(DRAFT)

Town of Greenwich
Harbor Management Commission
Meeting
December 19, 2018
6:00 P.M.
Mazza Room, Town Hall

Minutes

Members in attendance:

Bruce Angiolillo  Chairman
Lile Gibbons  Vice Chairman
Mike Van Oss  Secretary
Bernie Armstrong
Don Carlson
Frank Mazza

Absent:

Bill Ingraham

Alternates:

Casey McKee

Absent:

David Noble

Ex-Officio Members in Attendance:

Jim Bonney  Police Department
Roger Bowgen  Shellfish Commission
Brian Kerzner  Department of Parks & Recreation
Ian MacMillan  Harbormaster

Absent:

Sue Baker  Conservation Commission
Joseph Benoit  RTM
1. **Meeting called to order at 6:02 P.M. by Chairman Bruce Angiolillo**

In the absence of Bill Ingraham, Chairman Angiolillo seated Casey McKee.

2. **Approval of Minutes of the November 14, 2018 Regular Meeting**

Motion to approve the Minutes of the November 14, 2018 Regular Meeting by Bernie Armstrong, seconded by Lile Gibbons. Motion carried (Unanimous).

3. **Chairman’s Report**

Chairman Angiolillo reported — as directed by the HMC at the November 14, 2018 meeting — that he prepared and submitted to Katie DeLuca of Planning and Zoning the Commission’s resolution finding that the recent draft (“Updated October 2018”) of the proposed changes to the WB zoning regulations inconsistent with the Harbor Management Plan. (A copy of the November 18, 2018 letter is attached to these Minutes.) Thereafter, Mr. Angiolillo reported that he, along with Frank Mazza, Lile Gibbons and Bernie Armstrong, attended the November 20, 2018 meeting of the Planning and Zoning Commission and addressed the reasons for the HMC’s opposition to the revisions as proposed. He reported that the Planning and Zoning Commission did not take action on the proposal at that time. Mr. Angiolillo reported that he met subsequently with Ms. DeLuca on December 3 and engaged in an ongoing dialogue with her which resulted in a further revised draft of changes to the draft proposal (“Updated December 2018”). He noted that all members of the HMC were provided with this further revised draft on December 16 and that he believes this draft addresses and resolves the principal issues of concern to the HMC. A copy of the “Updated December 2018” draft is attached to these Minutes.

Chairman Angiolillo also reported that a long outstanding dispute involving the Harbormaster’s refusal to issue a permit for a mooring requested by residents John and Debra Shaw of 8 Indian Drive, Old Greenwich has been resolved. Roger Bowgen, Chairman of the Shellfish Commission, arranged for
a meeting between Mr. Shaw and Norman Bloom, who has recently assumed the lease for the shellfish bed that had been held by Robert Griffiths, who had refused to consent to the mooring without a monetary payment to him. By letter, dated December 14, 2018, the Shaws’ lawyer advised: “Mr. Bloom has expressed his consent to the use and placement of my client’s mooring.” (A copy of the letter is attached to these Minutes.) On behalf of the Commission, Mr. Angiolillo acknowledged and thanked Roger Bowgen for his able assistance.

Lastly, Chairman Angiolillo circulated the schedule for meetings of the HMC in 2019. He noted that the January meeting is set for Wednesday, January 23, one week later than usual. He also noted that the January, February, March and November meetings will be in the Employee Lounge. All others will be in the Mazza Room. (A copy of the 2019 Meeting Schedule is attached to these Minutes.)

4. Greenwich Harbor Dredge Project

Frank Mazza reported that the Army Corps of Engineers will prepare the engineering design for the anticipated CAD cell for burial and capping in Greenwich Harbor of the “unsuitable” material for open water disposal. The USACE has advised that the Town of Greenwich will be expected to participate in funding a 20% share of these costs. He referenced the recent dredge in Norwalk, which included approximately 40,000 cubic yards of unsuitable material and resulted in a local cost share of $280,000. He believes that Greenwich may be required to fund a similar amount.

Frank Mazza also reported that the Greenwich Boat and Yacht Club has outlined two proposed fairways for access to the club, one on each side of the boundary of the anchorage area. He has shared these alternatives with the USACE and noted the relative costs and benefits of each.

He noted that the Department of Parks and Recreation has applied for a permit to dredge in the ferry boat docking area, which will likely have to be undertaken at the same time that the dredge of the federal channel is done.

In response to a question from Vice Chair Lile Gibbons, Mr. Mazza confirmed that the area covered by the Parks and Recreation application includes area within the federal channel. In response to a question from Chairman Angiolillo, Brian Kerzner reconfirmed his Department’s request that the HMC take action on the permit request. Motion by Chairman Angiolillo, seconded by Vice Chair Lile Gibbons, to authorize Mr. Angiolillo to execute the permit form request and indicate that the HMC finds the application to be consistent with the Harbor Management Plan. Motion carried (Unanimous).
Lastly, Mr. Mazza reported that Mr. Ed O’Donnell will be retiring from the USACE at the end of December. He reminded all that Mr. O’Donnell was in charge of all dredge activities in New England and has been a great partner over the years, particularly in accomplishing the Mianus River dredge and in the current planning for Greenwich Harbor. He recommended that the HMC send a letter to his superiors at the USACE expressing our sincere appreciation for his work and support over the years. Motion by Chairman Angiolillo, seconded by Frank Mazza, to authorize Mr. Angiolillo to prepare and send a letter of appreciation to the USACE on the occasion of Mr. O’Donnell’s retirement. Motion carried (Unanimous).

5. Finance Committee Report

Frank Mazza handed out copies of the current (2018-2019) budget and a draft budget for 2019-2020. He explained that the proposed budget is the product of separate conversations with individual Commission members and discussions at the recent meeting of the Finance Committee on December 5. He reminded the Commission that the proposed budget is for discussion and that the Commission will be asked approve a budget at the January 23 monthly HMC meeting. Upon approval, it will be forwarded to the Board of Selectmen, and with its approval, to the BET. In response to a question from Mr. Mazza, Chairman Angiolillo reconfirmed that HMC budgets are approved by the BET, but noted that the HMC should expect that its budget will included as an appendix to the Town budget to be presented to the RTM for its information.

There followed an extended discussion among the Commission members in attendance concerning how to best budget for support staffing in Town Hall for the Commission’s mooring and administrative functions in 2019-2020. Casey McKee agreed to speak with Rachel Kulig and Bruce Angiolillo agreed to speak with Penny Monahan to review their activity levels in 2018 and their expectations for next year. There was a consensus among Commission members that reasonable prudence must guide the budget process on personnel costs.

Lastly, Mr. Mazza noted that $3,000 will need to be added to the proposed 2019-2020 budget to cover the expected acquisition cost of the two speed restriction buoys to be deployed at Great Captain’s Island.

6. Mooring Committee Report

Mooring Committee Chair Mike Van Oss reported that the recent outreach efforts to contact previous mooring holders, who did not register a mooring last season, continue to bear fruit. He reported that the efforts have re-
sulted in individuals coming forth to register their moorings and others to confirm that they no longer have an interest in their mooring locations, thereby adding to the inventory of available mooring locations. He also reported that the Mooring Committee is on track to send out mooring renewal letters for the 2019 boating season before year end, which will be three months earlier than in 2018.

7. Application Review Committee

Committee Chairman Bernie Armstrong delivered the monthly Application Review Committee report, a copy of which is attached to these Minutes.

With respect to the DEEP permit application relating to 57 Willowmere Circle, motion by Bernie Armstrong, seconded by Bruce Angiolillo, to authorize Chairman Angiolillo to execute the permit form request and indicate that the HMC finds the application to be consistent with the Harbor Management Plan. Motion carried (Unanimous).

With respect to the DEEP permit application relating to Byram Park Marina, motion by Bernie Armstrong, seconded by Bruce Angiolillo, to authorize Chairman Angiolillo to execute the permit form request and indicate that the HMC finds the application to be consistent with the Harbor Management Plan. Motion carried (Unanimous).

With respect to the COP application for removal of Invasive Phragmites in Bruce Park, motion by Bernie Armstrong, seconded by Bruce Angiolillo, to authorize Chairman Angiolillo to execute the permit form request and indicate that the HMC finds the application to be consistent with the Harbor Management Plan. Motion carried (Unanimous). Further, in response to a suggestion from Don Carlson, motion by Bruce Angiolillo, seconded by Frank Mazza, authorizing Chairman Angiolillo to contact Pat Sesto, Director of the Department of Environment Affairs, to inquire about the Town’s strategy for addressing this invasive plant throughout the Greenwich Harbors Area. Motion carried (Unanimous).

8. Long Range Planning Committee Report

Committee Chairman Don Carlson reported that the Long Range Planning Committee will be meeting in early January and he expects to address the HMC at its January 23 monthly meeting with a proposed plan of action focusing on the stated priorities in the Harbor Management Plan.
9. Harbormaster Liaison Report

In the absence of Bill Ingraham, no report was delivered. Chairman Angiolillo invited the Harbormaster to comment. Mr. MacMillan questioned the decision to remove the Harbormaster boat before November 30. Chairman Angiolillo stated that the Department of Parks and Recreation had found the boat in danger of sinking and the outboard motor, which had been left down in the water, covered in seaweed and barnacles. Given the condition of the boat, its lack of use by the Harbormaster, and the closing of the boating season, Chairman Angiolillo stated he directed the boat to be removed from the water. He also noted the Harbormaster’s continuing failure to adhere to the terms and conditions of use of the boat as set forth in the “Rules and Regulations of Harbormaster Boat”. (A copy of said Rules and Regulations are attached to these Minutes.) There was also a discussion among Messrs. Mazza and Armstrong regarding the normal period of operation of the boat as set forth in the Harbor Management Plan.

10. Unfinished Business

(i) Consideration of proposed Kelp farm. Chairman Angiolillo, on consent of the Commission, moved this item up on the Agenda and requested that the matter be deferred to the January 23 monthly meeting in view of the absences of both David Noble and the Applicant Steve Timchak. Mr. Angiolillo reported that the Mr. Timchak is also awaiting a necessary questionnaire from the Bureau of Aquaculture. On unanimous consent, the HMC deferred consideration of this item to its January 23 monthly meeting. Chairman Angiolillo distributed a copy of schematic of the proposed Kelp farm that Mr. Timchak had provided to Mr. Noble, a copy of which is attached to these Minutes.

(ii) Continuation of discussion and Commission consideration of proposed revisions to Waterfront Business Zone. Chairman Angiolillo reviewed the history of this matter. At the November 14 monthly meeting, the HMC reviewed and discussed the November draft of the proposed revisions to the WB Zone regulations. This was the third draft that Katie DeLuca had provided (i.e. "November 2018 changes in red"). Earlier, at the HMC’s December 6, 2017 Special Meeting, the HMC considered the first of these drafts. At the HMC’s October 10, 2018 Special Meeting, the HMC considered the second of these drafts (i.e. "August 2018 changes in black"). By consensus, the HMC concluded that each of these drafts was unsatisfactory because the HMC found the proposed changes to be inconsistent with the Harbor Management Plan. At the HMC’s November 14 meeting, the HMC resolved unanimously to authorize the Chairman “to prepare and submit a letter memorandum to the Planning and Zoning Commission expressing the HMC’s specific concerns about the
proposed changes to the WB Zoning regulations and the HMC’s finding that said proposed changes are inconsistent with the Harbor Management Plan for the Town of Greenwich." That letter was prepared and submitted to Ms. DeLuca and the Planning and Zoning Commission on November 18, 2018, and the HMC addressed the Planning and Zoning Commission on this matter at its meeting on November 20. Frank Mazza, Lile Gibbons, Bernie Armstrong and Bruce Angiolillo attended the meeting. Thereafter, in an effort to both press the HMC’s ongoing concerns and to try to be helpful, Chairman Angiolillo met with Katie DeLuca on December 3 and engaged in an ongoing drafting dialogue with her since then. This resulted in a fourth draft of proposed revisions to the WB Zone regulations (i.e. December 2018 changes in green”).

Mr. Angiolillo stated his view that the draft is now one which deserves the support of the HMC and of his intention to call for a resolution of the Commission to find the proposed changes now to be consistent with the Harbor Management Plan for the Town of Greenwich.

He then highlighted the changes in the latest draft which, he stated, support reconsideration by the HMC:

1) Sec. 6-107(a) statement of policy and purposes now includes a schedule of priorities which makes clear that the first priority is to protect "water-dependent" uses, with "water related" and "water enhanced" uses following in descending order.

2) The previously deleted language in Sec. 6-107(a)(4) has been restored -- this was the HMC’s key objective (i.e. "...and to assure that these limited waterfront areas are reserved for the uses they are uniquely suited for and not pre-empted by uses which can be more appropriately located elsewhere."

3) The latest draft eliminates the proposed creation of three different WB Zones (River Road, Steamboat Road and Byram) and keeps a single WB Zone.

4) The draft squarely addresses the HMC’s concerns about changes that could allow a developer to turn the WB Zone upside down so as to redevelop a property as multifamily housing or offices as long as some boat slips or a pedestrian walkway gets tacked on. (see the new section for “Special Permit Requirements for Use Group 7c uses only”.) Mr. Angiolillo noted Group 7c uses include residential and office use. The redraft now requires that a site must first exhaust all Group 7a (water-dependent) and Group 7b (water related) uses before a special permit will be considered/permitted to allow the development of a Group 7c use. The majority of that development on the waterside has to
be with a water dependent use (7a versus 7b). Also added is a further restriction that the building coverage of all buildings or structures that contain a non water-dependent use shall not exceed 15% of the gross lot area of the site.

5) Lastly, apparently on advice from the Planning and Zoning Commission's outside parking consultant, "Marina" required parking spaces is proposed to be again reduced to "0.5" spaces per boat slip.

Mr. Angiolillo reported that Ms. DeLuca would like to present this redraft to the Planning & Zoning Commission for action at its January 22, 2019 meeting. In order to do that, she is required to submit it to DEEP for a 30 day review. That means she will need to start the clock no later than at the end of this week.

As a last observation, Mr. Angiolillo stated his view that it appears clear that the Planning and Zoning Commission believes that some adjustment is necessary to encourage waterfront re-development, particularly in Byram. As some changes to the WB Zone appear inevitable, he expressed his belief that the HMC has done its job in helping to shape them in a way that will support and not undermine the goals and policies of the Harbor Management Plan.

After discussion, motion by Bruce Angiolillo, seconded by Lile Gibbons, to authorize Chairman Angiolillo to prepare and submit a letter memorandum to the Planning and Zoning Commission finding that the proposed changes to the WB Zoning regulations set forth in the December 2018 draft to be consistent with the Harbor Management Plan. Motion carried (Unanimous).

11. New Business

None.

12. Public Comment

- Allan Drenckhahn expressed his negative personal opinion of the Chairman of the Harbor Management Commission.

- Michael Curley inquired about the status of the two proposed speed restriction buoys for Great Captain’s Island. Geoff Steadman, Frank Mazza and Brian Kerzner provided an update and reconfirmed that the application process is underway for an anticipated deployment before the start of the 2019 boating season.
— There was also a discussion about Winter Sticks, what is required under the Mooring Regulations, the experiment for this winter allowing the use of so-called lobster pot buoys, the current practices at Belle Haven Club, and deadlines.

12. Adjournment

Motion to adjourn made by Lile Gibbons, seconded by Bernie Armstrong. Motion carried (Unanimous).

Meeting adjourned at 7:46 P.M.
Subject: Proposed amendments to the Waterfront Business Zone regulations

Dear Ms. DeLuca:

The Greenwich Harbor Management Commission (HMC) has reviewed the October 2018 proposal by the Planning and Zoning Commission to amend the Greenwich Waterfront Business (WB) Zone regulations (Proposed Amendments). The WB Zone (Section 6-107 of the Town of Greenwich Building Zone Regulations) currently is applied to four separate locations on the Town’s shoreline, including developed waterfront properties along the Byram River, Greenwich Harbor, and Cos Cob Harbor.

Among the stated purposes of the WB Zone, established in 1987, are to implement the goals of the Connecticut Coastal Management Act (CCMA), give highest priority to water-dependent uses, and assure that “limited waterfront areas are reserved for the uses they are uniquely suited for and not pre-empted by uses which can be more appropriately located elsewhere.” For 31 years, it has been a Town planning and zoning priority to protect and encourage water-dependent uses on its shoreline. This priority is also reflected in the Town’s Harbor Management Plan approved by the State of Connecticut and adopted by the Greenwich Representative Town Meeting in October 2017. The HMC is concerned that, if adopted, the Proposed Amendments will undermine this long-established and well-settled Town policy.
The Proposed Amendments would establish three distinct WB Zones (Byram, Steamboat Road along Greenwich Harbor, and River Road and Sound Shore Drive along Cos Cob Harbor); allow multi-family dwellings and other nonwater-dependent uses as “special permit” uses in the three WB Zones; and include more detailed standards for provision of pedestrian public access to and along the shoreline. Other amendments are also proposed.

As the Proposed Amendments affect property on, in, or contiguous to the Greenwich Harbors Area (the jurisdiction of the HMC and Harbor Management Plan), the proposal is subject to review by the HMC to determine its consistency with the Plan. Authority and requirements for this review are specified in Sec. 22a-113p of the Connecticut General Statutes, Sec. 7A-4 of the Greenwich Municipal Code, and the Plan. Pursuant to the General Statutes, a 2/3 vote of all members of the Planning and Zoning Commission is needed to approve a proposal that has not received a favorable recommendation from the HMC.

On behalf of the HMC, I wish to thank you for your substantial efforts over the past year to inform the HMC of the purpose and substance of the Proposed Amendments, including the several drafts dated November 3, 2017, June 21, 2018, and October 2018. In addition, we appreciate your participation in regular and special meetings of the HMC to discuss this matter, including special meetings on December 6, 2017 and, most recently, October 10, 2018. Over this extended period, beginning with the Planning and Zoning Commission’s February 23, 2017 public workshop and including that Commission’s August 7, 2018 Public Hearing, the HMC has given much consideration to the potential effect of the Proposed Amendments on the Greenwich shoreline, including the effect on existing water-dependent uses and future water-dependent development opportunities.

In anticipation of the Planning and Zoning Commission’s November 20, 2018 continued Public Hearing on the Proposed Amendments, the HMC considered this matter during its November 14, 2018 meeting. Following significant discussion, the HMC approved unanimously a motion to transmit the following determination to the Planning and Zoning Commission.

The HMC is not able to make a favorable recommendation in support of the Proposed Amendments to the WB Zone at this time. The HMC is concerned that the Proposed Amendments are likely to diminish existing water-dependent uses and future water-dependent development opportunities and therefore finds the Proposed Amendments to be inconsistent with the Greenwich Harbor Management Plan.

Please consider the following comments and recommendations of the HMC provided in support of the above determination.
Comments and Recommendations:

1. The Greenwich Harbor Management Plan contains a number of provisions pertinent to consideration of the Proposed Amendments, including, but not limited to, policies concerning recreational boating and waterfront land-use and development. The HMC finds the Proposed Amendments are inconsistent with the following Plan policies:

4.2 Private Boating Facilities:

4.2.1 The Town should encourage and support the continued operation of private boating and yacht clubs and commercial marinas and boating facilities and the establishment of new boating facilities, as needed and feasible, in appropriate locations. Any future development that may affect existing marina and/or boating facilities should not result in a significant reduction of currently available boating facilities and services.

4.2.2 The authority and policies of the CCMA, the POCID [Plan of Conservation and Development] incorporating the Town's coastal area management policies, and the Greenwich Building Zoning Regulations should be applied to encourage and support the continued operation of water-dependent boat service facilities (including boat maintenance, repair, and storage facilities) and to promote the establishment of new boat service facilities in appropriate locations. (See Waterfront Land-Use and Development Policies.)

4.2.3 Town planning and zoning requirements should be applied as necessary to protect and promote water-dependent uses such as private boating and yacht clubs and commercial marina and boating facilities. (See Waterfront Land-Use and Development Policies.) (See page 5-13 in the Plan.)

5.2 Water-Dependent Uses and Activities:

5.2.1 The Town should continue to implement (through appropriate zoning and other regulations) the coastal area management policies established in the POCID to encourage and support the development and continued operation of water-dependent land uses as defined in the Connecticut Coastal Management Act.

5.2.2 Access to the GHA [Greenwich Harbors Area] should be promoted wherever feasible, but the Town should ensure, through appropriate zoning and other land-use provisions, that existing water-dependent uses
are not replaced by nonwater-dependent uses providing only limited pedestrian and visual public access to the GHA. (See page 5-15 in the Plan.)

In addition, the Plan specifically addresses the Byram River, Greenwich Harbor, and Cos Cob Harbor WB zones, setting the policy that "future development projects that may affect established water-dependent uses in these zones should not result in significant reduction of available recreational boating services, including, but not limited to, boat maintenance, repair, berthing, and storage facilities." (See pages 6-2, 6-5, and 6-9 in the Plan.)

2. As noted above, the central purpose of the WB Zone, set forth in Sec. 6-107(a) of the Building Zone Regulations, has been always "to assure that these limited waterfront areas are reserved for the uses they are uniquely suited for and not preempted by uses which can be more appropriately located elsewhere." [Emphasis added.] The Proposed Amendments would delete this language and eliminate this stated purpose (See Proposed Amendments Sec. 6-107(a)(4)) and promote instead "land uses that maximize opportunities for public access." (See Proposed Amendments Sec. 6-107(a)(5).) This embodies a fundamental change of policy in the guise of a line edit. The HMC is concerned that, should this change be adopted, existing water-dependent uses will be replaced over time by principal site uses that include pedestrian access to and along the shoreline but otherwise are not water-dependent. The Harbor Management Plan rejects any notion that pedestrian walkways are the equivalent of, or adequate substitutes for such water-dependent uses as boat maintenance, repair, berthing, and storage facilities.

3. The HMC understands that the Proposed Amendments have been prepared, in large part, in response to some property owners' views that the current WB Zone regulations, intended to protect water-dependent uses, are overly restrictive with respect to the waterfront land uses permitted. This view is not new and was raised during the process of updating the Greenwich POCD in 1996. At that time, the Planning and Zoning Commission conducted a review of the regulations and determined that changes to permit nonwater-dependent uses in the WB Zone were not appropriate and would likely result in the demise of traditional water-dependent businesses on the Greenwich shoreline. In addition, it was felt that any future amendments should be preceded and supported by a detailed land-use planning study. The recent process of preparing the Harbor Management Plan further underscored a broad consensus that the WB Zone should not be watered-down.

4. The HMC is concerned that the Proposed Amendments would allow previously prohibited, nonwater-dependent uses (notably multi-family residential development) in the WB Zone if public access to and along the shore is provided. In other words, a principal site use that is not water-dependent would be approvable if pedestrian public access is included according to certain standards. The HMC is concerned that this could
result, over time, in a significant reduction of available recreational boating services, including, but not limited to, boat maintenance, repair, berthing, and storage facilities, as well as a diminution of future water-dependent development opportunities. As a result, the Proposed Amendments are inconsistent with the Harbor Management Plan, including the Plan's above-noted waterfront land-use and development policies 5.2.1 and 5.2.2. The HMC recognizes that replacement of water-dependent uses with multi-family dwellings or offices with pedestrian walkways on the Connecticut shore is a tradeoff often proposed by developers over the almost 40-year history of the CCMA. That tradeoff, however, is inconsistent with the Greenwich Harbor Management Plan and with Greenwich's long-established history of applying its planning and zoning requirements to protect and encourage water-dependent uses and reserve limited waterfront areas for uses that require direct access to coastal waters and that cannot be located inland.

5. The Proposed Amendments include a number of special conditions for multi-family dwellings, envisioning that boat slips may be included on a property improved with residential uses, but do not address separate parking requirements for those slips. (See Proposed Amendments Sec. 6-107(c)(11)(g).) In any event, provision of boat slips as compensation for replacement of boatyard facilities with nonwater-dependent development, including multi-family dwellings, is inadequate and illusory compensation for loss of water-dependent development opportunities and inconsistent with the policies of the Harbor Management Plan.

6. The HMC understands that the Connecticut Department of Energy and Environmental Protection (DEEP) has informed the Planning and Zoning Commission that the Proposed Amendments are consistent with the applicable policies and standards of the CCMA. The CCMA, however, delegates substantial authority to Connecticut's coastal towns to determine, through their plans of conservation and development, zoning regulations, and harbor management plans, how best to implement locally the policies and standards of the CCMA, including the policies giving highest priority and preference to water-dependent uses. As a result, the Proposed Amendments should be developed and reviewed principally with respect to the Town's needs and interests, including the established policies of the Harbor Management Plan. Validation by DEEP of the Proposed Amendments should not be an argument for their adoption or their suitability for the Greenwich shoreline. In sum, the CCMA sets a "floor", not the "ceiling" for Greenwich's WB zoning.

7. The HMC recognizes that the WB Zone regulations should not impose unreasonable impediments to the beneficial use and development of waterfront properties, including underutilized waterfront properties along the Byram Harbor shoreline. In this regard, the HMC understands that some amendments to the WB Zone regulations may be appropriate to ensure continuation of viable water-dependent land uses, including amendments that would enable new development supportive of a principal, water-dependent site use. However, the HMC believes, as the Planning and Zoning
Commission did 31 years ago, that such amendments should be preceded by a detailed land-use study, including an analysis of economic conditions affecting waterfront and water-dependent development, and a build-out analysis of the development that could occur in the WB Zone under different zoning requirements. The HMC recommends that the process of updating the Greenwich POCD in 2019 should give special consideration to waterfront land use in the current WB Zones, and that no action to amend the existing WB Zone regulations be taken prior to guidance from the updated POCD. Adoption of the Proposed Amendments at this time would, in effect, 'put the cart before the horse.'

8. While the HMC recognizes that property tax relief for water-dependent uses would require new state legislation, the HMC remains unconvinced that the Town has explored all practical measures, including tax and other incentives, for encouraging and supporting water-dependent uses. The HMC recommends that potential incentives and other measures be identified and evaluated in more detail, including through the POCD process. Exhaustion of such avenues should precede and be part of any consideration of changes to the existing WB Zone regulations.

The HMC looks forward to continuing to work in coordination with the Planning and Zoning Commission and your office to help ensure that any future amendments to the WB Zone regulations serve to best achieve the Town's goals for encouraging and supporting water-dependent uses pursuant to the Harbor Management Plan, POCD, and CCMA. Please share a copy of this letter with the Members and Alternate Members of the Planning and Zoning Commission.

If you have any questions or wish to discuss this matter further at this time, feel free to contact me at (917) 622-0284 or bruce.angiolillo@greenwichct.org.

Sincerely,

Bruce Angiolillo, Chairman

cc:
Board of Selectmen
Mr. Richard Maitland, Chair, Planning and Zoning Commission
HMC Commission Members and Alternate Members
Mr. David Blatt, CT DEEP
Sec. 6-2. CLASSES OF ZONES.

Thirty-five (35) classes of zones are established:

CLASSES OF ZONES

RA-4. 4 Acre Residence
RA-2. 2 Acre Residence
RA-1. 1 Acre Residence
R-20. Single Family Residence 20,000 square feet
R-12. Single Family Residence 12,000 square feet
R-7. Single Family Residence 7,500 square feet
R-6. Single and Two-family Residence 7,500 square feet; Multi-family R-MF Multi-Family
R-C. Residential Conservation
R-CC. Residential Conservation Cluster
R-PHD-E. Residential-Planned Housing Design-Elderly
R-PHD-N. Residential-Planned Housing Design-Neighborhood
R-PHD-TH. Residential-Planned Housing Design-Town House R-
PHD-SU. Residential-Planned Housing Design-Small Unit
RP-R. Planned Residential
CCRC. Continuing Care Retirement Community Overlay Zone
LBR. Local Business Retail
CGBR. Central Greenwich Business Retail
LB. Local Business
CGB. Central Greenwich Business
GB. General Business
GBO. General Business-Office
WB. Waterfront Business
WB-1. Waterfront Business - Byram
WB-2. Waterfront Business - Steamboat Road
WB-3. Waterfront Business - River Road and Sound Shore Drive
BEX-50. Executive Office Business
P. Parking
CGIOZ. Central Greenwich Impact Overlay
Zone PRIOZ. Post Road Impact Overlay Zone
HRO. Historic Residential-Office
HO. Historic Overlay
COZ. Coastal Overlay Zone
FHOZ. Flood Hazard Overlay Zone
IND-RE. Industrial Re-Use Overlay Zone
H. Hospital Zone (H-1, H-2)

Sec. 6-5. DEFINITIONS.

(a) As used in this Article:

(12.4) Dock and port facilities shall mean as place where a watercraft can dock so that passengers can embark and disembark appropriately or in case of cargo ships, load or unload goods.
(36.1) Marina: Waterfront establishments whose business is offering slips, berthing, storing, moorings, or securing of watercraft, but not including community piers and other non-commercial boat docking and storage facilities. A marina may include the sale or rental of watercrafts and marine sporting equipment, promotional events clearly incidental to watercraft activities, and the servicing, repair, or storage of same. Such establishments may also provide travelift services, slip rental, fuel, and sanitary pump out service.

Renumber 36.1 through 36.5

(40.1) Public Waterfront Access shall mean a safe and unobstructed access along and/or to the dry, nontidal or nonsubmerged shore areas for all members of the public in order to provide a continuous public access system to and along the waterfront and/or public rights-of-way. Such access shall be in the form of a permanent easement or other form of conveyance acceptable to the Town of Greenwich. Public Waterfront Access shall not preclude other types of in-water access, such as car-top boat launches or fishing piers.

(40.1) (40.2) Rear Lot shall mean a lot whose frontage on a street is as defined in Sec. 6-131. (5/4/2005)

(40.2) (40.3) Recreational Facility: shall mean a commercial establishment or use where indoor or outdoor passive or active recreation activity is conducted including but not limited to batting cages, miniature golf, skate parks, ice-skating rinks, swimming pools, golf courses, bowling alleys, tennis and other sports facilities. (9/28/2010, 9/20/2013)

(43.1) Rowing Club: shall mean a facility that consists of a space to store rowing shells, oars, and associated equipment. It may also include incidental space for fitness equipment, locker rooms, office space, boat sales, and restaurant.

Renumber 43.1 through 43.2

(52.1) Water-based recreation uses shall mean a recreational use facilitating public access to the water, which through the location, design, and operation, ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public. Water-based recreation uses may include but are not limited to parks and playgrounds, piers, fishing piers, pedestrian and/or bicycle trails, rental of small watercraft such as kayaks and paddle boards for use off the property only, and similar improvements.

(52.1) (52.2) Water-dependent uses means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. (5/11/1987)

(52.3) Water-related uses shall mean those uses and facilities which require or are directly related to uses that require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland. For example, a rowing club requires direct access to the water and a common ancillary use includes space for ergometers and related and ancillary office space.

(52.4) Water-enhanced uses shall mean those uses and facilities that are not directly dependent upon access to water, but whose presence facilitates public access to and enjoyment of the water.

(52.2) (52.5) Wet bar shall mean an area equipped with running water, a sink of not more than 250 square inches and a bar or serving counter, and may also include an under counter or counter top refrigerator. The wet bar shall not include facilities for cooking. (10/3/2001)
(54) **Yacht Club:** shall mean a facility that consists of structures and related grounds and/or moorage used for social and recreational purposes related to boating, sailing or yachting. Incidental uses may include a swimming pool and restaurant.

(54) (54.1) Yard, Front shall mean an open space across the full width of the lot between the front wall of the principal building and the front lot line. See Diagrams 7 and 9 (4/30/2002)
Sec. 6-100. USE GROUPS FOR BUSINESS ZONES.

USE GROUP 7

USE GROUP 7a Water Dependent Uses (5/11/87)

Boat and marine-engine rentals and sales
(5/11/87)

Boat and engine repairs, service and storage;
Assembling, processing or any light mechanical operation clearly accessory and related to the
conduct of a water dependent use shall be permitted provided that such accessory use
is not larger than 750 square feet gross floor area; and, in the opinion of the Zoning
Enforcement Officer, is not offensive or obnoxious or detrimental to the neighborhood
by reason of emission of odor, dust, smoke, fumes, or noise; (7/19/2006)

Boat yards and/or buildings devoted to boat building, repairs, service and dry storage on
both the ground and in boat storage racks*;
Recreational and Commercial fishing and boating facilities such as marine transport and
excursion services, including ferries, captained charter services, sport fishing and water
taxis;
Dock and port facilities; (5/11/87)

Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation
devices;

Harbor security and emergency response services including but not limited to Harbor
Master, Marine Patrol and Coast Guard;
Processing or sale of seafood delivered to the site via a dock or port facility located on the
same property and provided that such use is not larger than 750 square feet gross
floor area, and in the opinion of the Zoning Enforcement Officer is not offensive or
obnoxious or detrimental to the neighborhood by reason of emission of odor, dust,
smoke, fumes or noise; (5/11/87)

Public or private marinas;
(5/11/87)

Public waterfront access subject to Section 6-107(g);
Retail sales and dispensing of fuel and lubricants at dockside for marine purposes only but
expressly excluding the bulk storage of fuel;
Water-based recreation uses; (5/11/87)

*Boat storage racks along with the boats placed on them are limited in aggregate height
to a maximum 30 feet above the grade and must meet accessory setbacks. Height shall be
measured from the grade beneath the rack to the highest point of the uppermost boat
stored on the rack. (7/19/2006)

USE GROUP 7b Water Related Uses (Special Permit Required). Prior to the approval of an
application for a Special Permit, the Planning and Zoning Commission shall find that the
proposed activities are accessory or subordinate or provide supportive services to a water-
dependent use. (5/11/87)

Beach Clubs, including pools, cabanas and lockers. (5/11/87)
Streets, parks and playgrounds

Boat and marine engine sales;
Food service, other than drive-ins, having no more than 750 square feet gross floor area,
when subordinate and clearly incidental to a water dependent use and as subject to
Sec. 6-194 to Sec. 6-199 inclusive of the Building Zone Regulations. (5/11/87)

Marine-related retail and service establishments. (5/11/87)

Marine research laboratories for the study of oceanography, marine environment, ecology
and coastal resources. (5/11/87)

Rowing clubs, public or private;
Sale of marine and fishing supplies and provisions such as fishing tackle and bait, marine
parts and hardware and equipment supplies, anchoring tackle and supplies, marine
electrical, electronics, navigation equipment, and the like (5/11/87)
Yacht clubs, public or private

USE GROUP 7c Water Enhanced Uses
Special Permit Required. Prior to the approval of an application for a Special Permit the Planning and Zoning Commission shall find that the proposed activities maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with other Use Group 7a and 7b water-dependent uses.

Office Uses, not related to any 7a or 7b use
Outdoor dining facilities, ancillary and contiguous to an eating establishment (restaurant, or retail food establishment), operating on a seasonal (seven month) basis starting on April 1st and concluding on November 1st in any calendar year and subject to the standards and conditions listed (1) through (8) under Section 6-100 Use Group 1. (11/25/2008, 3/25/2014)
Restaurants greater than 750 square feet, other than drive-ins
Retail Food Establishments
Seasonal Farm Stands
Multi Family Dwellings
Sec. 6-107. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR WATERFRONT BUSINESS ZONE ZONES.

(a) Statement of Policy and Purposes (5/11/87)

Waterfront properties in the Town of Greenwich are an extraordinary and limited resource. It is therefore the policy of the Planning and Zoning Commission to control the uses and intensity of development in the Waterfront Business Zone Zones so as to enhance the value of waterfront land for the intended purpose of retaining and encouraging commercial uses which depend on a waterfront location and encourage land uses that maximize opportunities for public access, while protecting natural resources. To that end, the waterfront shall be developed following the schedule of priorities herein:

(a) The first priority of this zone is to protect and nurture existing and potential water-dependent uses;
(b) The second priority is to encourage other water related uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone’s infrastructure;
(c) Water enhanced uses are encouraged provided that they do not interfere with and are not incompatible with first and second priority uses and meet the special requirements of Section 6-107(e).

The purpose of these zoning regulations is to regulate the type and size of development in business zoned waterfront properties in order to:

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

(b) Permitted Uses:
- Use Group 7a
- Use Group 7b (special permit required)
- Use Group 7c (special permit required)

Use Group 7a and 7b

The following Use Group 7c uses are permitted in the WB-1 (Byram) subject to the special permit conditions specified in Section Sec. 6-107(d):

Restaurants greater than 750 square feet, other than drive-ins
Retail Food Establishments
Seasonal Farm Stands
Multi-Family Dwellings, permitted on upper stories only

The following Use Group 7c uses are permitted in the WB-2 (Steamboat Road) subject to the special permit conditions specified in Section Sec. 6-107(d):

Restaurants greater than 750 square feet, other than drive-ins
Office Uses, not related to any 7a or 7b use
Multi-Family Dwellings, permitted on upper stories only

The following Use Group 7c uses are permitted in the WB-3 (River Road / Sound Shore Drive) subject to the special permit conditions specified in Sec. 6-107(d):

Restaurants greater than 750 square feet, other than drive-ins
Retail Food Establishments
Seasonal Farm Stands
Office Uses, not related to any 7a or 7b use, permitted on upper stories only
Multi-Family Dwellings, permitted on upper stories only

(c) Special Requirements:

1. No change in use of existing structures exceeding 40,000 cubic feet in volume above established grade from one Use Group 7b or 7c use to another use from that category shall not be permitted without a special permit approval from the Planning and Zoning Commission. (5/11/87)

2. No new construction for any use or uses which would result in a structure or group of structures which individually or together would total in excess of 40,000 cubic feet in volume above established grade shall be permitted except when authorized by special permit by the Commission pursuant to Sec. 6-17 of these regulations. (5/11/87)

3. All applications in the WB Zone shall be reviewed for compliance with the Building Zone Regulations including but not limited to Sec. 6-111, Sec. 6-15 and Sec. 6-17. (5/11/87)

4. No construction or change of use of land or water shall adversely impact existing or potential water-dependent activities or development opportunities. (5/11/87)

5. In addition to the standards and requirements of Sec. 6-141(b)(1) conversion of a non-conforming use of land or buildings to another non-conforming use, shall be permitted only upon a finding by the Planning and Zoning Commission that, in consideration of the nature of the waterfront property, including the land, the water immediately adjacent and the existing structures, the purposes and requirements of the WB Zone are met. (5/11/87)

6. No land in the WB Zones shall be divided so as to create lots without a common boundary with the water. Any division shall be consistent with the standards and requirements in (7) below. (5/11/87)

7. Lot shape, size and location, the location and size of the buildings, and the arrangement of parking and drives shall be consistent with maximum utilization of the property for the purposes of the zone. The mix of slip space, upland storage, support facilities and parking shall be such that it assures the viability of water-dependent uses. (5/11/87)

8. No building shall be located less than 30' from mean high water unless the Commission finds that the special function, use or design of the structure or its relationship to the lot makes placement closer to the waterfront more consistent with the purposes of the zone. (5/11/87)

9. Illuminated signs, as regulated in Sec. 6-168 shall not be visible from the water. (5/11/87)

10. Sites shall be designed in a manner that preserves the visual quality of vistas and view sheds from both the water and public right-of-way. See diagram 11. When assessing impacts to vistas and view sheds, the Commission shall take into consideration the following:

(a) Presence of and locations of public access easements
(b) The size and height of buildings
(c) **Locations and orientation of buildings, surface parking areas, and site landscape features relative to the water**

(d) **Coastal resources within the view shed, including tidal rivers, streams and creeks, wetlands and marshes, intertidal mudflats, beaches and dunes, bluffs and headlands, islands, rocky shorefronts, and adjacent shoreland areas**

(d) **Special Requirements for Use Group 7b uses only:**

1. A public waterfront access in accordance with 6-107(f) shall be provided on any site with a Use Group 7b use.

2. Prior to the approval of an application for a Special Permit, the Planning and Zoning Commission shall find that the proposed activities maximize the opportunity for public access to and enjoyment of waterfront areas without conflicting with other Use Group 7a uses.

(e) **Special Permit Requirements for Use Group 7c uses only:**

1. Prior to the approval of an application for a Special Permit, the Planning and Zoning Commission shall find that the proposed activities are subordinate to, or provide supportive services to, a Use Group 7a use.

2. A Use Group 7a use and public waterfront access in accordance with 6-107(f) shall be provided on any site with a Use Group 7c use, subject to the following: Therefore, any property improved with a Use Group 7c use, shall also be improved with a public waterfront access and any other Use Group 7a use.

   a. A Use Group 7c use shall only be permitted once the waterside improvements are fully developed with improvements that, first, support the Use Group 7a uses and, secondarily support the Use Group 7b uses. Further, the majority of the waterside improvement shall be in support of Use Group 7a uses, subject to the discretion of the Commission who shall take in to consideration that some Use Group 7a uses may have more space demand than others. For example, the space needed for the boat slips in a marina could exceed the space needed for a commercial fishing operation.

   b. Once the upland improvements needed to satisfy Section 6-107(e) (2)(a) have been met, including but not limited to the structures and buildings to support the Use Group 7a and/or 7b uses, the public access walkway, and all parking requirements, the remaining available upland parking area may be used to support a Use Group 7c use, provided that the total building coverage of any buildings or structures occupied by a Use Group 7c use shall be no more than fifteen percent (15%) of the gross lot area.

3. **Special conditions for public or private restaurants:**

   a. Restaurants are permitted provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing.

   b. The hours of operation for any restaurant shall be limited to within 5:00 a.m. and 11:00 p.m. each day.

   c. One boat slip per every 10 seats in a public or private restaurant shall be made available for public docking and use of the restaurant (subject to any reciprocity rules for private clubs). For public restaurants only, every boat slip required for the public's use of the restaurant shall result in one less upland parking space required for the same. For either public or private restaurants, a lesser number of boat slips may be required as deemed appropriate by the Commission so as to ensure no Use Group 7a or 7b use is hindered by this requirement.
(4) Special Conditions for Multi-Family Dwellings

(a) All multi-family residential developments shall have a minimum lot size of 20,000 square feet.

(b) Multi-family development in a flood hazard zone (A-zone) shall provide access from the proposed building to the street, both of which must be at an elevation equal to or greater than the corresponding flood zone elevation. No residential uses are allowed within FEMA-designated V-zones. All residential development must be constructed according to FEMA standards.

(c) Multi-family residential developments shall use the parking standards from Sec. 6-155.

(d) The net density for a multi-family residential development in the WB zone shall not exceed 1 dwelling unit per 4,200 square feet of lot area.

(e) The maximum permitted floor-area-ratio (FAR) for residential developments may be increased from 0.5 to 0.7, as determined by the Commission.

(f) The maximum number of stories for residential buildings may be increased from 2.5 stories to 3 stories and the maximum height may be increased from 30 feet to 35 feet, as determined by the Commission.

(g) Boat slips associated with a marina on a property improved with residential uses shall be made available to the public at large and shall not be restricted for the sole use of the residences.

(f) The following requirements shall apply to any site with a Use Group 7c use:

(g) Requirements for Public Waterfront Access

(1) The public waterfront access shall be ensured through the dedication of a permanent public waterfront access easement or other acceptable instrument. The easement shall encompass the area of land extending from the mean high water mark to a point at least fifteen feet inland, subject to the discretion of the Commission.

(a) The easement shall be wide enough to accommodate a ten foot wide walkway as well as necessary screening and fencing so as to ensure public safety and security for upland uses. See Diagram 12.

(b) The public waterfront access easement shall connect to all public waterfront access easements on adjacent properties. See Diagram 12.

(c) The public waterfront access easement shall extend along the entire waterfront of the site. See Diagram 12.

(2) The Commission, in its discretion, may modify the size or layout of a public waterfront access easement under the following conditions:

(a) If safe, unobstructed waterfront improvements cannot be reasonably built within a fifteen foot easement due to physical, site, or environmental conditions including but not limited to presence of steep terrain, exposed bedrock, coastal wetlands, or utilities. See Diagram 13.

(b) If, due to the nature of the upland use, a wider buffer is needed between the public waterfront access and upland areas in order to
to protect the health, safety, and welfare of the public and ensure tenant security. See Diagram 13.

(c) If, due to the nature of a Use Group 7a use, a reduction or elimination of a portion of the Public Waterfront Access is needed such as in the area of a crane-operated boat lift.

(3) The Commission shall require the dedication of a ten foot permanent public accessway easement or other acceptable instrument that connects the public waterfront access easement to the public right-of-way. The easement shall be wide enough to accommodate an eight foot wide walkway. The Commission, in its discretion, may waive the public accessway easement requirement for a walkway if it finds that there is another accessway within a reasonable distance. See Diagram 12. In determining whether to waive the public accessway easement requirement, the Commission shall consider the following:

(a) Distance to other public accessways
(b) Connectivity to other public accessways and waterfront walkways
(c) Presence of and locations of dedicated public access parking spaces
(d) Sidewalk connectivity
(e) Physical, site, or environmental conditions including but not limited to presence of steep terrain, exposed bedrock, coastal wetlands, or utilities

(4) A Declaration of Restrictions for the public waterfront access easement shall be provided to the Commission. The restrictions shall include but not be limited to maintenance obligations of the waterfront public access improvement and associated landscaping.

(5) In order to ensure public safety and tenant security, property owners shall be permitted to establish reasonable rules that must be approved by the Planning and Zoning Commission, which will govern permitted and prohibited recreational uses on their property, inclusive of all easements, as well as reasonable time-of-day restrictions (e.g. open dawn to dusk) as established in the Town of Greenwich Park Rules

(6) All public waterfront access points shall contain uniform signage indicating the area is open to the public. Public waterfront access signage shall meet the following criteria:

(a) All Public Access signs shall abide by the design criteria as shown in the CT DEEP Coastal Public Access Sign Catalog. These signs are available from the CT DEEP for a nominal production fee. See Diagram 14.

(b) All signs shall be placed in an area that is clearly visible from the public right-of-way

(c) Where materials to construct the public access way differ from property to property, signage shall be placed at the property line to indicate the continuation of the public access.
(6) Public waterfront access signage may also include the following items:
   (a) Hours of operation (e.g. dawn to dusk)
   (b) Directional arrows
   (c) Types of recreation permitted
   (d) Prohibited activities

(7) Public Access Parking Requirement. Since many residents do not live within walking distance to the water, public parking is necessary for maximizing the utility of public waterfront access points.
   (a) One public access parking space shall be required if the total minimum parking requirement for a site is 30 spaces or less. Two public access parking spaces shall be required if the total minimum parking requirement for a site is greater than 30 spaces.
   (b) Each dedicated public access parking space shall be clearly signed and demarcated as reserved for public access use.
   (c) Public access parking spaces shall not count towards the minimum parking requirement.

(8) Up to 25 percent of the minimum parking requirement can be satisfied by off-site parking under the following conditions:
   (a) The off-site parking area must have adequate entrances and exits and be on property under the same ownership as the site, with the nearest entrance within one-thousand feet of the main entrance of the building.
   (b) Employees of the building's occupants shall be required to use such available parking, leaving on-site parking for patron and customer use. Residential uses are not eligible for the off-site parking allowance.

(h) Design Standards for Waterfront Public Access Improvements
   The purpose of this section is to establish design standards for public waterfront access improvements in order to ensure that these areas are cohesive across many development sites.
   (1) Waterfront improvements shall be accessible to the public and shall be located within a public access easement.
   (2) A waterfront walkway at least ten feet in width shall be provided. See Diagram 15. The walkway:
      (a) Shall extend along the entirety of the public waterfront access easement. See Diagram 15.
      (b) Shall be constructed of high-quality materials that are cohesive with public waterfront improvements on abutting properties so as to create a unified waterfront. See Diagram 15.
      (c) Shall provide unobstructed access to public waterfront improvements on abutting properties. See Diagram 15.
(d) A vegetative buffer, fencing, or screening may be provided between the waterfront walkway and upland land uses in a manner necessary to ensure public safety and tenant security. See Diagram 15.

(e) The walkway extending to a public street or right-of-way in a manner providing safe and convenient public access to the waterfront shall be made of the same materials as the waterfront walkway.

(f) The walkway shall be exempt from the coverage calculation.

Sec. 6-158. CUSTOMER OR PATRON PARKING; REQUIRED SPACES.

<table>
<thead>
<tr>
<th>USE</th>
<th>REQUIRED PARKING SPACES</th>
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<tbody>
<tr>
<td>Marina</td>
<td>1-1/2 spaces 0.75 0.5 spaces per slip, mooring or other unit accommodating a boat or vessel in the water</td>
</tr>
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</table>
DIAGRAM 11: ILLUSTRATION OF BUILDING ORIENTATION AND IMPACTS TO WATERFRONT VIEWS
DIAGRAM 12: ILLUSTRATION OF WATERFRONT PUBLIC ACCESS AND PUBLIC ACCESSWAY EASEMENTS

PUBLIC ACCESS EASEMENT

PUBLIC RIGHT-OF-WAY

15' WIDE PERMANENT PUBLIC ACCESSWAY EASEMENT

CONNECTION TO PUBLIC WATERFRONT ACCESS EASEMENT ON ADJACENT PARCELS

MEAN-HIGH WATER MARK

15' WIDE PUBLIC WATERFRONT ACCESS EASEMENT TO EXTEND ALONG ENTIRE WATERFRONT OF PARCEL
Diagram 13: Illustration of conditions where a wider public waterfront access easement may be required

Widen public access easement due to site, physical and/or environmental conditions.
DIAGRAM 14: ILLUSTRATION OF PUBLIC ACCESS SIGNAGE FROM THE DEEP COASTAL PUBLIC ACCESS SIGN CATALOG
Diagram 15: Illustration of Design Standards for Public Waterfront Access Improvements

- Minimum width: Waterfront walkway
- Constructed of high-quality materials that are compatible with waterfront properties
- Plantings to prevent erosion

Incentives for Waterfront Improvements
DIAGRAM 16  ILLUSTRATION OF WATERFRONT WALKWAY AND VEGETATIVE BUFFER DESIGN STANDARDS
December 14, 2018

Mr. Bruce Angiolillo, Chairman
Greenwich Harbor Management Commission
101 Field Point Road
Greenwich, CT 06830

Re: Review of Mooring Decision Concerning Mooring Permit 1-063 -- John Shaw

Dear Mr. Angiolillo,

We represent the 8 Indian Drive Nominee Real Estate Trust, John Shaw and Debra Shaw (collectively “Shaw”), who are the owner/residents of 8 Indian Drive, Old Greenwich, CT 06870. As you know, we previously wrote to you by letter dated July 12, 2018 requesting HMC review of Harbormaster MacMillan’s improper decision not to honor the above-referenced Mooring Permit issued this year.

I am pleased to inform you that my client has met with the new oysterman, Norman Bloom, (Griffiths sold his position) and Roger Bowgen, Chairman of the Shellfish Commission, and the parties have settled their differences and resolved their issues. Mr. Bloom has expressed his consent to the use and placement of my client’s mooring. It is also my understanding that Mr. Bloom will notify the Harbormaster of his consent to such mooring in connection with a new mooring application each year, the first of which is to be submitted by my client in January, 2019. Accordingly, we believe this resolution moots out the HMC review previously requested, and my clients hereby withdraw their request for review.

Thank you for all of your help in this matter; and Merry Christmas to you and your family.

Very truly yours,

Philip M. Halpern
Harbor Management Commission
2019 Meeting Schedule

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<tr>
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<th>Time</th>
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Total Budget 2018-2019 $59,450.00
### Proposed Budget for 2019-2020

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TOWN OF GREENWICH
CAPITAL IMPROVEMENT PLAN, 2020 - 2034
PART I - PROJECT INFORMATION SHEET

Project Name: Greenwich Harbor Dredging FNCI

Department: Select Department
Account Code: F83419
Start Year: 2019-2020
End Year: 2020-2021

PROJECT DESCRIPTION: (clearly describe scope/schedule, identify approvals required, A&E, etc.)

Maintenance dredging of Federal Navigation Channel in Greenwich Harbor. Approximately 120,000 cubic yards of material to be dredged, 60,000 cy in open water disposal and 60,000 cy in a CAD cell. (Confined Aquatic disposal). Project managed by Army Corp of Engineers and permitted by CT. DEEP.

STATEMENT OF NEED/ISSUES: (Provide metrics, when possible, for project need and connect with Dept. Capital Program)

The channel has an authorized depth of 12 feet at mean low water and has presently shoaled to 7.5 feet in spots. We are looking to the Connecticut Port Authority to fund the project which is estimated to cost between 7 and 9 million dollars. Because 60,000 cy of material is contaminated and unsuitable for open water disposal, it must be disposed of in a CAD cell that requires additional cost. The Corp of Engineers estimates that the town will be required to share 25% of the cost of the extra work. This may run over 1 million dollars. At this point the town is listed as the number 1 priority of the Port Authority for dredging of small harbors and we must be ready to move ahead with the project either in the 2019-2020 dredging season or the 2020-2021 season.

Other Considerations:

☑ Reimbursement (grant, state, donation, etc.), describe: Funded by Port Authority

☐ Public/Private Partnership, describe:

In FY19, project was reflected in FY 2019 for $2,000,000

FINANCIALS:

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TOWN OF GREENWICH
CAPITAL IMPROVEMENT PLAN 2020 - 2034
PART II - PROJECT COST WORKSHEET

Project Name: Greenwich Harbor Dredging FNCI

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Application Review Committee Report
12/19/18 HMC Meeting
Bernard Armstrong, Chairman
Casey Mc Kee, Bruce Angilillo

Finished business
2 Items completed

1. 9/17/18 57 Willowmere Circle, Riverside. Received DEEP Permit #201811622 for Seawall and Floating Dock Improvements. Adam Potter applicant.

2. 12/14/18 rec’d DEEP License #20182911-LISCP for the Establishment of the Marina Boundary at Byram Park Marina, Byram, CT.

Open applications
7 open Items

3. Marache Dock Request for public hearing received by DEEP which conducted a Status Meeting including representatives of the HMC in Hartford on May 22, 2018. This was a preliminary meeting to a site visit and pre-hearing conference to be held in Greenwich on August 8, 2018 and a public meeting to be held in Greenwich on September 13, 2018.

6/6/18 received a petition of Intervention by Susan Cohen
6/13/18 received an Objection to the above petition of Intervention
6/15/18 received Susan Cohen’s response to the above Objection.
8/8/18 DEEP and HMC site visit/ and 9/13/18 Public Hearing
9/24-26 DEEP Major Hearing in Hartford. Steadman and Armstrong attended.
11/9/18 received DEEP notification that a permit to build dock has been issued
11/9/18 received Post Hearing memorandum from Bruce Cohen.
11/9/18 received Post Hearing memorandum from John Casey (attorney for Marache)

This is all preliminary to the Hearing Officer making his ruling on the matter expected later this month. This can then be appealed to the DEEP Commissioner.
4. Eversource  The HMC has deferred a review of this request until such time that the Town’s petition to revise the Siting Council’s decision is resolved.

5. WH House LLC

4/16/18 WH House LLC (109 Byram Shore Road) filed a Certification of Permission Application Form proposing to retain unauthorized davit and platform installed during reconstruction of pier. The HMC noted that the existing, unauthorized work pre-dates the Harbor Management Plan and does not affect coastal resources and therefore the HMC has no objection to the proposal.

6. Oneida Indian Harbor, LLC

5/11/18 Received a Certificate of Permission Application for substantial maintenance of existing waterfront structures, including a pier, gangway, floating dock, and pier foundation at 60 Oneida Drive, Greenwich. This application is consistent with the Harbor Management Plan with the understanding that the existing, unpermitted structures pre-date the Harbor Management Plan and do not have an adverse impact on coastal resources, including shellfish resources. Sent 6/26/18 Draft Certificate of Permission Application letter to DEEP.

7. 7/9/18 Rec’d General Permit Registration Form for 9 Gamecock Rd, Greenwich, CT to install a concrete landing, ramp and float to be reviewed 7/18/18 Shellfish commission reported “no objections” to this application. 8/10/18 BFA sent General Permit Registration to Jeff Caiola (DEEP).

8. 6/8/18 Rec’d Certificate of Permission application by Quatro Partners for 5 Meadow Place to retain and maintain an existing seawall and pier. Committee agreed that application is consistent with the Harbor Management Plan. Pending DEEP approval.

9. 8/2/18 73 Willowmere Circle, Riverside. Received COP application to rebuild a seawall and install a 4/40 dock and stairs. HMC approved on 9/19/18 and sent approval letter to DEEP. Now pending.

New Business

4 New Items

10/26/18 Draft Roger S. Baldwin Dredged Material Relocation. The size would be between 9000-25,000 cubic yards depending on depth and width considerations.

12/17/18 Rec’d COP Application for Removal of Invasive Phragmites in Bruce Park, Greenwich. Coastal resources in Bruce Park are Greenwich Creek, tidal ponds and associated tidal marshes,
12/1/18 rec’d General Permit Registration Form for a 4/40 dock at 7 Hendrie Drive in Old Greenwich, filed by Sharon and Ed Sunoo.

12/18/18 Rec’d DEEP Permit Consultation Form for 30 Oneida Drive, Greenwich to build a 4’x 55’ fixed steel pier. The pier will contain a 10’x10’ pier head and a kayak lift for safe access to GHA waters.

No other permit actions were received by the HMC affecting the GHA since the November 14th meeting.
RULES AND REGULATIONS OF HARBORMASTER BOAT

1. Only person to operate the boat shall be the State Appointed Harbormaster for Greenwich. The boat shall be used for only those activities of the Harbormaster that are set forth in State Statutes, the approved Harbor Management Plan and any regulations that may be promulgated thereto. A representative of the Town of Greenwich may operate the boat with the prior approval of the HMC Chairman. All operators should have either a Ct. Safe Boating License or a USCG license.

2. Boat shall not leave the dock unless in proper operating condition and all required Coast Guard safety equipment is on board and in proper condition. The Harbormaster shall be responsible for the vessel once it is launched and turned over to him/her for the season.

3. Boat shall not be used to haul or drag for moorings without the prior approval of the HMC Chairman, and shall not be used to tow or give assistance to any vessel unless there is imminent danger to life or property.

4. No one other than the Harbormaster, Deputy Harbormaster, or Members or Alternate Members of the Harbor Management Commission shall be on the boat at any time without the prior approval of the Chairman of the HMC.

5. Harbormaster shall keep a log on the boat detailing date and time of all trips, purpose of trip, any passengers and results of trip. The log shall be submitted to the HMC monthly.

6. Any supplies or equipment required for use on the boat shall be requested by the Harbormaster through the Superintendent of the MFO Division of the Department of Parks and Recreation.

7. The Harbormaster boat shall be berthed at all times at the Town of Greenwich Marine Facilities at Grass Island. Slip assignment shall be at the direction of the Department of Parks and Recreation.

8. The boat shall be cleaned and all gear properly stored after each use. No personal use of the boat.

9. Alcoholic beverages are prohibited on the boat.

Adopted: June 15, 2016
600 ft kelpline Layout
Longline Direction Installed - East to West, Southwest to Northeast, etc.

BOTTOM TYPE = Example... gravel, gravel-sand
WATER CURRENT= Example... 0.7-0.8 knots west/southwest

PROJECT FEATURES
Total number of 600 ft longlines = 15 lines
12 inch black buoy = maximum number of 20 per line
24 inch white buoy = maximum number of 3 per line
300 lb anchor = maximum number of 6 per line

PROJECT NOTES
-Growing season November 1 through May 15
-Seed line and white buoys to be removed by June 1 of each season
-At full maturity, kelp blades will hang approx. 4 ft below the sink line, giving an approx. clearance of 19-26 ft above the sound bottom
-Anchor area on bottom = each approx. 2 feet by 3 feet (6 sf)
The minimum amount of vertical end-line will be used to