreline and protect against erosion must be carefully planned and not result in significant adverse impacts on natural coastal resources. The Waterfront and Harbor Management Commission has advocated improved shore protection along the privately owned shoreline through development of effective erosion control projects (including beach nourishment projects) and the application of appropriate land use planning and regulatory measures. Issues of cost, availability of sand, and potential environmental impacts, including impacts on valuable nearshore shellfish grounds, are among the important issues that must be addressed when evaluating the feasibility of beach nourishment.

### WATER AND WATERFRONT USES AND ACTIVITIES

In addition to providing vital ecological functions and natural values, Stratford's waterfront and Harbor Management Area provides important opportunities for public use and enjoyment. In 1999 there are substantial opportunities for economic growth and community enhancement that

may be facilitated by use and development of waterfront areas in balance with conservation and enhancement of the natural marine environment. Current water and waterfront uses and activities are summarized below with respect to: water-dependent uses; navigation conditions; and planning and development initiatives.

#### Water-Dependent Uses

The Stratford waterfront and HMA in 1999 is an important center of recreational boating activities. Beach-related and other water-based recreational activities also take place in the HMA, along with commercial fishing and the waterborne transportation of fuel oil to the Devon Power Station on the Milford side of the Housatonic River (Figure 1-4). Described in the Harbor Management Plan, recreational boating facilities in the HMA include docks, slips, moorings, and launching ramps as well as boat sales, repair, service, and storage facilities on waterfront sites. Boating facilities include facilities owned and operated by the Town of Stratford for public use, facilities provided by commercial boatyards and marinas, and private boating and yacht club facilities. Private docks and piers used by waterfront property owners are found throughout the HMA and a number of boat moorings have been placed in the Housatonic River.

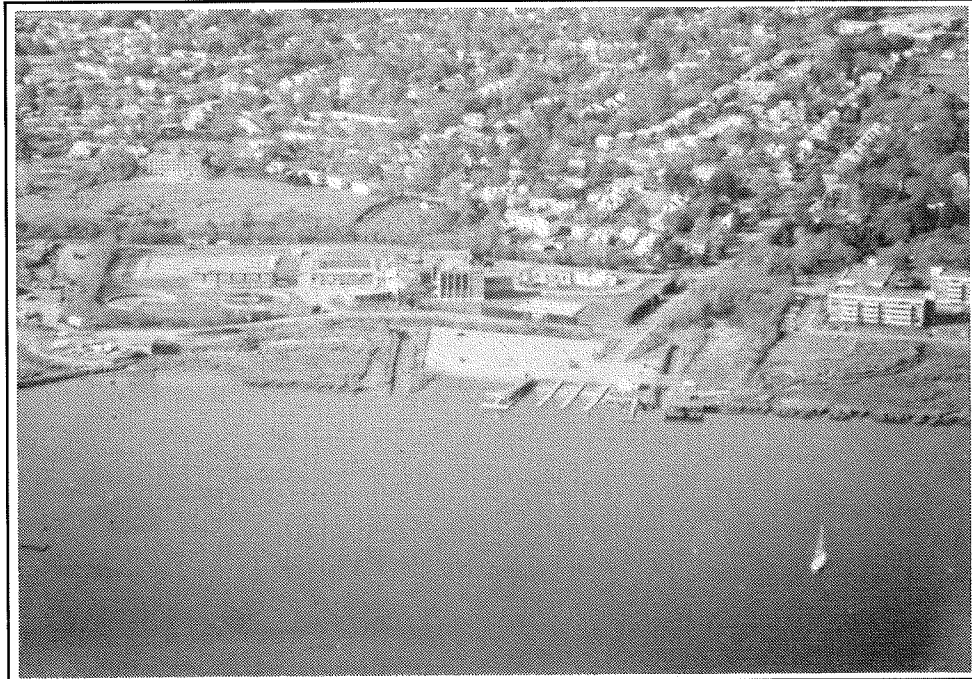


**Figure 1-4:** Upper Housatonic River Management Area looking north; I-95, railroad bridge, and Devon Power Station in foreground.

The Birdseye Street River Access Area (see cover photo and Figure 1-5) is the Town's focal point for public boating activities and public access to the Housatonic River. In 1997 the Town successfully completed a seven-year effort to improve the public boat launching ramps and construct a public fishing pier and access deck overlooking the Housatonic River at the Birdseye Street area. Those improvements were completed in accordance with the Master Plan for the area



prepared by the Waterfront and Harbor Management Commission. The new facilities are accessible to persons of all ages and abilities, including persons with disabilities. The Frederic Kaeser Fishing Pier, named in memory of a former Waterfront and Harbor Management Commissioner, was dedicated on September 27, 1997.



**Figure 1-5:** Birdseye Street River Access Area and water pollution control plant; Tide Harbor condominiums to right; Beacon Point property at extreme left.

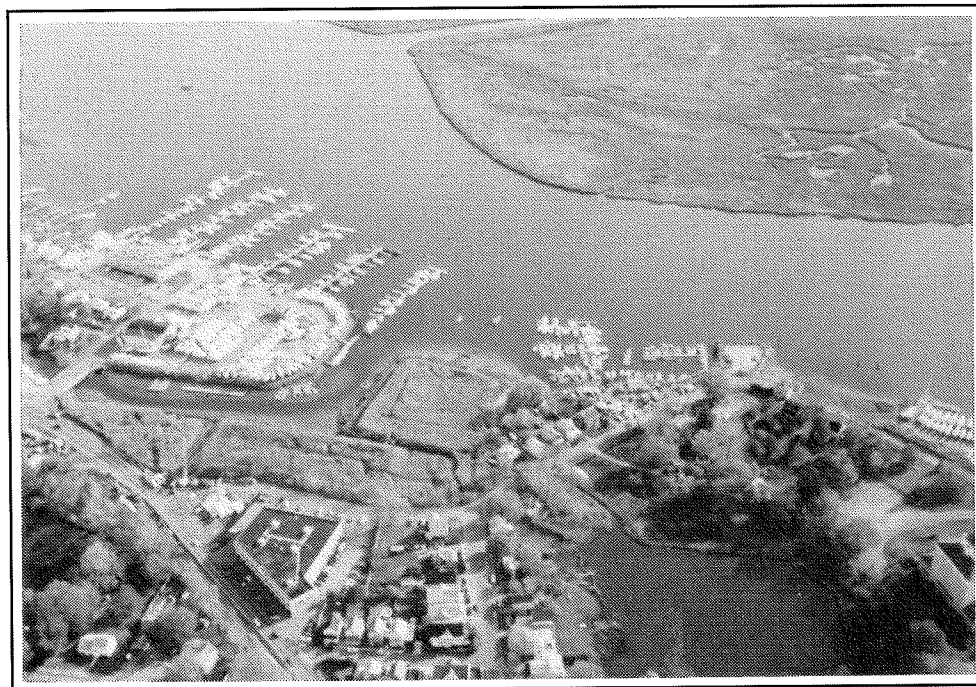
In recognition of its efforts to improve the Birdseye Street River Access Area, the Town received an honorable mention award as Connecticut Harbor of the Year from the Connecticut Harbor Management Association in 1997. In 1999 the Waterfront and Harbor Management Commission is pursuing additional development and enhancement of public facilities at the Birdseye Street area as called for in the area's Master Plan (see page 1-16).

The Commission also administers the sale of Town boat launching permits for use of the Birdseye Street area and the small ramps at Bond's Dock and the foot of Broad Street. Annual statistics compiled by the Commission show that 423 launching permits were issued in 1998; 339 were issued to Town residents and 88 to nonresidents. Town residents paid an annual fee of \$15.00 for unlimited use of the launching ramps, while nonresidents paid an annual fee of \$100.00 for unlimited use. In addition, 118 day passes were issued in 1998. The day passes are available to nonresidents for a fee of \$15.00 for each pass and to residents for a fee of \$5.00. Also, two commercial launching permits at an annual fee of \$150.00 were issued for use of the Birdseye Street area for boat service, testing, or other appropriate commercial purposes. The boat launching fees are established by the Town Council based on the recommendation of the Waterfront and Harbor Management Commission and all fees are deposited into the Stratford Harbor Management Fund (see page 1-19). That fund must be used exclusively for maintenance

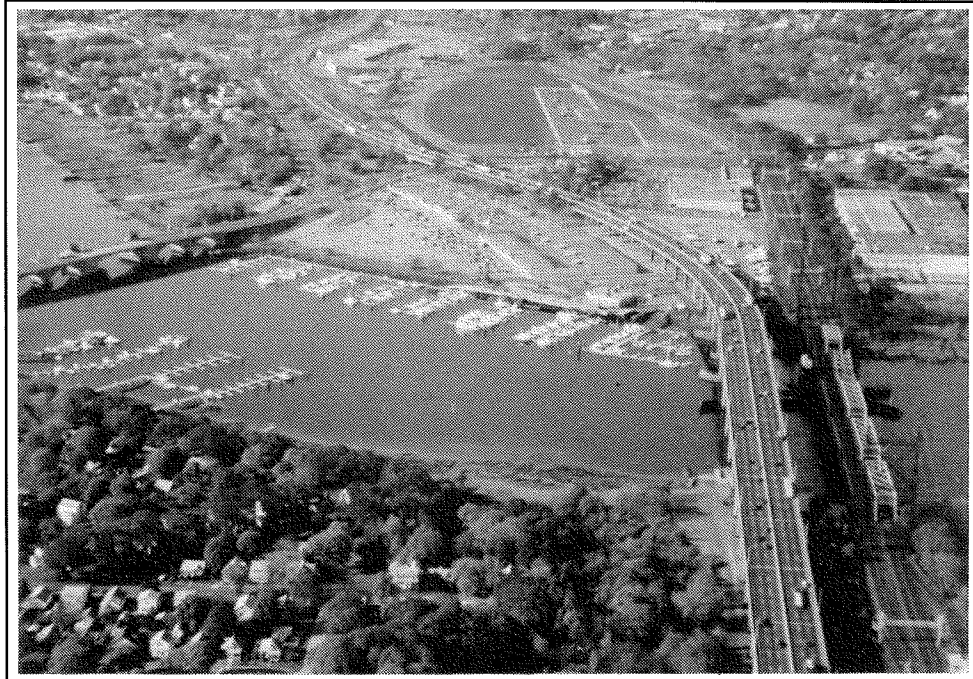
and improvement of the HMA for the public and for expenses directly related to the function of the Waterfront and Harbor Management Commission, Harbor Master, and Deputy Harbor Master. The Harbor Management Fund also receives fees for mooring permits issued by the Harbor Master (see page 1-10).

In 1997 the Commission helped to coordinate and oversee site improvements for public use and enjoyment at Bond's Dock (Figure 1-6), including structural repairs, resurfacing of the deck, improvements to allow access by persons with disabilities, improvements to the parking area, and the addition of benches for enjoyment of water views; these were accomplished with a grant from the Connecticut DEP's Long Island Sound License Plate Program.

Three commercial facilities (Brewer's Stratford Marina, The Dock Marina, and Brown Boat Works) provide services for recreational boaters in 1999. Substantial site improvements have been accomplished at Brewer's Stratford Marina and The Dock Marina, the two largest marina facilities in the HMA, since adoption of the Harbor Management Plan in 1994. Improvements at Brewer's Stratford Marina (Figure 1-6) include major renovation of dockage facilities and construction of a new service building with amenities for marina patrons; addition of a full service waterfront restaurant is planned. Improvements at The Dock Marina (Figure 1-7) include construction of a public fishing pier and waterfront deck affording views of the Housatonic River; a full service restaurant is also being planned for this waterfront location.



**Figure 1-6:** Brewer's Stratford Marina, Pootatuck Yacht Club, Ferry Creek, Brown Boat Works, and Bond's Dock; Selby Pond and Stratford Festival Theater property in right foreground.



**Figure 1-7:** Railroad Bridge—Washington Bridge Management Area and Dock Marina looking west; Raymark “Superfund” site in background.

Several marina development plans that were proposed in 1994 and described in the Harbor Management Plan, including plans for the Beacon Point Marine, Charter Arms, and Fagan’s Restaurant sites, were not implemented; those sites are currently not being used.

Two private clubs on the Stratford waterfront, the Pootatuck Yacht Club and Housatonic Boat Club, continue to provide recreational boating services, facilities, and activities for members and guests. In addition, the marina facilities at the Breakwater Key and Harbor Woods condominiums continue to serve condominium owners and others.

Mooring space<sup>2</sup> in the Housatonic River within Stratford’s jurisdiction is limited by a number of conditions, including shallow water depths in some locations and the presence of the Federal navigation channel close by the Stratford shoreline in the area between Bond’s Dock and Crimbo Point.

All mooring locations on the Stratford side of the River are administered by the Stratford Harbor Master in accordance with the Harbor Management Plan and the Plan’s “Rules and Regulations for Mooring and Anchoring Vessels in the Stratford Harbor Management Area.” In addition, all mooring tackle must meet the Plan’s “Minimum Standards for Mooring Tackle.”

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<sup>2</sup> A mooring is defined in the Harbor Management Plan as “the place where, or the object to which, a vessel can be made fast by means of mooring tackle so designed that when such attachment is terminated, some portion of the tackle remains below the surface of the water and is not under the control of the vessel or its operator.”



In 1998 the Harbor Master issued 14 permits for mooring locations in the HMA, all in the Housatonic River. All mooring permittees are required to pay an annual permit fee that is deposited into the Stratford Harbor Management Fund. The annual mooring permit fee, which may not exceed the \$200.00 annual fee authorized by State statute (see page 1-23), is set by the Waterfront and Harbor Management Commission; in 1997 the fee was set at \$125.00 for recreational vessels and \$65.00 for commercial shellfishing boats.

In 1999 the Commission is considering opportunities for increasing the number of mooring locations in the HMA, including locations that may be used by commercial fishermen with shallow draft vessels. In addition, the Commission is reviewing its minimum standards for mooring tackle to ensure that those standards cover use of the most modern mooring technology.

Mooring space on the Milford side of the River is more extensive than on the Stratford side. In 1997 the Milford Harbor Master issued 72 permits for mooring locations in the Housatonic River within the jurisdiction of the City of Milford. Access to all of these mooring locations is from the Stratford shoreline; all permit fees for these locations are established and collected by the City of Milford.

In the fiscal year ending June 30, 1998, the Town of Stratford received a \$49,670.01 disbursement of State boat registration fees. The amount of this annual disbursement has been constant for a number of years because it is based on property taxes paid on vessels in all Connecticut towns in 1978. The disbursement is deposited into the Town's General Fund.

In 1999 the Housatonic River remains an important center of commercial shellfishing activity. The River is generally considered to be the most naturally productive seed oyster environment in Connecticut and has been the most active area in the State for the harvesting of seed oysters. The River's natural shellfish grounds are worked by independent commercial fishermen using small outboard-powered boats and mechanical dredges. Most of the commercial fishermen rent berthing space at the Brown Boat Works marina.

The most recent statistics published by the U.S. Army Corps of Engineers show that waterborne commerce in the Housatonic River totalled 23,000 tons in 1995, down from 57,000 tons in 1994, and 70,000 tons in 1993. Fuel oil to the Devon Power Station accounted for all of the 1995 total.

In addition to boating-related activities, many other recreational uses, including swimming, board-sailing, fishing, picnicking, bird-watching, walking, and the simple enjoyment of water views, take place on the waterfront and in the HMA. Many of these activities take place on and near the Town's two major waterfront parks and beach areas—Short Beach at the mouth of the Housatonic River and Long Beach which borders on Long Island Sound. These areas are under the supervision of the Stratford Parks Department and Recreation Department. Due to the high level of public demand for use of these beach areas, an important waterfront and harbor management issue in 1999 concerns the need for active planning and management of the areas to ensure continued beneficial public use and enjoyment.

### Navigation Conditions

Opportunities for navigation afforded by Stratford's Housatonic River and Long Island Sound location figured prominently in the Town's development. In 1999 the Housatonic River Federal navigation channel maintained by the Corps of Engineers serves recreational and commercial vessels in the Harbor Management Area. The channel was last dredged by the Corps in 1974, however, and since that time significant shoaling has occurred in several channel locations. Of particular concern is the narrowing of the channel's width and the reduction of its depth at the mouth of the Housatonic River (Figure 1-8) where the greatest risk to navigation has developed.



**Figure 1-8:** Housatonic River navigation channel at the mouth of the River; Milford Point and Federal breakwater to the right.

In 1994 Federal and State permits were granted to a private contractor to dredge approximately 400,000 cubic yards of sediment from the bottom of the Federal channel and thereby restore the channel to its authorized depths. This privatization of channel maintenance, originally suggested by the Waterfront and Harbor Management Commission, was intended to: (a) provide the contractor with material to be processed for construction aggregate; (b) save an estimated three million Federal tax dollars (the cost of dredging if undertaken by the Federal Government); and (c) provide \$400,000 in royalties to the State of Connecticut (for private use of material in effect mined from State-owned underwater land). Dredging of the navigation channel, however, progressed at a very slow pace and the contractor's dredging permit was not renewed in 1998. In 1999 the Waterfront and Harbor Management Commission is working with the Corps of Engineers to achieve Federal dredging of the channel through the standard Corps of Engineers dredging program.

Seven separate reaches of the channel require dredging, beginning at the southern tip of Pope's Island and extending to Long Island Sound. Approximately 50,000 cubic yards of sediment from the channel near Nell's Island is described as suitable for use as cap material; in other words, this sediment may be used to sequester contaminated dredged material that may be dredged from other harbors (including Bridgeport Harbor) and deposited in open water disposal sites in Long Island Sound.

Another important navigation-related issue in 1999 concerns vessel speed in the Housatonic River. Speeding boats and excessive wakes in the River, especially near the shoreline and close by other vessels, may affect public safety and the enjoyment of boating and other water activities. Excessive wakes can damage docked and moored vessels and erode the shoreline. This is now the principal harbor management issue of joint interest to the Town of Stratford and City of Milford which share a common municipal boundary in the Housatonic River upstream to the Far Mill River just above the Sikorsky Aircraft plant (Figure 1-9). The Harbor Management Plan recommends that the southern part of the River, from the railroad bridge to the marine basin north of Short Beach, be designated as a restricted speed area within which the speed of all vessels should be limited to that which causes no wake or to that necessary for safe navigation.



**Figure 1-9:** Upper Housatonic River Management Area and Sikorsky Bridge (Merritt Parkway) looking south; Sikorsky Aircraft plant in foreground; Far Mill River at lower right.

In 1998 a new State boating regulation for the Housatonic River prepared by the Connecticut DEP's Boating Division was enacted. This regulation establishes several steerage speed areas within which no person may operate a motorboat at greater than steerage speed. The steerage speed areas include: (1) the area bounded northerly by a point 500 feet upstream from navigation aid no. 4 and bounded southerly by a point 500 feet downstream from navigation aid no. 3 (this area is at the mouth of the River); (2) the area bounded northerly by navigation aid no. 23 and

bounded southerly by navigation aid no. 14 (this area is between the Pootatuck Yacht Club and the Birdseye Street River Access Area); (3) the channel east of Nell's Island and all channels, creeks, or waterways within the Charles E. Wheeler Wildlife Management Area, including Nell's Island; and (4) the area bounded northerly by the railroad bridge and southerly by the Washington Bridge.

A third important navigation-related issue in 1999 concerns the need to establish effective procedures and coordination among the Waterfront and Harbor Management Commission, Harbor Master, Police Department, Department of Public Works, and other agencies, including State and Federal agencies, for the removal of any abandoned and derelict vessels and other structures that may be found in, adjoining, or near the HMA. Such vessels and structures may cause hazards, obstructions, or inconveniences to navigation and therefore must be marked for navigators, as necessary, and effectively removed in a timely manner. Abandoned and derelict vessels and structures can also detract from the overall scenic quality of the HMA and cause adverse environmental impacts, including impacts on water quality and fisheries resources caused, for example, by leaking fuel and oil. In accordance with Section 15-140c of the Connecticut General Statutes, any vessel "not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left [upon private property] without the consent of said property owner for a period greater than twenty-four hours" shall be presumed abandoned.

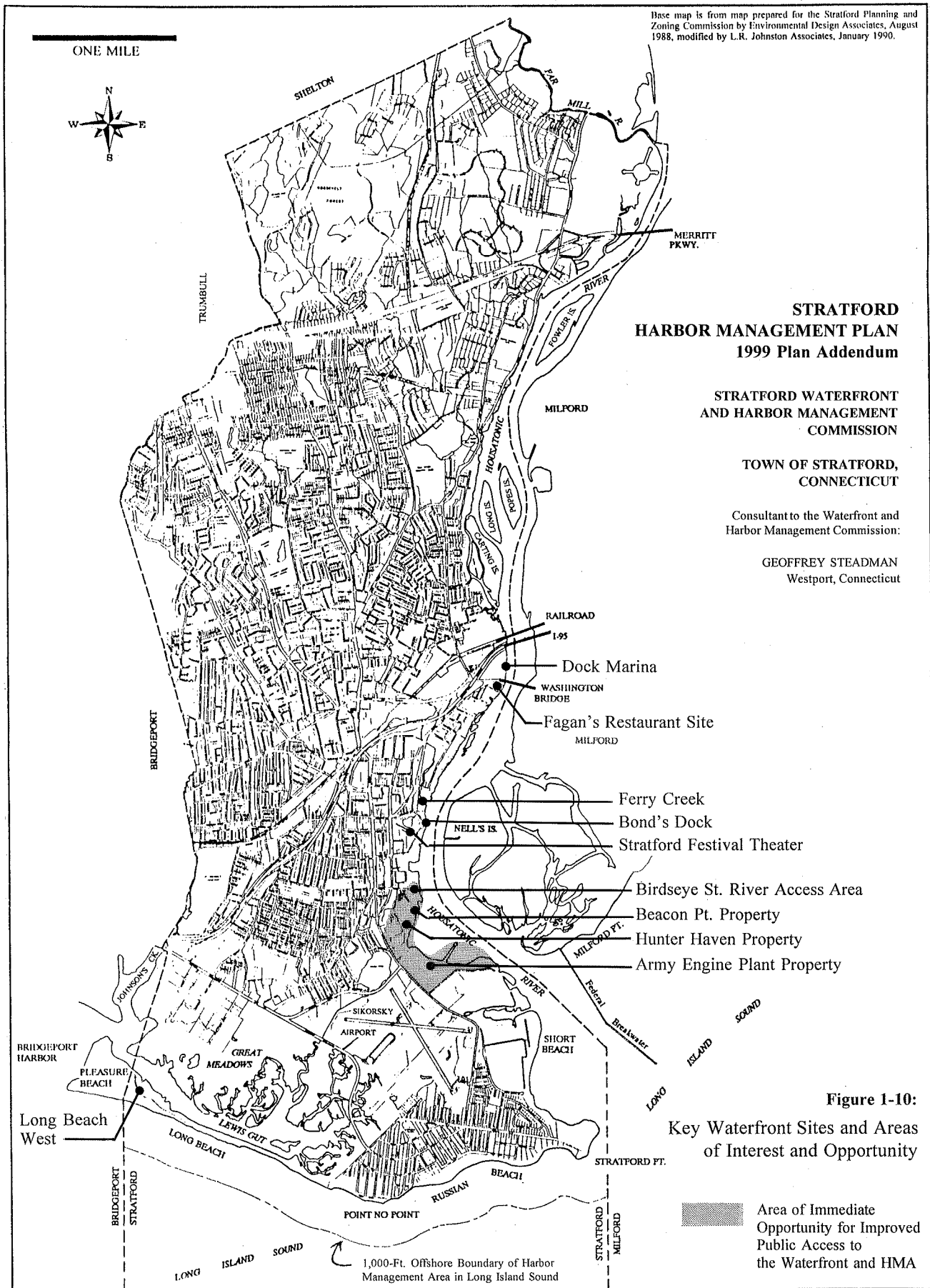
The Stratford Harbor Master is empowered to enforce the provisions of the Connecticut General Statutes concerning removal of abandoned and derelict vessels, including Section 15-11a and Section 15-140c, and may request assistance from other agencies, including the Waterfront and Harbor Management Commission, Police Department, Department of Public Works, and Connecticut departments of transportation and environmental protection, to do so. Removal of abandoned and derelict vessels from the HMA has been adversely affected at times by lack of funds for vessel removal, difficulties in identifying the owners of abandoned or derelict vessels, and lack of an established procedure whereby Town agencies may provide assistance to the Harbor Master in a timely manner.

#### Planning and Development Initiatives

In the course of reviewing waterfront conditions in 1997-99 and preparing proposed amendments to the *Stratford Harbor Management Plan*, the Waterfront and Harbor Management Commission has considered some important opportunities for enhancing public use and enjoyment of the Town's waterfront and Harbor Management Area. Some of those opportunities involve implementation of specific projects on specific waterfront sites and are the subject of ongoing planning initiatives being pursued by the Town Council, Waterfront and Harbor Management Commission, Planning and Zoning commissions, and other Town bodies. Some important planning and development initiatives affecting the waterfront and HMA in 1999 may be discussed with respect to the following sites and projects (see Figure 1-10):

1. Stratford Housatonic River Greenway: The Greenway project is a planned pedestrian and bicycle pathway along the entire Housatonic River shoreline from Stratford Point to the Stratford/Shelton town line. The Town obtained a Federal grant through the Intermodal Surface Transportation Efficiency Act (ISTEA) Program to fund the design of the first phase of the Greenway project which will provide a connection between Short Beach and the Birdseye Street River Access Area. Construction is scheduled for 1999.

Base map is from map prepared for the Stratford Planning and Zoning Commission by Environmental Design Associates, August 1988, modified by L.R. Johnston Associates, January 1990.



2. Stratford Point: In 1999 the Town continues to pursue the important goal, expressed in the Harbor Management Plan, Stratford Coastal Plan, and the Town's Plan of Conservation and Development, of establishing public water access facilities on Stratford Point, including waterfront walkways, areas for observation of scenic views, pedestrian and bicycle linkage with Short Beach, and other facilities consistent with the Point's coastal area prominence and developed in coordination with implementation of the Housatonic River Greenway and cleanup of nearshore contaminated sediments. Town planners anticipate this goal will also be incorporated in the Town-wide Open Space Plan.
  
3. Stratford Army Engine Plant property: In 1997 the Stratford Town Council adopted a reuse plan for the Army Engine Plant property (Figure 1-11) and submitted that plan to the Army for consideration. The adopted plan includes provisions for public access to the Housatonic River, including development of public water access facilities that: (1) utilize the seaplane ramp, south basin, and the property's entire Housatonic River shoreline; (2) can be linked with water access facilities developed on the Hunter Haven and Beacon Point properties and the Birdseye Street River Access Area; and (3) are developed in coordination with implementation of the Stratford Housatonic River Greenway.

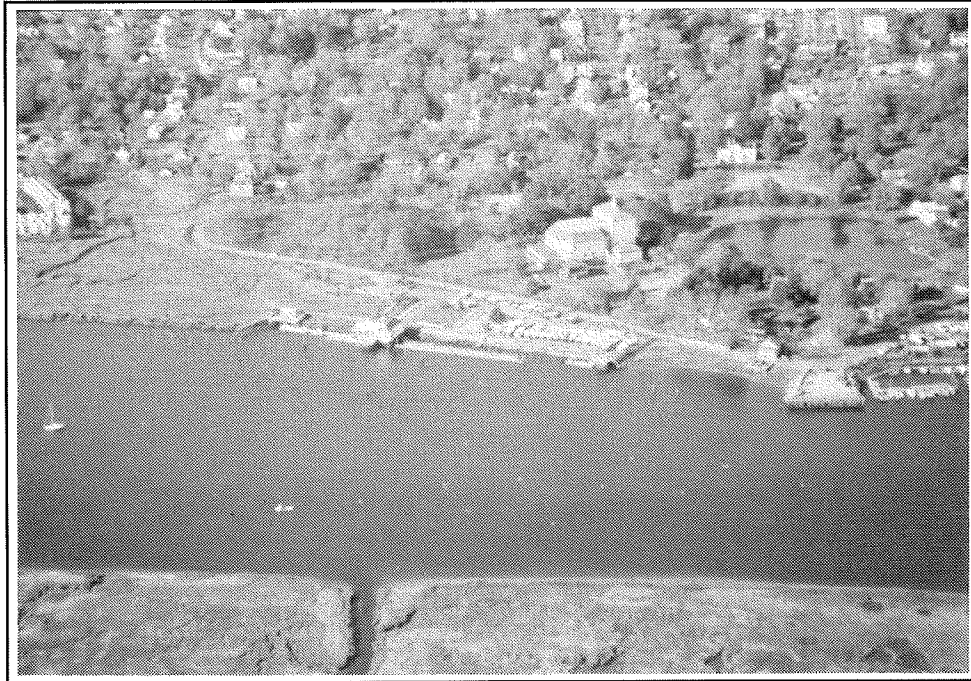


**Figure 1-11:** Stratford Army Engine Plant site; north and south coves of Army Engine Plant basin separated by seaplane ramp; Hunter Haven property to right.

4. Hunter Haven property: The potential for providing public access to the waterfront through the Town-owned Hunter Haven property (Figure 1-11), now used for the stockpiling of materials and storage of equipment, has long been neglected. Increased public attention is now being directed to redevelopment of the property with public water access facilities that may be linked with the Birdseye Street River Access Area and the Beacon Point and Stratford Army Engine Plant properties in coordination with implementation of the Stratford Housatonic River Greenway.



5. Beacon Point property: In 1997 a Town study of the vacant Beacon Point property (Figure 1-5) considered the feasibility of Town acquisition of the property. The Waterfront and Harbor Management Commission and other Town agencies have identified opportunities for developing public water access facilities on this site that may be linked with the Hunter Haven and Stratford Army Engine Plant properties and the Birdseye Street River Access Area, and developed in coordination with implementation of the Stratford Housatonic River Greenway. In 1999 the Commission is pursuing, in coordination with other Town agencies, Town acquisition of the Beacon Point property to complete a continuous, publicly owned waterfront in the area between Birdseye Street and the Army Engine Plant property.
6. Birdseye Street River Access Area: In 1999 the Waterfront and Harbor Management Commission continues to pursue development and enhancement of public facilities at the Birdseye Street River Access Area, including, but not limited to: construction of a Lower Housatonic River Environmental Education Center to serve as a multi-purpose waterfront facility for meetings, educational programs, and other public purposes; completion and expansion of the north parking area with a vehicle connection to Birdseye Street; and construction of a south pier for commercial boating use, including use by excursion boats, commercial fishermen, and others. Establishment of pedestrian and bicycle linkage with the Hunter Haven, Beacon Point, and Stratford Army Engine Plant properties is being planned in coordination with implementation of the Stratford Housatonic River Greenway.
7. Stratford Festival Theater property: In 1998 the Connecticut DEP (owner of the Stratford Festival Theater property) reached agreement to transfer the property (Figure 1-12) to a private entity—Stratford Festival Theater, Inc.—that will restore the theater building, grounds, and programs. Negotiations for the property transfer are continuing in 1999. Year-round programs and establishment of a major entertainment destination are planned. In addition, consideration is being given to creation of a vital center of public activity near the waterfront in coordination with enhanced public use of Bond's Dock, pedestrian use of Shore Road, and implementation of the Stratford Housatonic River Greenway.
8. Ferry Creek: At the same time as the Environmental Protection Agency and Connecticut DEP are analyzing the extent to which asbestos and other hazardous contaminants have affected Ferry Creek (Figure 1-13) and how those contaminants should be removed, private development interests continue to give consideration to opportunities for expansion and enhancement of waterfront development, including commercial boating facilities, in the vicinity of the Creek.
9. The Dock Marina and Fagan's Restaurant site: The Waterfront and Harbor Management Commission and other Town agencies have identified the opportunity for development of pedestrian and bicycle linkage between public waterfront facilities at The Dock Marina north of the Washington Bridge and the Fagan's Restaurant site south of the bridge in coordination with implementation of the Stratford Housatonic River Greenway.



**Figure 1-12:** Stratford Festival Theater property, Housatonic Boat Club, and Bond's Dock.



**Figure 1-13:** Ferry Creek, Brewer's Stratford Marina, and Pootatuck Yacht Club looking upstream toward the Washington Bridge and I-95; Brown Boat Works in lower right.





**Figure 1-14:** Long Beach and Pleasure Beach looking west.

10. Long Beach West: A significant amount of public attention in 1999 is being focused on opportunities for reuse of the Long Beach west area (Figure 1-14) for beneficial public purposes. The Waterfront and Harbor Management Commission and other Town agencies have discussed the need for coordinating that reuse with redevelopment of the adjoining Pleasure Beach area in Bridgeport in order to achieve regional goals for economic growth, recreational use, and environmental conservation.

With regard to the above-described planning and development initiatives, the Waterfront and Harbor Management Commission has suggested that the highest Town priority now be given to completing and coordinating the several major initiatives already underway in the area between Sniffens Lane and Birdseye Street, including implementation of the Town-adopted reuse plan for the Army Engine Plant

site, continued improvements at the Birdseye Street River Access Area, and construction of the first phase of the Housatonic River Greenway. At the same time, there is opportunity for the Town to: (a) immediately improve the condition of the Hunter Haven property to enable public use of the waterfront; (b) consider acquiring the Beacon Point property for public purposes; and (c) encourage water-dependent development of underutilized waterfront properties along Sniffens Lane.

There have also been a number of privately sponsored proposals affecting the waterfront and Harbor Management Area since the Harbor Management Plan was adopted. These have involved, for example, the above-noted waterfront facility improvements at The Dock Marina and Brewer's Stratford Marina as well as smaller dock and bulkhead repair and construction projects. All of these proposals have been reviewed by the Waterfront and Harbor Management Commission for consistency with the Harbor Management Plan. In addition, Town planners anticipate that a major development proposal including light industrial and office facilities on a 76-acre parcel adjoining the Great Meadows may be submitted for Town review in 1999.

## INSTITUTIONAL FRAMEWORK FOR WATERFRONT AND HARBOR MANAGEMENT

In 1999 a number of commissions, departments, and agencies at the local, State, and Federal levels have authorities and responsibilities pertaining to waterfront and harbor management and the Stratford Harbor Management Area. In addition, numerous Town, State, and Federal laws and regulations affect waterfront and harbor management at Stratford. An overview of the relevant authorities, responsibilities, laws, and regulations—the “institutional framework” for waterfront and harbor management—is provided in Chapter Two of the *Stratford Harbor Management Plan*. The Town Council and Waterfront and Harbor Management Commission, for example, have important Town authorities and responsibilities, along with the Planning Commission, Zoning Commission, Conservation Commission, Police and Fire departments, and other Town agencies. On the State and Federal levels, the Connecticut Department of Environmental Protection, Department of Transportation (DOT), and the U.S. Army Corps of Engineers are three agencies with important harbor management-related functions. The Stratford Harbor Master, a State official, also has a significant role. In addition, the general public and waterfront property owners have important water-related rights to use the HMA, and there are private organizations with waterfront and harbor management interests.

A number of changes in the institutional framework for waterfront and harbor management have occurred since the Harbor Management Plan was adopted in 1994. The changes involve agency reorganization, amendment of applicable laws and regulations, adoption of new laws and regulations, and development of new programs and responsibilities. For the most part, the changes are of the sort expected over time and have not affected the goals, objectives, policies, and guidelines established in the Harbor Management Plan. Some significant institutional changes and considerations are noted below along with descriptions of some current activities of the Waterfront and Harbor Management Commission and others.

### Town-level Changes

The Stratford Town Council makes budgetary and capital improvement decisions and, as the Town’s legislative body, has several responsibilities directly related to waterfront and harbor management. For example, in addition to appointing the members of the Waterfront and Harbor Management Commission, the Council adopts and amends Town ordinances, including ordinances affecting the waterfront and Harbor Management Area, and is responsible for adopting amendments to the Harbor Management Plan. Some important actions by the Council to help implement the Harbor Management Plan have included amendment of Chapter 210 of the Stratford Code in 1996 to establish the Stratford Harbor Management Fund. This fund, as specified in Section 22a-113s of the Connecticut General Statutes, was created to receive and expend monies for harbor management purposes determined by the Waterfront and Harbor Management Commission. All revenues generated by any activity within the scope of the Harbor Management Plan, including mooring and boat launching permits and fees for lease or other use of Town waterfront land, and all other monies generated or allocated specifically for waterfront and harbor management purposes must be deposited into this fund. The fund may be used only for purposes directly associated with the management and improvement of the HMA and implementation of the Harbor Management Plan.

In 1997 the Council amended Chapter 60 of the Stratford Code which concerns the launching of vessels from Town-owned areas. The amendments incorporated changes recommended by the Waterfront and Harbor Management Commission and specify, among other requirements, that the launching of trailered boats from public waterfront areas is permitted only at the Birdseye Street, Bond's Dock, and Broad street launching ramps.

Also in 1997, the leases through which the Town had allowed individuals to maintain privately owned cottages on Town-owned waterfront land on the western part of Long Beach expired in June and were not renewed by the Council. The decision to not renew the leases was based on analysis of the public costs and benefits associated with continued beach cottage use of this isolated, environmentally sensitive area. The decision followed review of the numerous liability, public safety, environmental, and other concerns raised by Town agencies and officials, including the Joint Beach Cottage Committee of the Waterfront and Harbor Management Commission and Stratford Planning Commission.

Other Town-level institutional changes affecting the Stratford waterfront in recent years include several modifications to the Town's zoning regulations to carry out the coastal area management policies established in the *Stratford Coastal Plan*. Amendments to the Stratford Zoning Regulations adopted by the Zoning Commission have strengthened the Town's coastal site plan review requirements that apply to all waterfront sites and have strengthened the requirements of the Town's 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 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 purpose of the WF District is "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."

Another zoning change affecting the waterfront is the more recent adoption of new zoning district regulations to encourage multiple use redevelopment of the Stratford Festival Theater site. The zoning map has not yet been amended to apply the new Theater District regulations to the Festival Theater site. The Town has also established a Coastal Industrial zoning district that has been applied to a large industrial site south of Lordship Boulevard and adjoining the Great Meadows salt marsh.

#### Waterfront and Harbor Management Commission Activities

The Stratford Waterfront and Harbor Management Commission has the principal responsibility for managing the Harbor Management Area and implementing the *Stratford Harbor Management Plan*. As described in the Plan, the Commission functions as the Town's Harbor Management Commission in accordance with authority provided by the Connecticut Harbor Management Act (Section 22a-113k through 22a-113t of the Connecticut General Statutes) and Chapter 210 of the Stratford Code. In addition, the Commission functions as the Town's Waterfront Authority with

special powers and duties granted by a 1957 Special Act of the Connecticut Legislature. Those special powers and duties, including the authority to make regulations concerning wharfs, channels, and docks and generally to improve and enhance the natural waterways of the Town, are also specified in Chapter 210 of the Stratford Code.

The Commission's operations are in accordance with bylaws adopted by the Commission in 1996. The Commission works through standing and special committees to implement the Harbor Management Plan and to carry out its powers and duties in the most efficient manner and in coordination with other agencies and the Town Council.

The Commission's standing committees include:

- Finance Committee, to prepare and from time to time review the annual budget of the Commission and to regularly review and report on the status of the Stratford Harbor Management Fund.
- Application Review Committee, to review, for consistency with the Harbor Management Plan, proposals affecting the Stratford waterfront and HMA as prepared by, or submitted to, Town, State, and Federal agencies.
- Plans and Recommendations Committee, to review the status of the Harbor Management Plan and conditions on the waterfront and in the HMA, recommend modifications to the Plan and Town ordinances for implementing the Plan, and pursue special projects for improvement of the waterfront and HMA.

In addition, the Commission works through special committees, as necessary, to address a number of important harbor management projects. The Commission's Long Beach Task Force, for example, helped plan and guide the planting of beach-stabilizing vegetation and other site improvements at the Town's Long Beach recreation area. In coordination with the Police Department and Town Manager, the Commission conducted a Marine Patrol Study in 1997 to evaluate alternate approaches to maintaining a strong Town presence for enforcement of boating safety laws and regulations and provision of emergency and other assistance to boaters in the HMA.

In 1998 the Commission pursued a number of important responsibilities, specified in the Harbor Management Plan, to plan for and manage uses and activities in the HMA to the maximum extent permissible under Town, State, and Federal law. For example, the Commission serves as the lead Town body for planning and management of the Birdseye Street River Access Area and continues to pursue implementation of the Master Plan (prepared by the Commission) for use and development of that area. The Commission has also helped to coordinate and oversee site improvements for public use and enjoyment at Bond's Dock. Another Commission responsibility is administration of the Town's annual program for the sale of boat launching permits; all receipts from the sale of those permits are deposited into the Harbor Management Fund. The launching permit fees are established by the Town Council upon the recommendation of the Commission.

Other responsibilities of the Commission include:

- Various actions to ensure continued boating and navigation safety in the HMA, including recommendations for necessary Town ordinances to control boating and other in-water activities and actions needed to achieve dredging of the Federal navigation channel;
- Serving in an advisory capacity on all Town-supported planning and development initiatives affecting the HMA;
- Providing educational and information services to boaters and other users of the HMA and to all those concerned with use and protection of waterfront and harbor resources;
- Coordinating harbor management planning to the maximum extent possible with Bridgeport, Milford, and Shelton—municipalities with jurisdictions adjoining the HMA;
- Maintaining a data base of information and materials pertaining to the HMA;
- Pursuing, on behalf of the Town, grants for waterfront and HMA improvement and management purposes;
- Providing direction to the Harbor Master, reviewing actions by the Harbor Master, and providing recommendations to the Governor for appointment of the Harbor Master and Deputy Harbor Master; and
- Continuing study of conditions on the waterfront and in the HMA to provide useful information for decision-making and other management purposes.

The Commission encourages the presentation and discussion of all public concerns, including those of Town residents, business owners, and boaters, related to the Stratford waterfront and HMA. During each of its regularly scheduled monthly meetings the Commission provides the public with an opportunity to express questions, concerns, and comments regarding the waterfront and HMA.

In 1998 the Commission prepared a Waterfront Vision Statement for the Town of Stratford. The Commission is using this statement, in coordination with other Town agencies, to help focus public attention on the important economic, recreational, environmental, and other public values associated with the Stratford waterfront and on a number of specific opportunities for enhancing public use and enjoyment of the waterfront.

#### State-level Changes and Activities

Described in the Harbor Management Plan, there are a number of State programs and as well as State laws and regulations that affect the Stratford waterfront and Harbor Management Area. The principal legislation of interest includes the Connecticut Harbor Management Act which enables municipalities to establish harbor management commissions and prepare harbor management plans. The intent of the Harbor Management Act is, in part, to increase the authority and control

of local governments over matters pertaining to the use and condition of their harbors. In accordance with the Act, an important goal of the Waterfront and Harbor Management Commission is to continue to strengthen the role of the Town of Stratford in the planning, management, and regulation of in-water and waterfront activities within the Town's jurisdiction. In 1994 the Harbor Management Act was amended to increase, from \$100.00 to \$200.00, the maximum annual fee that may be charged by a municipality for a mooring permit (see Section 22a-113s of the Connecticut General Statutes).

In 1999, 13 Connecticut municipalities (including Stratford) are implementing State-approved and locally adopted harbor management plans; one municipality is pursuing local adoption of a State-approved plan; and at least eight other municipalities are in various stages of preparing a harbor management plan. Municipal harbor management commissions implementing and preparing harbor management plans formed the Connecticut Harbor Management Association in 1996. The purpose of the Association is to facilitate sharing of information and the coordination needed to resolve issues of common interest.

In addition to the Harbor Management Act, numerous other State laws, regulations, and programs are implemented by State agencies and officials with roles and responsibilities pertaining to waterfront and harbor management at Stratford. Legislation of interest includes "An Act Regulating the Discharge of Sewage from Vessels" (Sections 15-170 through 15-176 of the Connecticut General Statutes). In accordance with this Act, the Commissioner of Environmental Protection may require some marinas to have sewage pump-out facilities. The Act also provides for the designation of "no-discharge" zones, including a Housatonic River no-discharge zone (from Long Island Sound to the I-95 bridge), within which no sewage, untreated or treated, may be discharged from any vessel. The authority for designation of no-discharge zones is established in Federal law and rests with the U.S. Environmental Protection Agency (see page 1-26). To date, no-discharge zones have not been designated in any Connecticut waterways.

In 1999 the principal State agencies with responsibilities affecting harbor management at Stratford remain the Department of Environmental Protection and the Department of Transportation. Within the DEP, the Office of Long Island Sound Programs (OLISP) provides information and assistance to the Waterfront and Harbor Management Commission. Proposed amendments to the *Stratford Harbor Management Plan* must be submitted to the DEP and Department of Transportation for review and approval, and to the U.S. Army Corps of Engineers for review and comment prior to adoption by the Town of Stratford. The OLISP has traditionally coordinated the reviews by the DEP, Department of Transportation, and Corps of Engineers.

The DEP has direct regulatory jurisdiction over activities waterward of the high tide line and in tidal wetlands. This regulatory function is implemented through the issuance of permits and, in some very limited situations involving minor activities that were previously authorized by permit and constructed and maintained, through certificates of permission. The review period for issuing a certificate of permission is shorter than the review period for an individual permit application.

In addition, the OLISP may issue general permits which authorize activities with only minimal environmental impacts. Any person conducting an activity for which the OLISP has issued a general permit is not required to obtain an individual permit or certificate of permission. Routine

maintenance and repair of existing in-water structures, for example, may be approved through a general permit. The OLISP utilizes three basic types of general permits. These apply to: 1) those specific minor activities for which no registration with the DEP is required for authorization of the activity; 2) those specific activities for which registration with the DEP is required before the activity is authorized; and 3) those activities for which registration and approval from the DEP are required before the activity is authorized. There are fees associated with most of the general permits administered by the OLISP.

In 1997 the OLISP issued nine new general permits within the above categories. These general permits provide for authorization of a number of minor activities waterward of the high tide line in the waters of the State. The general permits address such actions as the construction of small docks constructed by residential property owners, moorings authorized by a harbor master, osprey nesting platforms, buoys or other markers related to navigation or water-based recreation and already approved by the DEP's Boating Division, and sewage pump-out equipment on previously authorized docks. An important purpose of the general permits is to expedite the approval process for activities that have the potential for little or no adverse impacts.

The OLISP also manages State grant programs such as the Coves and Embayments Program and Long Island Sound License Plate Program that can be used to fund projects for waterfront and harbor improvement purposes. (A grant to the Town of Stratford from the License Plate Program, for example, was used to fund the recent site improvements at Bond's Dock.) In addition, the OLISP administers the Federal Clean Vessel Act grant program in Connecticut. This program provides federally funded grants for qualifying projects that provide boat sewage disposal facilities. These projects may include pump-out facilities for marine sanitation devices and dump stations for marine portable toilets. Up to 75% of the cost of equipment purchase, installation, operations, and maintenance for an approved project may be reimbursed. The purpose of the program is to increase the availability of proper waste handling facilities for boaters, thereby helping to improve water quality by reducing the discharge of poorly treated or untreated sanitary wastes into Long Island Sound and its harbors and tributaries.

Other units of the DEP also have harbor management roles. The Bureau of Water Management is responsible for: a) issuing wastewater discharge permits; b) emergency response to oil and chemical spills; c) developing requirements for marine sanitation devices; and d) classifying State waters in accordance with Connecticut water quality criteria. In coordination with the OLISP, the Bureau of Water Management is working closely with the EPA to achieve, through the Federal Superfund Program, cleanup of the Raymark Industries hazardous waste sites on and adjoining the Stratford waterfront.

The DEP's Bureau of Waste Management works with other agencies to respond to oil spills and helps determine requirements for upland disposal of dredged material.

The Law Enforcement Division within the Bureau of Outdoor Recreation has responsibility for enforcing State boating laws, fish and wildlife laws, and other State laws and regulations. In accordance with Section 15-136(a) of the Connecticut General Statutes, the Boating Division of the Bureau of Outdoor Recreation reviews any local boating regulations adopted by a municipality to determine that they are not "arbitrary, unreasonable, unnecessarily restrictive,

inimical to uniformity or inconsistent [with State law].” The Boating Division also must authorize the placement of fixed or floating markers used to aid or regulate waterway traffic. In addition, the Boating Division prepared the new boating regulation for the Housatonic River (see page 1-12) which establishes steerage speed areas downstream of the railroad bridge within the Harbor Management Area.

The DEP and Department of Transportation have cooperatively established procedures for containment of pollutants associated with painting and maintenance of DOT bridges (such as the Washington, I-95, and Sikorsky bridges that cross the HMA). Containment measures are designed to capture dust, sand particles, and lead paint scales that may become airborne during sandblasting or other procedures involved in the preparation and painting of structural steel bridge structures. In addition, proposed repairs not considered routine maintenance and which could cause environmental harm cannot be performed on bridges over tidal, coastal, or navigable waters without a permit from the DEP.

Within the DOT, the Bureau of Aviation and Ports is responsible for establishing a variety of navigation-related regulations and reviews and comments on applications submitted to the OLISP for dredging, filling, and structures in waterways. The Bureau’s Harbor Liaison Officer provides information to the State’s harbor masters.

The Stratford Harbor Master, responsible for the general care and supervision of the navigable waters within the jurisdiction of the Town of Stratford, is appointed by the Governor, derives his authority from the Connecticut General Statutes, and is subject to the direction and control of the State’s Commissioner of Transportation. The Harbor Master is also an ex-officio member of the Stratford Waterfront and Harbor Management Commission, works closely with the Commission, and, in accordance with Section 15-1 of the Connecticut General Statutes, must conduct his duties in a manner consistent with the *Stratford Harbor Management Plan*. Section 15-1 also requires that the harbor master and deputy harbor master for any municipality with an adopted harbor management plan be appointed by the Governor from a list of not less than three nominees provided by that municipality’s harbor management commission.

#### Federal-level Changes and Activities

A number of Federal programs, laws, and regulations also affect the Stratford waterfront and Harbor Management Area in 1999, including those administered by the Corps of Engineers, Coast Guard, Fish and Wildlife Service (FWS), and Environmental Protection Agency. In addition, there are several sources of Federal funds, including funds available through the Federal Transportation Efficiency Act for the 21st Century (TEA-21) and Clean Vessel Act, potentially available to the Town of Stratford for waterfront improvement projects. (TEA-21’s predecessor was the Federal Intermodal Surface Transportation Efficiency Act.)

The Stratford waterfront and Harbor Management Area is within the jurisdiction of the New England District of the U.S. Army Corps of Engineers. Following recent reorganization of the Corps, the New England District (formerly New England Division) is now part of the Corps’ North Atlantic Division. The Corps has a number of responsibilities relating to waterfront and harbor management. The most prominent of those responsibilities are related to: 1) programs for



regulating development in wetlands and navigable water; and 2) responsibilities for maintaining the Federal navigation project in the Housatonic River.

The Corps' New England District is now implementing a Programmatic General Permit (PGP), developed jointly with the DEP in 1996, that applies within the State of Connecticut. An important purpose of the PGP is to expedite the permit process for activities that have the potential for little or no adverse impacts. The PGP eliminates the need for an individual Corps permit for: a) work or structures of minimal impact in or affecting navigable water; and b) minimal impact discharges of dredged or fill material into waters of the U.S. A State permit is still needed and projects with more than minimal impacts on the aquatic environment continue to be subject to individual permit review and require an individual Corps permit.

Marina operators may apply to the Corps for permits to establish reconfiguration perimeters around their in-water facilities and structures. If approved, a reconfiguration perimeter would enable repositioning of marina docks without the need to obtain additional permits from the Corps.

Noted above, the Housatonic River Federal navigation channel was last dredged by the Corps in 1974. In 1994 the Corps granted a permit to a private contractor to dredge approximately 400,000 cubic yards of material from the Federal channel and thereby restore the channel to its authorized depths without expending Federal funds. Dredging progressed at a slow pace, however, and the contractor's dredging permit was not renewed in 1998. In 1999 the Waterfront and Harbor Management Commission is requesting that the Corps initiate the process needed to achieve Federal dredging of the channel.

The U.S. Coast Guard has a number of harbor management-related responsibilities, including responsibilities for: placement and maintenance of aids to navigation; search and rescue; responding to oil and hazardous materials spills; enforcement of Federal boating laws and regulations; administration pertaining to construction, alteration, and operation of bridges across navigable waters; ice-breaking; and control of water-based events, including issuance of permits for regattas and marine parades. A special environmental assessment is required if a proposed marine event will be near an environmentally sensitive area (a wildlife refuge, for example). Events requiring Coast Guard permits include events with more than 50 participating vessels or more than 200 spectator vessels, and events with vessels traveling at speeds greater than 30 miles per hour. In addition, the Coast Guard has authority to mark sunken vessels. If a sunken vessel is an impediment to navigation or is located within a Federal channel or anchorage, assistance from the Coast Guard should be promptly requested.

The U.S. Fish and Wildlife Service, part of the Department of the Interior, is the principal Federal agency responsible for conserving, protecting, and enhancing the Nation's fish and wildlife resources for the continuing benefit of the general public. In addition to providing advice and comments to the Corps of Engineers regarding the potential impacts that work requiring a Corps permit may have on fish and wildlife resources, the FWS also manages the Stewart B. McKinney National Wildlife Refuge. The refuge consists of nine separate units along the Connecticut coast, including the Stratford Great Meadows unit which was added to the Refuge in 1994. The FWS's Refuge Manager's office is located in Westbrook, Connecticut.

The U.S. Environmental Protection Agency has several important authorities and programs affecting the waterfront and HMA. The EPA administers the Federal Superfund Program for the cleanup of Federally designated hazardous waste sites, including the Raymark Industries sites containing asbestos and other contaminants on and near the Stratford waterfront. Plans for the cleanup of contamination in Ferry Creek and other waterfront areas are to be developed by the EPA in coordination with the DEP.

The EPA is responsible for a number of water quality-related programs and has, for example, prepared guidance materials for states and municipalities seeking no-discharge designation. The EPA may grant no-discharge status to those areas that are particularly sensitive to contamination and will benefit from a complete prohibition of all vessel sewage discharges. Applications for no-discharge status must be submitted to the EPA Regional Administrator in Boston by either the Governor or State Commissioner of Environmental Protection. (To date, no application for no-discharge status has been submitted for any Connecticut waterway.) To receive approval for no-discharge status, the State must demonstrate that “adequate and reasonably available” pump-out facilities are in place and operational. Establishment of a comprehensive boater education program and an effective enforcement program are other important factors. In addition, the EPA provides important funding and coordination assistance for the Long Island Sound Study and watershed planning initiatives.

#### Long Island Sound Study

The Long Island Sound Study (LISS) is an ongoing program of research, monitoring, and assessment of the water quality of Long Island Sound. The LISS is a long-term, cooperative effort, led by the EPA, involving research institutions, regulatory agencies, marine user groups, and other concerned agencies and organizations in Connecticut and New York. Results of the study are incorporated in *The Long Island Sound Study, the Comprehensive Conservation and Management Plan* (CCMP) adopted by Connecticut, New York, and the Federal Government in 1994. Hypoxia (low dissolved oxygen) is identified as the most critical problem facing the Sound; research points to excessive amounts of nitrogen entering the Sound as the major cause of the problem. The CCMP contains recommendations for reducing hypoxia, along with recommendations for addressing toxic substances, pathogens, floating debris, and management and conservation of living marine resources and their habitats. In 1999 the LISS is proceeding with application of a computer-driven mathematical model that will help to better address issues concerning nitrogen pollution, hypoxia, and salinity.

Many of the CCMP's strategies for improving water quality in the Sound depend on the maintenance of healthy estuarine and intertidal areas adjoining the Sound. In this regard, efforts by the Town of Stratford to improve and maintain water quality in the Harbor Management Area are important examples of the type of local programs needed to help implement the CCMP.

**PART TWO:**

**AMENDMENTS TO HARBOR MANAGEMENT  
GOALS, OBJECTIVES, POLICIES, GUIDELINES  
AND RECOMMENDATIONS\***

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\* FOR INCLUSION IN CHAPTERS FOUR, FIVE, AND SIX OF THE *STRATFORD HARBOR MANAGEMENT PLAN* ADOPTED NOVEMBER 14, 1994.

## PROPOSED AMENDMENTS TO THE STRATFORD HARBOR MANAGEMENT PLAN

The *Stratford Harbor Management Plan* establishes goals, objectives, and policies that guide the Waterfront and Harbor Management Commission and other Town, State, and Federal agencies making decisions affecting Stratford's Harbor Management Area (HMA). The goals, objectives, and policies (see Chapter Four of the Harbor Management Plan) are not tied to specific geographic areas but are intended to guide harbor management efforts throughout the entire HMA. The Plan also contains management guidelines for each of six "management areas" within the overall boundaries of the HMA. The guidelines (see Chapter Five) add more specificity to the goals, objectives, and policies. In addition, the Plan contains recommendations for actions and responsibilities by Town, State, and Federal authorities and private interests for implementing the Plan (see Chapter Six).

The following amendments to the Harbor Management Plan include new and revised goals, objectives, and policies as well as new and revised area guidelines and some modifications of the recommendations and responsibilities for Plan implementation. The amendments are presented with reference to the affected pages of the Plan.<sup>1</sup> Additions to the Plan are shown in **bold type**; deletions are shown as "~~struck out~~."

### AMENDMENTS TO GOALS, OBJECTIVES, AND POLICIES FOR HARBOR MANAGEMENT

p. 4-4: Objective 1(g) concerning strengthening the role of the Town of Stratford for harbor management is amended:

- (g) To ensure that the actions of the State-appointed Harbor Master **and Deputy Harbor Master** are guided by and consistent with Town goals, objectives, policies, and guidelines for harbor management.

p. 4-7: A new objective 5(f) under "Goal 5: To plan for and regulate boating and other water uses to assure safe, orderly and efficient use of waterfront and harbor resources" is added:

- (f) **To avoid the occurrence of hazards or obstructions to navigation and to mark and remove any obstructions or hazards to navigation in a timely manner.**

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<sup>1</sup> The noted pages refer to pages in the *Stratford Harbor Management Plan*, April 1994, adopted by the Stratford Town Council on November 14, 1994.

p.4-7: New objectives 6(d) and 6(e) concerning access to the Harbor Management Area are added:

- (d) **To provide an attractive, well-maintained, safe, and interconnected system of public waterfront areas and facilities for boating, fishing, walking, bicycling, picnicking, and quiet enjoyment of water views and the natural marine environment that may be enjoyed by persons of all ages and abilities, including persons with disabilities.**
- (e) **To support the establishment of a pedestrian and bicycle route—the Stratford Housatonic River Greenway—along the entire Housatonic River shoreline from Stratford Point to the Stratford/Shelton town line.**

p. 4-7: Goal 8 concerning economic growth and community revitalization is added:

**Goal 8: To achieve substantial economic growth and community revitalization facilitated by use and development of Stratford waterfront areas in balance with conservation and enhancement of the natural marine environment.**

p. 4-11: Policy 5(g) concerning dredging in the Harbor Management Area is amended and new policies 5(i), 5(j), and 5(k) are added:

- g. **Disposal of dredged material from all channels, mooring areas, docking facilities, and berthing areas should take place in a manner that minimizes potential environmental impacts; efforts by the DEP and other governmental agencies to evaluate feasible alternatives to the open water disposal of dredged material in Long Island Sound and to facilitate the most expeditious and environmentally appropriate means of dredging and dredged material disposal should be encouraged and supported.**
- i. **Appropriate means and measures to reduce the economic costs associated with Federal and nonfederal dredging operations should be encouraged and supported.**
- j. **Beneficial use of dredged material should be encouraged when appropriate, including use for beach nourishment, public works and construction industry applications, and capping of contaminated dredged material placed in open water disposal sites.**



p. 4-14: Policy 9(g) concerning mooring locations is amended and new policy 9(j) is added:

- g. All mooring tackle should meet minimum **standards for mooring tackle performance and durability** ~~mooring tackle guidelines~~ and be subject to periodic inspection (see Appendices D and E of the Harbor Management Plan). **All mooring buoys shall be in accordance with Section 15-121-A3 of the Regulations of Connecticut State Agencies regarding color and design.**
- j. **Opportunities for increasing the number of mooring locations in the Harbor Management Area without adversely affecting navigation safety or environmental resources should be identified and evaluated.**

p. 4-14: Policies 9(b), 9(d), and 9(j) concerning boating safety are amended:

- b. **Capital and operating budget requirements for strong Town enforcement of boating safety laws and regulations and provision of emergency and other assistance to boaters in the Harbor Management Area by the Stratford Police Department, Fire Department, and/or other duly established Town agency should be supported.**
- ~~b. The Stratford Police Department's capital and operating budget requirements for maintaining and enhancing, as necessary, the operations of its Marine Division should be supported.~~
- d. Strict enforcement of vessel speed limits should be carried out by the **Stratford Police Department's Marine Division or other duly established Town agency** (in coordination with the **Stratford Harbor Master and Milford and Bridgeport police departments and harbor masters**) and the Department of Environmental Protection's **Law Enforcement Division.** ~~Marine Enforcement Unit.~~
- j. **Public swimming areas should be designated by official markers placed by the Town of Stratford in accordance with State requirements.** Except by specific authorization, or in the case of an emergency, no vessel should enter into the area of any public swimming area as **designated** ~~indicated~~ by official markers placed by the Town of Stratford or into any legally designated private beach area.

p. 4-16: Policy 13(b) concerning Town boating facilities is amended:

- b. The enhancement of existing Town boating facilities and the establishment of new public boating facilities should be encouraged, as needed, to provide facilities and services as well as appropriate opportunities for public access to the Harbor Management Area by resident, nonresident, and transient boaters **and persons with disabilities.** The provision of facilities for smaller boats (less than 25 feet in length) should be emphasized.

- p. 4-18: Policy 16(b) concerning boating education is amended:
- b. The Town should support a **continuing** ~~continued~~ role for the **Harbor Master, U.S. Power Squadron, and** Coast Guard Auxiliary for conducting boating training and education programs in the Stratford area.
- p. 4-22: Policies 2(a) and 2(b) concerning protection and management of fisheries resource areas are combined as policy 2(a):
- a. Shellfish and finfish resources should be protected and enhanced to the extent possible. Opportunities for recreational and **commercial** shellfishing and finfishing should be expanded through appropriate management techniques and controls **and**
  - ~~b. Recreational and commercial fishing activities should be~~ balanced with boating and other water-dependent recreational and commercial uses in the Harbor Management Area.
- p. 4-23: Policy 4(a) concerning protection and management of rare nesting habitat is amended:
- a. Nesting habitat used by threatened and endangered shorebird and migratory bird species should be preserved and managed for nesting use through a cooperative effort by the Town of Stratford, the Connecticut Department of Environmental Protection, **the U.S. Fish and Wildlife Service (as manager of the Great Meadows unit of the Stewart B. McKinney National Wildlife Refuge),** other relevant Federal government agencies, and nonprofit conservation organizations.
- p. 4-24: Policy 7(a) concerning fuel spill contingency planning is amended:
- a. In coordination with Town, State, and Federal government agencies, the boating facilities dispensing fuel in and adjoining the Harbor Management Area should develop appropriate fuel spill contingency plans **including prevention, preparedness, and response components.**
- p. 4-25: Policy 8(d) concerning natural and man-made hazards is amended:
- d. The Town's **Emergency Operations Plan** ~~overall emergency response plan~~ should address the broad range of emergency situations and responses possible in the Harbor Management Area.



- p. 4-26: Policy 1(a) concerning water access opportunities is amended:
- a. The Town should promote and support the provision of facilities and opportunities for public access to the Harbor Management Area **that may be enjoyed by persons of all ages and abilities, including persons with disabilities**. Public access should be considered as physical and/or visual access to the Harbor Management Area that will be available to all members of the general public and not limited to any particular groups or individuals. When defining the general public, a distinction may sometimes be made between residents and nonresidents of the Town of Stratford, where such distinction is consistent with applicable Town, State and Federal laws and regulations.
- p. 4-28: Policies 3(a), 3(b), and 3(c) concerning review of development proposals affecting the Harbor Management Area are amended:
- a. **The Town's** A "Harbor Management Consistency Review" process should be ~~established~~ and carried out by the Waterfront and Harbor Management Commission to ensure effective implementation of the Harbor Management Plan, and to provide coordinated, efficient and comprehensive local review of proposed projects affecting use and activities on, in or adjacent to the Harbor Management Area.
  - b. **In accordance with authority provided by Section 22a-113p of the Connecticut General Statutes**, the Waterfront and Harbor Management Commission should review, for consistency with the Harbor Management Plan, development proposals submitted to, or proposed by, Town of Stratford commissions and departments.
    - i. Proposals to be referred by Town commissions and departments to the Waterfront and Harbor Management Commission for review should include:
      - All proposals requiring a Coastal Site Plan Review (e.g., submitted to the Zoning Commission and Zoning Board of Appeals in accordance with the Connecticut Coastal Management Act and the *Stratford Coastal Plan*) and occurring on property in, on or adjacent to the Harbor Management Area.
      - All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling, or other activities seaward of the mean high water line.
  - c. It should be the responsibility of project applicants to provide the information necessary for the Waterfront and Harbor Management Commission to adequately assess the potential impacts of proposed development projects on waterfront and harbor resources and the consistency of such proposals with the Harbor Management Plan. **The Commission should determine the information to be provided required which** should be reasonable in scope and in balance with the size, scope and potential positive and negative impacts of the proposal.

- p. 4-30: New policies 4(a) and 4(b) concerning duties of the Harbor Master are added; existing policies 4(a) and 4(b) become policies 4(c) and 4(d):
- a. **In accordance with Section 22a-113k of the Connecticut General Statutes and Section 210-3 of the Stratford Code, the Stratford Harbor Master shall be a nonvoting, ex-officio member of the Waterfront and Harbor Management Commission.**
  - b. **As authorized by Section 15-1 of the Connecticut General Statutes, the Harbor Master shall be responsible for the general care and supervision of the navigable waterways within the boundaries of the Town of Stratford as defined by the Town's Harbor Management Area and shall exercise his or her duties in a manner consistent with the *Stratford Harbor Management Plan*. The Harbor Master shall be responsible for the safe and efficient operation of the Harbor Management Area in accordance with the provisions of the Connecticut General Statutes.**
- p. 4-31: Policy 6(c) concerning establishing and managing funds for harbor management is amended:
- c. In accordance with Section 22a-113s of the Connecticut General Statutes, a Town Harbor Management Fund ~~shall~~ ~~should~~ be **maintained** ~~established~~ to receive all monies collected from mooring and boat launching permits and other fees **and funds** within the scope of the Harbor Management Plan. **In accordance with Section 22a-113s of the Connecticut General Statutes, all fees and funds** collected and deposited into this fund ~~shall~~ ~~should~~ be used exclusively for the maintenance and improvement of the Harbor Management Area for the public, and for **expenses** for personnel and equipment directly related to management of the Town's harbor resources **and navigable waterways, including expenses for functions of the Waterfront and Harbor Management Commission and the Harbor Master and Deputy Harbor Master.**
- p. 4-32: Policy 8(b) concerning coordinating harbor management with adjoining municipalities is amended:
- b. The police departments, **harbor masters, and other duly established marine agencies** of Stratford, Bridgeport, ~~and~~ Milford, **and Shelton** should coordinate their marine patrols within their **adjoining** ~~joint~~ jurisdictions to ensure maximum patrol coverage and the most effective and efficient use of available funds for the protection of public health, safety and welfare.

## AMENDMENTS TO AREA GUIDELINES FOR HARBOR MANAGEMENT

## UPPER HOUSATONIC RIVER MANAGEMENT UNIT

- p. 5-3: Guideline 2(a)(ii) concerning water access opportunities is amended:
- ii. The Town-owned right-of-way at Peck's Mill Pond should **continue to** provide unobstructed visual and physical access from Main Street to the Housatonic River.
- p. 5-6: Guideline 7(b) concerning coordination with Shelton and Milford is amended:
- b. **The police departments, harbor masters, and other duly established marine agencies of Stratford, Milford, and Shelton should coordinate marine patrols and enforcement of boating laws and regulations.** ~~Marine enforcement and the Stratford Police Department's marine patrols should be coordinated with the City of Milford and City of Shelton.~~

## RAILROAD BRIDGE—WASHINGTON BRIDGE AREA

- p. 5-9: Guidelines 5(b) and 5(c) concerning water access opportunities are amended:
- b. **Public waterfront facilities in this area should be linked with public water access areas south of the Washington Bridge via a pedestrian and bicycle pathway developed in coordination with the Stratford Housatonic River Greenway. Consideration should be given to providing** ~~Public water access areas associated with waterfront development in this area should be linked~~ (with approval from the Connecticut Department of Transportation) ~~by means of~~ a pedestrian pathway along the shoreline and under the Washington Bridge to the old Route 1 right-of-way and **to any public facilities that may be developed south of the Bridge.**
  - c. Public facilities **to be maintained** ~~for consideration~~ in this area should include **the existing** a waterfront walkway, **fishing pier**, landscaped open space, an observation ~~areas~~ **platform**, transient boat slips, a sewage pump-out station for recreational and commercial vessels, **and** a marine fueling station, **as well as** ~~and~~ other facilities **for beneficial public use** that may be **established** ~~appropriate in the future.~~

## LOWER HOUSATONIC RIVER MANAGEMENT AREA

- p. 5-10: Guideline 1(d) concerning priority uses and management objectives is amended and guideline 1(e) is added:
- d. The area including the Town-owned Birdseye Street ~~River Water~~ Access Area and Hunter Haven property, **as well as the Housatonic River shoreline of the Stratford Army Engine Plant property** should be developed and used in accordance with the “parks and recreation, open space” and “public facility” land-use categories established in the *Stratford Coastal Plan*.
  - e. **Development and maintenance of the Stratford Housatonic River Greenway should be encouraged and supported to link and encompass public water access facilities developed at the Stratford Army Engine Plant property, Hunter Haven property, Beacon Point property, and Birdseye Street River Access Area.**
- p. 5-13: Guideline 2(i) concerning the waterfront commercial area is added:
- i. **Expansion and enhancement of water-dependent facilities to achieve economic growth and other public benefits should be encouraged in coordination with projects to restore and enhance natural marine resources.**
- p. 5-14: Guideline 5(b) concerning public safety is deleted until such time as appropriate facilities are established at the Birdseye Street River Access Area for storage of emergency equipment; the existing guideline 5(c) becomes 5(b):
- ~~b. Appropriate emergency equipment should be maintained at the Birdseye Street Water Access Area to ensure prompt response to any fuel spills and other emergencies that may affect this part of the River.~~
- p. 5-14: Guideline 6(a) concerning in-water structures is amended:
- a. Docks and other in-water structures should be set back from the Federal channel boundary a sufficient distance so as not to interfere with passage of vessels in the Federal channel and appropriate public use of the Public Trust waters outside of the Federal channel. **A navigation fairway should be designated to identify the water area adjoining the navigation channel to be kept free of any obstructions.**

- p. 5-16: Guideline 7(b) concerning dredging is amended:
- b. **When reviewing proposals for dredging outside of the Federal navigation channel, important consideration should be given to the effect of that dredging on beneficial use and development of the waterfront commercial area; in accordance with applicable State and Federal laws and regulations, dredging to facilitate economic growth and development without significant adverse impacts on coastal resources, including ~~should be limited to historically dredged areas and to~~ dredging necessary to maintain existing boating support facilities at commercial marinas/boatyards, private clubs, and Town-owned boating access facilities, should be encouraged and supported.**
- p. 5-16: Guidelines 8(c) and 8(d) concerning protection of coastal resources are amended:
- c. **Future water-dependent use and development, including development of water access facilities at the Stratford Army Engine Plant property, should not result in significant impacts on the ecological functions and values associated with the intertidal flat in the Stratford Army Engine Plant ~~Terron~~ Basin. ~~should be preserved.~~**
  - d. The ecological values associated with Ferry Creek and Selby Pond should, **to the extent feasible, be restored and enhanced.** ~~be preserved.~~
- p. 5-17: Guidelines 10(a), 10(d), and 10(f) concerning the Birdseye Street Water Access Area are amended and guidelines 10(i) and 10(j) are added. All references to the Birdseye Street Water Access Area in the Harbor Management Plan are changed to the Birdseye Street River Access Area:
- a. The Birdseye Street **River Water** Access Area should be maintained as a multiple-use public recreation area providing boating and other water-dependent recreation and educational facilities for Stratford residents and others. Water access facilities **to be maintained for public use and enjoyment** ~~should~~ include ~~the~~ a public boat launching ramp and dock, parking areas for cars and boat trailers, rest rooms, food vending service, **and the** a public fishing pier and River overlook, ~~and other appropriate facilities.~~
  - d. The **River Water** Access Area should function as **the Town's focal point and central facility for public boating activities and public access to the Housatonic River.** ~~the central facility for public marine-related activities in the lower Housatonic River.~~ Support facilities should be provided for the Coast Guard Auxiliary, Stratford Police Department's Marine Division, Stratford Emergency Medical Services, **any other duly established Town agency with marine-related responsibilities,** Department of Environmental Protection's **Law Enforcement Division Marine Patrol,** Harbor Master, and the Waterfront and Harbor Management Commission.

- f. **Continued development and enhancement of public facilities at the River Access Area should be encouraged and supported, including construction and maintenance of a “Lower Housatonic River Environmental Education Center”** for the purpose of contributing to increased public awareness of environmental conditions and issues affecting the River. ~~should be established and maintained at the Water Access Area.~~ The Center should be maintained for the use and education of both residents and nonresidents of the Town of Stratford **and serve as a multi-purpose waterfront facility for meetings, educational programs, and other public purposes. Other public improvements to be encouraged and supported should include but not be limited to: completion and expansion of the north parking area with a vehicle connection to Birdseye Street; and construction of a south pier for commercial boating use, including use by excursion boats, commercial fishermen, and others.**
- j. **The level of facility maintenance and Town resources allocated for facility maintenance should be commensurate with the status of the River Access Area as the Town’s focal point and central facility for public boating activities and public access to the Housatonic River.**
- k. **Development and maintenance of pedestrian and bicycle facilities linking the Hunter Haven, Beacon Point, and Stratford Army Engine Plant properties should be encouraged and supported in coordination with implementation of the Stratford Housatonic River Greenway.**

p. 5-19: Guideline 5(b) concerning Bond’s Dock is amended and guideline 5(c) is added:

- b. Maintenance of Bond’s Dock, including the launching ramp, public deck, and picnic area, should be carried out in the most timely manner possible **with continued volunteer assistance for waterfront beautification provided through the neighborhood “adopt a park” program.**
- c. **Enhanced public use of Bond’s Dock and pedestrian use of Shore Road should be encouraged in coordination with redevelopment of the Stratford Festival Theater property and implementation of the Stratford Housatonic River Greenway.**

p. 5-20: Guidelines 5(a) and 5(b) concerning the Hunter Haven property are amended and guideline 5(c) is added:

- a. Future use and development of the Town-owned Hunter Haven property should be water-dependent and serve to enhance public access to the Housatonic River **while providing.** ~~Use and development of the property should be linked to the maximum extent possible with the nearby Birdseye Street Water Access Area and should provide~~ for future expansion, as needed, of the adjacent sewage treatment plant.

- b. Water-dependent use and development should focus on the upland portion of the Hunter Haven site and should not involve **any significant** disturbance of the intertidal flat and wetland area adjacent to the shoreline. Any facilities for physical access to the Housatonic River should be limited to facilities for canoes, kayaks and other small vessels that can be transported without trailers.
- c. **Development and maintenance of public water access facilities on the Hunter Haven property linked with the Birdseye Street River Access Area and the Beacon Point and Stratford Army Engine Plant properties should be encouraged and supported in coordination with implementation of the Stratford Housatonic River Greenway.**

p. 5-20: The following guideline no. 14 concerning the Stratford Army Engine Plant property is added:

**14. STRATFORD ARMY ENGINE PLANT**

- a. **Reuse of the Stratford Army Engine Plant property should be encouraged and supported to achieve opportunities for public access to the Housatonic River and the economic development potential associated with the property's waterfront location.**
- b. **Consistent with State and Federal laws and regulations, development and maintenance of public water access facilities utilizing the seaplane ramp, south basin, and the property's entire Housatonic River shoreline should be encouraged and supported; linkage of those facilities with water access facilities developed on the Hunter Haven and Beacon Point properties and the Birdseye Street River Access Area should be encouraged and supported in coordination with implementation of the Stratford Housatonic River Greenway.**

p. 5-20: The following guideline no. 15 concerning the Beacon Point property is added:

**15. BEACON POINT PROPERTY**

- a. **The Town should pursue acquisition of the Beacon Point property for use and development as a public water access area using funds available from Federal and/or State grant programs.**
- b. **Development and maintenance of public water access facilities on the Beacon Point property linked with the Hunter Haven and Stratford Army Engine Plant properties and the Birdseye Street River Access Area should be encouraged and supported in coordination with implementation of the Stratford Housatonic River Greenway.**

- p. 5-20: Guideline no. 14 concerning coordination with the City of Milford is renumbered as guideline no. 16.

MOUTH OF THE HOUSATONIC RIVER MANAGEMENT AREA

- p. 5-21: Guideline 3(a) concerning in-water structures is amended:
- a. Docks and other in-water structures should be set back from the boundaries of the Federal navigation channel a sufficient distance so as not to interfere with passage of vessels in the Federal channel and appropriate public use of the Public Trust waters outside of the Federal channel. **A navigation fairway should be designated to identify the water area adjoining the navigation channel to be kept free of any obstructions.**

- p. 5-22: Guideline 5(c) concerning water access opportunities is amended:
- c. The Town should pursue the development of public water access opportunities at Stratford Point, including pedestrian **and bicycle** “linkage” along the shoreline between Short Beach and Stratford Point as recommended in the *Stratford Coastal Plan* and described in the Plan as Stratford’s “Shore Walk.” **Pedestrian and bicycle linkage between Short Beach and Stratford Point should be developed in coordination with implementation of the Stratford Housatonic River Greenway.**

- p. 5-23: Guideline 6(e) concerning Short Beach is amended:
- e. **In coordination with implementation of the Stratford Housatonic River Greenway**, Short Beach should be linked with Stratford Point by means of a pedestrian **and bicycle** pathway as recommended in the *Stratford Coastal Plan* and described in the Plan as Stratford’s “Shore Walk.”

LORDSHIP—SEAWALL MANAGEMENT AREA

- p. 5-25: Guideline 1(d) concerning priority uses and management objectives is amended:
- d. The **waterfront** residential character of the Lordship, Beach Drive and Shoreline Drive areas should be maintained. The development of waterfront commercial facilities should be prohibited in these areas in accordance with the land-use plan established in the *Stratford Coastal Plan*.



p. 5-29: Guideline 6(a) concerning shore protection measures is amended:

- a. **Improved shore protection should be achieved along the Long Island Sound shoreline from Stratford Point to Long Beach through development of effective erosion control projects in accordance with the Connecticut Coastal Management Act and application of appropriate land use planning and regulatory measures.** Efforts to stabilize the shoreline and protect against erosion should be carefully planned and should not result in significant adverse impacts on natural coastal resources and adjacent properties.

LONG BEACH—GREAT MEADOWS—LEWIS GUT AREA

p. 5-30: Guideline 2(d) concerning water access opportunities is added:

- d. **Enhanced public use of the Great Meadows area for recreational, educational, and scientific purposes consistent with environmental conservation goals should be encouraged and supported.**

p. 5-32: Guideline 3(a)(iii) concerning Long Beach management units is amended:

- iii. The western third of Long Beach should be **used and managed for beneficial public purposes consistent with the carrying capacity of the Long Beach coastal barrier system to accommodate public use without the occurrence of significant adverse impacts on coastal resources and public safety.** ~~maintained as a beach cottage area with cottage sites leased by the Town to cottage owners until at least such time as the current leases expire in 1997. Public use of this area while the cottage sites are still leased from the Town should be limited to the foreshore (seaward of the mean high water line.)~~

p. 5-32: Guidelines 4(a), 4(b), and 4(c) concerning the beach cottage area are deleted:

- ~~a. The Town should carefully evaluate the consequences of future decisions to renew or not renew the current leases between the Town and beach cottage owners.~~
- ~~b. No decision to renew the existing leases should be made unless concerns with regard to emergency access, flood hazard protection, and other concerns affecting public health, safety and welfare, and environmental quality are adequately addressed. The public costs of ensuring public health, safety and welfare and environmental quality should not outweigh the public benefits gained through private use of this Town-owned land.~~

~~e. If the leases are not renewed, consideration should be given to maintaining the area in a natural condition for conservation purposes and “passive” recreational use that has little or no impact on barrier system resources.~~

p. 5-33: Guideline 5(e) concerning protection of coastal resources is amended:

e. All feasible measures should be considered for protecting the environmental resources in this area., **including Efforts by the U.S. Fish and Wildlife Service to prepare and implement a management plan for the Great Meadows unit of the Stewart B. McKinney National Wildlife Refuge to guide enhancement and conservation of environmental resources, including intertidal resources, as well as enhanced public use of the wildlife refuge, should be encouraged and supported. The Fish and Wildlife Service should be encouraged to share information with the Waterfront and Harbor Management Commission and to seek comments from the Commission regarding the preparation and implementation of the management plan.** ~~inclusion of the Great Meadows and the middle third of the Long Beach barrier into the Stewart B. McKinney National Wildlife Refuge. Inclusion in the Wildlife Refuge, however, should not preclude recreational activities compatible with the goals of natural value protection in the area.~~

p. 5-34: Guideline 5(h) concerning protection of coastal resources is amended:

h. **Opportunities for enhancing environmental quality and resources in Lewis Gut, including shellfish resources, through improved tidal circulation with Long Island Sound should be pursued. The potential impacts of re-establishing** ~~No efforts should be undertaken to re-establish a connection between Long Island Sound and Lewis Gut through Long Beach, including potential impacts without further analysis of the potential impacts of such a connection on tidal circulation, the physical integrity of the coastal barrier, and other potentially affected environmental conditions~~ **should be evaluated.**

p. 5-34: Guideline 6(b) concerning in-water structures is deleted and guideline 6(c) is amended and renumbered as 6(b):

~~b. Lessees of Town-owned land in the beach cottage area should not be permitted to construct new or expanded docks and piers (from Town-owned land on Long Beach) to reach navigable water in Lewis Gut or Long Island Sound.~~

be. Any other docks or piers extending into Lewis Gut should be designed so as not to have significant adverse impacts on coastal resources and water activities, and should be of the minimal length necessary to reach navigable water.

- p. 5-35: Guidelines 9(b) and 9(c) concerning coordination with Bridgeport are amended and guideline 9(d) is added:
- b. **The police departments, harbor masters, and other duly established marine agencies of Stratford and Bridgeport should coordinate their marine patrols to ensure maximum patrol coverage and the most effective and efficient use of available funds for the protection of public health, safety, and welfare.** ~~Marine enforcement and the Stratford Police Department's marine patrols should be coordinated with the City of Bridgeport.~~
  - c. Public access to Stratford's Long Beach jurisdiction from Pleasure Beach in Bridgeport should be properly managed to reduce potential adverse impacts on the natural barrier environment. ~~If the Town does not extend the current leases for beach cottage use on the western third of Long Beach, and this area is to be managed as a natural area in the future, it will be necessary for Stratford and Bridgeport to work together to develop appropriate measures to~~ **manage and regulate** ~~control and enforce~~ public access to the area. The purpose of any future access controls should be to help ensure the protection of sensitive sand dunes and nesting habitat, and not to restrict the public's right to walk along the shoreline seaward of the mean high water line. Access by unauthorized motorized vehicles should be prohibited.
  - d. **Preparation and implementation of a reuse/redevelopment plan encompassing Long Beach West and Pleasure Beach through a joint effort by Stratford and Bridgeport to achieve regional goals for economic growth, recreational use, and environmental conservation should be encouraged and supported.**

AMENDMENTS TO  
RECOMMENDATIONS AND RESPONSIBILITIES FOR PLAN IMPLEMENTATION

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL

- p. 6-2: Recommendation 1 concerning adoption of the Harbor Management Plan is deleted and replaced with a new recommendation 1:
- ~~1. The Town Council should adopt the Harbor Management Plan as the Town's principal guide (in coordination with the *Stratford Coastal Plan*) for: a) water-dependent use and development; and b) protection of natural resources and environmental quality in the Harbor Management Area.~~

~~Following approval of the Harbor Management Plan by the State Department of Environmental Protection (DEP) and Department of Transportation (DOT), and a public hearing on the Plan, the Town Council should adopt the Harbor Management Plan. Section 22a-113m of the Connecticut General Statutes states that a harbor management plan "... may be adopted by ordinance by the legislative~~

~~body of each municipality...” “Adopted by ordinance” should not be confused with “adopted as an ordinance.” The Stratford Harbor Management Plan need not be published and adopted as an ordinance. The “ordinance” by which the Town Council may adopt the Plan should be very short and simple — more in the form of a resolution than an ordinance. Implementation of certain aspects of the Plan, however, will require addition to or modification of the ordinances contained in the Town Code, as described below.~~

1. **The Town Council should adopt amendments to the *Stratford Harbor Management Plan*, as needed, to respond to changing conditions and circumstances.**

**Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the *Stratford Harbor Management Plan* was reviewed by the U.S. Army Corps of Engineers, approved by the Connecticut commissioners of environmental protection and transportation, and then adopted by the Town Council on November 14, 1994. Section 22a-113m of the Connecticut General Statutes also specifies that amendments to an adopted harbor management plan must be approved and adopted in the same manner as the plan.**

**The Waterfront and Harbor Management Commission is responsible for preparing proposed amendments to the Harbor Management Plan and must provide those proposed amendments to the Corps of Engineers, State of Connecticut, and Council.<sup>2</sup> (See the following section on responsibilities of the Waterfront and Harbor Management Commission.) After any proposed amendments are approved by the State of Connecticut, they may be adopted by the Council. No Plan amendments may take effect until they are adopted by the Council, and the Council must hold a public hearing prior to adopting any proposed amendments.**

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<sup>2</sup> In accordance with the procedure used for approval and adoption of the *Stratford Harbor Management Plan*, proposed Plan amendments should be sent to the Office of Long Island Sound Programs (OLISP) of the Connecticut Department of Environmental Protection (DEP). OLISP will distribute copies of the proposed amendments to other DEP divisions, the Connecticut Department of Transportation’s Bureau of Aviation and Ports, and to the Corps of Engineers. OLISP will coordinate review and approval of the proposed Plan amendments by these agencies.

p. 6-3: Recommendation 3 concerning the Police Department's capital and operating budget requests is amended:

3. The Town Council should support **capital and operating budget requirements for strong Town enforcement of boating safety laws and regulations and provision of emergency and other assistance to boaters in the Harbor Management Area by the Stratford Police Department or other duly established Town agency.** ~~the Stratford's Police Department's capital and operating budget requirements for maintaining and expanding, as necessary, the operation of the Marine Unit.~~

While some harbor management actions are most appropriately carried out by the Waterfront and Harbor Management Commission and Harbor Master, the regular patrolling of the Harbor Management Area and enforcement of all Town and State boating laws is most appropriately handled by the Stratford Police Department's Marine Unit **or other duly established Town agency with marine enforcement authority and responsibility** (in coordination with the **Harbor Master**, Milford and Bridgeport police departments **and harbor masters**, and the DEP's Law Enforcement Division). The ~~Police Department's~~ budget requirements for continuing (and expanding as necessary) the operation of the **Police Department's Marine Unit or other duly established Town agency with marine enforcement authority and responsibility** should be supported.

p. 6-4: Recommendation 5 concerning correction of encroachments at Peck's Mill Pond is deleted to reflect the resolution of this issue; existing recommendation 6 concerning the Short Beach Committee is renumbered as recommendation 5:

- ~~5. The Town Council should approve the agreement prepared by the Waterfront and Harbor Management Commission for correcting existing encroachments into the Town-owned water access right-of-way at Peck's Mill Pond.~~

~~The existing private encroachments blocking public access to the Housatonic River at the Town-owned right-of-way at Peck's Mill Pond should be corrected in accordance with the proposed agreement between the Town of Stratford and the adjoining property owner as prepared by the Waterfront and Harbor Management Commission and submitted to the Chairman of the Town Council on February 13, 1990.~~

p. 6-4: New recommendations 6 and 7 are added:

6. **The Council should appoint members to serve on the Waterfront and Harbor Management Commission in a timely manner.**

**In accordance with §210-3 of the Stratford Code, the 11 regular members and 3 alternate members of the Waterfront and Harbor Management Commission are appointed by the Town Council. To help ensure the most effective functioning of the Commission, the Council should fill all vacant positions that may arise on the Commission in a timely manner.**

7. **The Council should give careful consideration to capital and operating budget requests for needed waterfront improvement and harbor management projects.**

**The Council is responsible for approval of the capital and operating budget requests of Town commissions and departments. Such requests may affect the waterfront and Harbor Management Area in a number of ways. Some examples of Harbor-related capital budget requests are requests for funds to improve the City's sewage treatment system and develop and improve the Town's public water access facilities. When reviewing such requests the Council should consider the important economic, recreational, environmental, and other public values associated with the Town's waterfront and Harbor Management Area. Through its decisions affecting the capital and operating budgets of Town commissions and departments, the Council should encourage and support special projects and other initiatives to enhance environmental quality and public use and enjoyment of the waterfront and Harbor Management Area.**

#### RESPONSIBILITIES OF THE WATERFRONT AND HARBOR MANAGEMENT COMMISSION

p. 6-7: Responsibility 2(b) concerning mooring tackle is amended:

- b. The Commission should **update** ~~adopt~~ minimum **standards** ~~guidelines~~ for the mooring tackle used in the Harbor Management Area.

To help assure that all boats moored in the HMA are safely and securely moored, the Commission should **regularly review, in coordination with the Harbor Master, the** ~~adopt~~ minimum **standards** ~~guidelines~~ for the mooring tackle ~~that is used in the Harbor Management Area and prepare any modifications or additions that may be appropriate.~~ The Harbor Master should be responsible for ensuring that these **standards** ~~guidelines~~ are followed. ~~Draft~~ "Minimum Standards for Mooring Tackle" are included as Appendix E of the Harbor

Management Plan. **In addition, all mooring buoys are to be in accordance with Section 15-121-A3 of the Regulations of Connecticut State Agencies regarding color and design.**

p. 6-8: Responsibility 2(e) concerning designation of navigation fairways is amended:

- e. The Commission **should** ~~may~~ designate navigation fairways to be kept free of obstructions.

Navigation fairways **should** ~~may~~ be designated by the Commission, where necessary, to ensure safe passage of recreational and commercial vessels to, from, through, and alongside channels, mooring areas, anchorages, and berthing areas. **Prior to designating any navigation fairways, the Commission will conduct a detailed analysis of in-water and waterfront conditions to determine the appropriate location and dimensions of navigation fairways and to ensure that fairway designation will not infringe on the riparian rights of adjacent waterfront property owners. A plan of any proposed fairways will be prepared for inclusion in the Harbor Management Plan; that plan will clearly show the relationship of the fairway to the affected navigation channels, mooring areas, anchorages, and/or berthing areas, and to the shoreline.**

p. 6-9: Responsibility 2(g) concerning dredging of the Federal navigation channel is amended:

- g. The Commission should initiate actions needed for necessary dredging of the Federal navigation channel.

The Commission should work with the Corps of Engineers and Department of Environmental Protection to establish specific procedures for determining future maintenance dredging needs in the Federal channel and for initiating environmental assessments and other pre-dredging requirements to allow the most timely **and cost-effective** dredging to occur.

p. 6-9: A new responsibility 2(j) concerning marking and removal of derelict, abandoned, or deteriorated vessels and structures is added:

- j. **The Commission should support and encourage the marking and removal of all derelict, abandoned, or deteriorated vessels and structures creating a hazard or obstruction to navigation in the Harbor Management Area.**

**The Commission should work with the Harbor Master, Town Manager, Police Department, Department of Public Works, U.S. Coast Guard, U.S. Army Corps of Engineers, Connecticut Department of Environmental Protection, and other concerned parties to establish specific procedures to mark the**

**location, as necessary, and remove any derelict, abandoned, or deteriorated vessels and structures creating a hazard or obstruction to persons, property, marine resources, or navigation in the Harbor Management Area. The Commission should facilitate ongoing communication and coordination among Town, State, and Federal agencies and officials, water-dependent facility operators, and other concerned parties for the purpose of marking, as necessary, and removing any such vessels and structures, and may allocate funds for that marking and removal.**

p. 6-10: Responsibility 4 concerning adoption of administrative rules and procedures is amended:

4. The Commission should amend its **by-laws and** adopt **new** administrative rules and procedures, **as necessary**, to guide its activities.

The Commission should **regularly review its by-laws ~~adopt~~ and other** administrative rules and procedures to guide its various activities including: conducting meetings; reviewing applications referred to it by Federal, State and Town agencies to determine consistency with the Harbor Management Plan; supervising the issuance of mooring permits; selecting vendors to provide services and facilities in the HMA; and other activities that become necessary from time to time. **The Commission should prepare and adopt any revisions that may be appropriate to respond to changing conditions and to advance the Town's waterfront and harbor management goals.** All administrative rules and procedures should conform to the adopted Harbor Management Plan and the Town Code. ~~Draft~~ "Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area" are included as Appendix D of the Harbor Management Plan.

p. 6-14: Responsibility 6(a) concerning annual review of the Plan is amended:

- a. The Commission **may ~~should~~** conduct an annual review of the Plan.

Each year, preferably at the close of the boating season, the Waterfront and Harbor Management Commission **may ~~should~~** hold a formal review meeting to determine if any changes to the Plan are required. This review **may ~~should~~** include examination of:

- Plan goals and objectives;
- Plan policies and area guidelines; and
- Recommendations and responsibilities for Plan implementation.



The Commission ~~may should~~ also consider any physical or institutional changes affecting the Harbor Management Area that have taken place during the previous year, including new development, development proposals, physical changes caused by storms and other forces of nature, improvement or degradation of environmental quality, and any new plans or policies established by Town, State or Federal agencies.

p. 6-15: Responsibility 6(c) concerning preparation of a Plan Addendum is amended:

- c. The Commission may prepare an annual “Harbor Management Plan Addendum,” **as needed**, to present the results of its annual Plan review and any necessary Plan amendments.

Instead of rewriting and reprinting the Harbor Management Plan each year to incorporate the results of the annual Plan review, the Commission ~~may should~~ prepare a Plan Addendum to summarize the more significant changes that have taken place, and to present any proposed amendments to the Plan’s goals, objectives, policies, guidelines, and recommendations. Periodically, the Waterfront and Harbor Management Commission should publish a revised Plan document to incorporate updated descriptions of all Harbor Management Area conditions that will have changed since the Plan was adopted, as well as any Plan modifications that may be adopted in the future. Until such time as the complete document is revised, the Commission should incorporate all previously-prepared yearly addenda into the latest addendum. ~~In other words, the 1994 Addendum should incorporate the changes included in the 1993 Addendum, and so on.~~

p. 6-17: Responsibility 11 concerning establishment of the Town’s Harbor Management Fund is amended:

11. The Commission should **administer and allocate funds for Harbor Management through the Town’s** ~~work with the Town Council to establish a~~ Harbor Management Fund and prepare and present to the Town Council an annual operating budget.
- a. The Commission should work with the Town Council to **administer and allocate funds through the Town’s** ~~establish a~~ Harbor Management Fund.

Section 22a-113s of the Connecticut General Statutes authorizes the establishment of a special municipal fund to be used for maintenance and improvement of harbor resources and for personnel and equipment expenses directly related to the functions of the Waterfront and Harbor Management Commission and the Harbor Master **and Deputy Harbor Master**. The Commission is authorized to propose a fee schedule for a mooring or anchorage permits or any other activity within the scope of the Harbor

Management Plan. In accordance with Section 22a-113s of the Connecticut General Statutes, fees for mooring permits and other activities within the scope of the Harbor Management Plan are to be deposited into a special Town fund and used for maintenance and improvement of the Harbor Management Area and for expenses for personnel and equipment directly related to the functions of the Waterfront and Harbor Management Commission and the Harbor Master **and Deputy Harbor Master.**

**The Stratford A-Town Harbor Management Fund has been established** ~~should be created~~ to receive and expend monies for harbor management purposes determined by the Waterfront and Harbor Management Commission. All Town revenues generated by: (1) permits for mooring or anchorage or any other activity within the scope of the Harbor Management Plan; (2) Town boat launching permits; (3) fees for lease or other use of Town waterfront land; (4) fines levied under provisions of the Town Code as it applies to the Harbor Management Area; and (5) boat registration fees received from the State of Connecticut should be deposited into this fund along with other monies generated or allocated specifically for harbor management purposes.

Funds should be disbursed for purposes directly associated with the management and improvement of Stratford's Harbor Management Area and implementation of the Stratford Harbor Management Plan. Monies from the Harbor Management Fund may be allocated to the Stratford Harbor Master, his Deputy or designee for the purpose of carrying out the provisions of the Stratford Harbor Management Plan and applicable sections of the Stratford Code.

The Waterfront and Harbor Management Commission should regularly audit the Harbor Management Fund and report to the Town Council on the status, use and allocation of all monies from the Fund.

- b. Potential sources of harbor management funds should be identified and pursued by the Waterfront and Harbor Management Commission.

The Commission should **evaluate potential sources of funds to be used for harbor improvement and management purposes** and establish procedures to generate operating funds. Potential sources of funds include but are not limited to:

- Annual fees for mooring locations;
- Permits for boat launching and beach parking;
- Fees from concessionaires for providing specified facilities and services;
- Appropriations from the Town's General Fund;
- Fines for violations of Town rules and regulations;
- Donations;
- **State and Federal government grants;**
- **Boat registration fees from the State of Connecticut; and**
- Investment and management of harbor management funds.

- c. The Commission should establish **an annual a-\$100 fee, not to exceed the maximum amount allowed by State law**, to be charged for the issuance of mooring permits in accordance with authority provided by Section 22a-113s of the Connecticut General Statutes.

As specified in Section 22a-113s, the maximum annual fee for a mooring or anchorage permit is limited to ~~two one~~ hundred dollars, and the fee is to be collected by the Harbor Master or Deputy Harbor Master. The Commission should establish **an a-\$100 annual mooring permit fee, not to exceed the maximum amount allowed by State law**, to cover the administrative costs of issuing a mooring permit to ensure the safe and equitable allocation of moorings in the Harbor Management Area.

- d. The Commission should prepare and present to the Town Manager an annual operating budget.

The Waterfront and Harbor Management Commission should prepare and present to the Town Manager an annual operating budget including an estimate of revenues and expenses. Items for which the Commission may need to expend funds include but are not necessarily limited to:

- Office equipment and supplies;
- Secretarial services;
- Postage;
- Printing and distribution of the Harbor Management Plan;
- Printing and photocopying;
- Legal advertisements;
- Telephone expenses;
- Preparation of informational/educational materials regarding harbor management;
- Additional investigations and studies of harbor management needs;
- Compensation to the Harbor Master and Deputy Harbor Master for duties to implement the Harbor Management Plan;
- Conferences and other educational programs that Commission members may attend;
- Purchase and maintenance of aids to navigation;
- Emergency removal of unsafe or abandoned structures, including moorings and vessels; ~~and~~
- Fees for necessary consultant services; **and**
- **Waterfront and harbor improvement projects consistent with the Harbor Management Plan.**

**The Commission should regularly review the status of its operating budget throughout the year.**

- p. 6-21: The second paragraph under responsibility 14 concerning pursuit of grants for harbor management purposes is amended:

**In coordination with Town officials authorized to pursue government and private grants**, the Waterfront and Harbor Management Commission should continue to actively pursue government and private grants to help fund Harbor improvement projects. The Harbor Management Plan provides the basis for a number of projects that would be eligible for State and Federal funds. Water quality sampling, implementation of the Master Plan for the Birdseye Street Water Access Area, **development and enhancement of public water access facilities**, and public outreach programs to increase public awareness of harbor management concerns and support for the Harbor Management Plan are examples of potentially eligible projects.

- p. 6-22: Responsibility 16 concerning encouragement of public input is amended:

16. The Commission should encourage the presentation and discussion of all public concerns, including those of Town residents, business owners, and boaters, related to the Harbor Management Area.

**The Waterfront and Harbor Management Commission should provide those who have waterfront and** Throughout its work to prepare the Stratford Harbor Management Plan, the Commission has provided opportunities for interested citizens and groups to express their interests and concerns. Following approval and adoption of the Plan, the Commission should continue to provide those who have harbor management-related questions, concerns or suggestions with an opportunity to express their views. Providing a continuing forum for the expression of public concerns **during its regularly scheduled and special meetings** should help the Commission identify changing conditions and circumstances affecting the Harbor Management Area. This forum is also needed to help develop public awareness of harbor resources and to maintain a base of public support for management programs and efforts. **Each year the Commission may hold a special public meeting — a State of the Harbor meeting — to hear the concerns, questions, and thoughts of Town residents, waterfront property owners, water-dependent facility operators, and others concerning the waterfront and Harbor Management Area and Harbor Management Plan.**

- p. 6-22: New responsibility 17 concerning recommendations for appointment of the Harbor Master and Deputy Harbor Master is added:

- 17. The Commission should provide recommendations to the Governor for appointment of the Harbor Master and Deputy Harbor Master.**

**The Stratford Harbor Master and Deputy Harbor Master are appointed by the Governor for three-year terms. Section 15-1 of the Connecticut General Statutes requires that the appointment of a harbor master and deputy harbor**

**master for the harbor of any municipality with an adopted harbor management plan shall be made by the Governor from a list of not less than three nominees submitted by the municipality's harbor management commission. Accordingly, prior to expiration of the terms of service of the Stratford Harbor Master and Deputy Harbor Master, the Waterfront and Harbor Management Commission should provide the Governor with recommendations for appointments to these positions, and include a list of not less than three candidates.**

#### RESPONSIBILITIES OF OTHER TOWN COMMISSIONS AND DEPARTMENTS

p. 6-23: Responsibility 3 concerning the Police Department is amended:

3. The Police Department should **actively enforce Town and State boating regulations and provide emergency and other assistance to boaters and other users of the Harbor Management Area.** ~~continue to coordinate marine law enforcement and emergency response activities with the adjoining municipalities.~~

The Stratford Police Department is the only Town agency with personnel trained for marine law enforcement. The Marine Unit of the Police Department should continue strict enforcement of "no wake" speed restrictions and other boating laws. To the extent necessary, the Police Department should continue to coordinate its activities with the **Waterfront and Harbor Management Commission, Fire Department, Harbor Master, police departments and harbor masters** of the municipalities of Milford, Bridgeport, and Shelton, and with the DEP's **Law Enforcement Division** ~~Boating Safety Division~~ **and the U.S. Coast Guard to achieve safe and efficient operation of the Harbor Management Area with** ensure maximum patrol coverage and the most effective and efficient use of available Town funds for protection of public health, safety and welfare. The Police Department should also continue to coordinate emergency response and rescue actions with the **Fire Department**, adjoining municipalities, and with the Stratford Emergency Medical Services. **In addition, the Police Department should provide assistance for the marking, as necessary, and removal of any derelict, abandoned, or deteriorated vessels and structures creating a hazard or obstruction to persons, property, marine resources, or navigation in the Harbor Management Area. That assistance, including identification of the owner of the subject vessel or structure, should be provided, as necessary, to the Waterfront and Harbor Management Commission, Harbor Master, Coast Guard, U.S. Army Corps of Engineers, DEP, or other duly-established agency with authority to enforce boating laws and regulations. The Police Department should provide a monthly report of the Marine Unit's activities to the Waterfront and Harbor Management Commission.**

p. 6-24: A new responsibility no. 6 concerning the Department of Public Works is added:

6. **The Department of Public Works should assist in the removal and disposal of derelict and abandoned vessels and other structures creating a hazard or obstruction to persons, property, marine resources, or navigation in the Harbor Management Area.**

**Acting in coordination with the Waterfront and Harbor Management Commission, Harbor Master, Police Department, and other agencies, the Department of Public Works should utilize its personnel and equipment to help achieve timely removal and disposal, if necessary, of derelict and abandoned vessels and structures. Derelict or abandoned vessels and structures towed to the Birdseye Street River Access Area, for example, and determined by the Harbor Master to be without value, should be broken up and hauled to a proper disposal area by the Department of Public Works.**

#### RESPONSIBILITIES OF THE HARBOR MASTER

p. 6-27: Responsibility 2 concerning assistance for law enforcement is amended:

2. **In accordance with authority provided by Section 15-154 of the Connecticut General Statutes, the Harbor Master should assist the Stratford Police Department, any other duly established Town agency with marine-related responsibilities, and DEP Law Enforcement Division, as necessary, in enforcing Town and State boating laws and regulations.**

p. 6-28: Responsibility 3 concerning removal of abandoned vessels is amended:

- ~~3. The Harbor Master should enforce the Connecticut boating statutes and regulations concerning removal of abandoned vessels.~~

~~Consistent with State boating statutes and regulations, all vessels not moored, anchored or made fast to the shore and left unattended for a period greater than 24 hours, or left upon private property without consent from the waterfront property owner for a period greater than 24 hours, should be removed from the HMA by the Harbor Master at the expense of the last owner of record. In the event of an emergency or hazardous situation caused by an abandoned vessel, funds from the Town's Harbor Management Fund may be allocated by the Waterfront and Harbor Management Commission for the immediate removal of the abandoned vessel.~~

3. **The Harbor Master should enforce and interpret the Connecticut boating statutes and regulations, including statutes and regulations concerning removal of abandoned and derelict vessels.**

**The Harbor Master should be responsible for implementation of the State of Connecticut boating statutes and regulations as they relate to use of the Stratford Harbor Management Area, and for communication of these statutes and regulations, as necessary, to the public. Further, as necessary for maintaining a safe and functional Harbor environment, the Harbor Master should be responsible for any interpretation of the statutes and regulations as they apply to the Harbor Management Area. This interpretation should be carried out in collaboration with the Waterfront and Harbor Management Commission, Stratford Police Department, any other duly established Town agency with marine-related responsibilities, Connecticut Department of Transportation, and other involved agencies and departments.**

**In accordance with Section 15-140c of the Connecticut General Statutes, any vessel “not moored, anchored or made fast to the shore and unattended for a period greater than 24 hours, or left [upon private property] without the consent of said property owner for a period greater than twenty-four hours” shall be presumed abandoned. Acting in coordination with the Waterfront and Harbor Management Commission, Police Department, Department of Public Works, Connecticut departments of environmental protection and transportation, U.S. Army Corps of Engineers, U.S. Coast Guard, and other appropriate agencies or departments, the Harbor Master is authorized to enforce the provisions of this statute in the Stratford Harbor Management Area. In accordance with Section 15-140c, all expenses necessarily incurred in the removal of an abandoned vessel shall be a lien upon that vessel. If, in the Harbor Master’s judgement, an abandoned or derelict vessel causing a hazard or obstruction to persons, property, marine resources, or navigation has no resale value, that vessel should be removed in accordance with authority provided by Section 15-11a of the Connecticut General Statutes. In the event of an emergency or hazardous situation caused by an abandoned or derelict vessel, the Harbor Master may request that the Waterfront and Harbor Management Commission allocate funds from the Town’s Harbor Management Fund for the immediate removal of the vessel.**

p. 6-28: New responsibilities 4, 5, 6, 7, and 8 are added:

4. **The Harbor Master will conduct all of his or her duties in a manner consistent with the Harbor Management Plan.**

**Section 15-1 of the Connecticut General Statutes requires that “The harbor masters or deputy harbor masters shall exercise their duties in a manner consistent with any harbor management plan adopted pursuant to section**

22a-113m for a harbor over which they have jurisdiction.” Actions of the Stratford Harbor Master pursuant to his or her responsibilities established in Sections 15-1 through 15-12 of the Connecticut General Statutes must therefore be consistent with the goals, objectives, policies, guidelines, and recommendations contained in the *Stratford Harbor Management Plan* and any future Plan amendments.

5. The Harbor Master will cooperate and coordinate with the Waterfront and Harbor Management Commission and provide assistance to the Commission, as needed, with implementation of the Harbor Management Plan.

As authorized by Section 22a-113k of the Connecticut General Statutes and established by §210-3 of the Stratford Code, the Harbor Master is a nonvoting, ex-officio member of the Waterfront and Harbor Management Commission. When exercising responsibilities for mooring administration and conducting other State-authorized duties, the Harbor Master should work cooperatively with the Commission and otherwise assist the Commission with implementation of the Harbor Management Plan. The Harbor Master should attend the Commission’s monthly meetings and provide monthly and annual reports of his activities to the Commission.

6. The Harbor Master should provide information concerning boating rules and regulations, the Harbor Management Plan, and other Harbor-related topics to the general public.

The Harbor Master should assist the Waterfront and Harbor Management Commission with provision of information to the general public concerning applicable boating laws and regulations, conditions in the Stratford Harbor Management Area, the provisions of the *Stratford Harbor Management Plan*, “Rules and Procedures for Mooring and Anchoring Vessels in the Stratford Harbor Management Area,” “Minimum Standards for Mooring Tackle,” and other information intended to maintain boating and navigation safety in the Harbor Management Area and increase public awareness and support for wise management of the Harbor Management Area.

7. The Harbor Master should communicate on an ongoing basis with City, State, and Federal agencies concerning management of the Stratford Harbor Management Area.

In addition to communication and coordination with the Waterfront and Harbor Management Commission, Stratford Police Department, and other relevant Town agencies and departments, the Harbor Master should maintain regular communication and liaison, as necessary, with: various divisions and



units of the Connecticut DEP; the DOT's Bureau of Aviation and Ports; U.S. Army Corps of Engineers; U.S. Coast Guard; and other relevant State and Federal agencies. The purpose of this communication and liaison should be to address matters affecting the safe and functional operation of the Stratford Harbor Management Area.

**8. The Harbor Master should supervise the Deputy Harbor Master.**

**In accordance with Section 15-1 of the Connecticut General Statutes, the Governor may appoint a Deputy Harbor Master for the Town of Stratford. The Deputy Harbor Master has authority under CGS Section 15-3 to exercise all of the powers and duties of the Harbor Master. The Deputy Harbor Master should assist the Harbor Master and serve at the direction of the Harbor Master. The Harbor Master should supervise actions of the Deputy Harbor Master and may, in the interest of efficient and effective Harbor management, assign specific responsibilities to the Deputy Harbor Master.**

RESPONSIBILITIES OF STATE AND FEDERAL AGENCIES  
WITH HARBOR MANAGEMENT AUTHORITIES

p. 6-28: Responsibility 1 concerning approval of the Harbor Management Plan is amended:

- ~~1. The Department of Environmental Protection and the Department of Transportation should approve the Harbor Management Plan and work with the Waterfront and Harbor Management Commission to ensure its implementation.~~

~~The DEP and DOT should approve the Harbor Management Plan as the Town's principal guide (in coordination with the *Stratford Coastal Plan* and consistent with applicable State and Federal laws and regulations) for: a) water dependent use and development; and b) protection of natural resources and environmental quality in the HMA.~~

- 1. The Department of Environmental Protection, Department of Transportation, and U.S. Army Corps of Engineers should review, in accordance with Section 22a-113m of the Connecticut General Statutes, and approve warranted amendments to the *Stratford Harbor Management Plan* and Town ordinances to implement the Plan.**

**Section 22a-113m of the Connecticut General Statutes specifies the procedure for approval and adoption of municipal harbor management plans. In accordance with this procedure, the Town must submit any proposed amendments to the Stratford Harbor Management Plan (and proposed amendments to the Stratford Code for the purpose of implementing the Harbor Management Plan) to the Corps of Engineers for review, comments,**

**and recommendations. Proposed amendments also must be submitted for approval to the Connecticut commissioners of environmental protection and transportation who must act on the proposed amendments within 60 days. Upon approval by the State commissioners, the proposed amendments may be adopted by the Stratford Town Council. (See the previous section on responsibilities of the Town Council.)**

**Any revisions to the Stratford Code adopted by the Council and pertaining to the operation of vessels must be submitted to the DEP's Boating Division for review and approval as required by Section 15-136 of the Connecticut General Statutes.**

- p. 6-29: The following paragraph is added to responsibility 2 concerning actions by State and Federal government agencies:

**Regarding any permit application submitted to the DEP and/or U.S. Army Corps of Engineers, those agencies should provide the Commission with sufficient information to enable the Commission to make an informed decision on the consistency of the application with the Plan. Copies of original permit application materials should be provided to the Commission upon the Commission's request. The Commission should be provided with a copy of any permit issued by the DEP or Corps of Engineers for filling, dredging, or placement of structures in the Stratford Harbor Management Area.**

- p. 6-29: New responsibility 3 is added:

- 3. State and Federal agencies should coordinate and cooperate with the Waterfront and Harbor Management Commission for implementation of the Harbor Management Plan.**

**The DEP, U.S. Army Corps of Engineers, and other State and Federal agencies should apply their planning as well as regulatory programs in a manner to assist the Waterfront and Harbor Management Commission with implementation of the Harbor Management Plan. To the extent possible these agencies should provide information and technical assistance to the Commission for the purpose of addressing matters affecting the safe and functional operation of the Harbor Management Area, protection of environmental quality in the Harbor Management Area, and other public purposes.**

RESPONSIBILITIES OF PRIVATE INDIVIDUALS  
AND ORGANIZATIONS

- p. 6-31: The following paragraph is added to responsibility 3 concerning the operators of commercial and private boating facilities:

**Marina operators may also be able to assist the Harbor Master, Police Department, and other duly-established agencies with the marking, as necessary, and removal of any derelict, abandoned, or deteriorated vessels and structures creating a hazard or obstruction to persons, property, marine resources, or navigation in the Harbor Management Area. In addition, the operators of all marina and botyard facilities, including commercial and private facilities, should maintain up-to-date and accurate records of the owners of all vessels berthed, stored, or launched at those facilities. Such records should be made available for inspection by the Harbor Master, Deputy Harbor Master, or any officer of the Stratford Police Department whenever necessary to determine the owner of any derelict, abandoned, or deteriorated vessel in, adjoining, or near the Harbor Management Area.**