

# TOWN OF CHESTER

## HARBOR MANAGEMENT PLAN



# **PART ONE**

## **ENVIRONMENTAL SETTING**

The Town of Chester is located in the Connecticut River Valley 12 miles upriver from Long Island Sound. Chester Creek is a dominant feature of the Town and contains some of the Town's most valuable natural resources. Chester's shoreline along the Connecticut River is about 2.8 miles long.

Chester was part of the original Saybrook Colony and its early growth was tied to its Connecticut River location and the water power made possible by many streams and the change of elevation. When first settled in 1692, the area that was to become the Town of Chester was known as the "North Quarter" of Saybrook. Later, it was referred to as Pattaconk.

Today, Chester retains much of its heritage and small-town character. Large areas of natural open space have been protected throughout the Town, along with historic buildings and the visual and cultural characteristics that make the Town such a desirable place to live and visit. The Town's waterfront resources along Chester Creek and the Connecticut River are particularly significant in terms of their scenic and ecological qualities. These waterfront resources have also supported the development of several commercial marinas and private yacht clubs that have made Chester a center of recreational boating activity in the lower Connecticut River Valley. The photos presented in Figures 1-4 through 1-15 illustrate a number of important environmental conditions as well as waterfront uses in the Chester Harbor Management Area.

## **COASTAL RESOURCES**

Chester is the northernmost town within the Connecticut coastal area defined by the state's Coastal Management Act. Because of the Town's location near the northern extent of the Connecticut River's tidal zone, the tide is a significant factor affecting the Town's marine environment. The mean tidal range at Chester is 2.6 feet. High tide at the mouth of Chester Creek occurs 1 hour and 51 minutes later than at Old Saybrook, and remains slack for 22 minutes. The actual area of tidal influence extends further upriver but the level of salinity needed to create a productive estuarine ecosystem does not reach much further north than Chester. The daily flushing movement of salt water, combined with the fresh water inflow, creates the Town's highly valuable and productive estuarine environment. Chester Creek is considered an estuarine embayment and is tidally influenced up to the center of Town, a distance of about 1.8 miles along the Creek from the Connecticut River.

Chester Creek is the largest of several tributaries to the Connecticut River at Chester. The Creek is fed by the Pattaconk Brook, which flows through the center of Town, and

by the Great Brook. The Deep River is also a significant tributary and its centerline near the Connecticut River forms part of the Town's southern boundary. A third and lesser tributary is the Waterhouse Brook which enters the Connecticut River through a wetland area to the north of Chester Creek.

The state water quality classification

<sup>1</sup> of Chester Creek is SC/SA (classified SC with goal of SA) up to Middlesex Avenue. West of Middlesex Avenue, Chester Creek and the Pattaconk Brook are classified SB/SA to the center of Town. Water quality in the upper reaches of Chester Creek and the Pattaconk Brook has improved significantly since the construction of a special community sewerage system in 1985 to serve buildings in the center of Town. There is no other sanitary sewer system in Chester. The Deep River is classified SC/SB, and the Connecticut River is SB.

In addition to the tributary streams, Chester's natural coastal resources include tidal wetlands, intertidal flats, and freshwater wetlands. These resources are important for maintaining water quality and fish and wildlife habitat and for providing other important natural functions. The location and extent of these resources were identified by the Town in the course of preparing Chester's Municipal Coastal Program, and are shown on Figure 1-1.

Tidal wetlands are found along Chester Creek and the Deep River. While these wetlands are "tidal" according to state law, in ecological terms they can be described as "freshwater-tidal" wetlands and as such are particularly significant. Freshwater-tidal wetlands are comparatively rare and provide vital habitat for a number of species not found in saltwater marshes. In fact, the freshwater-tidal wetlands of the lower Connecticut River (which include the freshwater-tidal wetlands in Chester) have been identified by the U.S. Fish and Wildlife Service as having regional and perhaps national significance.

These wetlands are areas of high nutrient and biological productivity. They provide nesting, feeding and refuge areas for shorebirds, and serve as a nursery ground for larval and juvenile forms of many of the organisms found in the estuarine environment. In addition, the wetlands provide important functions related to maintaining and improving water quality by trapping sediments, reducing turbidity, restricting the

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<sup>1</sup> State water quality classifications in Chester's coastal area are:

SC: "may have limited suitability for certain fish and wildlife, recreational boating, certain industrial processes and cooling; good esthetic value; not suited for bathing."

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

SA: "suitable for all sea water uses including shellfish harvesting for direct human consumption, bathing, and other water contact sports; may be subject to absolute restrictions on the discharge of pollutants."

passage of toxics and heavy metals, and generally serving as a "nutrient sink." Other wetland values are related to buffering of flood waters, shoreline erosion protection, provision of recreational opportunities such as fishing, hunting and wildlife observation, and provision of scientific and educational opportunities.

The freshwater-tidal wetlands along Chester Creek are relatively undisturbed by human activities. Wild rice is the most prominent and spectacular vegetation in the intertidal area along the Creek but other plants are also of interest, including the rare golden club. Wildlife is abundant, and Chester's intertidal areas provide important habitat for migrating songbirds and wading birds as well as many other species of birds, mammals and aquatic marine life. Eagles can often be seen fishing along Chester's shores. In the 1992 census, 13 adult and 23 immature bald eagles were counted between Middletown and Old Saybrook.

Intertidal flats are found along Chester Creek and the Connecticut River shoreline and these flats provide natural values very similar to those provided by the wetlands.

Freshwater wetlands are found in the upper reaches of Chester Creek and the Deep River beyond the limits of the tidal wetland areas and along most of the Connecticut River shoreline. The functions and values of these wetlands are generally similar to those of the tidal wetlands.

Much of Chester's waterfront area is at risk to flooding. The flood hazard area generally coincides with the boundaries of the wetland areas along Chester Creek, the Connecticut River, and the Deep River. Flooding from rising water in the Connecticut River can be caused by storm surge from a hurricane or strong storm and also by spring freshets or unusually heavy rain. Flooding of the Creek and the Deep River can also be caused by heavy rainfall that does not result in a significant rise of the River. Serious damage was caused by flooding of the Pattaconk Brook and Chester Creek in 1982.

## **WATERFRONT LAND USE**

Because of the extensive wetlands and intertidal areas along Chester Creek, the Deep River, and the Connecticut River, much of Chester's waterfront area can be classified as open space. Marine commercial uses are associated with the marinas and private yacht clubs. The largest area of marine commercial use is concentrated along Chester Creek, from the Connecticut River to the railroad bridge located 3,000 feet upstream. The state Department of Environmental Conservation holds an easement on agricultural land found between Dock Road and Ferry Road near the River and this land is to remain in agricultural use. Residential land adjoins the intertidal areas of Chester Creek and the Deep River, and residential areas are also found along the Connecticut River.

An important feature of the waterfront area is the railroad owned by the State, leased and operated by the Connecticut Valley Line, and which carries tourists along the

Connecticut River from Essex to Chester. The railroad causeway creates a barrier to water circulation through the wetlands of Chester Creek and the Deep River.

The western terminus of the Chester-Hadlyme ferry that carries automobiles and pedestrians across the Connecticut River is located at the foot of Ferry Road.

A significant parcel of vacant land — once used for dredged material disposal — is found just north of the mouth of Chester Creek.

Across the Connecticut River, nearby features and sites of significance include Chapman's Pond, Whalebone Creek, Gillette Castle State Park, Selden's Creek, and the Selden Neck State Park located in the towns of East Haddam and Lyme. Selden Island along the Connecticut River shoreline at Lyme is described as the largest island in Connecticut.

Chester's waterfront zoning districts include waterfront design districts, residential districts, and a tidal wetlands district. (See Figure 1-2.) The waterfront design district is intended to encourage the continued use of the existing water-dependent land uses associated with the commercial marinas and private yacht clubs. This district encompasses the waterfront land between the Connecticut River and the railroad line south of Dock Road. The area of the Chrisholm Marina north on the Connecticut River is also designated as a waterfront design district. The tidal wetlands district is intended to protect the tidal wetlands along the Deep River and Chester Creek west of the railroad line. The remainder of the Connecticut River shoreline and the land adjoining the Deep River and Chester Creek wetlands is zoned for residential uses.

Chester's waterfront is also located in the Connecticut River "Gateway Conservation District." This district, along with basic requirements to guide waterfront use and development in the district, was established by the state legislature to protect the scenic and environmental qualities of the lower Connecticut River. The district and its requirements have been incorporated into the Town's zoning regulations.

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

Described in Chester's Plan of Development, Chester Creek and the Connecticut River played important roles in the development of the Town. Chester Creek (early-on known as the Pattaconk River) was navigable as far west as the center of Town and the area was known as "Chester Cove." Because most transportation at that time was by way of the Connecticut River, the Creek was of major importance for commerce in the region. Chester was a port of origin for local merchants and for the shipping of local products. Ports of call were up and down the east coast and in the West Indies. In

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The historical information in this section is provided by the Chester Historical Society, and is from research to prepare a book on the maritime history of Chester.

addition, many vessels were "fitted-out," and local seamen shipped out from Chester, including many who shipped out as privateers during the Revolution.

In 1816, Able Snow was forging ship anchors on the south stream of the Pattaconk Brook, and S.C. Silliman & Company, C.I. Griswold - Chester Manufacturing, C.E. Jennings, A.H. & J.S. Dense, and the Connecticut Valley Hardware Company were all engaged in the manufacture of ship-building hardware and tools. The single twist drill bit, which revolutionized the ship-building industry, was invented in Chester in 1815.

Chester's own ship-building history is also significant. There are historical references to vessels being built, probably in the Old Building Yard at the head of Chester Cove, in 1755. The earliest record, however, is of the 62-ton, 59-foot *Dolphin* launched in 1791. (Tonnage in the early days referred to a ship's carrying volume or capacity.) A second shipyard in the Cove, Dunks Landing, was located at the foot of East Liberty Street, and a third yard, Denison's, was located just east of Route 154 on the north shore of the Creek (the foundation can still be seen at low tide). A fourth shipyard, Lords Wharf, was located on the northern bank of Chester Creek at the Connecticut River. All told, sixty one sailing vessels of recordable significance were built at Chester, ranging in size up to the *Adriatic*, a 289-ton, 87-foot ship launched in March, 1812. The last vessel of significance was the schooner *Carrie H. Annis* built in 1875.

Construction of the Middlesex Turnpike Bridge over the Creek in 1816 restricted ship-building and "Cove" trade from then on. It was at this time that the Cove began to fill up with silt. After construction of the railroad causeway and fixed trestle over the Creek in 1870, only small hand-propelled vessels could reach upstream, and the lower part of Chester Cove began to "silt-in." With the decline in the building of sailing vessels in the latter half of the 19th century, the importance of Chester Creek in local commerce also declined.

Connecticut River steamboat traffic is another important aspect of Chester's maritime history. Steamboats traveled the Connecticut River into the early 1900's, and picked up and discharged passengers at the end of Railroad Avenue at the mouth of Chester Creek. The steamboat dock was located on the property where the Connecticut River Marina is today.

Recreational use of the Creek probably also dates back to the early days of Town settlement, but did not become of major significance until the 1950's. Today, Chester is one of the largest centers of recreational boating activity in the lower Connecticut River Valley. In 1988, an estimated 650 boats were berthed, docked, moored or stored within the Town. Chester Creek supports two commercial marinas and two private yacht clubs that provide boat slips and dock space as well as boat service facilities. Two additional commercial marinas and a third yacht club are found on the shoreline of the Connecticut River. These facilities, along with public facilities providing access to the water, are shown on Figure 1-3.

Chester is the northern-most location on the Connecticut River (12 miles up from Long Island Sound) considered by many to be close enough for weekend boaters destined

for the Sound. The Town attracts a number of recreational boaters from Central Connecticut as well as Southern Massachusetts. The next Town north on the Connecticut River that has anywhere near the number of available berths and extent of marine services offered in Chester is Portland, Connecticut, 15 miles further north.

## **CHESTER CREEK**

Chester Creek has a natural channel depth of approximately 6 to 8 feet below mean low water in its lower reaches except in those sections where shoaling has occurred. The Creek provides direct access to the Connecticut River for a large number of pleasure craft (most of which are power boats) ranging in size up to about 40 feet in length. All of the marina facilities are downstream of the Connecticut Valley Railroad bridge which is about 3,000 feet up the Creek from the River. Small craft can still navigate west of the railroad bridge and west of the Middlesex Avenue bridge toward the center of Town.

Dredging of the Creek was last conducted in July of 1967. A channel 75 feet wide was dredged to a depth of at least five feet below mean low water from the outer end of the north jetty at the mouth of the Creek and extending 250 feet upstream. The dredged material was placed in a diked area on the north shore of the Creek near the Connecticut River in approximately the same location used by the Corps of Engineers for disposal of dredged material from maintenance dredging of the Connecticut River channel in 1982.

In 1981, Town officials and the local boating community identified an urgent need to address the shoaling at the mouth of the Creek. A special planning study was conducted for the Planning and Zoning Commission. It was recommended that the channel be dredged to a minimum depth of 6 feet below mean low water. Because of the setting effect of the current at the mouth of the Creek, a channel width of 100 feet was recommended to provide sufficient maneuvering room. Upstream, a preferred minimum channel width of 60 feet (or from 4 to 5 times the beam of the largest craft using the channel) was recommended, but a navigable channel at least 50 feet wide was judged to be adequate. Although the Town applied for and obtained permits from the Corps of Engineers and Connecticut Department of Environmental Protection to conduct maintenance dredging, this dredging has not been carried out.

The Chester Creek channel, although not exposed to open water waves of any magnitude, experiences occasional waves generated by the wakes of vessels on the Connecticut River. Due to the angle of approach, the existence of the jetty at the mouth of the Creek, and a shoal at the south side, the wave wakes have little effect in the Creek except at the entrance, where wave heights of approximately one foot are sometimes experienced.

Water-dependent uses include two commercial marinas (the Chester Marina and Hays Haven Marina) and two private yacht clubs (the Springfield Yacht Club and Pattaconk Yacht Club) that have dredged boat basins near the mouth of the Creek. Two boat

launching ramps are maintained by the commercial marinas and a fee is charged by these marinas for parking and use of the ramps. In addition to the commercial boating facilities and the private clubs, several private docks extend to the Creek from shorefront residences further upstream between the railroad bridge and Middlesex Avenue.

Also located near the mouth of the Creek is a public deck structure constructed by the Town and known as the Chester Creek Overlook. This is one of only two Town facilities providing public access to the Town's shoreline. (The other facility is the Parker's Point boat launching area on the Connecticut River.) Six parking spaces are provided here and the overlook provides visual access to the Creek and the Connecticut River.

## **CONNECTICUT RIVER**

The Connecticut River in the Chester area ranges in width from about 2,500 feet at the Town's southern boundary at Deep River to about 1,000 feet at its narrowest point. The current in the River typically measures about 2 knots during normal flow. A federal navigation channel authorized by Congress and maintained by the U.S. Army Corps of Engineers serves the larger recreational and commercial vessels that use the River. In the Chester area, the authorized depth of the federal channel is 15 feet at mean low water, its width is 150 feet, and it generally follows the River's eastern shoreline and is therefore outside of Chester's territorial boundaries. Most of the River in the vicinity of Chester is naturally deep and wide such that there has been no need to establish channel limits, except in the area sometimes referred to as the "Potash Bar Channel" along the eastern shoreline opposite Chester Creek. Maintenance dredging of the federal channel in this reach of the River was last carried out by the Corps of Engineers in 1984.

Historically, a second navigation channel followed the River's western shoreline in the area south of Chester Creek, and this channel was used by steamboats serving Chester and other shoreline communities. This western channel, known as the "Steamboat Channel," is deep enough to accommodate all but the largest boats and is today used by the Connecticut River tour boats based in Deep River and Haddam. Generally, however, the River is shallower on its western side along the Chester shoreline.

A diversity of recreational boating and other water-based activities takes place on the Connecticut River in the Chester area. Water skiing, recreational fishing, canoeing and sculling are among the boating activities that are popular in this part of the River. Swimming also takes place along the shoreline. Commercial traffic averages about one oil barge a day. The smaller tour boats from Deep River and Haddam travel the River between East Haddam and Deep River using the "inner channel" by the mouth of Chester Creek.

Commercial shad fishing takes place on the River in the Spring.

Within the jurisdiction of the Town of Chester, moorings have been placed in two "Special Anchorage Areas" designated by the U.S. Coast Guard near the mouth of Chester Creek, and along shorefront residential areas to the north. During the 1991 boating season a total of 18 moorings (all individually-owned) were used in the two anchorages, with Anchorage No. 2 used by, but not limited to, members of the Pattaconk Yacht Club.

Water-dependent uses on the River include the Connecticut River Marina near the mouth of Chester Creek, Chrisholm Marina, the Middletown Yacht Club (the previously described Pattaconk and Springfield yacht clubs have frontage on the River but their principal boating facilities are located on Chester Creek), the Parker's Point boat launching area, and the Chester-Hadlyme ferry. In addition, private docks constructed by shorefront property owners extend into the River at several locations.

The Parker's Point boat launching area at the foot of Parker's Point Rd. is the second of the two facilities providing public access to the Town's shoreline (the other facility being the Chester Creek Overlook). The launching area provides physical access to one of the most scenic parts of the Connecticut River but parking is minimal (the paved parking area provides space for about 10 cars). The ramp is in disrepair, water depth is too shallow for effective launching, and there are no site amenities that encourage use of the area. The Town has studied possible improvements to the site but these improvements have not been implemented.

The Chester-Hadlyme Ferry has been in continuous operation since 1768 and is the second oldest ferry in Connecticut. Operating from the Spring through Fall at the foot of Ferry Road, it connects Chester with Hadlyme on the eastern shore of the Connecticut River and serves mainly automobile and pedestrian traffic.

## **MANAGEMENT AUTHORITIES AND ACTIVITIES**

A number of government entities at the federal, state and Town levels have roles and responsibilities that affect the Chester Harbor Management Area. Private individuals and organizations also undertake activities pertaining to harbor management and have important waterfront rights.

### **FEDERAL AGENCIES**

The principal federal agency is the U.S. Army Corps of Engineers. The U.S. Coast Guard and several other federal agencies also have roles and responsibilities.

**U.S. Army, Corps of Engineers.** The Harbor Management Area is within the jurisdiction of the Corps of Engineers' New England Division. In the Chester area, the Corps of Engineers' most prominent harbor management 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 channel in the Connecticut River. Also, 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 of Engineers for: a) any filling in wetlands and navigable water; b) placement of structures in navigable water; and c) dredging and disposal of dredged material. Docks, piers, pilings, bulkheads, and commercial moorings are all structures in navigable water that require Corps permits. In addition, a change in use from a marina to a dockminium requires a permit from the Corps. The Corps also authorizes ``individual-private" moorings placed for private use, but in Connecticut the local harbor masters have approval authority for these moorings and no application to the Corps is required.

The federal navigation channel in the Connecticut River at Chester follows the River's eastern shoreline and is therefore outside of Chester's Harbor Management Area. The Corps is responsible for periodic maintenance dredging of the federal channel as necessary.

**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; education for boating and navigation safety; and designation of ``Special Anchorage Areas." As described previously, two Special Anchorage Areas have been designated by the Coast Guard in the Connecticut River at Chester. Within Special Anchorage Areas (which are identified on navigation charts) vessels less than 65 feet are not required to display anchorage lights. The Connecticut River and Long Island Sound are within the First Coast Guard District South which is headquartered in Boston. The Coast Guard station at New London carries out most Coast Guard functions in the Chester area.

**Other Federal Agencies.** Other federal agencies have less direct roles and responsibilities affecting harbor management in Chester. These agencies include the U.S. Fish and Wildlife Service and the National Marine Fisheries Service which provide comments to the Corps of Engineers on the potential impacts that proposed development requiring a Corps' permit may have on marine resources. In addition, the Fish and Wildlife Service has identified the freshwater-tidal wetlands of the lower Connecticut River as environmental resources of regional and possibly national significance. 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 wastewater. The Federal Emergency Management Agency is responsible for conducting studies and publishing maps to determine flood vulnerability and for providing flood insurance to the communities (including Chester) that participate in the National Flood Insurance Program. Within the National Oceanic and Atmospheric Administration, the federal Coastal Zone Management Program which authorizes and funds Connecticut's Coastal Area Management Program is administered, the National Weather Service issues weather forecasts, and the National Ocean Service conducts bathymetric surveys, prepares navigation charts, and determines changes in sea level.

## STATE AGENCIES AND OFFICIALS

The most prominent state agencies with roles and responsibilities in Chester's Harbor Management Area are the Department of Transportation and various units of the Department of Environmental Protection. Also, the Chester Harbormaster is appointed by the Governor and his authorities are established by state statute.

**Department of Transportation, Bureau of Aviation and Ports.** The DOT has jurisdiction over the harbors and navigable waterways of the state. Harbormasters and Deputy Harbormasters 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 DEP's Office of Long Island Sound Programs for dredging, filling and structures in waterways. Any proposed Harbor Management Plan must be submitted to the DOT for approval (approval by the DEP is also required) before it can be adopted by a municipality.

The Bureau's Office of Water Transportation has responsibilities concerning the regulation of state-licensed marine pilots, and also acts as the state's proponent or coordinator for maintenance dredging of federal navigation projects. In addition, the Chester-Hadlyme Ferry is owned and operated by the DOT, under supervision of the Bureau of Aviation and Ports.

**Harbormaster.** The Chester Harbormaster (and Deputy Harbormaster) are appointed by the Governor for a three-year period, serve at the pleasure of the Governor, and are responsible for the general care and supervision of the Town's navigable waterways, subject to the direction and control of the Commissioner of Transportation. Principal duties of the Harbormaster and Deputy Harbormaster as described in Sections 15-1 through 15-12 of the Connecticut General Statutes are to: a) determine the anchoring/mooring location of vessels so that they do not obstruct navigable waterways; and b) remove, when necessary, vessels moored or anchored or other obstructions to navigable waterways. In addition, the Harbormaster and Deputy Harbormaster are empowered to enforce, within Chester's jurisdiction, all of the state's boating laws. In the interest of proper enforcement procedure, the DOT considers it important that only Harbormasters and Deputy Harbormasters who have had training/certification in arrest and seizure be empowered to enforce the state's boating laws. The Harbor Management Plan will provide the guidelines under which the Harbormaster and Deputy Harbormaster will operate.

**Department of Environmental Protection, Office of Long Island Sound Programs.** The DEP's Office of Long Island Sound Programs (OLISP) has important responsibilities for implementing the Connecticut Coastal Management Act of 1979 and

the Connecticut Harbor Management Act of 1984. The OLISP provides technical assistance for harbor management and will review the Chester 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 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; construction and maintenance of nonfederal channels; and placement of commercial moorings. The OLISP works closely with the Corps of Engineers in processing permit applications involving filling, dredging, or structures in wetlands or coastal waters. Tidal wetlands subject to the jurisdiction of the OLISP in Chester have been mapped and include the Town's freshwater-tidal wetlands. Tidal wetlands are defined in state statutes and mapped according to the presence of specified vegetation.

**Other Divisions of the Department of Environmental Protection.** Other divisions of the DEP also carry out important harbor management-related activities. For example, the Planning and Water Quality Standards Division of the Bureau of Water Management is responsible for: a) issuance of discharge permits under the National Pollution Discharge Elimination System; b) emergency response to oil and chemical spills; and c) development of requirements for marine sanitation devices. The Marine Fisheries Division is responsible for the management of finfish, lobster, squid, and crab resources in the waters of the state and has licensing and reporting requirements for commercial fisheries. The Law Enforcement Division has responsibility for enforcing state boating laws, fish and wildlife laws, and other state laws and regulations. (Local police departments also have authority for enforcing these laws and regulations.) The Law Enforcement Division's Marine Unit patrols the Connecticut River in the Chester area. 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 harbor management plan.

**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 in length powered by sail alone must 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.

**State Police.** The Connecticut State Police also conducts boating patrols on the Connecticut River and enforces state boating laws and regulations.

## TOWN OF CHESTER

While the Chester Harbor Management Commission has the most direct responsibilities with regard to the Town's Harbor Management Area, other Town commissions, boards and departments have responsibilities related to the waterfront.

**Chester Harbor Management Commission.** In 1989, the residents of Chester at a Town Meeting adopted a local ordinance creating the seven-member Chester Harbor Management Commission (HMC) under authority provided by the Connecticut Harbor Management Act (Sections 22a-113k through 22a-113t of the Connecticut General Statutes). The Commission is appointed by the Board of Selectmen and has the duties, powers and responsibilities authorized by the Harbor Management Act and the Town ordinance.

As specified in the Town ordinance, the purpose of Chester's Harbor Management Commission is to: 1) ensure the safe, proper and responsible use of the Town's navigable waters; 2) protect the Town's marine resources and sensitive natural resource areas along its coastal waters; 3) provide greater public opportunities for water-based recreation; 4) maintain and enhance navigation facilities; and 5) allocate water-side resources in an economically sound manner.

To fulfill these responsibilities, the Town Ordinance specifies that the Commission should prepare and, after a public hearing, adopt a Harbor Management Plan. Among other duties, the Commission is also to review all proposals for dredging, filling and constructing any structure within or contiguous to the waterfront for consistency with the Harbor Management Plan; assist and guide the Harbormaster in the assignment of moorings; and assist in the coordination of all public and private agencies and organizations, including state and federal agencies, that have an interest or jurisdiction within the Town's waterfront areas. The Planning and Zoning Commission and all other boards and commissions are required to consult with the Harbor Management Commission on matters pertaining to the HMC's area of authority.

**Other Town Commissions and Authorities.** The following Town commissions, departments and authorities also have roles and responsibilities that affect the Harbor Management Area.

- **Town Meeting.** The Town Meeting is the legislative body of the Town of Chester and is responsible for approval and adoption of all Town ordinances. The Town Meeting adopted the ordinance establishing the Harbor Management Commission and authorizing preparation of the Harbor Management Plan. Any changes to this ordinance must also be adopted by the Town Meeting. The Town Meeting must adopt the Harbor Management Plan and any ordinance for implementing the approved Plan before the Plan and ordinance can take effect. After initial adoption, any future changes to the Plan and related ordinances must also be adopted by the Town Meeting.

- **Board of Selectmen.** As the principal executive agency of the Town, the Board of Selectmen exercises certain authorities that may directly and indirectly affect actions within the Town's Harbor Management Area. The Board of Selectmen appoints the

members of the Harbor Management Commission and reviews the Commission's budget requests.

- **Planning and Zoning Commission.** The Town Planning and Zoning Commission has authority over land use in the Town. The Planning and Zoning Commission is responsible for the Town's Zoning Regulations and Plan of Development (which is currently being updated) as well as the Town's Municipal Coastal Program which establishes Town goals and policies for guiding land use and protecting coastal resources in the Town's coastal area. The Municipal Coastal Program has been incorporated into the Plan of Development. The Planning and Zoning Commission also reviews site plans for development proposals within the coastal boundary. The Commission has recognized the need for maintenance dredging of Chester Creek and in 1982 received a state grant to conduct a special study of dredging needs.

- **Inland Wetlands/Conservation Commission.** This Town commission has a dual role. As the Inland Wetlands Commission, it has jurisdictional authority over freshwater wetlands in the Town. As the Town's Conservation Commission, it has authority to inventory open space lands in the Town and make recommendations for the use of those lands. The Conservation Commission has been particularly interested in the protection of the freshwater-tidal marshes along Chester Creek, but does not have regulatory jurisdiction over these wetlands which are mapped as state-designated tidal wetlands.

- **Chester Police Department.** The Police Department is responsible for enforcement of Town laws and can also enforce state boating laws within Town waters. The Police Department, however, has no vessel for on-water enforcement or emergency response.

- **Fire Department.** The Town's volunteer Fire Department operates a boat equipped with fire-fighting and rescue equipment. This boat is berthed in Chester Creek during the boating season. Emergency calls received by the Deep River/Chester regional dispatch center and by the Coast Guard are forwarded to the Fire Department, and the Fire Department is first to respond to emergency situations on the water in the Chester area. The Fire Department also has a small trailered boat that can be used to respond to emergencies. Fire department volunteers are trained for medical, rescue, diving (including cold-water diving), ice rescue, fire-fighting, and emergency response activities. They are also trained and prepared for initial response to oil spills.

- **Park and Recreation Commission.** This Town commission has responsibility for managing Town parks and other Town-owned land used for recreational purposes. By definition, this responsibility includes management of the Chester Creek Overlook and Parker's Point boat launching area above the mean high water line. These two areas are currently maintained by the Town's Public Works Department. The Park and Recreation Commission has recently appointed a committee to study the condition of the Parker's Point area and possible improvements to the area.

- **Connecticut River Gateway Commission.** The Gateway Commission, consisting of representatives from the Towns of Chester, East Haddam, Haddam, Deep River, Lyme, Old Lyme, Essex, and Old Saybrook, was formed in 1973. Chester's waterfront area is located within the "Gateway Conservation District" which was established by the state legislature to protect the natural landscape of the lower Connecticut River. Standards for land use and development in the Gateway Conservation District have been incorporated into the Town's Zoning Regulations. The Gateway Commission pursues the purchase of land or development rights to protect the natural landscape. In addition, all actions by towns to revise zoning, master plan and subdivision regulations within the Gateway Conservation District must be approved by the Commission.

## INDIVIDUALS AND PRIVATE GROUPS

Private individuals and groups have important water-related rights in the Chester Harbor Management Area. In addition, their actions may affect management of the Town's waterfront resources. Consistent with the Public Trust Doctrine, individuals and groups do not own underwater land or land subject to the ebb and flow of the tide. The State of Connecticut holds in trust for the public 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 the right of navigation on all waters below the mean high water line. In general, navigation rights are paramount 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 Harbormaster).

Under the Public Trust Doctrine, the public has the right to use the land and waters below mean high water. No person, however, may unlawfully cross private property to gain access to the public trust area.

**Shorefront Property Owners.** Certain rights — referred to as riparian or littoral rights — are inherent in the ownership of lands bordering navigable waters.

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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 these public uses should not be permitted.

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/littoral

- *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 statutes that protect wetlands. Also, the riparian owner can not exercise the right to build out from the shore in a manner that interferes with the riparian rights of abutting property owners. Where a dock or pier is to be constructed in navigable waters, 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 waters adjacent to his or her property. Anyone else may moor a vessel in the adjacent waters subject to the permitting requirements of the Corps of Engineers, Harbormaster, and the DEP. However, both the Corps and the DEP have indicated that the riparian land owner may receive preference over other applicants for an individual-private mooring space in waters adjacent to his or her property.

**Private Groups and Organizations.** Several private groups and organizations also have interest with regard to the management of Chester's waterfront resources. These include any neighborhood groups that may be concerned with the future use and protection of their Town's waterfront resources, as well as The Nature Conservancy and the Chester Land Trust.

The Nature Conservancy and Land Trust are nonprofit organizations dedicated to the protection of natural areas. Both are particularly concerned with the future use and protection of the marshes along Chester Creek. The Nature Conservancy, which is a national organization with a Connecticut office in Middletown, purchased eleven acres of marshland along the Creek in 1990 to ensure the future protection of this wetland as a natural area.

## ISSUES AND CONCERNS

A number of issues and concerns pertaining to use and management of Chester's waterfront resources have been raised by Town residents. These and other issues have been discussed by the Harbor Management Commission and grouped into different categories related to boating and water use, public water access, public safety, environmental protection, property protection, and administration and coordination. No matter what categories are used, however, there will be interrelationships between issues and some overlap.

### BOATING AND WATER USE

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rights are usually defined to include: a) the use of the water for general purposes such as swimming; and b) the right of access to navigable waters, including the right to wharf out to navigability.

– **The "Carrying Capacity" of Chester Creek for Boating Use.** There is some concern over the capacity of the Creek to accommodate additional boating use and water activities without negative effects on navigation and boating safety.

– **Dredging of Chester Creek.** Maintenance dredging of the Creek's natural channel is necessary to ensure navigation safety as well as the continued viability of existing boating facilities. The most critical area for dredging is at the mouth of the Creek. While necessary to maintain navigation requirements, dredging also raises the possibility of potential environmental impacts. In addition, there are the questions of cost, the availability of funds, and to what extent the Town should contribute to dredging of the Creek. Prior to any future maintenance dredging, an assessment of the potential environmental impacts of dredging and the disposal of dredged material will have to be conducted.

– **Other Dredging Needs.** Maintenance dredging of existing boat basins must also be carried out periodically by the operators of local marina facilities under the terms of permits issued by the Corps of Engineers and the DEP. While the potential environmental impacts of maintenance dredging of existing berthing facilities are typically minor, dredging associated with expansion of existing marinas or the development of new facilities may impact water quality and aquatic resources and is discouraged by state and federal permitting agencies.

– **The Future of Existing Marina Facilities.** Chester's Municipal Coastal Program describes concern over the possible gradual loss of marina facilities and the need to maintain a sufficient number of boat slips in Town. Although no major concerns with regard to the current availability of boat service facilities have been reported, in recent years many boating facilities throughout the state have been displaced by nonwater-dependent residential and commercial development. In the future, rising waterfront land values and other economic conditions may affect the viability of commercial boating facilities in Chester and put pressure on the owners of commercial boating facilities to develop more extensive income-generating uses on their sites or to go out of business.

– **Dockominiums.** Possible conversion of existing boat slips to dockominiums is of concern. The dockominium is a relatively new concept in marina operation and development whereby the person using a berthing space purchases fee simple title to use that space. The concept has resulted in controversy as some argue that dockominiums 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 for the use and benefit of the general public and can not be sold for private use. An argument in favor of dockominiums is that they provide a profitable waterfront use and without them, waterfront land may be converted to a nonwater-dependent use.

## **PUBLIC ACCESS TO THE WATER**

– **Balancing Riparian and Public Rights to Use Navigable Waters.** The right of shorefront property owners to “wharf out” to navigable water can conflict with the public right to use the land and water below the mean high water line. Issues involving this conflict on the Connecticut River near Chester have been raised with respect to the appropriate distance that docks and piers can extend from shore — consistent with the shorefront owner's riparian rights — and not interfere with the public use of Public Trust waters. Recent and possible future proposals by marina operators and individual homeowners to construct docks and piers from waterfront properties have also raised concerns over the potential environmental impacts of these docks and piers, their possible effect on small boat navigation, the appropriate size and length to which they should be constructed, and the extent to which towns should control or limit these structures. In the future, these types of issues may be of more concern in Chester.

– **Lack of Opportunities for Public Access to the Water.** There is currently limited opportunity for public access to the Chester waterfront. In addition to the North Quarter Park along Chester Creek, there are only two public waterfront access areas: the Parker's Point boat launching area which is in need of improvement (see below) and the Overlook near the mouth of Chester Creek. The Overlook provides only visual access to the water. There is no public place to launch a canoe or small boat on Chester Creek. There is no public park on the waterfront of the Connecticut River. In the Town's Municipal Coastal Program, concern is expressed over the lack of Town-owned property along the Connecticut River and the importance of maintaining long-term water access for public use is described. The Plan of Development recommends that the waterfront land between Dock Road and Ferry Road be designated for potential acquisition by the Town and development of a passive recreation area to ensure long-term access to the Connecticut River for the enjoyment of future generations of Chester residents.

– **Need for Improvements to the Parker's Point Boat Launching Area.** The Town's Plan of Development identifies the need for improved boat launching facilities to provide safe and efficient access to the Connecticut River for small boats. The only public launching facility in Town is the Town-owned facility at Parker's Point Road. This boat launching area, however, has seen relatively little use in recent years due to deterioration of the launching ramp below the high water line and shallow water in the immediate area which makes launching and boat retrieval difficult. Parking is limited, especially for cars with trailers, and there are no esthetic improvements to encourage use of the area. Plans to improve the boat launching site have been prepared by the Town but not implemented.

– **Possible Water-Dependent Use of the Vacant Land at the Mouth of Chester Creek.** Privately owned land previously used for dredged material disposal just north of the mouth of the Creek and south of the Springfield Yacht Club has been suggested as the site of a water-dependent facility. The Town's Municipal Coastal Program has established a policy that all new development proposals on the Town's waterfront should include designated open space areas that may be used for public access to waterfront areas. A major constraint to development of this area for public use, however, is the lack of upland access (i.e., a public road) to the site.

## **PUBLIC SAFETY**

– **Obstructions to Navigation.** Shoaling and other obstructions to navigation pose a risk to vessels and a public safety hazard. In the past, obstructions near the mouth of Chester Creek have been of particular concern.

– **Lack of Aids to Navigation in Chester Creek.** Chester Creek is relatively narrow and serves the many vessels berthed at the several marinas and private clubs on the Creek. Potential navigation hazards can result from shoaling and other obstructions and at the present time there are no functioning aids to navigation in the Creek.

– **Speeding Vessels and Excessive Wakes in the Connecticut River.** Speeding boats and excessive wakes near the shoreline or close to other vessels on the Connecticut River have presented a significant safety hazard. The wakes generated by larger boats present a hazard to canoes and other small craft as well as to swimmers. In addition, excessive wakes can affect vessels at the gas docks of the Pattaconk Yacht Club and Chrisholm Marina, and cause problems for those launching boats at the Parker's Point launching area.

– **Fire Prevention and Preparedness on the Waterfront.** Measures for fire protection are important with regard to marina facilities that are especially vulnerable to fire hazards because of the presence of volatile fuels, wooden and fiberglass hulls, and other combustible materials.

– **Emergency Response and Rescue Capabilities.** The need for emergency response capabilities, particularly to serve boaters and others in distress on the Connecticut River, is also an important concern. The State Police, DEP and Coast Guard do not have the capability for quick response and therefore the principal responsibility for this response rests with the Town's volunteer Fire Department. There will be a continuing need to ensure that the Fire Department's boat has quick and easy access to the Connecticut River.

– **Lack of Mooring Tackle Standards.** Moorings placed in the Special Anchorage Areas and other areas of the Connecticut River are currently not required to be in conformance with any minimum standards for mooring tackle. There is no requirement for periodic inspection and maintenance of the tackle used. Possible failure of mooring tackle poses risks to other vessels and shorefront property as well as liability concerns.

– **Preparedness for Fuel Spill Emergencies.** There are three waterfront facilities in Town that dispense fuel to boaters. In addition, loaded fuel barges pass Chester as they travel up the Connecticut River. The potential for accidental spills from these facilities and vessels highlights the need for specific procedures and requirements for guarding against and responding to fuel spill emergencies. In the event of a sizeable spill on the Connecticut River, response coordination with the DEP's Oil and Chemical

Spill Response Division could involve deployment of the Chester-Hadlyme Ferry to transport containment/cleanup equipment and personnel to the scene.

## **ENVIRONMENTAL PROTECTION**

– **Water Pollution.** Poor water quality adversely affects fish and wildlife as well as swimming, boating, fishing and other recreational activities, and can reduce the enjoyment of those who use Chester Creek and the Connecticut River for both in-water and waterfront activities. The relatively poor (SC/SB) water quality in Chester Creek reflects historic waste disposal practices in the Town and conditions in the Connecticut River. Also of concern with regard to poor water quality are boating-related activities, including the risk of spills from marina fuel stations, the excavated basins of existing marina facilities that restrict water circulation, seepage from septic systems, and other non-point sources of pollutants that reach the Creek and River.

In addition, the lack of a sewage pump-out facility at any of the marinas or private boating clubs in Chester Creek is seen as a detriment to efforts to improve water quality. Also of concern is the large number of vessels that are used as temporary living quarters during the boating season. At the present time, no regular testing of water quality in Chester Creek is carried out by either the Town or state authorities.

– **Protection of Wetlands.** The ecological values of the wetlands along Chester Creek and other parts of the Town's waterfront are well recognized by many Town residents. Of particular significance are the previously described "freshwater-tidal" wetlands. The Town's wetlands, however, are potentially subject to degradation caused by pollution and by in-water and waterfront development activities. Historically, wetlands in Chester have been lost through dredging or filling for marina development. Despite awareness of wetlands values and the existence of government regulatory programs to protect wetlands, unless these resources are actively managed and protected, they may gradually diminish in quality and quantity over the years. Of particular concern with regard to potential impacts on wetlands are the cumulative impacts that can result from individually minor but collectively significant actions taking place over a period of time.

– **Protection of Fish and Wildlife Habitat.** The possible loss of fish and wildlife habitat as a result of cumulative development impacts, water pollution, human disturbances, and other conditions is of concern to many Town residents. The resources that provide this habitat, particularly the intertidal and water areas, provide other important natural values as well. If these resources are degraded for fish and wildlife habitat, the overall quality of Chester's waterfront areas will be affected. Also, the fish and wildlife habitat provides important recreational and scenic values that are important to the existing character and quality of life in the Town.

– **The "Carrying Capacity" of Natural Resources for Water-Related Use and Development.** Because of the value of wetlands and other natural resources in the Chester Creek area and the large number of boats and marina development in the Creek, some concern has been expressed with regard to the "carrying capacity" of the Creek's natural environment. That is, its capacity to accommodate additional in-

water use and waterfront development without unacceptable adverse impacts on environmental resources. Potential environmental impacts associated with boating facility development are caused by: 1) the boating facilities themselves (impacts from the construction, maintenance and operation of docks, piers, launching ramps, support facilities, and services); and 2) the boating uses and activities made possible by the facilities (noise, wake and other impacts associated with boating operations).

## **PROPERTY PROTECTION**

\_ **Shoreline Erosion.** Shoreline erosion along Chester Creek and the Connecticut River is a natural process that can be accelerated by wakes from passing vessels. Wetlands and sandy shoreline areas are particularly vulnerable to man-made wave action resulting from passing boats.

\_ **Noise Pollution.** Noise pollution is a nuisance impact that can be associated with waterfront activities and which can adversely affect the quality of life in shorefront residential areas. Concern has been expressed over excessive noise emanating from cruise boats, jet skis and high-powered speed boats on the Connecticut River. Also, loud noise from parties on moored boats have affected waterfront areas.

\_ **Damage to Moored Vessels and Docking Facilities.** Damage to vessels moored in the Special Anchorage Areas and offshore of residential areas can result from failure of mooring tackle as well as excessive wakes. In addition, boat wakes can damage floats, pilings and docking facilities along the shoreline.

\_ **Impacts of Docks and Piers on Waterfront Character.** Possible future proposals to construct docks and piers from waterfront properties have raised concerns over potential environmental impacts and the appropriate size and length to which docks and piers should be constructed. Concern has been expressed over the possible negative effects that a proliferation of individual docks could have on adjacent properties and on scenic qualities. The environmental and visual impact of individual docks and piers on shorefront properties may be relatively minor but the cumulative impacts may be much more significant.

## **ADMINISTRATION AND COORDINATION**

\_ **Lack of Town Input in Federal and State Permitting Decisions.** In the past, Chester has had relatively little input in state and federal permitting decisions. Authority for the 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 DEP and the Corps of Engineers. As a result, the state and federal permitting decisions affecting Chester's waterfront are currently carried out by agencies in Hartford and Waltham, Massachusetts. A commonly heard complaint is that the existing state and federal processes are not only

cumbersome and confusing but fraught with delay. Because of their distance from Chester, the permitting agencies are not as familiar with local conditions as Town officials and members of the 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.

\_ **Role of the Harbormaster.** The Chester Harbormaster is appointed by the Governor for a three-year period, serves at the pleasure of the Governor, and reports to the Department of Transportation. The Harbormaster is also an ex-officio member of the Harbor Management Commission. Once a Harbor Management Plan is in place, the duties of the Chester Harbormaster will be more explicitly defined and will have to be carried out in accordance with the Plan.

\_ **Administration of Moorings.** In the past, there has not been a large demand for moorings, and administration of mooring permits has not been a local concern of high priority. Demand for additional moorings in Town waters and in the two Special Anchorage Areas may increase in the future, however, and there may be a need for increased Town control over the placement of moorings to ensure public safety, avoid environmental impacts, and provide for the most efficient use of mooring areas. Some concern has been expressed that moorings near the mouth of Chester Creek are encroaching on the entrance to the Creek. Also, cruise boat operators have complained of moorings interfering with their vessels. In addition, the placement of moorings may conflict with commercial shad fishing activities that take place on the Connecticut River in the Spring. There may be a need to establish new procedures (including procedures for maintaining a waiting list, keeping records, and assigning moorings) for mooring permit application and issuance. Establishing an appropriate Town fee for mooring permits may also be considered.

\_ **Concern that Harbor Management will be Costly and Bureaucratic.** The Town received a small grant from the DEP to help prepare the Harbor Management Plan. Following adoption of the plan, some plan implementation and enforcement activities will require additional expenditures. There is a natural concern that the costs of implementing the plan not exceed the benefits that the Town will derive from the plan. Also, concern has been expressed that the existence of the plan and the Harbor Management Commission not cause further delays in the current permitting requirements and add further restrictions on the use of waterfront land without providing identifiable public benefits.

\_ **Unauthorized Work in Wetlands and Navigable Waters.** There is concern that some filling of wetlands and construction of in-water structures in Chester has taken place without the required environmental review and state and federal permits. This is of concern because important environmental impacts can result from individually minor but collectively significant actions taking place over a period of time.

## **PART TWO**

### **TOWN GOALS FOR HARBOR MANAGEMENT**

Seven broad goals have been established for Chester's Harbor Management Area. These Town goals should be thought of as basic and general guidelines for waterfront and harbor management in Chester. The goals are directed toward achieving "balance" in the Town's Harbor Management Area — balance between use of the area 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 establish the framework for the management policies that follow. The goals are numbered for reference purposes and not to denote priority.

**GOAL 1: TO STRENGTHEN THE ROLE OF THE TOWN OF CHESTER IN THE PLANNING, MANAGEMENT AND REGULATION OF WATER AND WATERFRONT ACTIVITIES IN THE HARBOR MANAGEMENT AREA.**

**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.**

**GOAL 3: TO PLAN FOR AND REGULATE IN-WATER AND WATERFRONT USE AND DEVELOPMENT IN A MANNER CONSISTENT WITH THE CAPABILITIES OF THE NATURAL ENVIRONMENT TO SUPPORT THIS USE AND DEVELOPMENT.**

**GOAL 4: TO PROTECT AND, WHERE POSSIBLE, IMPROVE THE QUALITY OF THE NATURAL AND CULTURAL RESOURCES IN THE HARBOR MANAGEMENT AREA.**

**GOAL 5: TO PLAN FOR AND REGULATE BOATING AND OTHER WATER USES TO ASSURE SAFE, ORDERLY AND EQUITABLE USE OF THE HARBOR MANAGEMENT AREA.**

**GOAL 6: TO PROVIDE LONG-TERM PUBLIC ACCESS TO THE HARBOR MANAGEMENT AREA FOR ACTIVE AND PASSIVE RECREATIONAL USES.**

**GOAL 7: TO PRESERVE THE EXISTING CHARACTER, MARITIME HERITAGE AND BENEFICIAL QUALITY OF LIFE IN THE TOWN'S WATERFRONT AREAS.**

**HARBOR MANAGEMENT POLICIES**

The following policies should guide the Harbor Management Commission and other Town, state and federal agencies in making decisions affecting Chester's Harbor Management Area. Upon adoption of the Harbor Management Plan, these will become official policies of the Town of Chester, to be adhered to by all Town residents, commissions and departments. The policies have been grouped into eight major categories: 1) waterfront and harbor administration policies; 2) environmental protection policies; 3) boating and water use policies; 4) dredging policies; 5) mooring policies; 6) public safety policies; 7) waterfront land use and development policies; and 8) water access policies. The policies are not tied to specific geographic areas but are intended to guide decisions throughout the Harbor Management Area. (Area-specific guidelines are contained in the following section of the Harbor Management Plan.) The policies are consistent with and are intended to complement the policies established by Chester's Municipal Coastal Program. The policies are numbered for reference purposes and not to denote priority.

**1.0 WATERFRONT AND HARBOR ADMINISTRATION POLICIES**

- 1.1 Chester's Harbor Management Area (HMA) and the Harbor Management Commission's area of jurisdiction should include the tidal waters and intertidal areas below the mean high water line and within the territorial limits of the Town. This area of jurisdiction is bounded on the north by the Chester/Haddam boundary, on the south by the Chester/Deep River boundary, and on the east by the centerline of the Connecticut River. The HMA includes the intertidal area of Chester Creek and the Pattaconk Brook to the center of Town and the intertidal area along the Chester side of the Deep River.
- 1.2 As needed, the Town should adopt appropriate additions to the Town Ordinances, including necessary regulations for implementing and enforcing the goals, policies, and guidelines contained in the Harbor Management Plan.
- 1.3 Through implementation of the Harbor Management Plan and Town Ordinances, the Town should exercise its authority to manage and regulate activities in the HMA to the maximum extent practicable.
- 1.4 All Town actions affecting the HMA should be undertaken in the most coordinated manner possible. The actions of the Harbor Management Commission should be coordinated with the actions of other Town commissions and departments with authorities related to the HMA, including

the actions of Town commissions with authority for environmental protection and land use planning and regulation.

- 1.5 All Town ordinances and regulations applying to the HMA and all state and federal laws and regulations affecting the HMA should be strictly enforced by responsible authorities.
- 1.6 To the extent necessary and practicable, the Town should coordinate waterfront and harbor management activities with the adjoining municipalities of Deep River, Haddam, East Haddam, and Lyme.
- 1.7 All activities of the Chester Harbormaster should be consistent with the adopted Harbor Management Plan and Town Ordinances. The Harbormaster should work cooperatively with the Harbor Management Commission to implement the Harbor Management Plan.
- 1.8 All proposed activities that would affect the HMA should be reviewed for consistency with the Harbor Management Plan and approved by the relevant government authorities only when, and if, the proposed activity is judged to be consistent with the Plan.
- 1.9 Adequate funds should be allocated to properly manage the HMA. All monies collected from any fees within the scope of the Harbor Management Plan should be deposited in a Town Harbor Management Fund and should be allocated specifically for harbor management purposes.
- 1.10 The Harbor Management Plan and related Town Ordinances should be reviewed annually and amended as needed to respond to changing circumstances and conditions in the HMA.

## **2.0 ENVIRONMENTAL PROTECTION POLICIES**

- 2.1 Development activities impacting the HMA should be balanced with the need to protect and maintain natural coastal resources. Existing and future development should cause only minimal disruption to natural resource systems and values. Appropriate measures, including "buffering" adjacent waterways where necessary, should be applied to protect water quality during construction activities.
- 2.2 The design and review of development proposals in or adjacent to the HMA should take into consideration cumulative impacts on environmental resources, and the "carrying capacity" of those resources to support development with only minimal disruption of the natural environment and existing scenic quality.

- 2.3 New or expanded uses and development that are inconsistent with the capacity of the natural and man-made environment to support such uses and development should be avoided.
- 2.4 Future waterfront uses and development should be directed away from fragile and sensitive natural resource areas.
- 2.5 The ecological values of intertidal resources such as wetlands and intertidal flats should be protected, including values related to fish and wildlife habitat, nutrient productivity, water quality functions, and flood hazard buffer.
- 2.6 To the extent possible, degraded intertidal areas, including previously filled areas, and other resources, should be restored or enhanced.
- 2.7 Actions should not be permitted that would contribute in any significant way to the degradation of water quality in the HMA.
- 2.8 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 HMA.
  - a. Efforts to improve water quality should include reduction or elimination of non-point sources of pollution (including storm-water runoff), improvement of waste treatment facilities, reduction or elimination of pollution resulting from boating activities, and reduction or elimination of all other human activities that unnecessarily introduce sediment or debris into the Town's water courses.
  - b. The Town should establish and maintain a strong program of water quality monitoring in the HMA.
  - c. A sewage pump-out facility for vessel holding tanks should be established in the HMA and adequate restroom facilities for marina users and transient boaters should be provided by the owners/operators of commercial marina facilities.
  - d. Marine sanitation devices shall not be discharged into the HMA.
- 2.9 Important historic and cultural resources in and near the HMA should be identified and protected from negative impacts that might be caused by in-water or waterfront development activities.
- 2.10 The Town should support the development and maintenance of necessary facilities and equipment to ensure prompt and effective response to fuel spills by the Chester Fire Department, in coordination with the Department of

Environmental Protection and its Oil and Chemical Spill Response Division, and the U.S. Coast Guard. The Chester-Hadlyme Ferry should continue to be available for deployment to transport containment/clean-up equipment and personnel in response to sizeable fuel spills on the Connecticut River.

- 2.11 Areas of severe hypoxia (de-oxygenated water) should be identified and appropriate actions taken to improve the water quality in those areas. The construction of new "dead-end" marina basins should be avoided to reduce the potential for hypoxic conditions.

### **3.0 BOATING AND WATER USE POLICIES**

- 3.1 The Town should encourage and support the continued operation of commercial marinas and private yacht clubs. Town planning and zoning requirements should protect and promote these water-dependent facilities.
- 3.2 No structures (including docks, piers, floats, pilings, and moorings) or any other work (e.g., dredging or filling) should take place below the high tide line without necessary Town, state or federal authorization. All unauthorized structures and other work in the HMA should be considered as "encroachments" into navigable waters and corrected or eliminated.
- 3.3 Where necessary, specific water areas to be kept free of obstructions should be designated as navigation fairways to ensure safe passage of vessels to, from, through, and alongside channels, mooring areas, anchorages, and berthing areas. Navigation fairways should be of an appropriate width to ensure ease and safety of navigation.
- 3.4 All piers, docks, bulkheads, pilings, moorings, and other structures in the HMA should be set back from the boundaries of navigation fairways, channels, mooring areas and anchorages a sufficient distance to ensure that these structures, and any vessels docked or anchored at these structures, do not interfere with ease and safety of navigation.
- 3.5 To reduce potential adverse impacts on navigation, the construction of new or extended docks and piers should be reviewed for consistency with guidelines established by the U.S. Army Corps of Engineers for the placement of fixed and floating structures in navigable waters. In the absence of compelling reasons to the contrary, including the need to protect valuable coastal resources, new or extended docks and piers should be consistent with the Corps of Engineers' Guidelines.

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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.

- 3.6 The use of berthed, anchored or moored vessels as short-term, seasonal, or permanent residences in the HMA should be prohibited where shoreside services for sewerage, potable water, and parking are not available.
- 3.7 Aids to navigation in the HMA, including beacons, buoys and signs, 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.
- 3.8 No "private" (nonfederal) aids to navigation should be placed without approval from the Harbor Management Commission and necessary permits from the U.S. Coast Guard, Corps of Engineers, and Connecticut Department of Environmental Protection.
- 3.9 Any conversion to a dockminium marine facility, 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.
- 3.10 The enhancement of existing Town boating facilities and the establishment of new public boating facilities should be encouraged, as needed, to provide appropriate facilities and opportunities for water access.
- 3.11 Adequate anchorage, dockage and related facilities, including shore access facilities, should be provided for transient boaters.
- 3.12 All water uses and activities in the HMA should be carried out in a manner that does not infringe on the riparian rights of waterfront property owners.
- 3.13 Water uses and activities in the HMA should not have significant adverse impacts on coastal resources, scenic quality, and Public Trust uses of the land and water resources below the mean high water line.

#### **4.0 DREDGING POLICIES**

- 4.1 Dredging in the HMA should be carefully planned and carried out in a manner that provides for the continued viability of boating facilities, ease and safety of navigation, and minimal disruption of natural systems and values.
- 4.2 Dredging in the HMA should be restricted or prohibited during specific times of the year as necessary to protect migrating and/or spawning fish species.

- 4.3 Future maintenance dredging of channels, berthing areas and other boating activity areas should be carried out by local interests in the most timely manner necessary to ensure safe and efficient navigation.
- 4.4 Priority areas for dredging should include existing marina basins and facilities and the Chester Creek navigation channel.

## **5.0 MOORING POLICIES**

- 5.1 The location and placement of all moorings in the HMA should be carefully planned and regulated in a manner that provides for efficient and equitable distribution of individual-private and commercial moorings, including commercial rental moorings, transient moorings, and moorings for the members of private yacht clubs.
- 5.2 The users of all current and future moorings in the HMA should receive a permit from the Chester Harbormaster, and all moorings should be placed and maintained in accordance with standardized procedures established by the Harbor Management Commission and Harbormaster.
- 5.3 Determination of the number and location of moorings in the HMA should be based on consideration of:
  - a) water depths and bottom conditions;
  - b) current flow;
  - c) the availability of suitable on-land access areas to serve the moorings;
  - d) the need to maintain appropriate set-backs from navigation channels and fairways; and
  - e) the need to achieve the most efficient use of limited mooring space without adversely affecting navigation safety or environmental resources.
- 5.4 Moorings located in designated mooring areas should be placed in accordance with specific mooring plans designed to provide safe and efficient mooring of vessels and to maximize mooring area capacity.
- 5.5 To the extent possible, priority for mooring allocations should be assigned to shorefront property owners who apply for moorings offshore of their property.
- 5.6 No commercial mooring (as defined by the Corps of Engineers and Connecticut Department of Environmental Protection) should be placed in the HMA without necessary permits from the Corps of Engineers and the State of Connecticut, in addition to a permit from the Harbormaster.
- 5.7 All mooring tackle used in the HMA should meet minimum mooring tackle guidelines and be subject to periodic inspection to ensure that it is maintained in adequate condition.

- 5.8 To the extent feasible, the placement of mooring tackle should be timed so as to avoid interference with seasonal shad fishing activities in the Connecticut River.
- 5.9 Any plans to increase the size of Connecticut River mooring fields or provide additional mooring fields should take into consideration the effect of those plans on commercial shad fishing activities. Any potential adverse impacts on commercial shad fishing activities should be avoided or minimized.

## **6.0 PUBLIC SAFETY POLICIES**

- 6.1 All appropriate efforts, including implementation and enforcement of applicable Town, state and federal regulations, should be undertaken to maintain and improve boating safety in and near the HMA.
- 6.2 Within designated areas in the HMA, vessel speed should be limited to 6 miles per hour or to a speed that will not cause a wake, whichever is the lesser speed. Any person operating a vessel within the HMA at such a speed as to cause a wake should be held responsible for any damage caused by this wake.
- 6.3 The operation of all personal watercraft (including "jet skis" and similar craft) in the HMA should be in accordance with all applicable boating laws and regulations and should not result in undue noise or other nuisance and public safety impacts.
- 6.4 All derelict, abandoned or deteriorated vessels and structures presenting a hazard or inconvenience to persons, property or navigation should be removed from the HMA as quickly as permissible under applicable laws and regulations or be subject to a fine.
- 6.5 Existing and possible future conflicts affecting the use of channels, fairways, mooring areas and anchorages in the HMA should be reduced or eliminated.
- 6.6 Anchoring of vessels in the HMA should not cause adverse impacts, including nuisance impacts, on adjacently moored vessels, and undue disturbance of other users of the HMA and neighboring waterfront residents.
- 6.7 The Town should support the development and maintenance of necessary waterfront facilities to maintain and enhance emergency response and rescue capabilities. Emergency response and rescue activities should be coordinated to the maximum extent possible with the adjoining municipalities and with state and federal agencies.
- 6.8 All existing and future marinas and waterfront facilities should provide for appropriate fire prevention and preparedness as required by the Fire Marshall. Standards and guidelines contained in the Connecticut Fire Safety Code

should be incorporated in the design and construction of all marinas and waterfront facilities.

## **7.0 WATERFRONT USE AND DEVELOPMENT POLICIES**

- 7.1 All public and private waterfront development proposals affecting the HMA should be carefully planned and reviewed for consistency with the Harbor Management Plan.
- 7.2 The planning and regulation of waterfront development should be guided by the recognition that the HMA is an environmentally sensitive area and that the capacity of waterfront resources to support growth and development is limited.
- 7.3 The potential impacts 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 in the review of these proposals for consistency with the Harbor Management Plan.
- 7.4 The Town should support and encourage the continued operation of water-dependent land uses on waterfront sites.
- 7.5 The Town should support appropriate new, expanded or enhanced water-dependent uses and development that will not exceed the carrying capacity of waterfront resources.
- 7.6 Filling of wetlands and other areas below the high tide line to allow new waterfront development should not be permitted.
- 7.7 The use of nonstructural measures to address flood and erosion problems should be encouraged and used wherever feasible except in those instances where structural measures (e.g., groins, revetments, seawalls) are necessary to protect existing inhabited structures, roads, utilities or water-dependent facilities.
- 7.8 No building, pier, dock, seawall or other waterfront structure in the HMA should be allowed to deteriorate to the point that it poses a hazard or inconvenience to navigation or causes an adverse impact on coastal resources. Owners of any waterfront structure that is allowed to deteriorate to that point should be subject to a fine.
- 7.9 Any existing deteriorated piers, docks or shore protection structures should be repaired or replaced where such deterioration is contributing to under-utilization of the waterfront, causing adverse impacts on coastal resources, or creating a public health or safety hazard.

- 7.10 Waterfront property owners should exercise their riparian rights in a manner that does not have a significant adverse impact on coastal resources, visual quality, Public Trust uses, and other public values associated with the land and water resources below the mean high water line.
- 7.11 In-water and waterfront activities should not cause nuisance impacts — including, but not limited to, noise, litter and wave impacts — on waterfront residential areas.
- 7.12 The planning and review of new waterfront development proposals should take into consideration the possible impacts on the existing character and quality of life in waterfront areas. Potential adverse impacts on waterfront residential areas should be minimized or eliminated.
- 7.13 Proposals for new or extended docks and piers should, in accordance with Section 26-166 of the Connecticut General Statutes, be reviewed for their effect on the Spring shad run in Chester Creek and on commercial shad fishing activities on the Connecticut River. Any potential adverse impacts on the shad run or commercial shad fishing activities should be avoided or minimized.

## **8.0 WATER ACCESS POLICIES**

- 8.1 The Town should promote and support the provision of facilities and opportunities for public access, including physical and/or visual access, to the HMA.
- 8.2 The Town should promote and support the provision of public access to the HMA through existing Town-owned lands, water access right-of-ways, and other areas. The Town should pursue any opportunities that may arise in the future to provide for increased water access, including public acquisition of waterfront land for active and/or passive recreational use.
- 8.3 When considering opportunities for public access to the HMA, concerns pertaining to security, maintenance, public safety, visual quality, and the rights of shorefront property owners should be adequately addressed.
- 8.4 Opportunities for providing public access to the water through Town-owned waterfront areas should be fully utilized. Existing Town-owned waterfront areas should be properly maintained and improved/enhanced in a manner consistent with the capabilities of these areas to support public use.
- 8.5 Consistent with the Public Trust Doctrine, and subject to the riparian rights of upland property owners, the public right of free navigation and use of the land and water resources below the mean high water line should not be impaired.

## **AREA GUIDELINES AND WATER USE PLANS**

Within the overall boundaries of the Chester Harbor Management Area, five "management areas" are identified based on natural features, current and potential uses, and management concerns. The five management areas are: 1) Chester Creek (lower section); 2) Chester Creek (middle section); 3) Chester Creek (upper section); 4) Connecticut River; and 5) Deep River Creek.

The management guidelines for each of these areas add more specificity to the Town's goals and policies for harbor management. The application of some of the guidelines is illustrated in Figure 2-1. Figure 2-2 illustrates the possible placement of moorings in the Special Anchorage Areas in the Connecticut River. The order in which the management areas and guidelines for each management area are presented is not meant to imply priority.

### **CHESTER CREEK (Lower Section)**

This management area extends from the mouth of the Creek at the Connecticut River upstream to the Connecticut Valley Railroad bridge and includes the commercial marinas and private yacht clubs along the Creek, as well as the Chester Creek "navigation fairway." Also included in this management area are the tidal wetlands adjacent to the Creek just east of the railroad bridge.

#### 1. Priority Management Objectives:

- a. To ensure the continued operation of water-dependent facilities and land uses supporting recreational boating and boating access to the Connecticut River.
- b. To promote public safety and reduce conflicts between vessels using the Chester Creek navigation fairway.
- c. To ensure that in-water and upland uses and development do not exceed the capacity of the Creek to safely accommodate such uses and development.
- d. To protect and improve environmental quality, including water quality, and to ensure that in-water and upland uses and development do not exceed the capacity of the Creek to accommodate such uses and development in an environmentally sound manner.
- e. To seek and encourage opportunities for visual and physical public access to the Creek and Connecticut River.

#### 2. Boating Facilities and Marinas:

- a. The existing boating facilities using Chester Creek for access to the Connecticut River (these facilities are currently known as the Chester Marina,

Hays Haven Marina, Pattaconk Yacht Club, and Springfield Yacht Club) should be recognized as important water-dependent uses providing significant water access opportunities. Town planning and zoning requirements should support the continued operation and viability of these facilities.

Figure 2-1:

**THE CHESTER WATER USE PLAN**

(To illustrate the area guidelines contained in the Harbor Management Plan)

TO BE ADDED

- b. The design and review of all waterfront development proposals, including proposals for marina development and expansion, should take into

consideration the "carrying capacity" of Chester Creek to accommodate increased water use without significant adverse impacts on natural resources, water use and public safety. The design and review of all waterfront development proposals should also be guided by the recognition that there are limits to the amount of growth and development that Chester Creek's marine environment can safely support in an environmentally sound manner.

- c. The development of new boating facilities or the expansion of existing facilities should not have significant adverse impacts on natural coastal resources and should be consistent with the capacity of the Creek to support such development or expansion.
- d. It should be the responsibility of project applicants to provide the information necessary to adequately assess the potential impacts of proposed development projects on Chester Creek. The information required should be reasonable in scope and should be in balance with the size, scope and potential positive and negative impacts of the proposal.
- e. Any new or expanded marina facility should provide on-site sewage pump-out facilities for vessel holding-tanks, or demonstrate that available pump-out capacity exists elsewhere in the Harbor Management Area to accommodate their needs. Existing marinas are encouraged to add on-site sewage pump-out facilities.
- f. Existing commercial marinas and private yacht clubs are encouraged to provide transient facilities, including moorings, slips, restroom facilities, and dinghy launching/landing facilities, for the use of transient boaters. All new or expanded marina facilities should provide facilities for transient boaters or demonstrate other such facilities are available in the area.

### 3. Chester Creek Navigation Fairway:

- a. The existing navigation fairway in Chester Creek should be maintained free of any obstructions from the mouth of the Creek (at the eastern end of the jetty on the north side of the mouth of the Creek) to the railroad bridge.
- b. Unessential encroachments into the fairway should be avoided.
- c. It is the responsibility of those applying for permits to construct docks, piers and any other structures in Chester Creek to provide the reviewing agencies with the information necessary to determine that the proposed structures will provide for unobstructed use of the navigation fairway and reasonable in-water and waterfront development opportunities on the opposite side of the fairway.

### 4. Dredging:

- a. Maintenance dredging of the Chester Creek navigation fairway and existing marina facilities should be carried out in the most timely manner necessary to ensure navigation safety and the continued viability of existing boating facilities.
  - b. Dredging of sub-tidal areas outside the Chester Creek navigation fairway as described in 3(a) above should be limited to maintenance dredging of previously dredged areas. Dredging of intertidal areas should be discouraged.
  - c. Maintenance dredging and the disposal of dredged material from the Chester Creek navigation fairway and all 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.
5. In-Water and Waterfront Structures:
- a. Future in-water and waterfront development actions should not result in constriction of the existing navigable area in Chester Creek. Repair or replacement of existing bulkheads should not result in the further extension of bulkheaded areas into Chester Creek.
  - b. Docks and other in-water structures should be set back from the Chester Creek navigation fairway a sufficient distance so that these structures (and vessels docked at these structures) do not interfere with the safe and free passage of any vessel using the fairway. Appropriate setback distances should be recommended by the Harbor Management Commission based on a case-by-case review of existing conditions.
  - c. The construction or extension of public and private docks and piers to reach navigable water should not infringe on the riparian rights of adjoining waterfront property owners or on the riparian rights of waterfront property owners on the opposite side of the fairway.
6. Town Facilities for Water Access:
- a. The Town should evaluate and pursue any existing and future opportunities to increase physical and visual public access to Chester Creek, including the establishment of a public launching/landing area for small vessels such as canoes, dinghies and kayaks that can be transported without trailers.
  - b. The "Overlook" area should be maintained as a public water access facility providing visual access to Chester Creek and the Connecticut River. The Overlook should be utilized to its full potential as a passive recreation area and the Town should evaluate and pursue any opportunities to expand public use of the area.

- c. Docking space reserved for the Chester Harbormaster and for emergency vessels such as the Fire Department's fire fighting and rescue boat should be provided near the Overlook.

7. Public Safety:

- a. The speed of all vessels should be limited to the speed necessary to allow a vessel to be steered while making forward progress.
- b. Appropriate emergency equipment and procedures should be maintained by the owners/operators of the commercial marinas and private yacht clubs to ensure prompt and effective response to fuel spills, fires and other emergencies. All existing and future marinas and waterfront facilities should provide for appropriate fire prevention and preparedness as required by the Fire Marshall and the Connecticut Fire Safety Code.
- c. A "private" (non-federal) navigation beacon should be maintained on the Connecticut River shoreline just north of the mouth of Chester Creek.
- d. No development should be permitted that will restrict vessels from turning in the area down-stream of the railroad bridge.

8. Protection and Enhancement of Environmental Quality:

- a. The freshwater-tidal wetlands along Chester Creek east of the railroad tracks should be recognized as intertidal resources of special significance and the ecological values of these resources should be preserved. 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 dredging and the development of new structures such as docks and piers to provide boating access in this area.
- b. Because of the intensity of boating use, constricted water circulation, and the potential for water quality degradation in enclosed marina basins, the improvement of water quality, including upgrading of the current SC water quality classification, should be a continuing harbor management priority.
- c. All feasible measures to correct, reduce and/or eliminate sources of pollution, including improvement and repair of nearby septic systems, reduction of non-point sources of pollution, and reduction or elimination of sources of pollution caused by boating activities, should be encouraged. Special attention should be directed toward the mitigation of any existing and potential water quality problems in the marina basins.
- d. As part of a water quality monitoring program throughout Chester Creek, water quality should be regularly monitored in the navigation channel and

marina basins 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 for authorization and implementation of a Chester Creek "no-discharge" zone under state law.
- f. Appropriate collection procedures and facilities should be established to prevent paint scrapings and other waste products from vessel repair and maintenance activities from entering Chester Creek and adjacent intertidal areas.
- g. The use of booms in the adjacent waterway should be encouraged to protect water quality during upland construction actions.

### **CHESTER CREEK (Middle Section)**

This management area extends from the Connecticut Valley Railroad bridge to the Middlesex Avenue/Route 154 bridge and includes the intertidal areas adjacent to the Creek.

#### 1. Priority Management Objectives:

- a. To maintain and improve environmental quality, including water quality.
- b. To seek and encourage opportunities for visual and physical access to Chester Creek for water-based recreational activities that have minimal impact on the natural environment.

#### 2. Protection and Enhancement of Environmental Quality:

- a. The freshwater-tidal wetlands along Chester Creek between the railroad and highway bridges should be recognized as intertidal resources of special significance and regional importance. The ecological values of these resources should be preserved. 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 dredging and the development of new structures such as docks and piers to provide boating access in this area.
- b. All feasible measures to correct, reduce and/or eliminate sources of pollution, including improvement and repair of nearby septic systems, and reduction of non-point sources of pollution, should be encouraged.

- c. Dredging, other than maintenance dredging, for the purpose of expanding boating use and navigation access in this section of the Creek should be discouraged.
- d. Any further restriction of water circulation under the railroad bridge and resulting increase in potential flood hazard caused by restriction of water circulation should be avoided.
- e. The use of booms in the adjacent waterway should be encouraged to protect water quality during upland construction actions.

3. In-Water Structures:

- a. The construction of private docks to reach navigable water by the owners of waterfront properties should be permitted if the resource impacts are minimal and there are no feasible alternatives that would have less significant environmental impacts. All structures should be of the minimal length necessary to reach navigable water and should be designed to have only minimal impacts on intertidal areas and water use.

### **CHESTER CREEK (Upper Section) AND PATTACONK BROOK**

This management area includes the intertidal area from Middlesex Avenue to the center of Town and includes the water course commonly referred to as the Pattaconk Brook. (Note: For purposes of the Harbor Management Plan, this water course west of Middlesex Avenue will continue to be known as Chester Creek until its intersection with the Great Brook, and thence will be known as the Pattaconk Brook upstream and west of the Great Brook.)

1. Priority Uses and Management Objectives:

- a. To protect and enhance natural coastal resources and environmental quality, including water quality.
- b. To seek and encourage opportunities for visual and physical access to Chester Creek for water-based recreational activities with minimal impact on the natural environment.

2. Protection and Enhancement of Environmental Quality:

- a. The freshwater-tidal wetlands and intertidal flats along Chester Creek should be recognized as intertidal resources of special concern and regional importance. The protection of natural resources, including those related to fish and wildlife habitat, water quality maintenance, flood protection, and scenic quality, should take precedence over dredging and the development of new structures such as docks and piers to provide boating access.

- b. All feasible measures to correct, reduce, and/or eliminate sources of pollution, including regular monitoring of water quality, improvement and repair of nearby community sewage disposal facilities and individual septic systems, and reduction of non-point sources of pollution, should be encouraged.
- c. Dredging in this area should be discouraged.
- d. Care should be taken during any construction activities to protect environmental quality, including water quality.
- e. Any further restriction of water circulation under the Middlesex Avenue bridge and resulting increase in potential flood hazard caused by restriction of water circulation should be avoided.
- f. The use of booms in the adjacent waterway should be encouraged to protect water quality during upland construction activities.

3. Water Access Opportunities:

- a. The Town should evaluate and pursue any existing and future opportunities to increase physical and visual public access to Chester Creek, including the establishment of public launching/landing areas for small, nonmotorized vessels such as canoes and kayaks that can be transported without trailers

## **CONNECTICUT RIVER**

The Connecticut River Management Area is that part of the River within the jurisdiction of the Town of Chester and including the two Special Anchorage Areas offshore of the mouth of Chester Creek.

1. Priority Uses and Management Objectives:

- a. To ensure the continued operation of water-dependent facilities supporting boating and boating access to the Connecticut River.
- b. To promote public safety and reduce conflicts between water uses on the Connecticut River.
- c. To seek and encourage opportunities for visual and physical public access to the Connecticut River.
- d. To encourage equitable use of public waters by the general public, shorefront residents, private waterfront clubs, and others.
- e. To protect and improve environmental quality, particularly water quality.

- f. To enhance the existing quality of life associated with shorefront residential areas.

2. Boating Facilities and Marinas:

- a. The existing boating facilities with direct access to the Connecticut River (these facilities are currently known as the Connecticut River Marina, Chrisholm Marina, and Middletown Yacht Club) should be recognized as important water-dependent uses providing significant water access opportunities. Town planning and zoning requirements should support the continued operation and viability of these facilities.
- b. All proposals for marina development and expansion should take into consideration potential impacts on natural resources, water use, and public safety. All proposals should include appropriate measures to protect environmental quality, including water quality, during the construction phase.
- c. The development of new boating facilities or the expansion of existing facilities should not have significant adverse impacts on natural coastal resources and should be consistent with the capacity of coastal resources to support such development or expansion.
- d. Any new or expanded marina facility should provide on-site sewage pump-out facilities for vessel holding-tanks, or demonstrate that available pump-out capacity exists elsewhere in the Harbor Management Area to accommodate their needs. Existing marinas are encouraged to add on-site sewage pump-out facilities.
- e. Existing commercial marinas and private yacht clubs are encouraged to provide transient facilities, including moorings, slips, public restrooms, and dinghy launching/landing facilities, for the use of transient boaters. All new or expanded marina facilities should provide facilities for transient boaters.

3. Dredging:

- a. Maintenance dredging of existing boating facilities should be carried out in the most timely manner necessary to ensure navigation safety and the continued viability of existing boating facilities.
- b. Dredging of sub-tidal areas should be limited to maintenance dredging of previously dredged areas. Dredging of intertidal areas should be discouraged.
- c. Maintenance dredging and the disposal of dredged material from all dredged 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.

4. In-Water and Waterfront Structures:

- a. The riparian rights of waterfront property owners to reach navigable water should be protected. Consistent with these rights, the construction of new or extended docks and piers should not have significant adverse impacts on coastal resources and water activities, nor infringe on the riparian rights of adjoining property owners.
- b. Docks and piers should be of the minimal length necessary to reach navigable water. The use of long docks or piers to provide permanent docking facilities should be discouraged. Short piers or small floats to facilitate small craft access to moorings are preferred.
- c. Construction of water access facilities by groups of waterfront property owners for shared use should be encouraged.
- d. In the absence of compelling reasons to the contrary, including the need to protect valuable coastal resources, the construction of new or extended docks and piers should be consistent with guidelines established by the U.S. Army Corps of Engineers for the placement of fixed and floating structures in navigable waters.

5. Town Facilities for Water Access:

- a. The Town should evaluate and pursue any existing and future opportunities to provide increased visual and physical access to the Connecticut River.
- b. The Parker's Point boat launching area should be maintained as a public water access facility providing safe and efficient small craft access to the Connecticut River. The boat launching area should be improved and utilized to its full potential as a water access area. Use of the launching area to launch and retrieve vessels and to park should be monitored, and all regulations pertaining to boat launching, parking and other site uses should be strictly enforced. Periodic maintenance of the facility should be carried out in the most timely manner possible to ensure continued use and enjoyment of the facility. All development, operation and maintenance of the launching area should be in accordance with an established Town plan for the area.
- c. The Town should evaluate and pursue any existing and future opportunities to provide an additional public launching/landing area on the Connecticut River for small vessels such as canoes, dinghies and kayaks that can be transported without trailers.
- d. The Connecticut River shoreline between Dock Road and Ferry Road should be considered as an important opportunity area for possible future establishment

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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.

of a waterfront walkway to provide visual access to the Connecticut River. The opportunities and constraints associated with development of such a walkway and other possible water access facilities in this area should be evaluated and specific short and long-term objectives for public use of this shoreline area should be considered.

6. Public Safety:

- a. A navigation fairway free of obstructions should be maintained between the Special Anchorage Areas and the Chester shoreline to allow the free and safe passage of vessels along the shoreline.
- b. The speed of all vessels within the Special Anchorage Areas and between the Anchorage Areas and the Chester shoreline should be limited to that which causes no wake.
- c. Appropriate emergency equipment and procedures should be maintained by the owners/operators of the commercial marinas and private yacht clubs to ensure prompt and effective response to fuel spills, fires and other emergencies. All existing and future marinas and waterfront facilities should provide for appropriate fire prevention and preparedness as required by the Fire Marshall and the Connecticut Fire Safety Code.
- d. The boundaries of the Special Anchorage Areas should be marked by appropriate nonfederal aids to navigation.
- e. Adequate separation should be maintained between moored vessels, berthing facilities and water activity areas to help ensure public safety and reduce the risk of property damage caused by normal and abnormal marine conditions.

7. Protection and Enhancement of Coastal Resources:

- a. The intertidal areas along the Connecticut River shoreline should be protected. The protection of natural resource values, including values related to fish and wildlife habitat, water quality maintenance, flood protection, and esthetic quality should be protected.
- b. All feasible measures to correct, reduce, and/or eliminate sources of pollution, including regular monitoring of water quality, improvement and repair of nearby septic systems, reduction of non-point sources of pollution, and reduction or elimination of sources of pollution caused by boating activities, should be encouraged. Special attention should be directed toward the mitigation of any existing and potential water quality problems in the marina basins.

- c. Water quality should be regularly monitored in the River and marina basins to identify any pollution problems that may exist and to help identify sources of pollution and feasible pollution abatement measures.
- d. The Town should work closely with state and federal agencies for authorization and implementation of a Connecticut River "no-discharge" zone under state law.
- e. Appropriate collection procedures and facilities should be established to prevent paint scrapings and other waste products from vessel repair and maintenance activities from entering the Connecticut River and adjacent intertidal areas.

8. Mooring and Anchoring:

- a. All moorings should be placed under the direction of the Harbormaster and be subject to a mooring permit application fee as may be established by the Town.
- b. When allocating mooring locations, the Harbormaster should, to the extent feasible, assign priority for mooring allocations to riparian property owners who apply for moorings offshore of their property.
- c. Commercial and transient moorings should only be placed within the boundaries of Special Anchorage Areas designated by the U.S. Coast Guard, unless the applicant for such moorings can demonstrate that an alternative location is preferable from an environmental and/or navigation perspective.
- d. Individual-private moorings may be placed in Special Anchorage Areas, and may also be placed in nearshore areas outside of the Special Anchorage Areas, consistent with all other harbor management goals, policies and guidelines.
- e. All moorings, including individual-private, commercial, and transient moorings, located within a Special Anchorage Area should be placed in accordance with specific mooring plans designed, as necessary, to provide the safest and most efficient mooring of vessels and to maximize anchorage area capacity.
  - i. When allocating individual-private and commercial mooring locations within the Special Anchorage Areas, consideration should be given to the demand for individual-private and commercial moorings, as well as the need for transient anchorage space. Where demand for individual-private moorings and commercial (including rental, transient, and yacht club moorings) exceeds the available mooring space in the Special Anchorage Areas, 60% of the available space (following the designation of transient anchorage areas in accordance with f(ii) below) should be allocated for individual-private moorings and 40% for commercial moorings.

- ii. In the absence of demand for individual-private mooring locations in the Special Anchorage Areas, more than 40% of the available mooring space (following the designation of transient anchoring areas in accordance with f(ii) below) may be allocated for commercial moorings during any one year. However, commercial mooring permits should be subject to annual review and modification if necessary to accommodate demand for individual-private mooring locations in accordance with d(i) above.
  - f. Access to commercial moorings is currently accommodated only through commercial marina facilities and private yacht clubs where dinghy storage and parking is available.
  - g. Adequate space should be reserved for transient anchoring.
    - i. A transient anchoring area should be designated within Special Anchorage Area #1 and/or #2. Other transient anchoring areas may be designated by the Harbor Management Commission as necessary.
    - ii. The size of the area(s) designated for transient anchoring should be equal to at least 10% of the total water surface area included in Special Anchorage Areas #1 and #2 (and in any other special anchorage area that may be designated in the Harbor Management Area).
    - iii. Use of transient anchoring areas should be on a "first-come, first-served" basis and for a limited time subject to rules and regulations established by the Harbor Management Commission.
9. Shorefront Residential Areas:
- a. The existing character and quality of life associated with the shorefront residential areas along the Connecticut River should be protected.
10. Cooperation with Other Connecticut River Towns:
- a. To the maximum extent possible, the Town should coordinate planning, management and enforcement actions with other Connecticut River municipalities to address common concerns in the Connecticut River, including concerns for protection of coastal resources and maintenance of public safety.

## **DEEP RIVER CREEK**

The Deep River Creek Management Area is that part of the Deep River Creek, along with the adjacent intertidal areas, within the jurisdiction of the Town of Chester. (Note: for purposes of the Harbor Management Plan, the watercourse commonly known as the Deep River will be referred to as the Deep River Creek.)

### 1. Priority Uses and Management Objectives:

- a. Protection and enhancement of natural coastal resources and environmental quality, including water quality.
  - b. To seek and encourage opportunities for visual and physical access to the Deep River Creek and Connecticut River for water-based recreational activities with minimal impact on the natural environment.
2. Protection of Coastal Resources:
- a. The freshwater-tidal wetlands and intertidal areas along the Deep River Creek should be recognized as intertidal resources of special concern and regional importance. The ecological values of these resources should be preserved. The protection of natural resource values, including values related to fish and wildlife habitat, water quality maintenance, flood protection, and scenic quality, should take precedence over dredging and the development of new structures such as docks and piers to provide boating access.
  - b. All feasible measures to improve water quality and upgrade the current SC water quality classification, including regular monitoring of water quality, and reduction of non-point sources of pollution, should be encouraged.
  - c. No proposal that would increase boating use on the Deep River Creek should be approved unless it is shown that such increased use will not have significant adverse impacts on natural coastal resources, and will be consistent with the capacity of the Creek to support increased boating use.
3. Coordination with the Town of Deep River:
- a. To the maximum extent possible, waterfront planning and management activities, including water quality monitoring and the formulation of pollution abatement measures, should be coordinated with the Town of Deep River.

## **ROLES AND RESPONSIBILITIES**

The following recommended actions should be carried out to implement Chester's goals, policies and guidelines for harbor management. The recommendations are directed toward roles and responsibilities of: 1) the Board of Selectmen and Town Meeting; 2) the Harbor Management Commission (and including the Commission's responsibility for carrying out the Town's ``Harbor Management Consistency Review Process''); 3) other Town commissions and departments; 4) the Harbormaster; 5) relevant state and federal government agencies; and 6) private groups and individuals.

### **THE BOARD OF SELECTMEN AND TOWN MEETING**

For the Town of Chester to assume an increased role in the planning, management and regulation of activities in the Harbor Management Area, the Board of Selectmen (the Town's executive body) and the Town Meeting (the Town's legislative body) should continue to support the Harbor Management Commission and implementation of a Town Harbor Management Plan through the following actions.

- 1. The Town Meeting should adopt the Chester Harbor Management Plan as the Town's principal guide (in coordination with the Chester Plan of Development and Municipal Coastal Program) for: a) water-related use and development; and b) protection of natural resources in the Harbor Management Area.**
  
- 2. The Town Meeting should modify the Town Ordinances as necessary to implement specific provisions of the Harbor Management Plan. Modification of the existing Ordinances should be based on recommendations provided by the Harbor Management Commission.**
  - a. The definition of the boundaries of the Harbor Management Area and the jurisdiction of the Harbor Management Commission should be clarified in the Town Ordinances.
  - b. Any revised section of the Town Ordinances pertaining to the operation of vessels should be submitted to the state DEP's Boating Safety Division for review and approval.
  - c. The Town Meeting should establish appropriate fees to be charged for the issuance of mooring permits and for other activities within the scope of the Harbor Management Plan.
  
- 3. The Town Meeting should support the Chester Volunteer Fire Department's capital and operating budget requirements for maintaining and expanding, as necessary, the Fire Department's marine fire protection/emergency response capabilities.**
  
- 4. The Board of Selectmen should work with the Harbor Management Commission to establish a Town Harbor Management Fund and appropriate accounting procedures for allocation of funds generated by mooring permits, launching fees and other possible fees that may be established by the Town within the scope of the Harbor Management Plan.**

**THE HARBOR MANAGEMENT COMMISSION AND THE `` HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS''**

Consistent with its powers, duties and responsibilities established by Town Ordinance and its authorities provided by the Connecticut Harbor Management Act, the Harbor Management Commission should continue to carry out the Town's most direct responsibilities with regard to management of the Harbor Management Area (HMA). These responsibilities should include the review of proposed actions that would affect the Harbor Management Area to ensure that those actions are consistent with the Harbor Management Plan. This review process should be known as the "Harbor Management Consistency Review Process" and is highlighted below.

- 1. The Harbor Management Commission should plan for, manage and regulate in-water and waterfront uses and activities to the maximum extent permissible under Town, state and federal law. In accordance with these responsibilities, the Commission should 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 (see Figure 2-3).**
- 2. The 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 sections of the Town Ordinances pertaining to harbor management and boating safety to the Town Meeting for adoption.

HARBOR MANAGEMENT CONSISTENCY REVIEW PROCESS

- A Harbor Management Consistency Review Process will be established to ensure effective implementation of the Chester 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
- The Harbor Management Commission will review, for consistency with the Harbor Management Plan, specific development proposals submitted to, or proposed by, Town of Chester commissions and departments.
- Proposals to be referred by Town commissions and departments to the Harbor Management Commission for review should include:
  - All proposals requiring a Coastal Site Plan Review (i.e., submitted to the Planning and Zoning Commission or Zoning Board of Appeals in accordance with the Connecticut Coastal Management Act and the Chester Municipal Coastal Program) and occurring on property in, on or adjacent to the HMA.
  - All activities involving placement of temporary or permanent structures (e.g., docks, floats, piers), dredging, filling, or other activities below the high tide line.
- It will be the responsibility of project applicants to provide the information necessary for the Harbor Management Commission to adequately assess: a) the potential impacts of proposed development projects on resources in the HMA; and b) the consistency of such proposals with the Harbor Management Plan. The information required should be reasonable in scope and should be in balance with the size, scope and potential positive and negative impacts of the proposal.
- The Plan ``Consistency Review'' Process should also include the review of permit applications submitted to the State Department of Environmental Protection.
- The Plan ``Consistency Review'' Process should also include the review of permit applications submitted to the U.S. Army Corps of Engineers.
- The Harbor Management Commission will determine the consistency of proposed projects with the Harbor Management Plan and make that 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 will be assumed to be consistent with the Plan.
- 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

b. The Commission should adopt minimum guidelines for the mooring tackle used in the Harbor Management Area.

- c. The Commission should establish a mooring grid plan for the placement of moorings in the Special Anchorage Areas in the Connecticut River.
  - d. The Commission should support and cooperate with state and federal agencies in the identification and elimination of any encroachments (unauthorized structures and other work) in the HMA.
  - e. The Commission should review and approve the placement of all "private" (nonfederal) aids to navigation.
  - f. The Commission should designate a navigation fairway to be kept free of obstructions in Chester Creek.
  - g. The Commission should evaluate, on a case-by-case basis, appropriate distances that proposed structures and work below the high tide line should be set back from the navigation fairway in Chester Creek.
  - h. The Commission should initiate actions needed for necessary dredging in Chester Creek.
  - i. The Commission should evaluate the appropriate extent to which docks and piers should extend from the shore in order to reach "navigable water."
- 3. The Commission should evaluate the feasibility of obtaining a General Permit from the Corps of Engineers, as authorized by the Connecticut Harbor Management Act, to facilitate the review and approval of specified in-water activities.**
- 4. The Commission should adopt administrative rules and procedures to guide its various activities, including: conducting meetings; reviewing applications referred by federal, state and Town agencies for consistency with the Harbor Management Plan; supervising the issuance of mooring permits; and other activities that become necessary from time to time.**
- 5. The Commission should conduct an on-going examination of the effectiveness of the Harbor Management Plan and revise the Plan as necessary.**
- 6. The Commission should review actions by persons or organizations (including the Harbormaster) acting under authority of the Commission and the Harbor Management Plan.**
- 7. The Commission should serve in an advisory capacity on all Town-supported planning and development initiatives affecting the HMA.**

- 8. The Commission should promote the provision of 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.**
- 9. The Commission, through its regular and special meetings, should provide a public forum for the presentation of all concerns, including those of waterfront residents and the owners of waterfront businesses, related to the quality and character of the Town's waterfront and harbor resources.**
- 10. The Commission should work with the Board of Selectmen to establish a Harbor Management Fund, and prepare and present to the Board of Selectmen and Town Meeting an annual operating budget.**
  - a. Potential sources of funds for harbor management include annual fees for mooring permits, permits for boat launching, and fines for violations of rules and regulations.
  - b. The Commission should recommend to the Town Meeting an appropriate fee for issuance of mooring permits and other activities within the scope of the Harbor Management Plan.
- 11. The Commission should coordinate harbor management efforts and develop cooperative programs to the maximum extent possible with the adjacent municipalities of Deep River, Haddam, Lyme, and East Haddam.**
  - a. The Commission should pursue the establishment of a multi-town "Harbor Management District" for the purpose of coordinating the management of multi-town resources, addressing multi-town problems, and providing for the establishment of regional water-use policies.
- 12. The Commission should establish and maintain a data base of information and materials pertaining to the Harbor Management Area. The data base should contain information on all docks, piers and other structures in the HMA, as well as mooring records, all permit applications reviewed by the Commission, and water quality data.**
- 13. The Commission should pursue state designation of the HMA and adjacent waters as a "no-discharge zone" within which no marine sanitation device may be emptied.**
- 14. The Commission should arrange to have the names of those who violate boating laws in the HMA and those who unlawfully contribute to degradation of natural resources in the HMA published in a public place or newspaper having circulation in the Town.**

#### **OTHER TOWN COMMISSIONS AND DEPARTMENTS**

In addition to the Harbor Management Commission, other Town commissions and departments have responsibilities that affect the Harbor Management Area. These other Town bodies include: Planning and Zoning Commission, Inland Wetlands/Conservation Commission, Police Department, Fire Department, and other Town bodies. (See Part One of the Harbor Management Plan.)

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 waterfront and harbor management-related responsibilities carry out their responsibilities in a manner consistent with the goals, policies, guidelines, and recommendations established in the Plan. The ``Harbor Management Consistency Review Process'' (see Figure 2-3) will help to ensure this consistency.

- 1. Town commissions and departments with authority to review and approve proposals for activities affecting the HMA should refer the proposals to the Harbor Management Commission for review as part of the ``Harbor Management Consistency Review Process.''**
- 2. Town commissions and departments proposing actions impacting the HMA should formulate their proposals to be consistent with the provisions of the Harbor Management Plan and refer their proposals to the Harbor Management Commission for review.**
- 3. The Fire Department should continue to carry out emergency response activities on the water and coordinate these activities with the adjoining municipalities and state and federal agencies.**
- 4. The Planning and Zoning Commission and Inland Wetlands/Conservation Commission should restrict future development of critical environmental areas to protect such natural resource values as fish and wildlife habitat, nutrient productivity, water quality functions, flood hazard buffer, and scenic quality.**
- 5. The Planning and Zoning Commission should develop and implement the administrative procedures necessary to ensure consistent and strict compliance with the Town's Flood Plain Regulations.**
- 6. The Park and Recreation Commission should work with the Harbor Management Commission to identify and pursue opportunities for providing public access (physical and visual access) to Chester Creek and the Connecticut River. The two commissions should also work together to enhance the Parker's Point boat launching area.**

## **THE HARBORMASTER**

Following adoption of the Harbor Management Plan, the Chester Harbormaster — who is appointed by the Governor and subject to the direction and control of the state's Commissioner of Transportation — will be required to carry out his responsibilities in accordance with the Harbor Management Plan. These responsibilities should focus on the administration, placement and inspection of moorings and should also include the appropriate enforcement of boating regulations. Some of these responsibilities may be delegated by the Harbormaster to a Deputy Harbormaster or other official that may be appointed by the Harbor Management Commission.

- 1. The Harbormaster should work cooperatively with the Harbor Management Commission, including any persons assigned to assist the Commission, to implement provisions of the Harbor Management Plan and Town Ordinances.**
- 2. The Harbormaster should carry out specific responsibilities for the administration, placement and inspection of all moorings placed in the Harbor Management Area.**
  - a. The Harbormaster should be responsible for issuing all mooring permits, allocating all mooring locations, and collecting mooring permit fees.
  - b. The Harbormaster should maintain complete and accurate records of all mooring applications, permit fees, moorings, and moored vessels.
  - c. The Harbormaster should supervise the placement of all moorings to ensure they are properly located in suitable areas.
  - d. The Harbormaster should be responsible for ensuring that all mooring tackle is inspected at appropriate intervals to ensure compliance with minimum mooring tackle requirements.
  - e. The Harbormaster should have the authority to revoke a mooring permit for failure to comply with any permit provisions.
- 3. The Harbormaster should assist the Chester Police Department and other law enforcement authorities as necessary and appropriate to enforce Town and state boating laws and regulations.**
- 4. The Harbormaster should enforce the Connecticut boating statutes and regulations for the removal of abandoned vessels and obstructions to navigation.**

## **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 Chester carry out their responsibilities in accordance with 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. (See Part One of the Harbor Management Plan.)

The state and federal agency responsibilities and authorities pertaining to waterfront and harbor management (in particular, the permitting programs of the Department of Environmental Protection and Corps of Engineers) will remain unchanged from the existing authorities and responsibilities for harbor management. Once the Plan is 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, 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 Harbor Management Commission to ensure its implementation.**
- 2. Actions by state and federal government agencies should be consistent with the provisions of the Harbor Management Plan and applicable sections of the Town Ordinances.**
  - a. Following adoption of the Plan, the DEP and the Corps of Engineers should forward copies of all permit applications they receive that pertain to the HMA to the Harbor Management Commission for the Commission's comments regarding the consistency of those applications with the Plan.
  - b. If, in accordance with state and federal laws and regulations, the DEP or the Corps of Engineers renders a decision on a proposed activity that is contrary to the findings of the Harbor Management Commission, they should provide the Commission, in writing, with the compelling reasons for doing so.

## **PRIVATE ORGANIZATIONS AND CITIZENS**

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 management of waterfront and 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.**
- 2. Town residents and others concerned with use and protection of Chester's 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 important resources.**

- a. The public should attend meetings of the Harbor Management Commission as necessary to express their concerns.
  - b. Citizens of Chester should participate in special events and efforts as may be organized to increase environmental awareness, improve the quality of waterfront resources, improve boating safety, and contribute to other harbor management goals.
  - c. The public should recognize that certain individually minor but collectively significant actions can contribute to management concerns in the HMA, and should refrain from actions that would have negative impacts on environmental, navigation and other conditions in the HMA.
- 3. The operators of commercial and private boating facilities should contribute to efforts to increase public awareness with regard to boating safety and the proper use and protection of waterfront and harbor resources.**