BINNEY PARK
SCENIC LOOP

PRESENTATION TO THE
PLANNING AND ZONING
COMMISSION
AUGUST 4, 2020
- PRESERVATION OF A CHERISHED PART OF OLD GREENWICH
- Aligns with POCD and Municipal Code
- Extraordinary Scenic Beauty
- Historical Significance
- No Commercial Development
- Neighborhood and Community Support
- Gives stakeholders a voice in what happens in OUR community
- No cost to the Town

- Must each segment of the Scenic Loop be at least .5 mile in length or is it the intent of the statute that the entire length be .5 of a mile of continuous roadway?
- What is “intensive” traffic?
- Are there any unintended consequences/other questions?
Sec. 11-10. - Designation standards.

(a) To be designated as a scenic road, a highway or portion thereof must be free of intensive commercial development and intensive vehicular traffic. **A portion of a highway must be at least one-half (1/2) mile in length to be designated as a scenic road.**
HOW DID WE COLLECT OUR DATA?

• Of 169 municipalities in the State of Connecticut, 153 municipalities had an online version of their town charter and/or town ordinances.

• In researching these 153 online documents, only 51 municipalities had a Scenic Road ordinance in their municipal code.
• Of the 51 municipalities with a Scenic Road ordinance, only 14 specify a length requirement.

• Of the 14 municipalities which specify a length, 8 (Brookfield, Monroe, New Milford, Norwalk, Ridgefield, Stamford, Wilton, and Greenwich) specify a minimum length of .5 of a mile.

• Bloomfield and Granby require a minimum length of 2500 feet but this can be less if the Commission finds that “the road segment contains unique scenic features.”

• Danbury, New Milford, and Stamford say a scenic road can be less than .5 of a mile if it abuts another scenic road.

• Newtown requires the section to be designated to have a minimal length of at least 30% of the entire road.

• Woodbridge says that if a portion of a road is to be designated a scenic road, that portion must extend from the intersection with a different road to the intersection of another road.

• Coventry specifies a minimum length of 500 feet.
Sec. 13b-31c-5. Qualifications for a scenic road (a) In order to qualify for scenic road designation, the state highway under consideration must have significant natural or cultural features along its borders such as agricultural land, an historic building or structure which is listed on the National Register of Historic Places or the state register of historic places or affords vistas of marshes, shoreline, forests with mature trees or notable geologic or other natural features which singly or in combination set this highway apart from other highways as being distinct. (b) The proposed scenic road shall have a minimum length of 1 mile. (c) The proposed scenic road shall have development which is compatible with its surroundings and must not detract from the scenic, natural character and visual quality of the highway area. (Effective May 1, 1989)
### Examples of State Scenic Roads Made Up of More Than One Portion of a Road Where at Least One of the Portions Is Less Than the State Minimum of One Mile in Length

<table>
<thead>
<tr>
<th>ROUTE</th>
<th>TOWN</th>
<th>DATE DESIGNATED</th>
<th>MILES</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Harwinton</td>
<td>July 29, 1996</td>
<td>1.60</td>
<td>From Cooks Dam west to Route 118</td>
</tr>
<tr>
<td>118</td>
<td>Harwinton</td>
<td>July 29, 1996</td>
<td>0.10</td>
<td>From Route 4 west to Cemetery Road</td>
</tr>
<tr>
<td>74</td>
<td>Tolland</td>
<td>September 26, 2018</td>
<td>3.10</td>
<td>From the intersection with Merrow Road (Route 195) westerly to 200 feet west of Gottier Road</td>
</tr>
<tr>
<td>195</td>
<td>Tolland</td>
<td>September 26, 2018</td>
<td>0.37</td>
<td>From 150 feet south of Cider Mill Connector, northerly to the intersection with Tolland Stage Road (Route 74)</td>
</tr>
<tr>
<td>Road</td>
<td>Location</td>
<td>Date</td>
<td>Duration</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>--------------</td>
<td>---------------</td>
<td>----------</td>
<td>----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>82</td>
<td>Haddam, East Haddam</td>
<td>February 17, 2004</td>
<td>0.29</td>
<td>From the Haddam shoreline of the Connecticut River east to Route 149 (includes the swing bridge)</td>
</tr>
<tr>
<td>149</td>
<td>East Haddam</td>
<td>February 17, 2004</td>
<td>2.31</td>
<td>From Route 82 north to Creek Row</td>
</tr>
<tr>
<td>118</td>
<td>Litchfield</td>
<td>January 4, 2002</td>
<td>2.77</td>
<td>From Clark Road west to Route 63</td>
</tr>
<tr>
<td>202</td>
<td>Litchfield</td>
<td>January 4, 2002</td>
<td>0.47</td>
<td>From Route 118 west to Russell Street</td>
</tr>
<tr>
<td>179</td>
<td>Canton</td>
<td>February 25, 1991</td>
<td>0.30</td>
<td>From the Burlington/Canton town line to the junction with SR 565</td>
</tr>
<tr>
<td>565</td>
<td>Canton</td>
<td>February 25, 1991</td>
<td>0.70</td>
<td>From Route 179 northeast to Allen Place</td>
</tr>
<tr>
<td>67</td>
<td>Roxbury</td>
<td>November 14, 1993</td>
<td>0.87</td>
<td>From Ranny Hill Road south to 0.30 miles south of Route 317</td>
</tr>
<tr>
<td>317</td>
<td>Roxbury</td>
<td>November 14, 1990</td>
<td>0.40</td>
<td>From Painter Hill Road west to Route 67</td>
</tr>
</tbody>
</table>
**STATE OF CONNECTICUT STATE SCENIC LOOP: ** **LAKE WARAMAUG LOOP**

<table>
<thead>
<tr>
<th>Route</th>
<th>Location</th>
<th>Date</th>
<th>Length</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>45</td>
<td>Washington</td>
<td>June 8, 2010</td>
<td>0.50</td>
<td>From the intersection with Route 202 northerly to the southern limit of the section noted below</td>
</tr>
<tr>
<td>45*</td>
<td>Washington, Warren</td>
<td>December 26, 1996</td>
<td>6.90</td>
<td>From Washington/Kent town line on SR 478, east to Route 45 north on Route 45 to the northern junction of SR 478 and west on SR 478 to Warren/Kent town line</td>
</tr>
<tr>
<td>SR 478**</td>
<td>Kent</td>
<td>December 6, 2000</td>
<td>1.00</td>
<td>From the Washington/Kent town line north to the Warren/Kent town line</td>
</tr>
</tbody>
</table>

**NOTE: Completes loop around Lake Waramaug**
CONCLUSION

Our research shows that absolutely nothing in state or local law or precedent requires a scenic road to be a single road. Scenic Roads may be made up of segments of continuous roadway which taken together must meet the minimum TOTAL length requirement.

Even though the State enabling legislation has no length requirement for a local scenic road, Greenwich Municipal Code says the length must be .5 of a mile. The Binney Park Loop is made up of three segments of roadway each less than .5 mile in length, but the entire Loop is .6 of a mile of continuous roadway. According to the precedents we have shown you, this clearly meets the intent of the state statute.
??? INTENSIVE ???

https://www.youtube.com/watch?v=frlEOUdlowc&feature=youtu.be
HOW MUCH TRAFFIC IS “INTENSIVE”?
The Sound Beach Avenue portion of our Scenic Loop is less than half the total length of the proposed Scenic Road.

The Connecticut Department of Transportation's Highway Design Manual classifies the heaviest volume roads as “arterials” which are characterized by a capacity to quickly move relatively large volumes of traffic... could we possibly call this “intensive” traffic? SBA, however, is only classified as a “collector” road “where traffic volumes and speeds will typically be lower than those of arterials.” Wesskum Wood and Arch Streets are classified as “local” roads as are the other scenic roads in town.
Evidence in the form of a measurement of average traffic supporting the position that the highway or portion thereof is free of intensive vehicular traffic.
TRAFFIC FINDINGS

In the CT statutes for designating a state scenic road, traffic, intense or otherwise, is not mentioned.

Of the 51 municipalities with a Scenic Road ordinance:

• Fairfield, Somers, and Shelton make no mention of traffic at all, intensive or otherwise.

• Canton and Tolland say specifically, “Roads designated collector or local streets are eligible for scenic road designation.” (Sound Beach Avenue is designated a collector.)

• Bethany and Woodbridge give a qualitative definition of “intensive” as having a high level of congestion resulting in unreasonable delays for vehicular traffic.” (Sound Beach Avenue does not have a high level of congestion nor unreasonable delays.)
OTHER INTERESTING FINDINGS

11 of the 51 municipalities with scenic road ordinances have the presence of historic buildings or structures as one of the criteria for scenic road status.
To be designated as a scenic road a highway or portion thereof must meet at least one (1) of the following criteria:

- It is unpaved;
- It is bordered by mature trees or stone walls;
- The traveled portion is no more than twenty (20) feet in width;
- It offers scenic views;
- It blends naturally into the surrounding terrain; or
- It parallels or crosses over brooks, streams, lakes or ponds.
From the Greenwich Municipal Code Section 11-9 (a): AUTHORITY

The Planning and Zoning Commission is hereby *authorized* to designate town highways or portions thereof as scenic roads in accordance with the standards and procedures set forth in this article. The authority granted by this Article is limited to the Town’s highways: therefore, nothing in this Article shall be deemed to alter the property rights of persons owning or occupying real property outside of the public right of way....
Is the Scenic Road designation even necessary? “It’s not protecting the park, Perrot or the church. It’s only protecting the roadway.”
The Greenwich Municipal Code in Article 3 Section 11-13 (b) states that alterations and improvements include but are not limited to:

- Reconstruction of a scenic road
- Widening of the right of way or the traveled portion of the scenic road
- Changes of grade
- Straightening
- Removal of stone walls and/or mature trees
- But exclude routine repairs or maintenance
Will a scenic road designation preclude upgrades to road improvements and public safety standards?
From the Greenwich Municipal Code Article 3 Section 11-13 (d)
Standards governing alterations and improvements of a scenic road:
• No scenic road shall be altered or improved unless the Commissioner of Public
  Works after due consideration of the findings of fact and recommendations of
  the Planning and Zoning Commission, and after a duly noticed public hearing,
  determines that the alteration or improvement is necessary to maintain the
  scenic road in a safe condition.
• Any alteration or improvement shall be made so as to minimize any adverse
  impact on the scenic character of the road.
• The Planning and Zoning Commission shall have the authority to adopt
  guidelines regulating future alterations and improvements to scenic roads.
From former Greenwich Town Planner, Diane Fox, Chairman of Greenwich Preservation Network on behalf of herself and her committee:

“The Scenic Road Designation does not preclude upgrades to public safety standards and road improvements. It only adds an added level of review to make sure that the characteristics of the area are not compromised, and any more than necessary, that proposed changes have been well thought out, and that prudent alternatives have been considered prior to making significant changes. This is not unlike the added protection afforded to our natural resources by the Wetlands and Conservation Commissions, our historic resources by the Historic District Commission. The Preservation Network supports this application and will continue to support the efforts to protect and enhance our Town.”
By designating the Binney Park Loop a Scenic Road, are we going down a “slippery slope” to be barraged with more such applications?
Although the Scenic Road statute has been in our Town Charter for 28 years, it has not been applied for more than 20 years. But prompted by the 2019 Plan of Conservation and Development – this Commission’s own document – this proposal addresses two of the Plan’s stated goals:

1. Objective 1.2(b): Use zoning regulations to “encourage the designation of more scenic roads throughout the Town,” and
2. Guiding Principle #1: “Preserve our community character and sense of place.”
IN SUMMARY

• Precedents from around the State showing a Scenic Loop and Scenic Roads made up of more than one segment whose individual segments are less than the minimum length requirement but add up to the minimum when looking at the TOTAL length.

• Examples of attempts by other Connecticut municipalities to define “intensive”. According to these definitions, the traffic on Sound Beach Avenue would NOT qualify as intensive. In any case, according to the Department of Transportation, it is up to the local Planning and Zoning Commissions to interpret the meaning. Again, SBA makes up only .4 of the proposed Scenic Loop.

• Answers to other questions posed by the Commissioners as well as the public at the June 30th meeting.