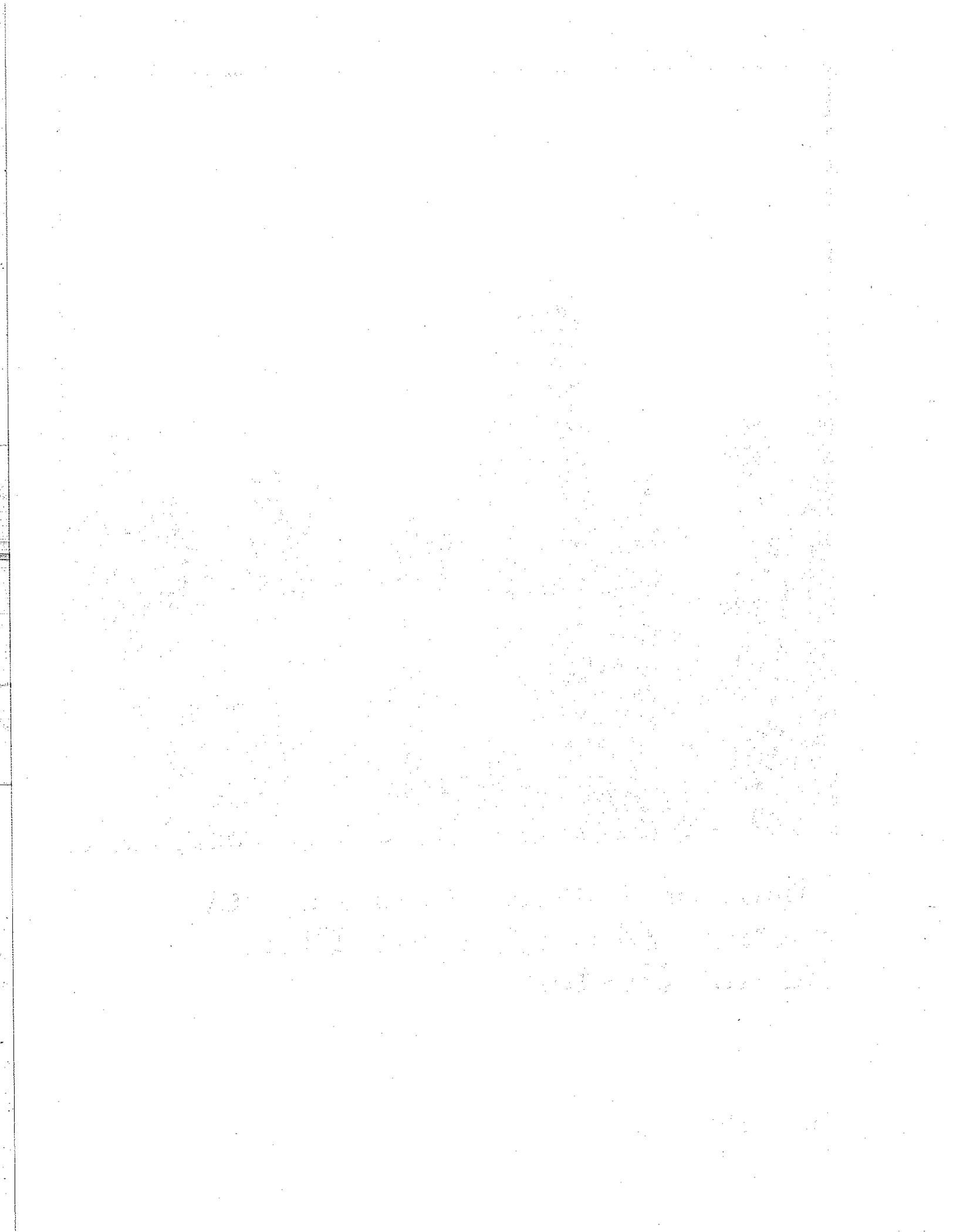


**Town of Groton, Connecticut
Harbor Management Plan
Noank Sector**

June 1992



TOWN OF GROTON HARBOR MANAGEMENT PLAN
NOANK SECTOR

Groton, Connecticut

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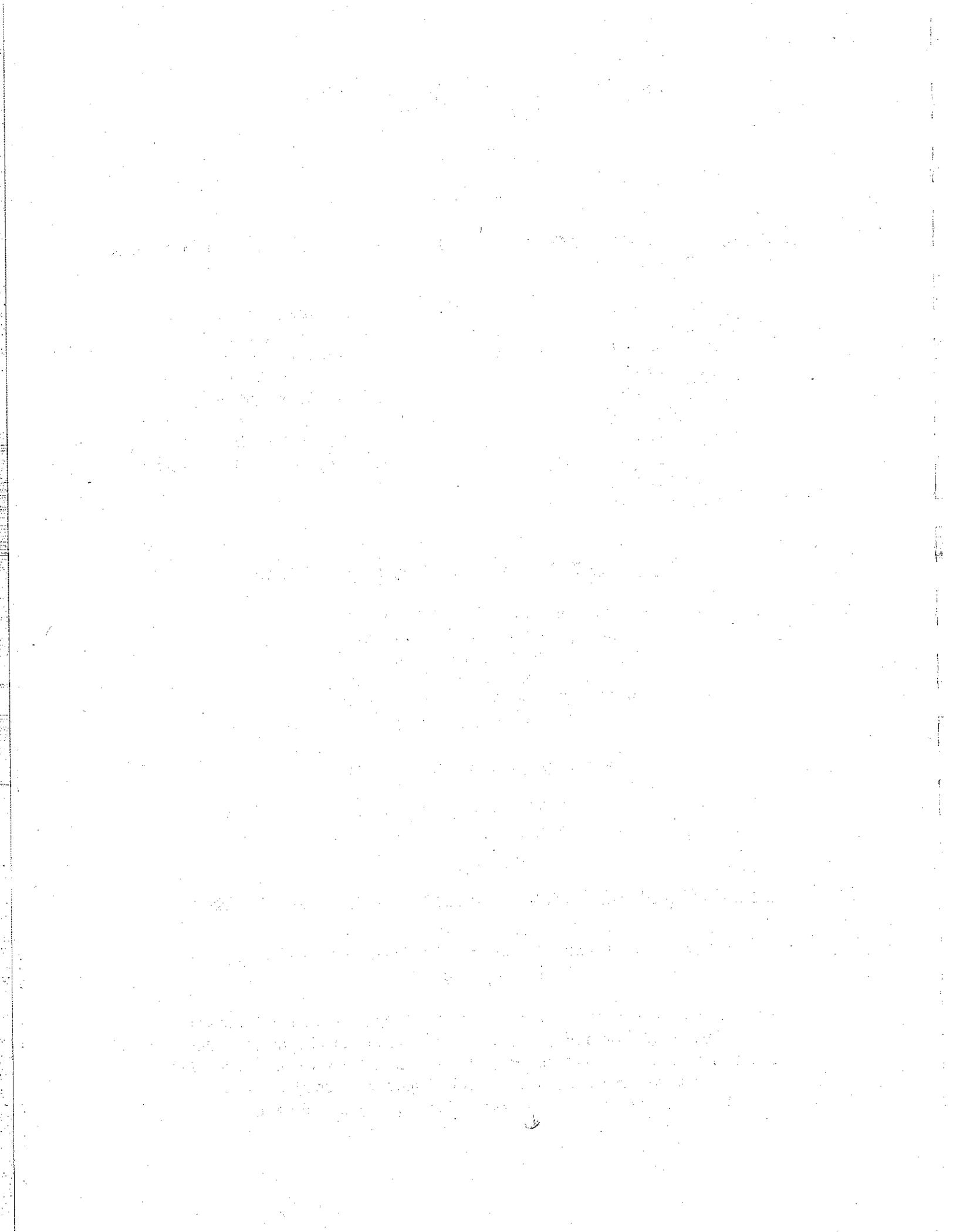


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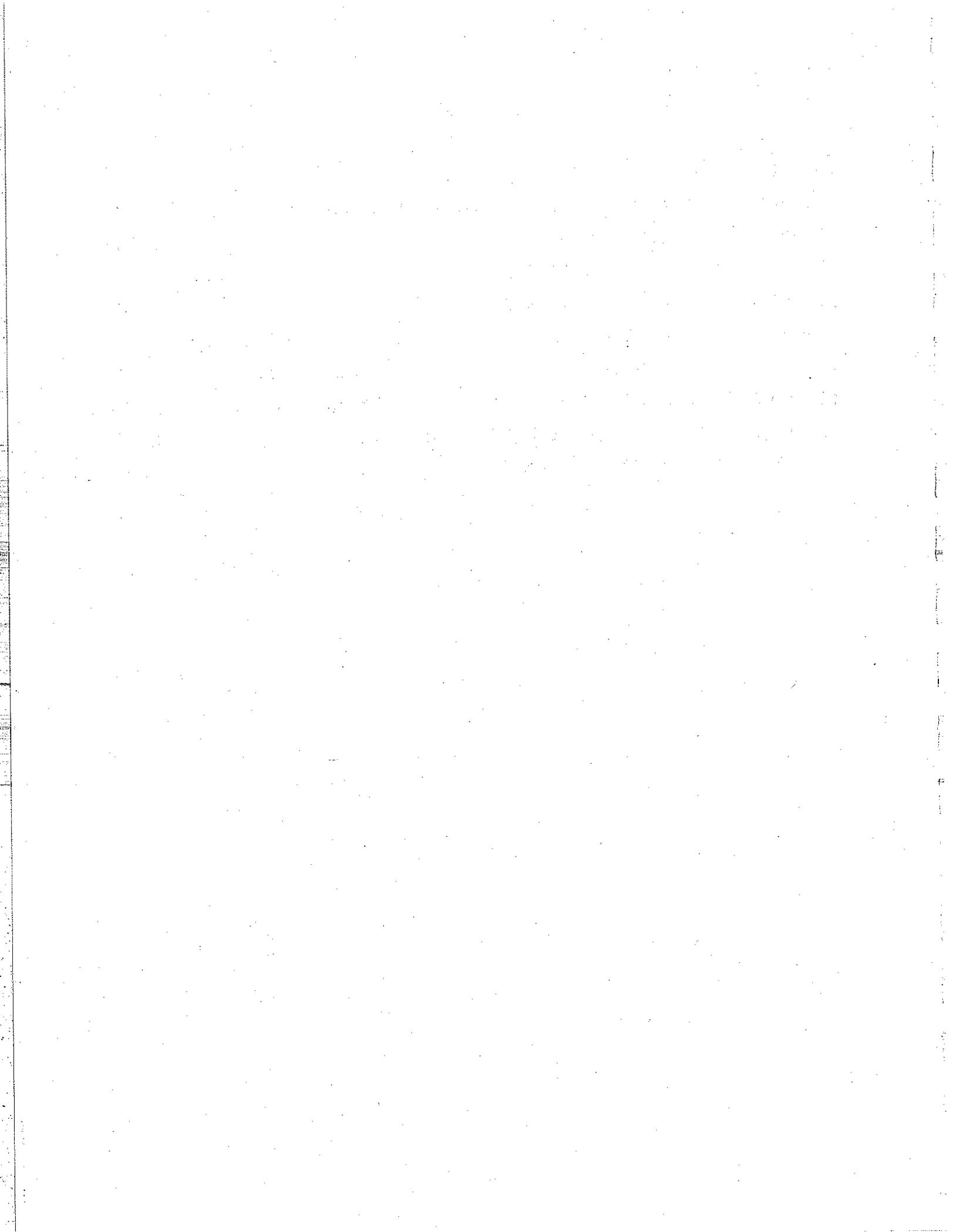
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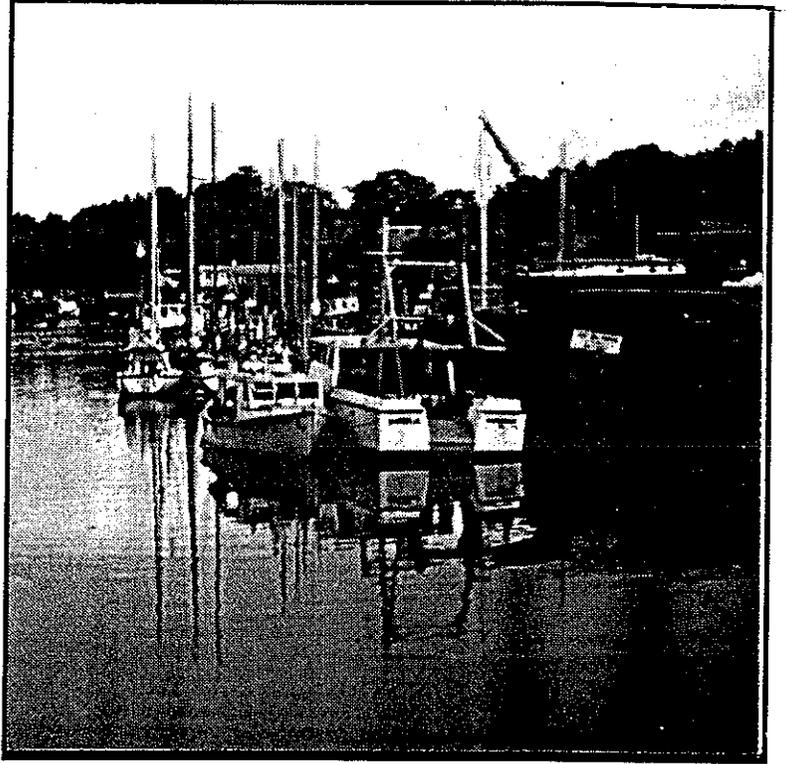
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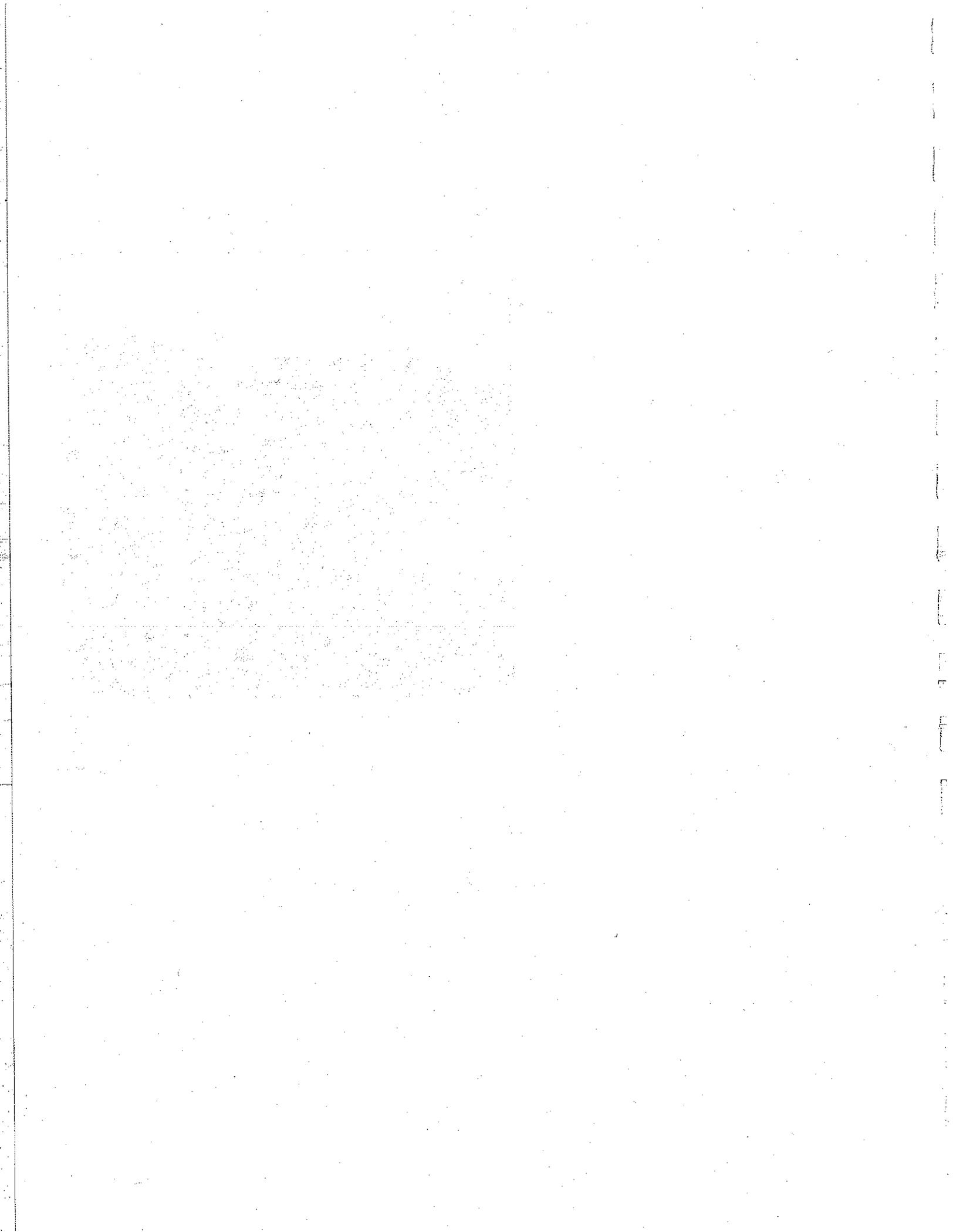
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1



SECTION 1. INTRODUCTION

1.1 The Town of Groton

The Town of Groton is geographically located on Connecticut's southeastern coastline. One of 36 coastal communities, Groton has a long and deep-rooted maritime history. Shipbuilding, fishing, and maritime commerce have been mainstays of Groton's economy since its founding. Shipbuilding in the form of the construction of nuclear submarines continues to be the largest source of employment in the Town. The U.S. Submarine Base is located in the northwestern corner of the Town on the Thames River.

Groton is blessed with an abundance of coastline, as seven major estuarine embayments are located within the Town. The Thames River forms the Town's western boundary, and the waters of Fishers Island Sound form the southern boundary. Groton is bordered by the Town of Ledyard to the north. Figure 1 shows the Town of Groton and Noank Harbor within the Town.

1.2 Noank Harbor Study Area

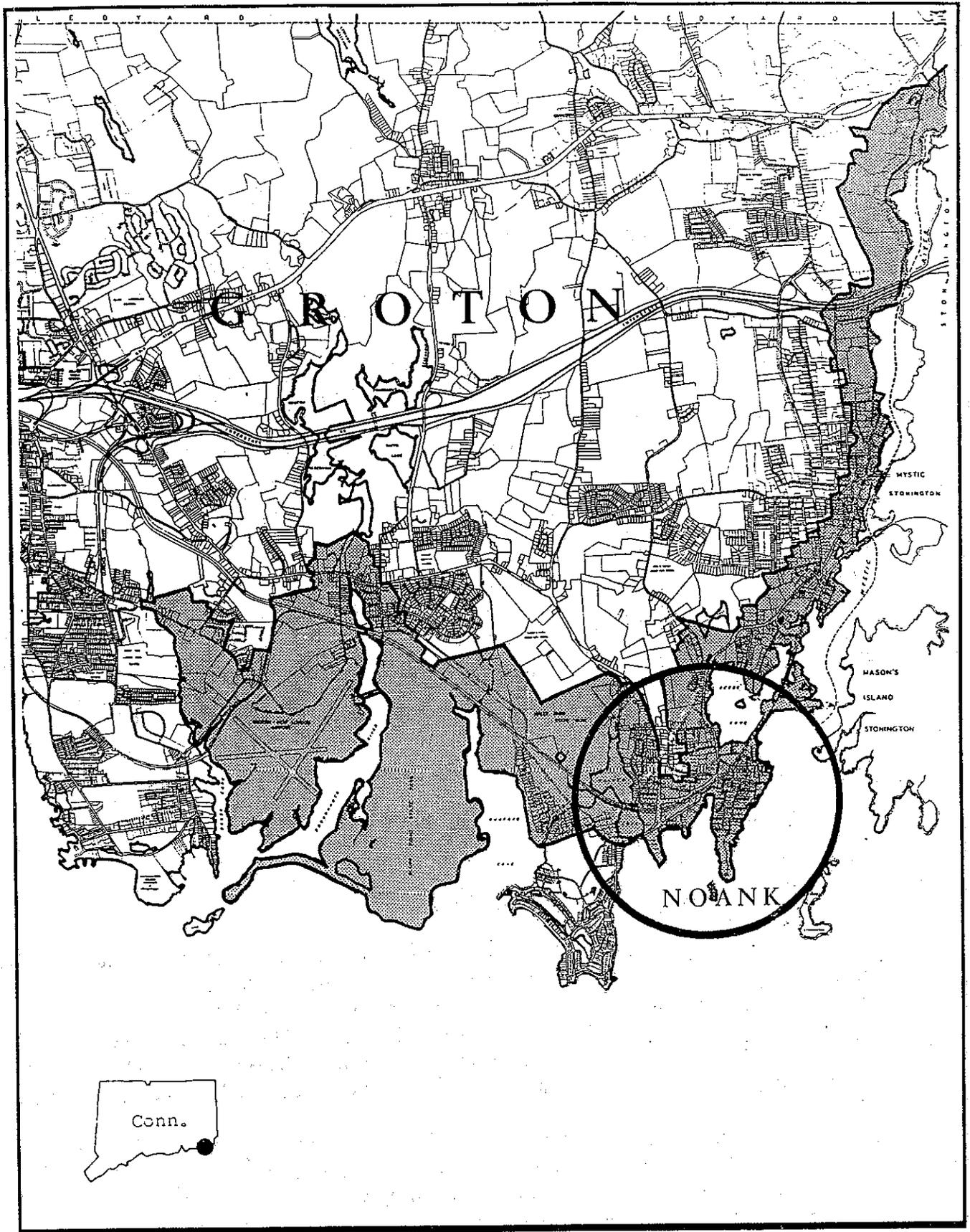
Noank Harbor does not refer to a distinct and enclosed body of water, but rather, refers to the waters which abut the village of Noank, Connecticut. These waters are mapped on Figure 2 and include Beebe Cove, the Mystic River south of Sixpenny Island - west of a line from the eastern end of Sixpenny Island which runs west of Ram Point and through the Middle Special Anchorage, then through the center of Malloy's shellfish lease bed, then south to the Town/State jurisdiction line in Fishers Island Sound, then west along the Town/State line to the southerly projection of a line from the middle of the highway bridge at Palmers Cove, to C-1 and then northerly along this line to include Palmers Cove.

In general, the Noank Harbor area includes Beebe Cove, the lower mouth of the Mystic River, West Cove, and Palmers Cove.

1.3 The Concept of Harbor Management Planning

One of the key objectives of Harbor Management Planning is to accurately and concisely describe existing problems and identify probable future conflicts relating to the administration and management of municipal waters. Problems specific to both the administration and the physical management of small craft harbors should be considered in light of the needs specific to the recreational boater as well as the commercial waterman. This analysis requires attention to engineering, land use management, water resource management and regulatory control.

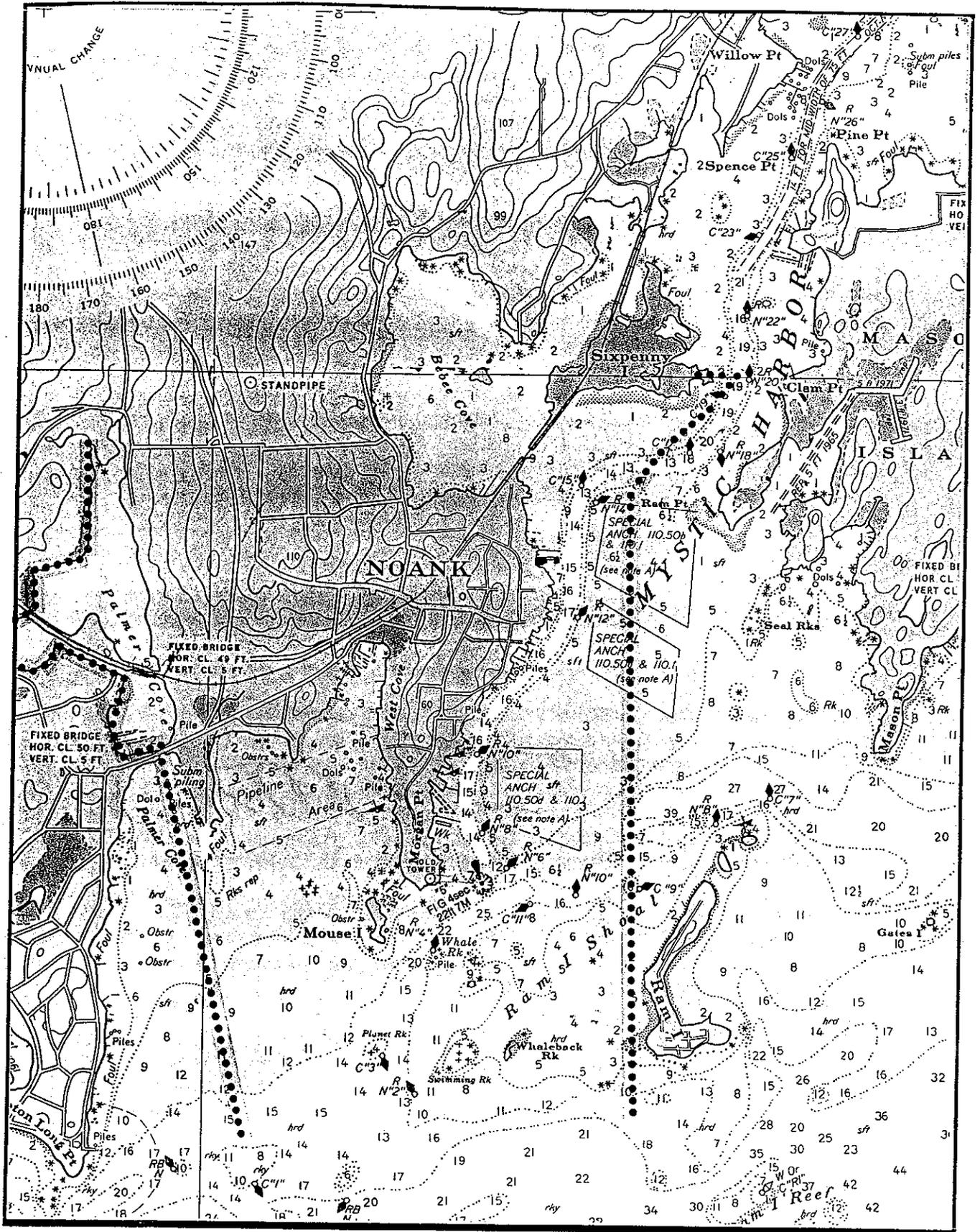
Control and regulation within municipal waters are typically shared between federal, state and local government; each level of government with its own predetermined objectives. Because these levels of government are dissimilar, their respective management objectives will often be divergent. This in turn creates uncertainty regarding authority and responsibility over the management of municipal navigable waters. In addition, federal, state and local governments routinely find themselves facing complex decisions with limited information to assist them in these site-specific decisions.



Noank Harbor Plan

AREA MAP

Figure 1



Noank Harbor Plan

STUDY AREA

Figure 2

Traditional comprehensive land use planning fails to adequately consider the administrative changes required for the implementation of land use plans beyond the shoreline. And yet the land use controls, adopted through the comprehensive plan process, are that which will allow or disallow urban waterfront activities with little regard for their impact on water surface availability, local maritime industries or the carrying capacity of the local, natural shoreline habitats.

It is the objective of Harbor Management Planning to evaluate the effect of existing, often uncoordinated, regulatory programs (municipal, state and federal government) in light of the unique constraints existing in the specific waterfront, to evaluate potential problems, and to identify local maritime goals and objectives, and then create an integrated management framework designed to accomplish the stated goals and objectives through coordination between local, state and federal government activities.

A Harbor Management Plan is not intended to replace the municipal comprehensive plan. Instead, this plan is intended to offer the necessary guidance for inclusion of the navigable waterways within the existing land use/resource management plans and programs. It is also the objective of this plan to give sufficient guidance in order to allow a greater degree of coordination between the various regulatory agencies active in waterfront areas.

1.4 Connecticut Harbor Management Act

The State of Connecticut has recently promulgated a new "Act Concerning Harbor Management". The new Act became effective in October, 1984. The major emphasis of the new law is on the provisions for local municipalities to establish a Harbor Management Commission with jurisdiction over the navigable waters of the municipality.

The Harbor Management Commission is charged with the responsibility to develop a Harbor Plan for "the most desirable use of the harbor for recreational, commercial, industrial, and other purposes". The Act outlines the various components to be considered during the development of the plan, but does not set priorities for the various issues. This is left to the local municipality to sort out. Prior to its adoption as a local ordinance, the plan must be approved by the Commissioner of the Connecticut Department of Environmental Protection (DEP) and the Connecticut Department of Transportation (DOT). The U.S. Army Corps of Engineers also reviews and comments on the plan.

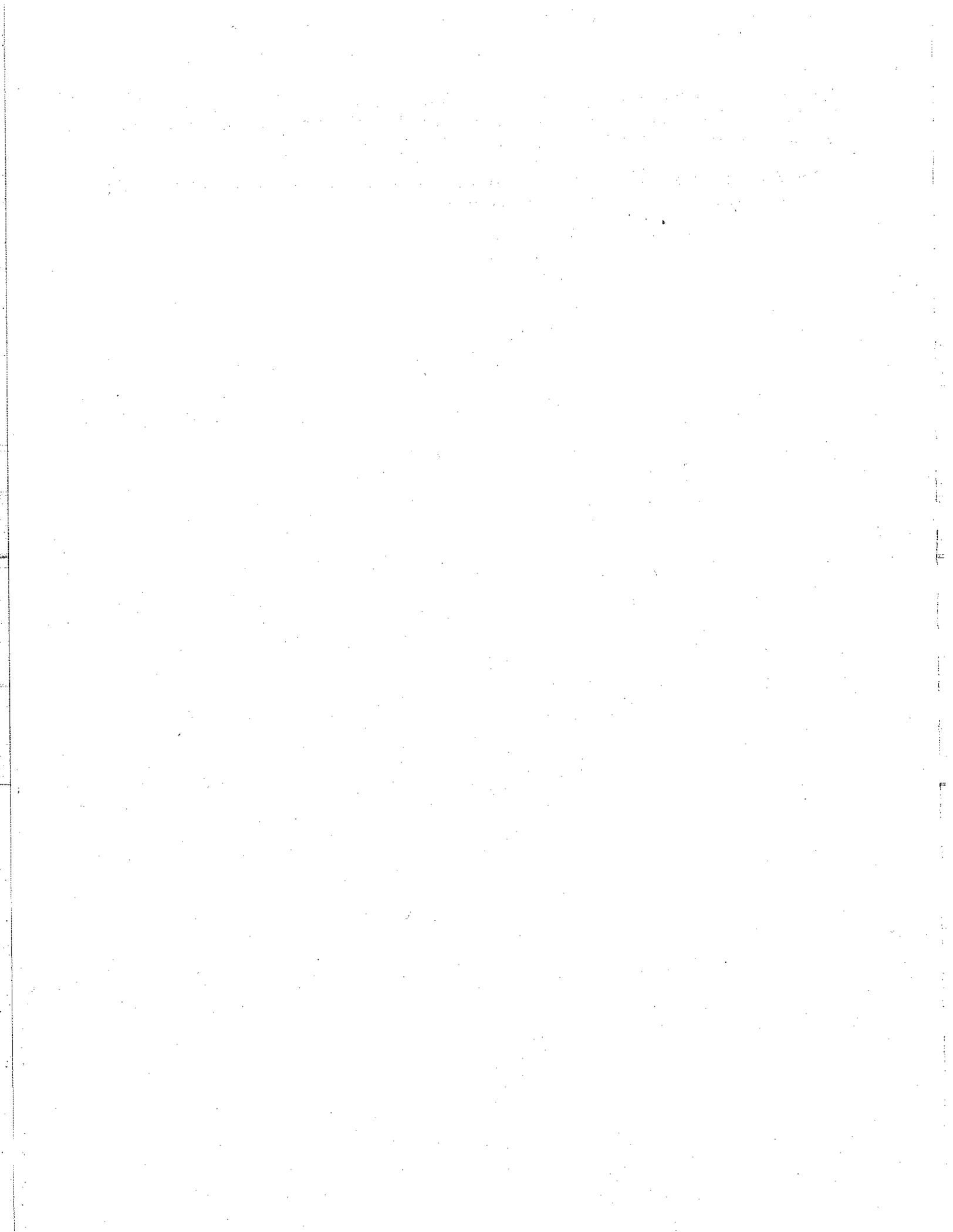
Other highlights of the plan include the empowering of the Commission to recommend fees set by the Town Council and to collect fees for the placement of moorings. The fees can be used to offset the cost of administering the plan.

1.5 Noank Harbor Management Plan

The Noank Harbor Management Plan documented in this report builds on a good deal of prior work by the Noank community. The Army Corps of Engineers called upon Noank to develop a water use plan for the harbor in February of 1984. An "Interim" plan was completed and adopted on March 17, 1984. This plan focuses specifically on the water use of the harbor and was in effect until April 1, 1985.

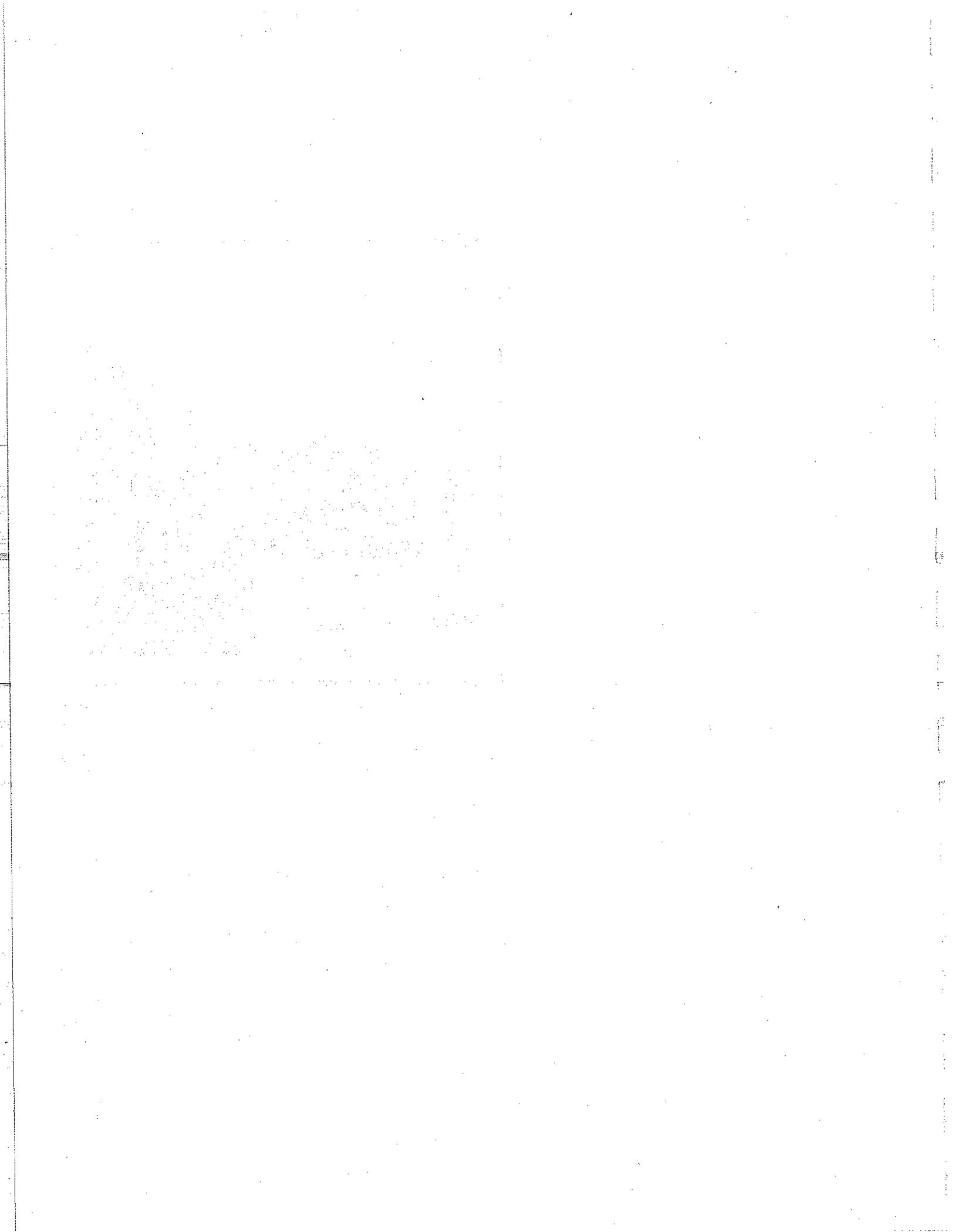
The current planning process is a comprehensive effort by comparison. The Noank Harbor Plan presented in this document broadens the interim water use plan to include water management issues, land use issues, and the protection of natural resources.

The report includes a description of significant resource factor(s), the goals and objectives of the plan, and outlines specific action recommendations.





2



SECTION 2. RESOURCE INVENTORY

This section summarizes many of the significant environmental, physical, and cultural factors which shape the character of Noank Harbor. The significant resource factors have been included in this Section followed by a general discussion of each. Coastal resources present at Noank Harbor are mapped on Figure 3.

2.1 Geologic Setting

The receding glaciers left Groton's irregular coastline with a series of rocky necks and headlands forming small coves interspersed with sand outwash areas. Morgan Point extends out into Fishers Island Sound forming a finger of land which divides West Cove and the mouth of the Mystic River. The Point also shelters the cove from winds out of the southeast. The area generally exhibits gently rolling topography which changes to steep rocky slopes along many reaches of the shoreline.

Noank Harbor lies within the Mystic Coastal Basin drainage area, and is linked hydrologically with the waters of Fishers Island and Long Island Sound. There are no major inland or upstream tributaries to the harbor area, or other sources of fresh water inflow, other than surficial runoff from upland areas.

2.2 Bathymetry

The sediment transport action of Long Island and Fishers Island Sound waters make the Noank Harbor area a naturally accretive area, meaning that the area is naturally filling in with sediment. The natural rise in sea level and significant dredging activity currently act to reverse this natural process.

The normal mean tidal range for Noank Harbor is 2.3 feet. The average spring tidal range is 3.2 feet.

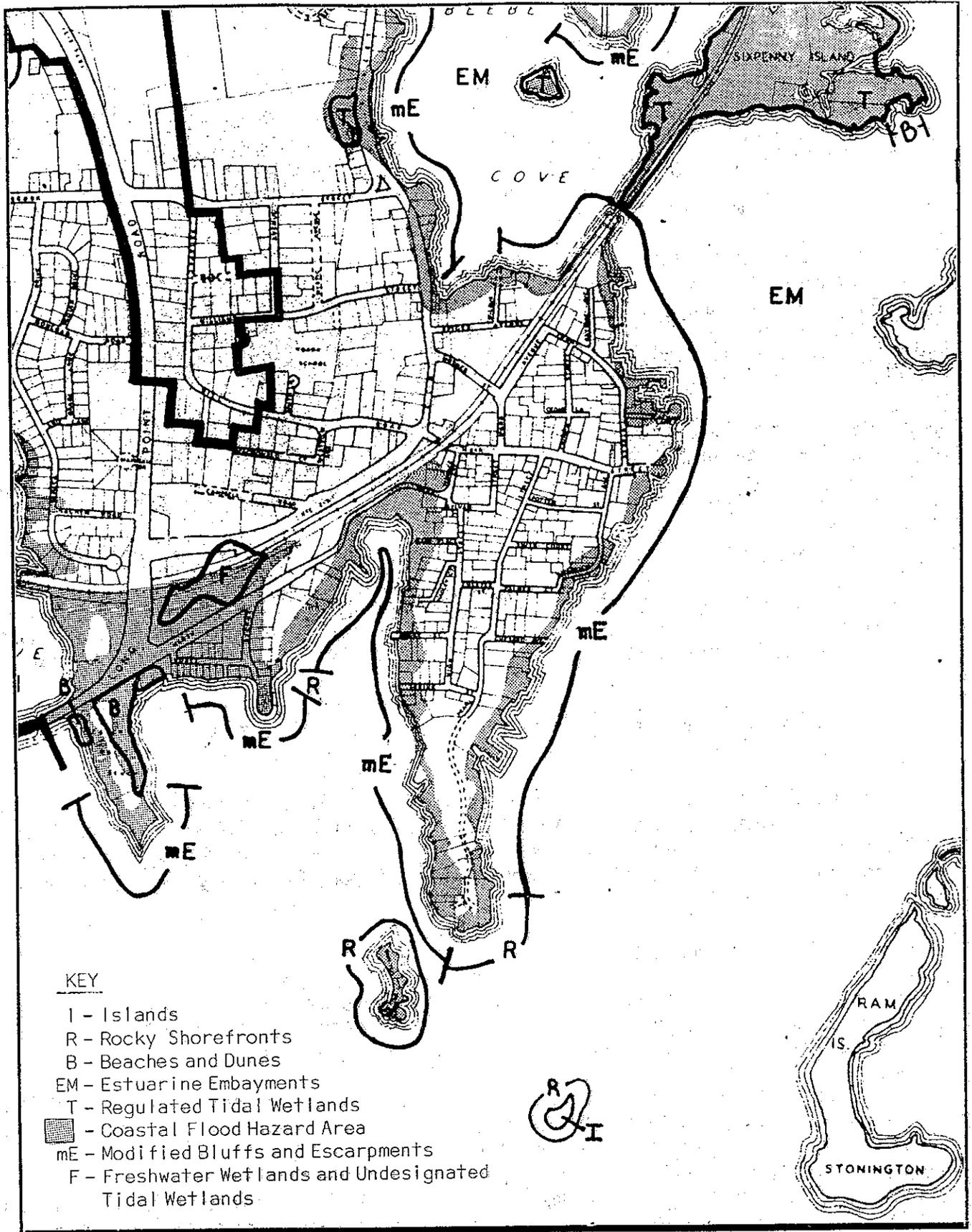
The October, 1983 Conditions Survey from the Corps of Engineers found that the federally maintained navigation channel has a controlling depth of 14 feet from N-20 to N-10 and 12 feet from N-10 to N-6; however, control depths of 11 feet have been reported locally. Bathymetric conditions within West Cove were recently evaluated as part of a dredge permit application and indicate existing channel depth of 7 feet.

2.3 Maritime Conditions

The prevailing winds in Noank Harbor are primarily southerly during the summer months, and shift to the northwest during the winter months. The combination of wind velocity, direction, distance (or fetch), and duration create wave action within the harbor.

The Mystic Harbor is open to the ocean to the southeast creating tremendous seas when low pressure systems go by to the west (dangerous semi-circle). The bottom is covered with eel grass, therefore creating poor holding ground for anchoring.

Between Ram Point and Noank Village, and off the mouth of Beebe Cove, relatively strong tidal currents often conflict with wind conditions. No tidal velocity information was available for the Mystic River area, but recent data for West Cove indicates a computed tidal velocity at the entrance to the Cove at 135 feet per hour.



Noank Harbor Plan

COASTAL RESOURCES

Figure 3

2.4 Coastal Flood Hazard Areas

The 100-year coastal flood hazard area as mapped by the Federal Emergency Management Agency (FEMA) is shown on Figure 3. This boundary is the base flood elevation. The base flood elevation has a 1% chance of occurring each year. In Noank Harbor, this area includes much of the Noank shoreline around Morgan Point and Beebe Cove and includes all of Sixpenny Island. The coastal flood elevation is approximately +10 feet (above mean sea level). All of the dockage and much of the abutting waterfront structures fall within the base flood elevation.

2.5 Water Quality

The water quality classification for the Noank Harbor area is "SB" (source Connecticut DEP) meaning the water is suitable for all types of recreation including contact uses such as swimming and fishing.

There are no permitted point source discharges or federally permitted discharges directly into the waters of Noank Harbor, although the Stonington sewerage treatment plant discharges to the upper Mystic River. Indirect sources of water pollution include surficial runoff from upland areas, and potential oil, gas and sewage discharges from individual boats within the harbor.

Prior environmental analysis of the West Cove area indicates that the Cove exhibits a relatively rapid flushing time of approximately 22 hours. This rate would indicate that poor water quality conditions due to an occurrence within the Cove would be improved within a full tidal cycle.

2.6 Intertidal Resources

Significant areas of regulated tidal wetlands are found in the northern portion of Noank Harbor. The most prominent areas include the marshlands of Sixpenny Island and tidal wetlands found along the banks of Beebe Cove. As the Noank area is located within the North Atlantic Flyway, these wetland areas provide habitat for a great diversity of waterfowl, as well as aquatic and benthic organisms.

Also, there are intertidal flats (relatively flat areas subjected to alternating periods of tidal inundation and flooding) found within the study area.

2.7 Shellfish/Finfish Resources

A review of the State of Connecticut's Shellfish Atlas, DEP Shellfish Concentration Maps, discussions with the Groton Shellfish Commission and review of prior environmental analysis for the area indicate that there are shellfish concentration areas found within the Noank Harbor area. Concentration areas are mapped on the Water Use Plan. Bio-surveys undertaken in the harbor area report that populations of the following shellfish are found within the harbor area:

Soft Clam	(<i>Mya arenaria</i>)
Hard Clam	(<i>Mercenaria merceneria</i>)
Eastern Oyster	(<i>Crassostrea virginica</i>)
Blue Mussel	(<i>Mytilus edulis</i>)
Bay Scallop	(<i>Pecten irradians</i>)
Lobster	(<i>Homarus americanus</i>)
Blue Shell Crab	(<i>Callinectes sapidus</i>)

Because of pollution, and the inability to monitor water quality constantly, most of Groton's waters are closed to recreational shellfishing by the State Department of Health Services. Figure 4 shows the extent of shellfish closures within the study area at this time. However, the Town of Groton, its Shellfish Commission, and the DEP are actively pursuing initiatives designed to open several local shellfish areas.

The Groton Shellfish Commission has implemented a shellfish resource management plan, which will greatly increase the information available on the local shellfish resources. There are also two areas of designated Oyster Grounds within the harbor which are shown on Figure 4a. These areas are administered by the Town of Groton Oyster Grounds Committee and may be leased for harvesting activities.

Finfish, which have been caught along the shores of the harbor area, include: summer flounder, striped bass, rainbow smelt, winter flounder, atlantic silversides, eels, bluefish, alewives, black sea bass, killifish, cunners, and menhaden. The presence of eel grass beds in West Cove and other areas contributes to a source of food and protection for young brood.

2.8 Sedimentation/Shoaling

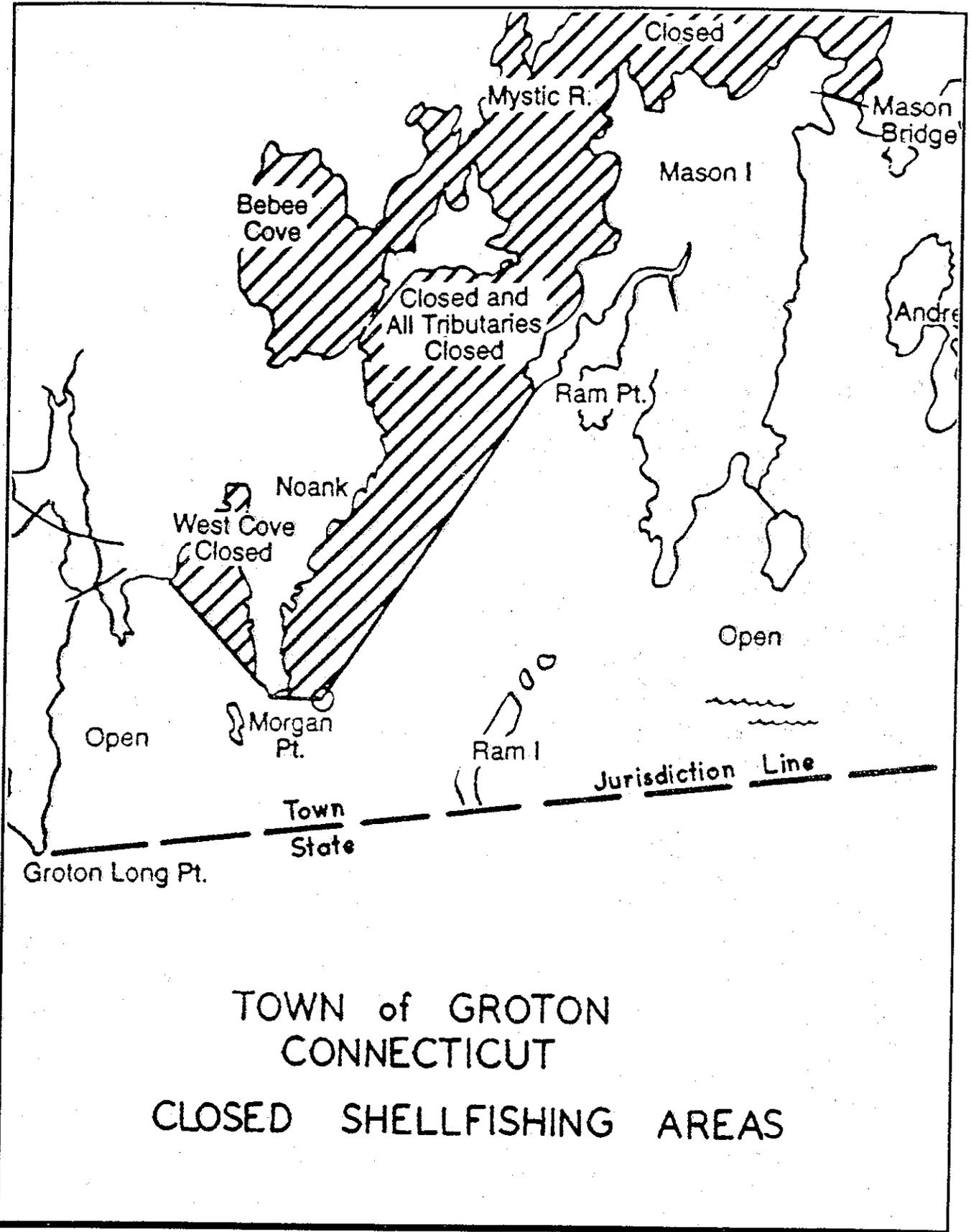
The most likely source of sediment material in the Noank Harbor area is re-suspended sediment material from Fishers Island Sound.

The amount of sediment material input into the harbor from the Sound is a function of tidal velocities and the amount of fresh water input from upstream sources. During low flow conditions and with high wave action, more material would tend to be carried into the harbor, while times with high discharge and lower tidal velocities will act to scour the harbor and transport the finer materials into the sound. On the average, the net direction of sediment transport is into the coves and embayments.

2.9 Land Use/Access Points

The shoreland uses found along Noank Harbor are principally those associated with recreational boating - marinas, boat yards, yacht clubs, and private docks. There are 7 commercial marinas/boat yards in the area. Current land use patterns are found mapped on Figure 5. Noank Harbor has several points of direct access available to the public. These include Esker Point Beach, the Noank Town Dock at the foot of Main Street, Spicer Park on Beebe Cove, and the Morgan Point Open Space. In addition, the many marinas, boat yards, and yacht clubs act as access points.

Other potential access points which should be investigated include several street ends which front directly on the harbor. These include the ends of Main Place, Cove Street, Spring Street, Chesbro Avenue, Palmer Court, Main Street and Wilbur Court. The Town also owns small parcels of vacant land off Riverview Avenue and Sylvan Street.



Noank Harbor Plan

SHELLFISH CLOSURES

Figure 4

OYSTER GROUNDS

TOWN OF GROTON CONN.,

SECTION A Includes all that portion of PALMERS' NOANK COVES lying west and north of the following described line — beginning at the outer end of Dock at Groton Long Point, thence run in the direction of Esker Point, in a course about North 18 1/2 degrees East (true meridian) 500 feet more or less, thence due east 2650 feet more or less to the southernmost point of Mouse Island, thence in the direction of the Old Noank Light 900 feet more or less to the main land —

SECTION B Includes Beebe Cove and all east of Railroad south of Six Penny Island to the Channel of the River

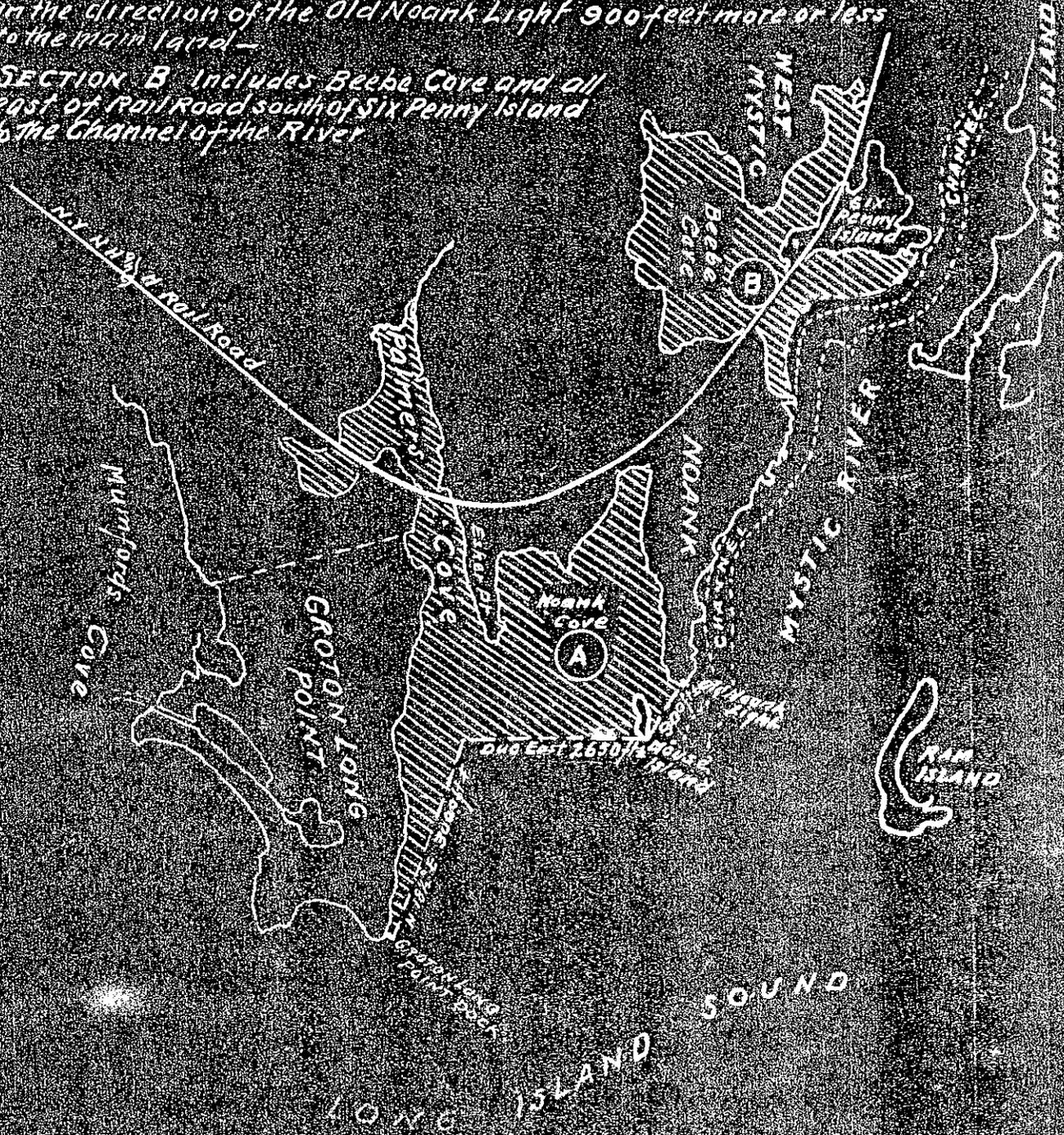
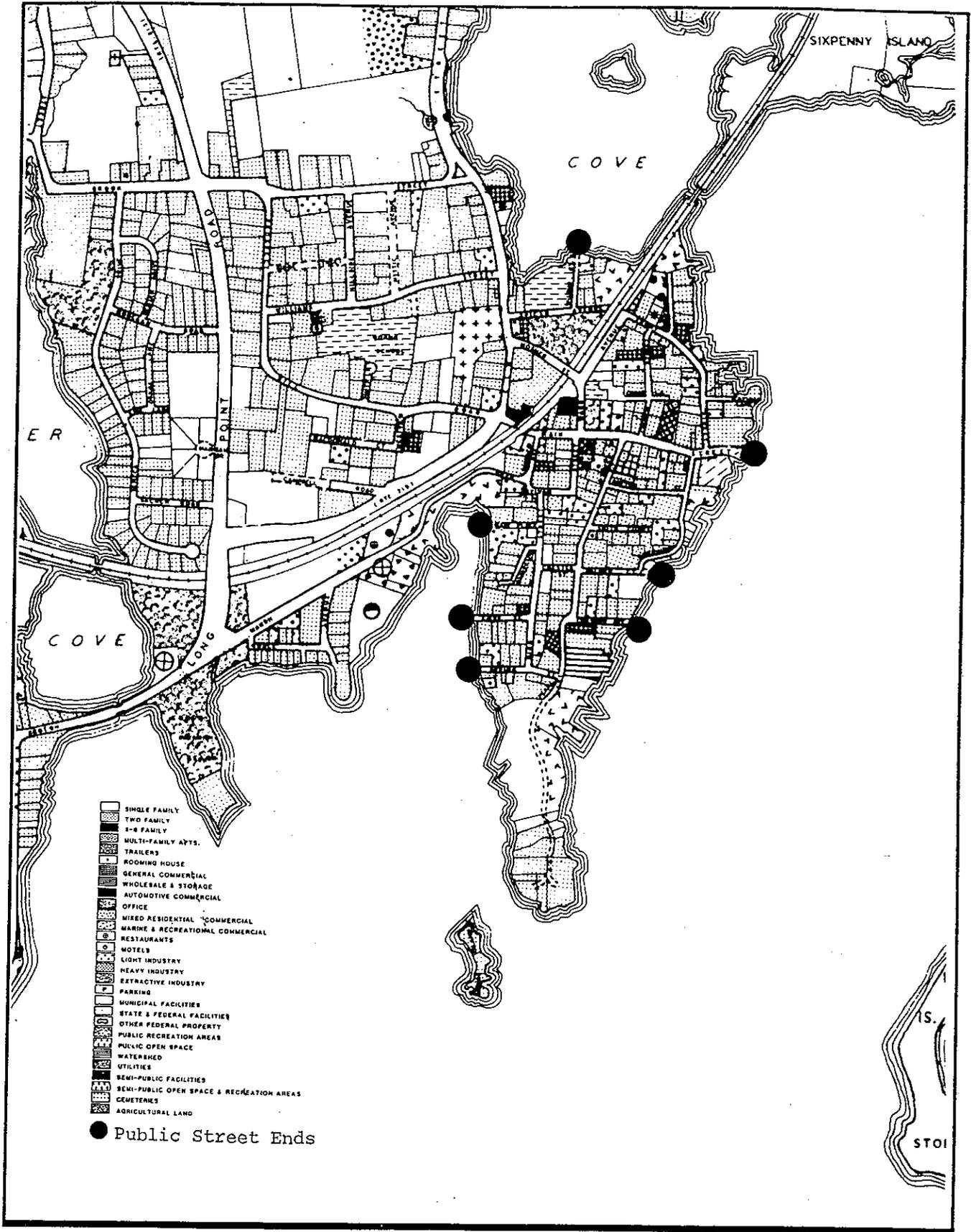


Figure 4a



Noank Harbor Plan

LAND USE

Figure 5

2.10 Zoning

The Noank Fire District has its own Zoning Commission and Zoning Regulations. The Noank Fire District is divided into the following zoning districts which are shown on Figure 6.

	<u>Designation</u>	<u>Minimum Lot Size</u>
RV	Village Residential	20,000 sq. ft.
R-12	Moderate Density Residential	12,000 sq. ft.
R-20	Low Density Residential	20,000 sq. ft.
R-40	Rural Density Residential	40,000 sq. ft.
VC	Village Commercial	5,000 sq. ft.
WC	Waterfront Commercial	20,000 sq. ft.

The Noank Harbor shoreline contains four of the districts listed above: R-20 Low Density Residential, RV Village Residential, R-12 Moderate Density Residential and WC Waterfront Commercial. The WC district permits traditional "waterfront dependent" uses as shown in the table below. These areas are found at the head of West Cove and the eastern side of Morgan Point.

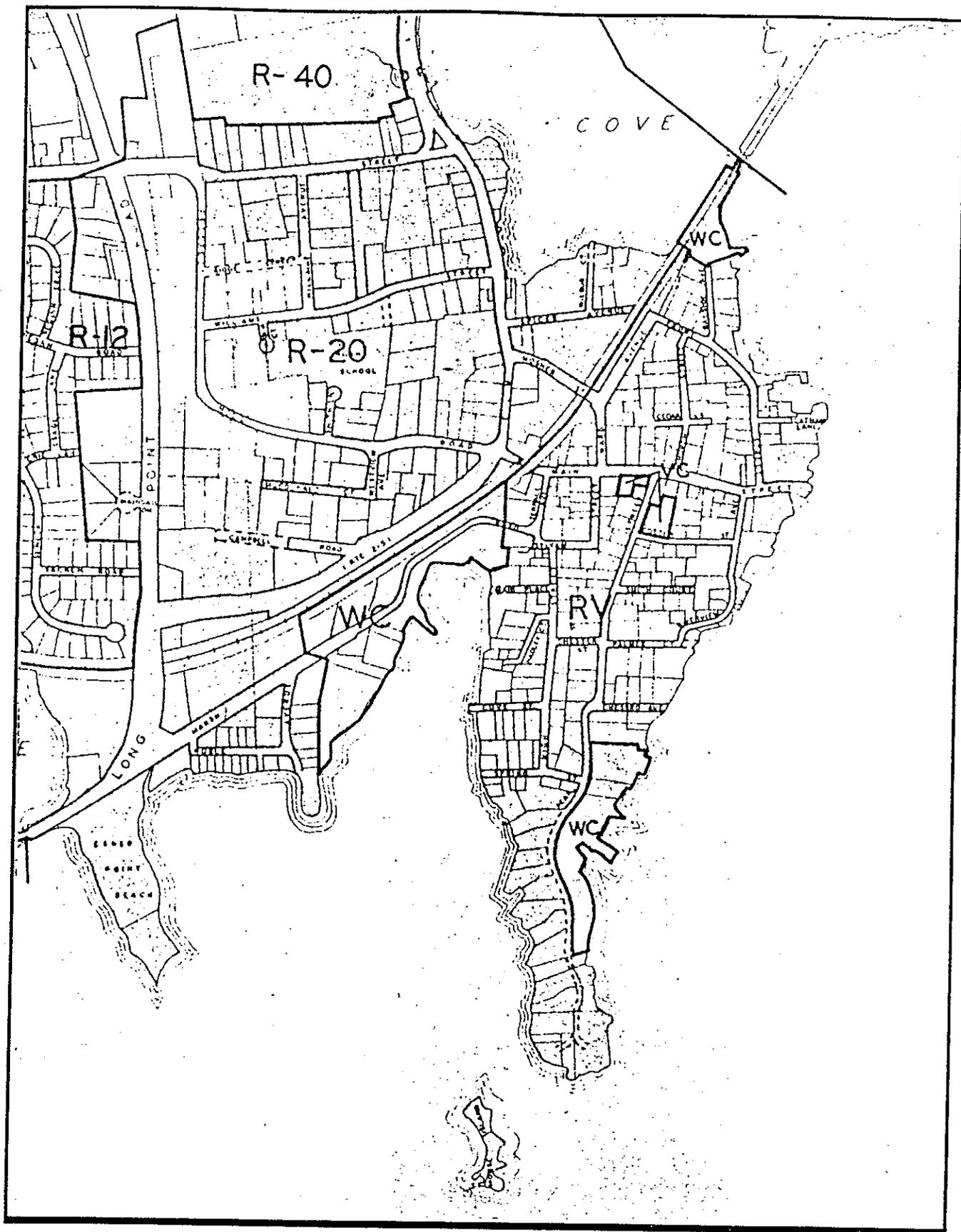
Section 8 - Waterfront Commercial District (WC)

8.1 GENERAL

The minimum lot size in this district is 20,000 square feet. The purpose of this district is to provide areas along the Noank Fire District's Waterfront in which waterfront related commercial uses may be permitted. The total land area of all contiguous parcels comprising a particular Waterfront Commercial District shall be more than one acre.

The following are permitted uses within this zone:

- 8.1.1 A one-family detached dwelling.
- 8.1.2 Yacht clubs.
- 8.1.3 Boat docks, slips, piers and wharves for yachts and pleasure boats or for boats for hire carrying passengers on excursion, pleasure, or fishing trips or for vessels engaged in fishery or shell fishery. However, the storage of boats over ten feet in length in multiple level racks is strictly prohibited and the storage of boats of ten feet or less in length in racks shall not be permitted in any structure exceeding ten feet in height.
- 8.1.4 A yard for building, storing, repairing, selling or servicing boats which may include the following as an accessory use: Office for the sale of marine equipment or products, dockside facilities for dispensing fuel, restroom and laundry facilities to service overnight patrons. Furthermore, adequate lanes must be provided to allow access and egress throughout the yard for fire trucks.
- 8.1.5 Boat and marine engine sales and display, yacht broker, marine insurance broker.
- 8.1.6 The rental of boats including boats used for access to off-shore moorings.
- 8.1.7 Retail sale or rental of boating, fishing, diving, and bathing supplies and equipment.
- 8.1.8 A sail loft or ship's chandlery.
- 8.1.9 Base operations for fishing and lobstering business, including a store or market for the sale of fish, shellfish, and other related food products, excluding the commercial bulk processing of fish.
- 8.1.10 The retail sale of fish or shellfish either in bulk or for individual sale, including restaurant service on the premises, but such service shall not include the sale of alcoholic beverages.
- 8.1.11 Customary home occupations as defined in Section 18.2.23 of these regulations, subject to the conditions enumerated in Section 2.15.



Noank Harbor Plan

EXISTING ZONING

Figure 6

Both the RV and R-20 districts permit certain "waterfront dependent" uses which include the construction or storage of a single boat for personal use or for sale, and a base for fishing and lobstering. Under Special Permit, the Zoning Regulations allow the base of operations for party boat business, and the rental of up to 6 boats or 2 dock slips.

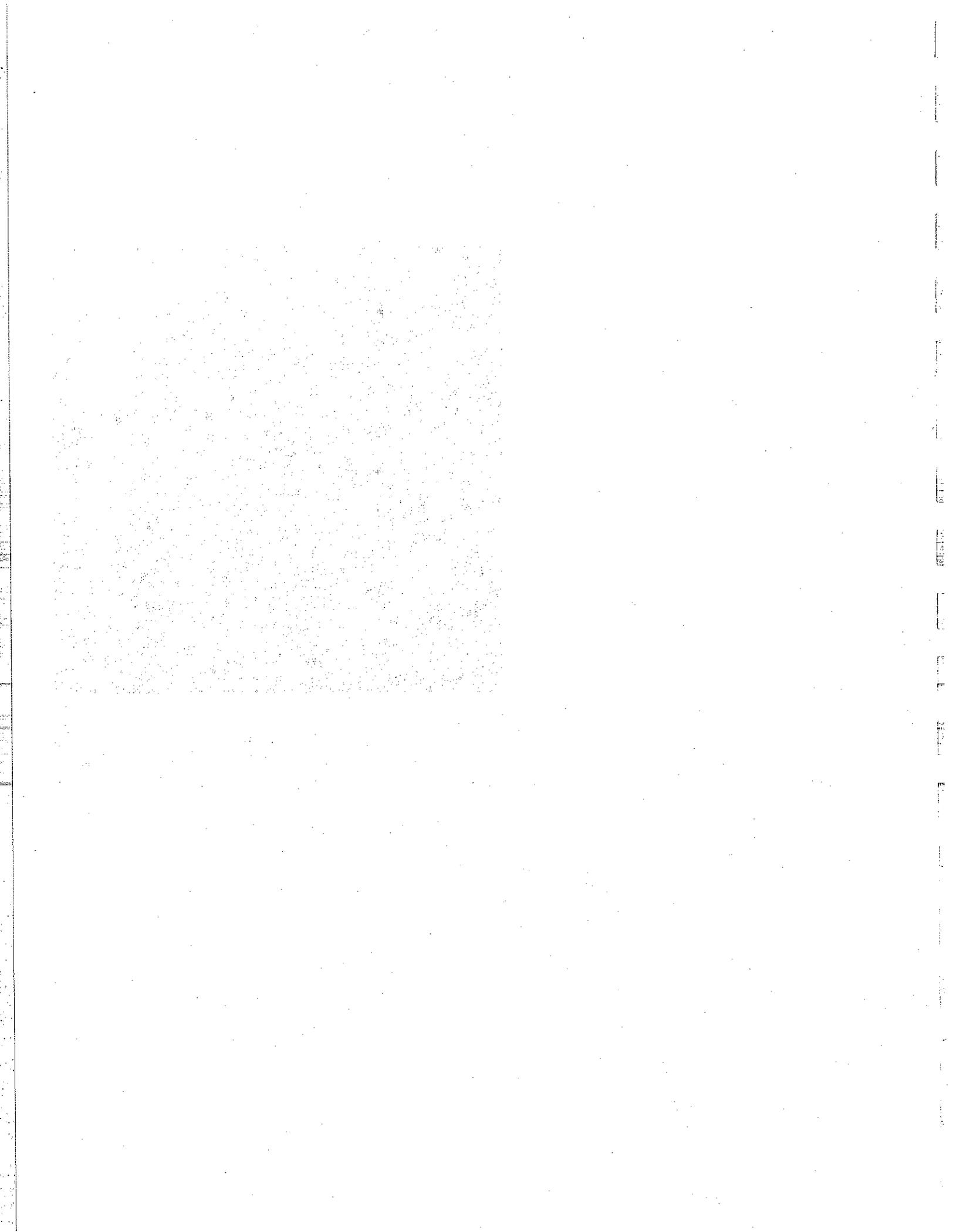
2.11 Channel, Anchorage, Mooring Areas and Fairways

The Army Corps of Engineers maintains a 15 foot channel within the Mystic River. The designated channel is approximately 100 feet wide and extends southerly from Mystic through the villages of Mystic and West Mystic, where it broadens at Mystic Harbor. The main channel continues southerly between Sixpenny and Masons Islands and extends along the Noank waterfront to Fishers Island Sound.

The Water Use Plan maps the location of channels and proposed anchorages, mooring areas, and fairways found within the Noank Harbor area.



3



SECTION 3. BOATING RESOURCES

The Noank Harbor area is utilized for a variety of active waterbased recreational activities including sailing, powerboating, fishing, shellfishing, swimming, rowing and water skiing. In addition, many passive activities occur along the village shoreline.

The harbor is used predominantly by recreational watercraft, as commercial fishermen represent only a small portion of users.

3.1 Town Facilities

The Town of Groton neither maintains nor operates any boating facilities or launching ramps within the Noank area. A Town facility, Esker Point Beach, is used primarily for sunbathing and limited swimming. Adequate boat launching ramps are located at several of the private marinas and are available for a fee. The Town maintains a small dock and swimming area at the foot of Main Street.

3.2 Commercial Fishing

Noank Harbor supports a small number of commercial fisherman. Discussions with local fishermen indicate that there are reportedly 2 full-time lobstermen and 12 part-time lobstermen in Noank. Both full-time lobstermen live on the east side of West Cove and operate their boats out of the harbor. Commercial fishing has been declining in the region since World War II. At that time, there were reportedly some 10 to 15 commercial fishing boats in Noank.

In addition to lobstermen, there is one full-time dragger at Ford's and a few charter boats which operate out of Spicer's Marina, Noank Shipyard, Noank Village Boat Yard, and Rathbun's.

The local lobstermen identify the greatest problems to their operations as being congestion in the Cove, getting in and out of the dock, and in trucking their catch out of Noank to market.

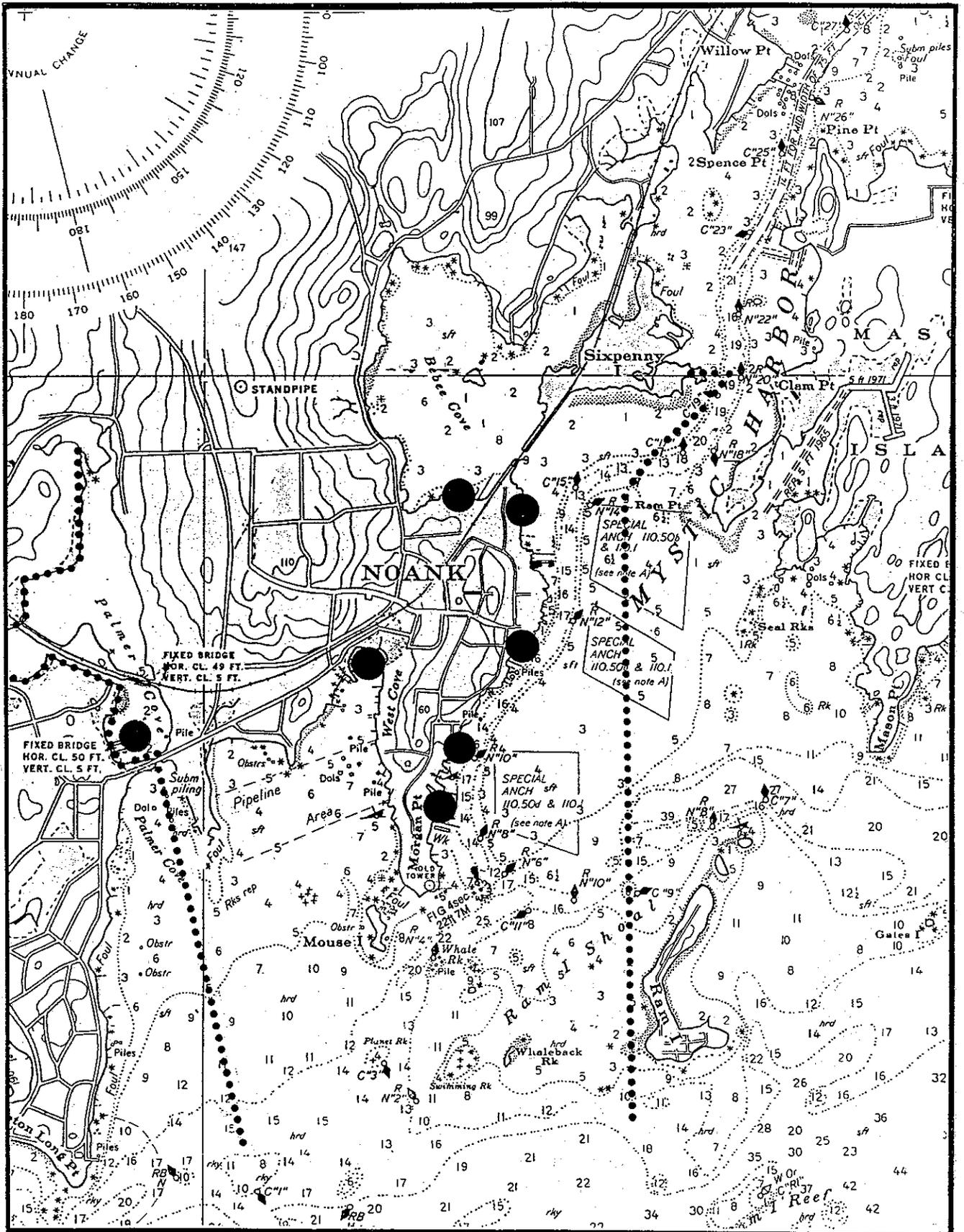
The only major commercial fishing fleet in the region is located in nearby Stonington Harbor where some 25 lobstermen and dragger fishermen moor their boats.

3.3 Recreational Boating

The dominant recreational use of the Noank Harbor area is for sail and power boating. Noank Harbor is located within a boating corridor running along Long Island Sound up the Mystic River to Mystic which is a regional tourist draw and stopover for many transient boaters. The Noank Harbor area supports 7 commercial marinas and boat yards, 2 yacht clubs, 1 waterfront restaurant, a town beach, a town dock with swimming area, and numerous private residences with docks. Figure 7 shows the major marinas and boat yards.

The Noank Harbormaster indicates that some 250 privately placed moorings are found in the Noank Harbor area. Since much of the waterfront land area is in private residential ownership or in commercial marina development, the opportunities for increasing on-site parking in areas easily accessible to mooring areas are very limited.

Mooring permit information provided by the Harbormaster indicates that the mix of boats is approximately 70% sailcraft and 30% powercraft. Drafts range from 0.5 feet to 9 feet. The range of vessel length is 10 feet to 46 feet.



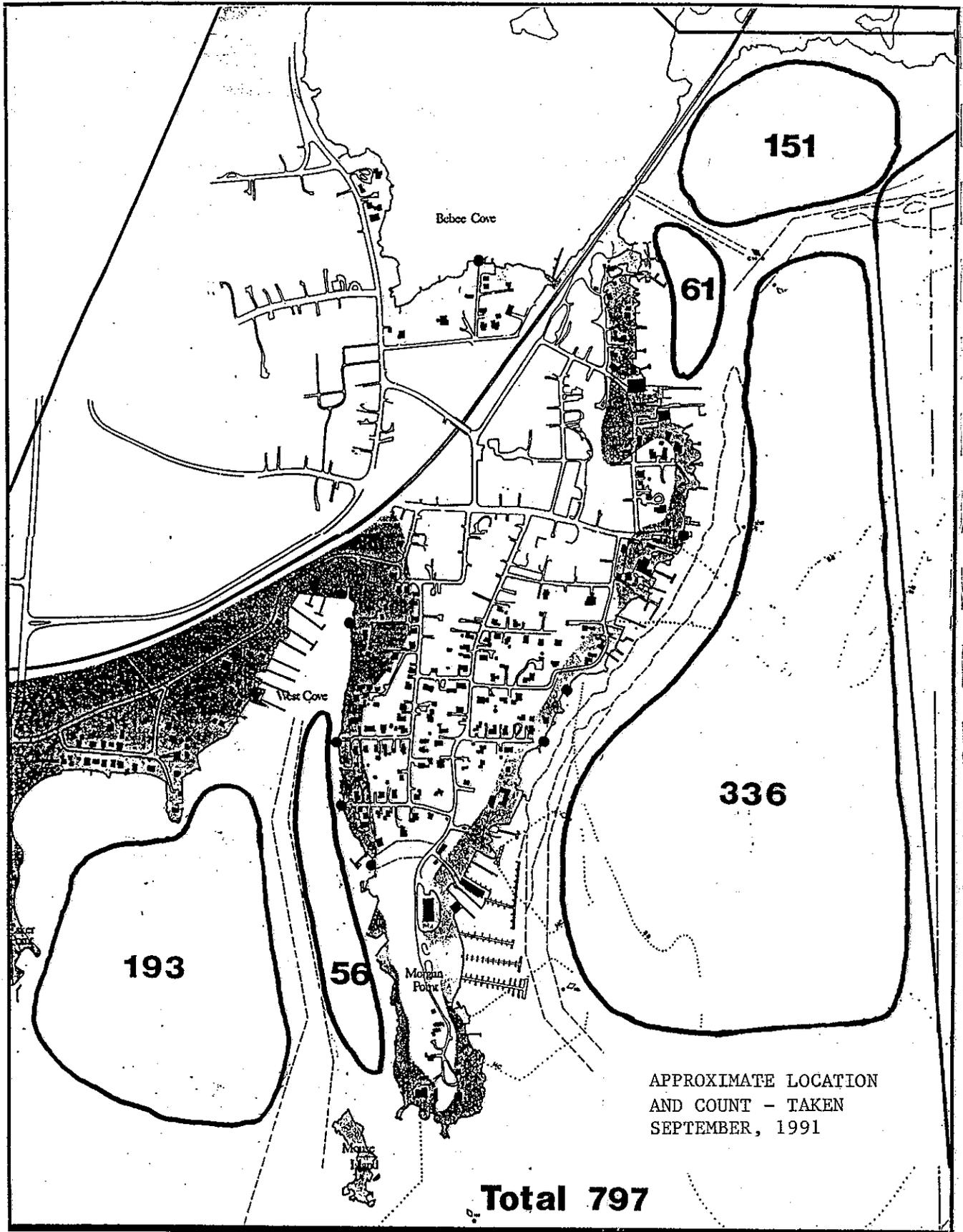
Noank Harbor Plan

COMMERCIAL
MARINAS & BOATYARDS

Figure 7

Five commercial operators in the harbor area are presently permitted to provide some 532 commercial moorings. These moorings are placed and controlled by the local operators under a temporary permit from the Army Corps of Engineers. In addition to moorings, 7 commercial operators provide some 505 dockage slips, for a total of 1037 commercial spaces available.

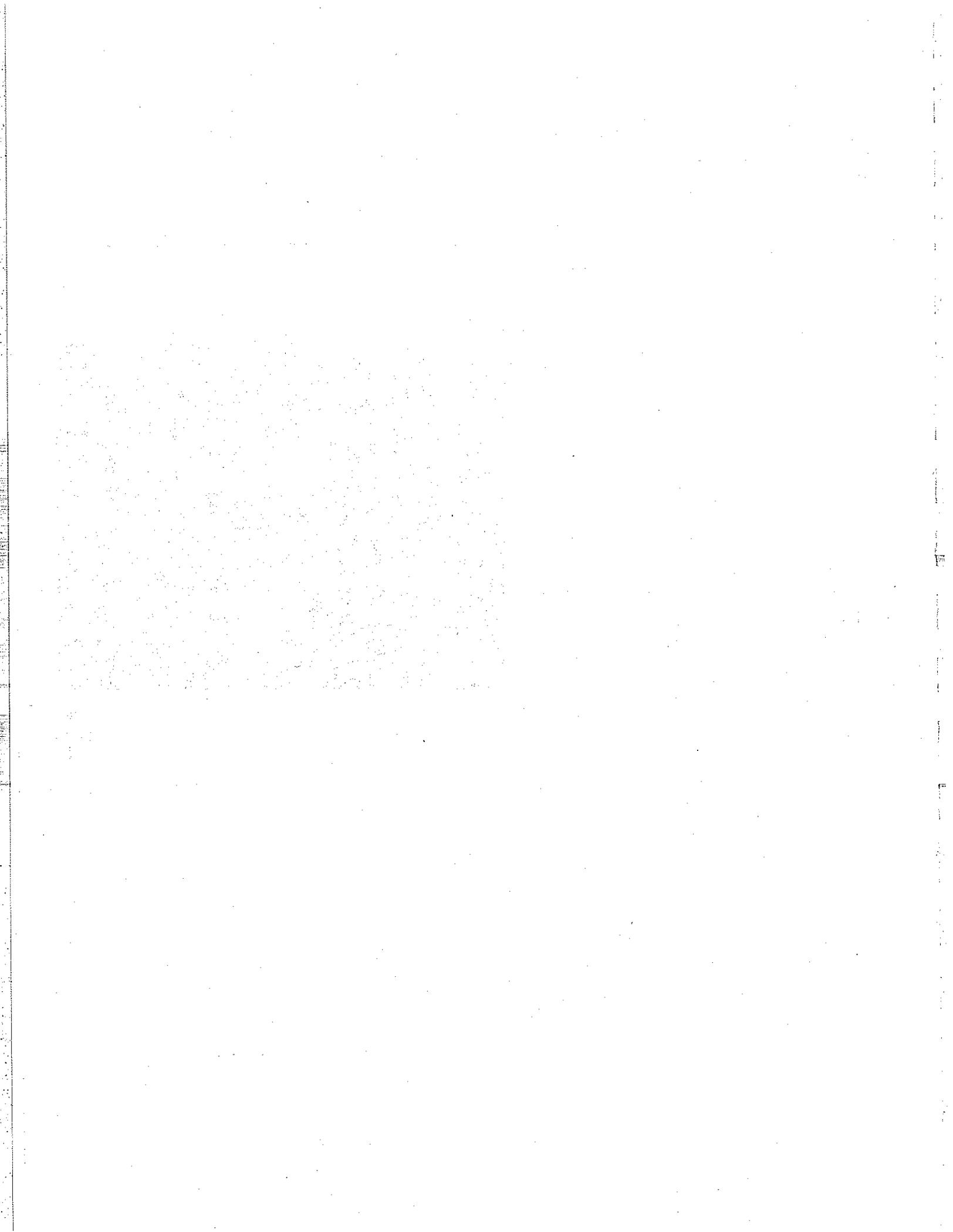
A count for available moorings and anchorage in Noank Harbor was taken in September, 1991. A total of up to 797 watercraft could be anchored and moored in the harbor (this does not include boats tied to slips). Figure 8 indicates the approximate distributions throughout the harbor areas.



Noank Harbor Plan COUNT IN MOORING AREAS

Figure 8





SECTION 4. GOALS AND OBJECTIVES

This section outlines the goals and objectives for the Groton Harbor Management Plan Noank Sector. The goals and objectives have been developed from a number and variety of issues and concerns expressed during efforts of the Task Force over the course of the Interim Plan, and from both the results of the Public Workshop held on October 25, 1984 and subsequent work sessions with the Harbor Task Force, Town Officials, and the Town of Groton Harbor Commission. Appendix F contains the minutes of the Public Workshop and public comment on the Interim Plan and summarizes the issues used to formulate the goals and objectives.

The goals and objectives address the following four topic areas:

- 4.1 Harbor Administration
- 4.2 Water Access and Use
- 4.3 Land Use and Development
- 4.4 Natural Resource Protection

The goal and objective statements regarding Harbor Administration are applicable to the entire Town of Groton excluding the City of Groton and Groton Long Point. The remaining topic areas are specific to the use and management of the Noank Harbor area, but provide a guide for the development of the entire town.

4.1 Harbor Administration

GOAL:

To establish and maintain a coordinated and equitable program for the management and use of Groton's waterfront areas.

OBJECTIVES:

- To develop a harbor management plan for the Town's water areas, that is comprehensive in scope and in accordance with the Connecticut Harbor Management Act.
- To establish a townwide Harbor Management Commission to oversee the management and development of water areas.
- To provide a basis for a coordinated decision-making process affecting harbor use and activities.
- To promote equitable use of both the harbor waters and adjacent land areas.
- To establish a comprehensive position for a Harbormaster to be responsible for the implementation and enforcement of the plan.
- To establish a harbor improvement fund to provide for the administrative and maintenance costs of implementing the harbor plan, and managing the harbor waters.

4.2 Water Access and Use

GOAL:

To establish a comprehensive water use and access plan that addresses competing demands for a limited resource area, while maintaining open access for use and navigation.

OBJECTIVES:

- To identify and improve, where appropriate, existing public access points, and facilities.
- To achieve orderly, safe, and efficient use of mooring, dockage, anchorage, fairway and navigation areas through the establishment of a water use plan.
- To establish a mooring allocation procedure, minimum mooring standards, and to develop a mooring location map to aid in the equitable distribution of water area for commercial, private and public uses.
- To provide adequate space for anchorage of transient vessels, and access to shoreside facilities.
- To prohibit encroachment into designated channels, fairways, anchorages or harborside facilities.
- To review the accuracy of existing navigational charts and aids, and make recommendations for change where appropriate.
- To establish a mechanism to address concern about equitable use of good mooring waters for private and commercial use considering existing established moorings, access location and boat mooring needs.
- To provide a method to inventory boat dockage and berthing space in the harbor.
- To provide open water areas for recreational use and to preserve and protect the unique water environment, and to balance competing uses of the Town of Groton waters.

4.3 Land Use and Development

GOAL:

To promote an interfacing with all other land use authorities, boards, and commissions, the economic vitality of waterfront related businesses and options for increased public use, consistent with the existing development within the Town of Groton.

OBJECTIVES:

- To consider the adequacy of the existing transportation and signage systems, in order to reduce traffic hazards and circulation problems.

- To inventory available parking (both on and off-street), assess the needs to accommodate public access and commercial uses, and recommend a parking management program.
- To review, assess, and comment on development opportunities so as to promote the orderly use of the waterfront.
- To identify the needs of, and recommend provisions for, commercial fishing within the waterfront.
- To assess the future use of Esker Point Beach, and make appropriate recommendations for an action plan.

4.4 Natural Resource Protection

GOAL:

To preserve and protect the significant natural resources and features of the coastal zone within a framework that allows for the orderly and equitable use of waterfront areas.

OBJECTIVES:

- To preserve and enhance significant wildlife habitats, wetland, marshland, and coastal resource areas.
- To encourage measures that would improve the quality of Groton's waters, including facilities for waste disposal, trash and litter control.
- To encourage the protection and utilization of significant shellfish and fisheries resources.
- To establish a policy for mooring use within significant shellfish resource areas.

5.1.2. Harbor Management Commission

The Connecticut Harbor Management Act designates that:

- A. Any municipality having within its limits navigable waters may establish by ordinance a harbor management commission, or may designate any existing board, commission, council, committee or other agency as such commission.
- B. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in, or contiguous to the harbor that is received by the:
 - Zoning Commission
 - Planning Commission
 - Zoning Board of Appeals
 - Historic District Commission
 - Flood and Erosion Control Board
 - Redevelopment Agency
 - Shellfish Commission, Oyster Ground Committee
 - Sewer Commission
 - Conservation Commission
 - Noank Parks Commission
 - Other land use authority
- C. An annual review of the Harbor Management Plan by the Harbor Management Commission is required pursuant to Section 22a-113m, Harbor Management Act.

Recommendation

The Town of Groton has established, through ordinance, a townwide Harbor Management Commission with responsibilities to oversee the management and development of all of the Town of Groton's water areas. Modification of the ordinance may be necessary to implement the plan. The primary considerations are identified below:

Commission Membership

The ordinance shall identify the number of commission members, which should not be less than three nor more than seven to be effective. The initial terms of office should be staggered. The ordinance should specify the length of terms for the commission members. The term should not be too short a period of time due to the complexity of issues that will face this commission, therefore a term of 3 years is recommended. Provision for the appointment or election of a Chairperson and Secretary should be made.

Jurisdiction of the Harbor Commission

The specific boundary for the Town of Groton Harbor Management Commission jurisdiction must be identified as detailed in the Connecticut Harbor Management Act. This Sector Plan shall focus on the territorial waters of Noank Harbor. The Harbor

Management Commission, in conjunction with the Town Council, will determine when additional Sector Plans will be required, and define the jurisdictional boundaries of these additional Sector Plans.

Harbor Commission Powers, Duties and Responsibilities

The Harbor Management Commission shall exercise powers, duties and responsibilities as allowed in the Connecticut Harbor Management Act. A method should be developed that will provide for adequate notification prior to approval of a site plan or project being reviewed by other Town boards or commissions that relates to the waterfront.

Selection of Harbor Commission Membership

The method of selection and appointment of Commission members by the Town Council should be developed and specified. Specific criteria can be developed as preferable experience for prospective candidates.

Process for Removal of Harbor Commission Members

A procedure for the orderly and timely removal of a Commission member not meeting the responsibilities of the appointment should be included. The Code of Ordinances for the Town of Groton should be referenced.

Regulation of Mooring and Anchorage Areas

The assignment of responsibility for management of mooring and anchorage areas according to the Harbor Management Plan should be included.

Harbormasters, and Deputy Harbormasters

The relationship of the Harbormaster(s) and the Harbor Management Commission and the responsibilities of the Harbormaster(s) should be detailed.

Violations, Convictions and Fines

The Code of Ordinances for the Town of Groton should be referenced regarding violations, convictions and fines. The ability to revoke any and all permits and privileges assigned by the Harbor Management Commission to the general public should be included.

Appeals

A procedure for the adequate resolution of grievances between the Harbor Management Commission and individuals should be identified. Alternatives include the American Arbitration Association as well as the Town Council. The Town Code of Ordinances should be reviewed to maintain consistency.

State Boat Registration Funds, municipal boat launching/permitting funds, mooring, anchorage and other fees, special taxing districts, collected special federal or state grants, and fines from violations of harbor regulations.

- The ordinance should contain a section which outlines the investment and management of harbor funds. The procedure for the management of monies in this fund should be in accordance with the Town Charter and applicable ordinances.
- The Harbor Fund ordinance should identify the procedure for fund expenditures, as well as the procedure for the development and approval of the annual budget prior to expenditures from this fund by the Harbor Management Commission. This process should be taken from the Town Code of Ordinances and information provided by the Director of Finance. Allowances should be made for changes to the approved annual budget.

5.1.5. Rules and Regulations

In order to effectively implement recommendations of the Noank Harbor Management Plan, the Town should adopt a comprehensive set of rules and regulations governing the use and management of the Town's harbor areas. Appendix A of this document contains a set of proposed rules and regulations for Noank Harbor.

A. Mooring Permit and Allocation Procedure

It is recommended that the Harbor Management Commission establish a standardized mooring permit and allocation procedure to be implemented by the Harbormaster. A proposed procedure is written below.

- (1) The Harbormaster shall keep a detailed record of all moorings, their locations, and the owner's name, home and business addresses, telephone number, date when mooring was set, and name, length, registration number, and type of boat to be attached thereto. A proposed mooring location application and permit form is contained in Appendix E.
- (2) The Harbormaster shall maintain in a public place:
 - a waiting list for mooring space
 - a mooring permit application procedure
 - an allocation procedure
 - priority list for moorings
- (3) Applications for moorings and a place on the mooring waiting list shall be renewed annually.
- (4) A waterfront property owner shall have first priority for one mooring location for his own use within reasonable proximity to their property. Thereafter available moorings shall be offered to the senior applicant on the mooring waiting list. If the available mooring is not suitable to accommodate the senior applicant's vessel, it shall be offered to the next

senior qualified applicant. The Harbormaster shall continue efforts to provide a suitable mooring for the senior applicant. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants will be maintained according to the needs of the vessels. These lists will be available for public review during regular office hours.

- (5) Space available for transient boaters shall be offered on a first-come first-served basis, and shall be accepted on a temporary basis.
- (6) To address concerns about the equitable distribution of private and commercial moorings, the allocation of preferred mooring water area, displacement of existing moorings, and mooring access the following procedure shall be put in place as a policy and a regulation: As demand requires, up to 15% of the mooring spaces located within designated commercial areas shall be made available to private individuals. Application for moorings within commercial areas shall be made to the Harbormaster by April 1 of a given calendar year. The Harbormaster shall assign these moorings in accordance with the allocation procedures indicated above. This 15% shall include preexisting private moorings within commercial areas. This is also intended to allow the resetting of affected commercial moorings within designated commercial areas subject to Harbormaster approval. 15% was found to be a reasonable amount based on existing and historical demand for mooring space. This basis is supported by the number of existing private moorings in proposed commercial areas, the demand for suitable water depth and conditions for large private boats, and the large amount of commercial mooring area proposed in preferred mooring waters and waters located outside immediate commercial marina support sites.

5.2 Public Access

5.2.1. Public Access Points

The goals of the Noank Plan call for improved access and use of public points and facilities only in areas which can accommodate development without adversely affecting the residential character of the Noank area. It is recommended that several areas be considered for expanded public use. These include:

Esker Point Beach

Esker Point Beach represents one of the few locations along the Noank shoreline with the potential to provide significant new active recreational activities for town residents. The beach has declined in recent years as a place for swimming.

Opportunities exist for creation of new active recreation facilities in addition to swimming and sunbathing. These include the possibility of developing a community boating facility at the beach. Additional picnicking facilities could be constructed as well.

UCONN and Town property at the foot of Main Street

The property owned by the State of Connecticut located at the foot of Main Street should be targeted as a location for future public amenities and waterfront uses.

It is recommended that the Noank Town Dock facility at the foot of Main Street be expanded and improved by providing additional dock space for transient boaters to tie up dinghies and walk to town, as well as improving swimming conditions.

Morgan Point Open Space

The newly dedicated open space at Morgan Point provides for public waterfront access. The area lies near a designated transient anchorage area which is particularly suitable in foul weather conditions when the eastern transient anchorage is not suitable for use. Boats which anchor in this area could utilize a small dinghy dock to provide access to the shore from the water. The character of the area demands that only a small dock would be appropriate, with no long term dockage or storage of boats allowed.

Public Street Ends

The resource inventory section indicates that the Town owns several public streets that terminate directly on the harbor. These are public rights-of-way which should be preserved to provide physical and visual access to the harbor. These street ends include Main Street, Cove Street, Spring Street, Chesbro Avenue, Palmer Court, Main Place and Wilbur Court, and are mapped on Figure 5.

5.2.2. Maintaining Free Navigation

In order to achieve orderly, safe, and efficient use of mooring, anchorage, fairway, and navigation areas, the Commission should enact a comprehensive set of harbor regulations with provisions to prohibit encroachment into designated channels, fairways, and anchorages and should support the Harbormaster in their enforcement. A proposed set of regulations governing the use and enjoyment of Noank Harbor is provided in Appendix A.

5.3 Water Use Plan

Purpose - Identifies in narrative and mapped form provisions for orderly and equitable allocation of the harbor area for various uses including but not limited to mooring areas, anchorages, navigational channels and fairways, and restricted areas. Proposed use and development in the harbor shall be consistent with the Noank Harbor Water Use Plan unless contrary action is supported by "show-cause" justification. The mapped plan is included herein as Figure 9.

5.3.1. Commercial Mooring Areas

Commercial moorings shall be allowed only in the areas designated on the Water Use Plan map as commercial areas A-G and those permitted to Beebe Cove Marina. Commercial operators shall have required permits from the Noank Harbormaster, Connecticut DEP, and the Army Corps of Engineers for placement of such moorings. Temporary approvals granted by the Army Corps of Engineers for the total number and location of commercial moorings are indicated in Appendix B which contains copies of the mooring plot plans.

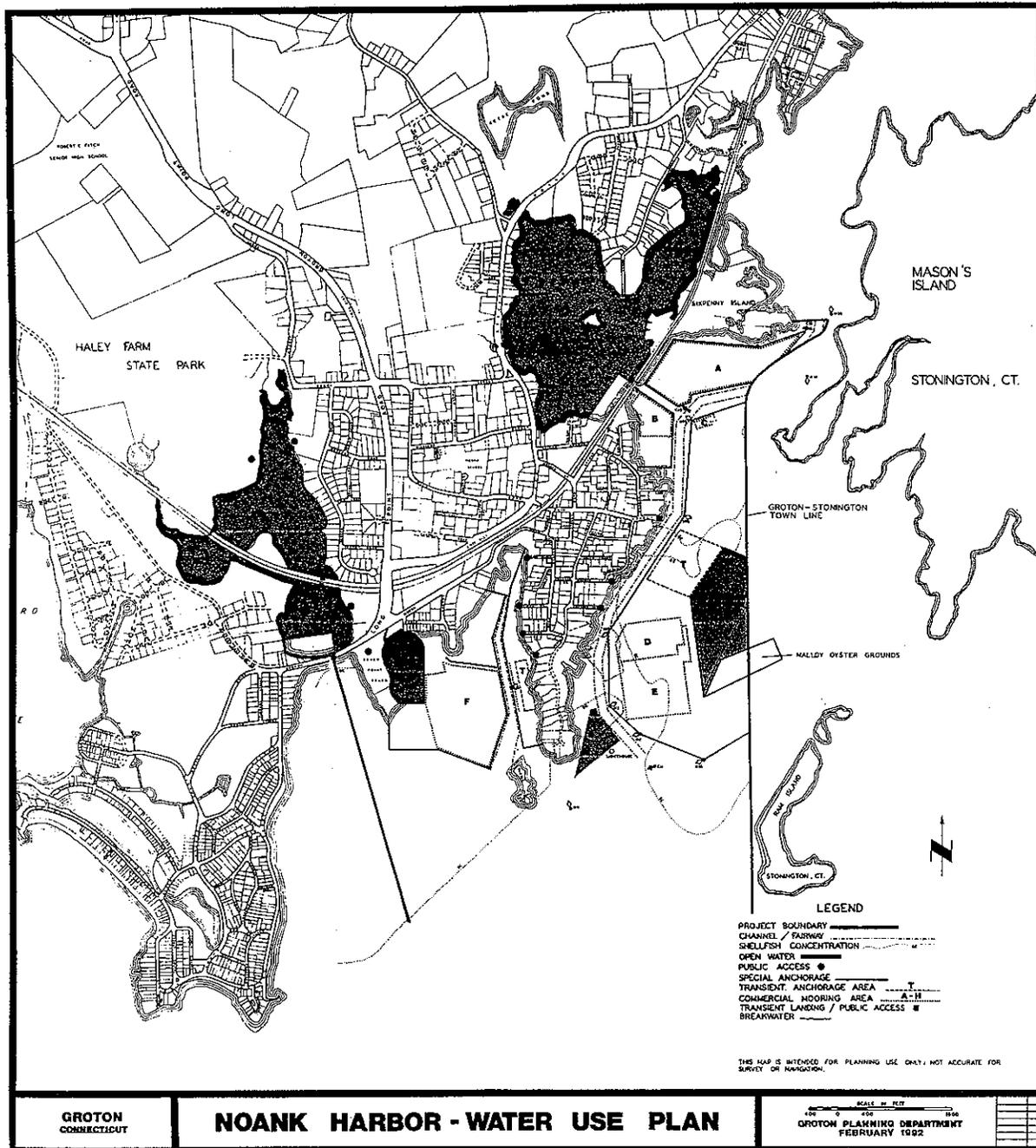
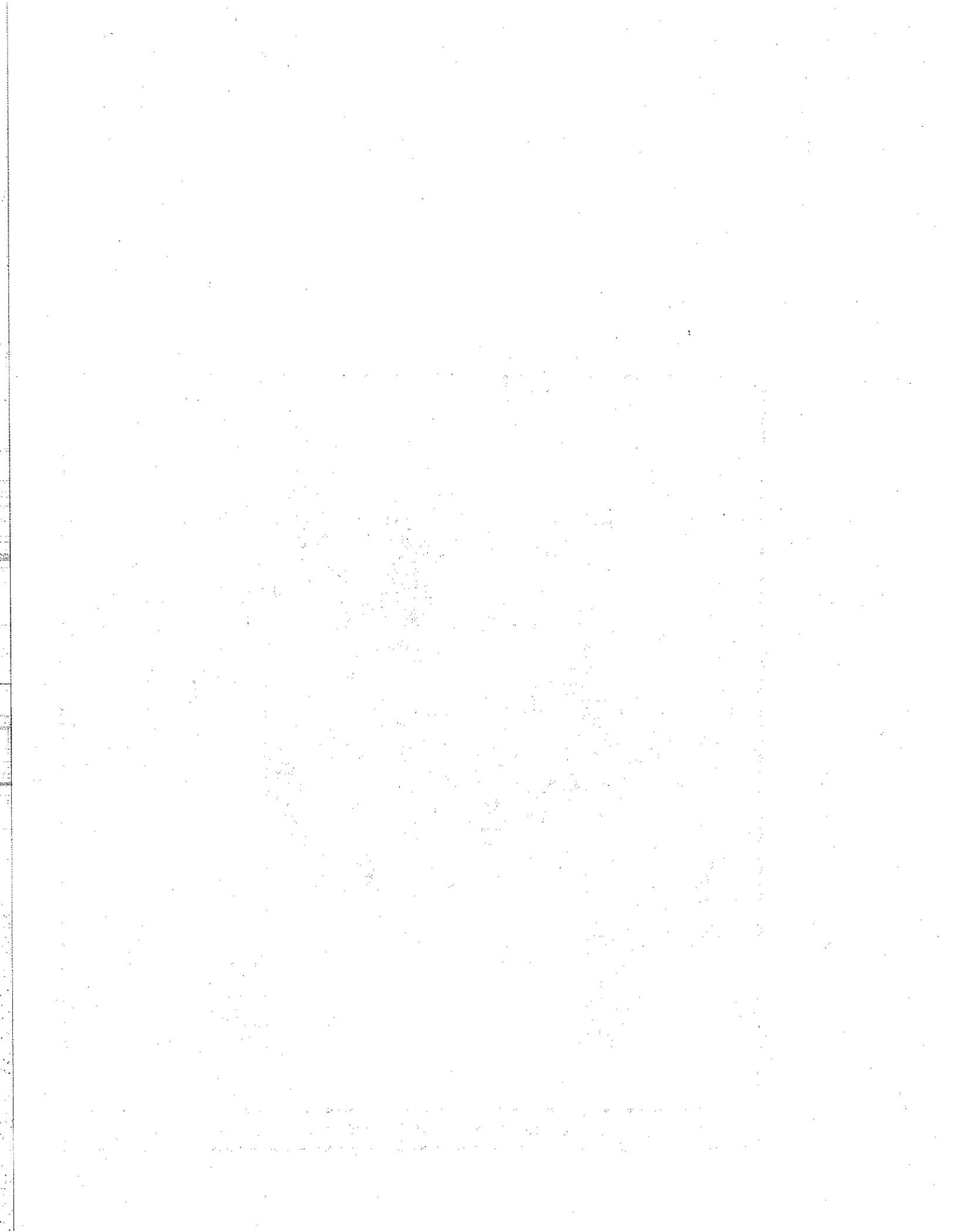


Figure 9



Commercial mooring areas shown on the Water Use Plan map include areas for below listed commercial moorings and for 15% additional private mooring placements in accordance with the mooring allocation recommendations and regulations. The areas are designed to allow mooring space for the private moorings within the established mooring grid spacing and specifications for each area. Specific location of a private mooring is determined by the Harbormaster in accordance with the allocation procedure.

<u>AREA</u>	<u>COMMERCIAL MOORINGS</u>
A	115
B	61
C	7
D	50
E	108
F & H	181
F & H (when last dock is completed)	139
G	7

This procedure as implemented by the regulations allows private and commercial moorings to share preferred mooring waters and allows the Harbormaster to consider factors relating to boat characteristics, water conditions, and access in issuing mooring locations within each area. If no private moorings are requested for a particular area, the commercial mooring numbers above cannot be increased. This condition is necessary based on the factors which were considered in establishing commercial areas including existing private moorings, maintenance of availability and flexibility to suitable mooring space, and the maximum commercial mooring support facilities.

5.3.2. Mooring Location Grid

A mooring location grid has been developed for the majority of the Noank Harbor area. The location grid will aid the Harbormaster in the inventory and location of moorings for commercial, private and public use, and will achieve a more safe, efficient and orderly distribution of moorings, based on boat needs and water conditions. The grid is contained in Appendix D. It should be adopted as part of the Water Use Plan and regulations should be adopted to implement and administer it. All existing moorings within grid areas should be relocated to the nearest grid point as designated by the Harbormaster. In case of conflict, precedence shall be given to moorings with the oldest valid permit. Mooring grids shall be on equilateral triangles.

5.3.3. Transient Anchorage

The Noank Harbor Plan identifies two water surface areas for anchorage of transient vessels: The Mystic River Transient Anchorage and the West Cove Transient Anchorage areas. These areas are shown in Figure 9 Water Use Plan.

The Mystic River Transient Anchorage is the larger of the two anchorages, and is located in the Mystic River east of Morgan Point, approximately east of the Noank Town Dock. This anchorage has a surface area of approximately 11 acres. This area has adequate water depth; however, bottom conditions are soft with areas of eelgrass requiring some special attention.

The West Cove Transient Anchorage area is located west of Morgan Point near West Cove. This anchorage has a surface area of approximately 2.4 acres. Because of its size and location, this area is most suitable for use when weather conditions in the other transient anchorage are poor, and shelter from wind and wave action from Morgan Point is desirable. Landings are shown on the Water Use Plan map for each of the transient anchorages. The east landing area is the Noank Town Dock at the end of Main Street and provides good access to the dock and water depth. The west landing area is the shore of Town owned open space land off Pearl Street Extension. The landing has approximately 90 feet of shoreline; however, water depth and miscellaneous water obstructions warrant some caution.

5.3.4. Transient Mooring Areas

Transient moorings may be allowed by the Harbormaster in locations and number to be determined by the Harbor Management Commission. Public transient moorings shall be located within the Mystic River and West Cove Transient Anchorage areas. Any presently permitted moorings located within either transient anchorage area shall be grandfathered, but shall conform in location to whatever grid may be established by the Harbor Management Commission.

5.3.5. Channels

The Mystic River Federal Channel shall be kept free and clear of any obstruction at all times. The channel area is indicated on the Water Use Plan map.

5.3.6. Fairways

All moorings shall be placed clear of all fairways and located in accordance with Army Corps of Engineers and Harbormaster permits. Fairways are shown on the Water Use Plan map. It shall be the policy to establish new fairways through the middle of waterways unless natural, historic, or environmental conditions justify alterations.

5.3.7. Special Anchorages

Special anchorage areas should be designated within the bounds shown on the Water Use Plan map. The Harbor Management Commission should petition the Coast Guard to designate these areas as Special Anchorage in accordance with established procedure.

5.3.8. Open Waters

It shall be the policy to establish sufficient open water areas for recreation, resource protection and management, and navigational safety. No mooring permits shall be issued for the areas designated as open water areas on the Water Use Plan map; however, this shall not be construed to deny riparian access or rights. Open water areas are shown on the Water Use Plan map and are described below.

The first, for navigational and safety purposes, is the area between the line extending from the eastern end of the existing southernmost dock at Noank Shipyard to the easternmost end of Morgan Point and the western edge of the federal channel. The second area at the east side of the Mystic River is for shellfish resource protection and

for small boat recreational activities. The third area off Esker Point Beach is for public swimming and water recreation activities associated with the beach and proposed park. It shall be the policy of the Harbor Management Commission that Palmer and Beebe Coves shall be designated "open water" so as to provide for recreational use, to protect the unique shallow water environment, and to preserve valuable shellfish resources and allow harvesting. Consistent with these goals, property owners abutting these areas may maintain minimum necessary structures to provide water access.

5.3.9. Public Mooring Areas

The Harbormaster may allow the issuance of private mooring permits for any waters not restricted by the Water Use Plan or regulations. Preferred mooring areas have been proposed as special anchorages; however, moorings are not restricted to those areas. Moorings may be permitted outside of designated areas on the Water Use Plan upon application to the Harbormaster in accordance with the regulations. In allowing moorings in such areas, the Harbormaster must consider factors including the need for open space, commercial and recreational fisheries, recreational uses, safety and environmental impact, and consistency with the Harbor Management Plan.

5.3.10. Mooring Tackle

In order to provide for safety of boaters and personal property, the Harbor Management Commission has proposed minimum standards for tackle for moorings placed within Noank Harbor. Appendix C contains a set of minimum mooring tackle requirements for Noank Harbor.

5.3.11. Navigation Charts

Accurate and timely navigation aids are a necessity to the boater. The Noank Harbor Task Force has identified several areas where the existing navigation chart for the Noank Harbor area could be updated. These include the correction of the chart which shows rocks west of Mason's Point, and the need to establish both a larger Special Anchorage designation on the charts and a Special Anchorage in West Cove.

The Harbor Management Commission should undertake the necessary measures to review the accuracy of existing navigational charts and aids, and make recommendations for change where appropriate. This is generally a two step process involving both state and federal agencies. At the federal level, the Harbor Management Commission would make recommendations to NOAA and the Coast Guard, and have the changes published in the Notice to Mariners. At the state level, the Harbor Management Commission would begin their initial contacts with the Bureau of Aviation and Ports, CONNDOT.

5.3.12. Structures

To assure orderly, safe and efficient use of channels, fairways, mooring areas and general navigation within the harbor, the following policies shall apply. These shall not, however, be construed to deny a littoral/riparian owner's access to navigable waters.

- A. Structure Setback - All structures shall be placed so as not to impede free navigation or access by littoral/riparian neighbors.

- B. It is recommended that all structures be set back 10 feet from littoral or riparian lines as may be determined or agreed upon by adjacent property owners.
- C. It is recommended that the shore terminus of said structures be set back 10 feet from the intersection of the property lines with mean high water. Setback requirements may be waived if some legitimate coastal and/or harbor management objective such as resource preservation is furthered, so long as it does not interfere with free navigation and access. It shall be the policy of the Harbor Management Plan to encourage shared facilities so as to minimize adverse environmental impact.
- D. There shall be a minimum 15 foot setback for all new structures from any designated channel, fairway, mooring or anchorage area or turning basin.
- E. It shall be the policy of the Harbor Management Plan that new structures associated with the operation of commercial facilities shall be located adjacent to the commercial facility consistent with shore zoning policy.
- F. Nothing in this section shall be deemed to create littoral or riparian lines or to preclude statutory review and decision by state or federal agencies.

5.3.13. Dockage and Berthing

Dockage and berthing for private and commercial use is allowed at structures which have all local, state and federal permits or approvals. Registration of the berthing space may be required to inventory structures and boat use within the harbor to ensure safe harbor management.

5.4 Land Use and Development

5.4.1. Transportation and Signage Improvements

A review of the existing transportation and signage systems in the Noank area indicates that most conditions are adequate including the signage directing individuals to Noank and the public beach areas. The Harbor Management Task Force has stated that problems do exist in routing exiting traffic and in providing directions to transient boaters.

It is recommended that the Town provide a minimum amount of new signage in the Noank area. The Town dock should be posted, indicating appropriate rules for the use of the dock and for directing transient boaters to appropriate shoreside facilities. In order to assist those exiting the various marinas and boat yards by automobile, new signage should be posted at appropriate intersection locations.

5.4.2. Parking

Since the availability and amount of parking is a major factor which limits the accessibility of users to their watercraft, and indirectly acts as a control for the level of boating use in Noank Harbor, the appropriate regulatory agencies should carefully review

the parking demand and requirements of future marina and waterfront developments to ensure their adequacy.

At the time when parking becomes more difficult, the Town and/or other appropriate agency should undertake an inventory of available parking (both on and off street), and develop a public parking management program. This program should review the need for improved signage, parking enforcement, as well as physical improvements, and should identify specific locations where limited additional parking could be accommodated, including the development of remote site parking with shuttle service.

5.4.3. Development Plan Review

All new real estate development plans and proposals affecting the harbor should be reviewed for consistency with the Noank Harbor Management Plan. Upon establishment of a Harbor Management Commission and adopting of the plan, the commission should actively review, assess, and comment on development proposals in cooperation with other Town boards, so as to promote the orderly and equitable use of waterfront areas.

The Harbor Management Commission in cooperation with other Town boards should inventory waterfront sites with future development opportunities and consider their potential for public use, if appropriate. These potential development sites include the UCONN property at the foot of Main Street and the Town owned land on Riverview Avenue. The open properties around Esker Point Beach should be reviewed for potential uses.

5.4.4. Commercial Fishing

Opportunities exist for expanding the commercial fishing fleet in the Noank area. Program and physical improvements to aid commercial fishermen should be investigated and developed.

The major need of the commercial fishermen is an adequate dock to assist in the loading and unloading of boats, and a place to store and repair fishing gear and tackle.

Any expansion of commercial businesses within the harbor area must be done with careful consideration given to the abutting residential neighborhoods.

5.5 Natural Resource Protection

5.5.1. Habitat Preservation

The preservation and enhancement of significant wildlife habitats, wetland, marshland, and coastal resource areas are encouraged and recommended by the Noank Harbor Management Plan. The Harbor Management Commission should work closely with the Conservation Commission and the Shellfish Commission to ensure the adequate protection of natural resources within the harbor.

5.5.2. Water Quality Improvement

The Town should encourage and, where appropriate, enact measures that would improve the quality of the harbor waters. The commission, through the review process of state

and federal permit applications and/or local development plans, should recommend adequate pollution control measures for sewerage disposal and trash and litter control. Such measures may include, but not be limited to, adequate boat sanitary pump out facilities of sufficient size, number and accessibility for marinas, adequate provisions for bathroom facilities for marinas, and provisions for trash and litter control.

If the UCONN property at the foot of Main Street is developed in the future to provide expanded facilities for transient boaters, the Town should consider the installation of a sanitary boat pump out facility for general public use at this location.

5.5.3. Shellfish Resources

The Town, through the Harbor Management Commission and Shellfish Commission, should take steps to encourage the protection and utilization of significant shellfish and fisheries resources. These include the protection and utilization of resources located in both polluted and clean waters.

The Harbor Management Commission in cooperation with the Shellfish Commission should periodically review and designate on the Noank Harbor Plan base map "Significant Shellfish Resource Areas". Known shellfish concentration areas are shown on the Water Use Plan map. The Harbor Management Commission should further maintain strict review of dredging and filling projects, and establish a policy governing moorings within shellfish resource areas.

Within designated "Significant Shellfish Resource Areas" it is recommended that the placement of moorings be allowed at the discretion of the Harbormaster. Refer to Shellfish Management Plan, August 10, 1988 and Section 26-257a Connecticut General Statutes for other shellfish management policies.

APPENDIX A
RULES AND REGULATIONS GOVERNING TOWN OF GROTON HARBORS

ARTICLE I

General Provisions

Section 1. Applicability. The provisions of this ordinance and any rules and regulations adopted pursuant thereto shall be applicable, and shall govern the use of harbor waters and facilities under the jurisdiction of the Town of Groton Harbor Management Commission. The Harbor Management Commission may from time to time amend the following rules and regulations.

Section 2. Invalidity of Provisions. Should any provision or provisions of this ordinance be held invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provisions had not been determined.

Section 3. Authorities. The Harbormaster or Deputy Harbormaster shall have the authority to carry out harbor management directives and enforce all provisions of the Harbor Management Plan, including this ordinance. The Harbormaster or Deputy Harbormaster may cite any alleged violators of this ordinance.

The Harbor Management Commission shall review and make recommendations regarding all applications for permits or approvals for all floats, structures, and other marine facilities within harbors under its jurisdiction.

Section 4. Violations. Any violation of this ordinance shall be a municipal infraction and is punishable by a fine not to exceed \$100.00, or by imprisonment for not more than 6 months, and shall be imposed for each violation hereunder as provided under Connecticut General Statutes Section 7-148(c)(d). Each day of violation shall be considered a separate offense and subject to separate citations. A fine not to exceed \$100.00 shall be imposed for each offense. Fines levied under the provisions of this ordinance shall be collected and deposited into the Groton Harbor Management Fund. Nothing in this section shall preclude the imposition of a greater penalty as provided for under Federal statutes or the laws of the State of Connecticut.

Section 5. Harbor Management Fund. A Harbor Management Fund is hereby created to receive and expend monies for harbor management purposes determined by the Harbor Management Commission. All revenues generated by 1) mooring permits, 2) fines levied under the provisions of this ordinance, 3) 50% of the boating registration fee that is returned to the Town, and 4) other fees generated shall be deposited into this Fund. Funds shall be disbursed for purposes directly associated with the management of harbors and implementation of the Harbor Management Plan. Monies from this Fund may be allocated to the Harbormaster or Deputy Harbormaster for the purpose of enforcing the provisions of the Harbor Management Plan and/or the Harbor Management ordinance. The Harbor Management Fund shall be established, budgeted, and administered in a manner consistent with the Town Charter.

Section 6. Water Use Plan Map. Proposed uses, structures, and activities within the harbor shall be consistent with the adopted Water Use Plan map. The Water Use Plan map may be amended by the Harbor Management Commission in accordance with the procedure for Harbor Management Plan modifications in the Connecticut Harbor Management Act.

ARTICLE II

Harbor Regulations

- Section 1. Liability. The Town of Groton Harbor Management Commission, Commissioners, and Harbormaster shall not by adoption or administration of these regulations assume any risk of personal injury and damage or loss to property on account of accident, fire, theft, storm, vandalism or acts of God.
- Section 2. Vessel Speed. Vessel speed shall be strictly enforced in accordance with the provisions of Section 15-16 of the Connecticut General Statutes. In addition to the above referenced standards, no vessel shall move at greater than 6 miles per hour when located within 200 feet of a moored vessel.
- Section 3. Obstruction of Channels, Fairways, and Berthing Space. No vessel shall be moored, anchored, or berthed so as to interfere with the free and unobstructed use of the channels, fairways or berthing spaces.
- No fixed commercial fishing gear shall be permitted in channels or fairways in accordance with DEP regulation 26-142a-3a(d).
- Section 4. Swimming. Swimming is prohibited in all designated channels and fairways. Use of designated swimming areas, established by DEP permit, may be restricted by the Harbor Management Commission.
- Section 5. Waterskiing. Waterskiing is prohibited in all designated channels, fairways, turning basins, and anchorages as shown on Figure 9 Water Use Plan, of the Noank Sector Harbor Plan.
- Section 6. Discharge of Refuse. The provisions of Connecticut General Statutes Section 22a-250, inclusive, shall be strictly enforced with respect to discharge of refuse.
- Section 7. Marine Toilets. The provisions of Connecticut General Statutes Sections 15-170 through 15-175, inclusive, shall be strictly enforced with respect to marine toilets.
- Section 8. Lost and Found Property. The finder of lost property within the harbor shall deliver or report its identity and location to the Groton Town Police.
- Section 9. Launch Service Signal. A "T" flag or radio is recommended. No person shall use an audible signal to call a launch, except when fog obstructs vision to the shore.
- Section 10. Signs, Erection and Maintenance. The Harbormaster may place and maintain, or cause to be placed and maintained, either on land or water, such signs, notices, signals, buoys or control devices in accordance with regulations established by the Commissioner of Environmental Protection (under Connecticut General Statutes Section 15-121) and in accordance with Federal statutes and regulations to carry out the provisions of this ordinance or to secure public safety and the orderly and efficient use of a harbor or marine facility.

- Section 11. Abandoned Vessels. When a vessel has been abandoned in the harbor, the Harbormaster may take custody and control of such vessel in accordance with Connecticut General Statutes Section 15-140c and remove it, store it or otherwise dispose of it, all at the expense and sole risk of the vessel owner. Reasonable notice of such disposal shall be publicly given. See Connecticut General Statutes Section 15-8a and 15-9.
- Section 12. Mooring or Berthing. A person having charge of any vessel shall not make it fast or secure it to any dock, jetty, breakwater, bulkhead, wharf, pier, or mooring without the consent of the owner thereof except in an emergency, in which case such person shall forthwith report the emergency to the Harbormaster and thereafter act in accordance with the Harbormaster's instructions.
- Section 13. Unseaworthy Vessels Prohibited in Harbor. A person shall not moor or berth or permit to be moored or berthed in the harbor a vessel which is unseaworthy, in a badly deteriorated condition and which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation, except in cases of emergency.
- Section 14. Fees Incidental to Recovery, Movement and Storage. Charges may be imposed by the Harbormaster for recovery and/or movement of vessels whenever a vessel is moved, impounded, or held as a result of violations of this ordinance.
- Section 15. Noise Abatement. No persons shall operate, occupy or leave a vessel in such manner as to constitute an audible nuisance. This prohibition includes, but is not limited to, operating a motor boat without an adequate muffler as provided under Connecticut General Statutes Section 15-129, loud offensive or obscene language or behavior, and playing radios, musical instruments or other noise producing devices so loudly as to constitute a nuisance. No person shall leave a vessel without securing all halyards and other noise producing objects in such manner as will effectively prevent the production of noise under all reasonably foreseeable conditions.

ARTICLE III

Regulations Concerning Mooring, Anchoring, and Securing of Vessels

Section 1. Placement of Private and Commercial Moorings. It shall be prohibited to place any mooring in the waters of the harbor without a permit from the Harbormaster. No vessel moored or anchored shall extend beyond the mooring area into any designated channels, fairways, turning basins, or transient anchorages. Unpermitted moorings may be removed by the Harbormaster subject to the following: owner thereof shall be notified if possible. If not possible, equipment shall be treated as lost items.

Section 2. Mooring Records.

- A) The Harbormaster shall maintain a record of each mooring, its location, and the owner's name, home and business address, telephone number, date mooring was set, and name, length, draft registration number or documentation number, and type of boat to be attached thereto. Commercial operators shall maintain the required data as to owner and vessel and make same available to the Harbormaster.
- B) The Harbormaster shall maintain in a public place a waiting list for mooring locations which shall be updated periodically.

Section 3. Allocation of Mooring Locations.

- A) The Harbor Management Commission shall establish and post in a public place a mooring allocation procedure and priority list.
- B) As provided in Section 2 B) above, available moorings shall be offered to the senior applicant on the mooring list, subject to the constraints contained in these rules and regulations. If the available mooring location is not suitable to accommodate the senior applicant's vessel or specific needs, it shall be offered to the next senior qualified applicant. The senior applicant shall retain his or her place on the waiting list in this case. The Harbormaster shall continue efforts to provide a suitable mooring location for the senior applicant. If the senior applicant refuses a mooring location which is suitable for his or her vessel in the opinion of the Harbormaster, that person shall be moved to the bottom of the waiting list. In order to obtain the most effective utilization of existing mooring facilities, lists of applicants will be maintained according to the length and draft of their vessels. These lists will be available for public inspection during regular office hours at the office of the Town Clerk. In the allocation of mooring locations, owners of existing moorings shall be deemed the senior applicant for the nearest designated mooring location.
- C) As demand requires, up to 15% of the mooring locations within designated commercial areas shall be made available to private individuals. Application for mooring locations within established

commercial areas shall be made to the Harbormaster by April 1 of a given calendar year. The Harbormaster shall assign these moorings in accordance to the allocation procedures indicated above considering boat size and draft, water conditions and mooring access, and be placed in accordance with established mooring space and specification for that area. This 15% shall include preexisting private moorings within commercial areas. This also allows the resetting of affected commercial moorings within designated commercial areas subject to Harbormaster approval, but the total number of commercial moorings shall not be increased.

- D) **Mooring Rights, Shorefront Property Owners** - The owner of private shorefront property shall have the right, upon application to the Harbormaster for a mooring permit for a mooring location, to place a mooring for his own use within close proximity of his property.
- E) **Mooring locations may be transferred within immediate family members:** parents, children, or siblings.

Section 4. Original Application for Mooring Permit. Any interested person, persons or corporation may apply for a mooring permit by completing in full the application provided for that purpose. In the case of a corporation, association, or other group, however organized, disclosure of the principals of the corporation, and evidence of corporate organization may be required by producing current articles of incorporation or a similar instrument registered with the State of Connecticut.

Section 5. Mooring Permits, Duration and Renewal. Mooring permits are valid for a period not to exceed one year. All mooring permits shall expire on December 31st, and should be renewed by January 31st of the following calendar year. A grace period lasting until the last day of March is allowed, after which period applications received will be treated in the same manner as original applications.

Section 6. Mooring Registration Fee. All applications for registration or renewal of registration shall be accompanied by a fee in such amount as may from time to time be established by the Groton Town Council. All such fees shall be non-refundable unless an application is denied or an applicant is placed on a waiting list. In the case of applications for new mooring space, the fee shall not be due until such time as the Harbormaster shall assign such applicant a mooring space and the applicant shall accept same.

Section 7. Mooring Location. Permits granted for moorings shall be consistent with all provisions of the adopted Water Use Plan. Moorings within grid areas shall be required to conform in location to the grid established by the Harbor Management Commission. Moorings in other areas may be assigned by the Harbormaster with due consideration to vessel size, draft, water conditions, and other relevant factors. No permit shall be granted for areas prohibited by this ordinance. Moorings permitted as of December 31, 1985 within designated transient anchorage areas shall be allowed to remain within the transient area.

Section 8. Vessel Berthing Space Registration. Owners of berthing space shall cooperate with the Harbor Management Commission to obtain an inventory of berthing spaces to insure safe harbor management.

Section 9. Transient Anchorage. Space for transient anchorage designated in areas on the Water Use Plan is available on a first-come, first-served basis. These areas are reserved for the exclusive short-term use of commercial and recreational vessels. Accordingly, the following regulations shall apply to the use and users of designated transient anchorages:

- A) Vessels may remain at the transient anchorage areas for a period not to exceed 7 consecutive days except in cases of special circumstances and after notification of and approval by the Harbormaster.
- B) Vessels shall be anchored securely and properly.
- C) Vessels may be left unattended up to 24 hours. The vessel's operator shall not leave the immediate area without notifying the Harbormaster and providing a shipkeeper for the vessel.

Section 10. Secure Berthing, Mooring and Anchoring of Vessels. All vessels anchored, moored or berthed within the jurisdiction of the Harbor Management Commission shall be tied, moored, anchored, or otherwise secured with proper care and equipment as required to prevent breakaway or damage to vessels or property. It shall be the responsibility of the owner of the vessel, and where applicable, marine facility operator, to assure that the vessel is properly secured and to provide for periodic inspection, maintenance, and replacement of such equipment at reasonable intervals as determined by the Harbormaster. See Connecticut General Statutes Section 15-8.

Section 11. Mooring Specifications and Inspection. The Harbor Management Commission shall provide specifications for mooring tackle and procedures for periodic inspection of the tackle.

Section 12. Storm Precautions. Owners may and should, without penalty, add reasonable scope, weights, or extra anchors in anticipation of storm conditions. Prompt return to usual mooring provisions shall be effected within 7 days after such storm.

ARTICLE IV

Definitions

"Anchoring": Means to secure a vessel temporarily to the bottom of a waterbody by dropping an anchor or anchors or other ground tackle from a vessel.

"Berth": Means berthing space for a single vessel alongside a pier, finger float, or other structure.

"Channel": Means any water areas officially marked and maintained to permit unobstructed movements of vessels.

"Commercial Mooring": Means the rental or lease of a mooring.

"Commercial Vessel": Means any vessel used or engaged for any type of commercial venture.

"Distress": Means a state of disability or a present or obviously imminent danger which if unduly prolonged could endanger life or property.

"Emergency": Means a state of imminent or proximate danger to life or property in which time is of the essence.

"Fairway": Means any locally designated and/or maintained water areas reserved for unobstructed movement of vessels.

"Harbor Facility": Means any area or structure providing private or public access to the water.

"Harbor Management Act": Means the legislation contained within the State of Connecticut General Statutes, Sections 22a-113k through 22a-113t and as may be amended.

"Harbor Management Commission": Means the local municipal commission established under and carrying out the responsibilities authorized by the Connecticut Harbor Management Act.

"Harbormaster": Means an official appointed in accordance with the Connecticut General Statutes.

"Marine Facilities": Means any and all facilities of a harbor either publicly or privately owned affecting the use and operations of vessels located within the area of jurisdiction.

"Moor": Means to secure a vessel to a mooring.

"Mooring": Means a place where vessels are secured to the bottom of a waterbody by mooring tackle for long term use.

"Mooring Buoy": Marks a mooring.

"Mooring Tackle": Means the hardware and cordage used to secure a vessel at a mooring.

"Open Water": Means an area reserved and designated on the Water Use Plan where moorings and structures will be restricted to preserve the area for navigation, natural resources, and public recreational purposes.

"Public Area": Means all areas of any harbor except those areas under specific lease to private persons or firms, or owned privately.

"Shore": Means that part of the land in immediate contact with a body of water, including the area between high and low water lines.

"Shall and May": "Shall" is mandatory, "May" is permissive.

"State": Means the State of Connecticut.

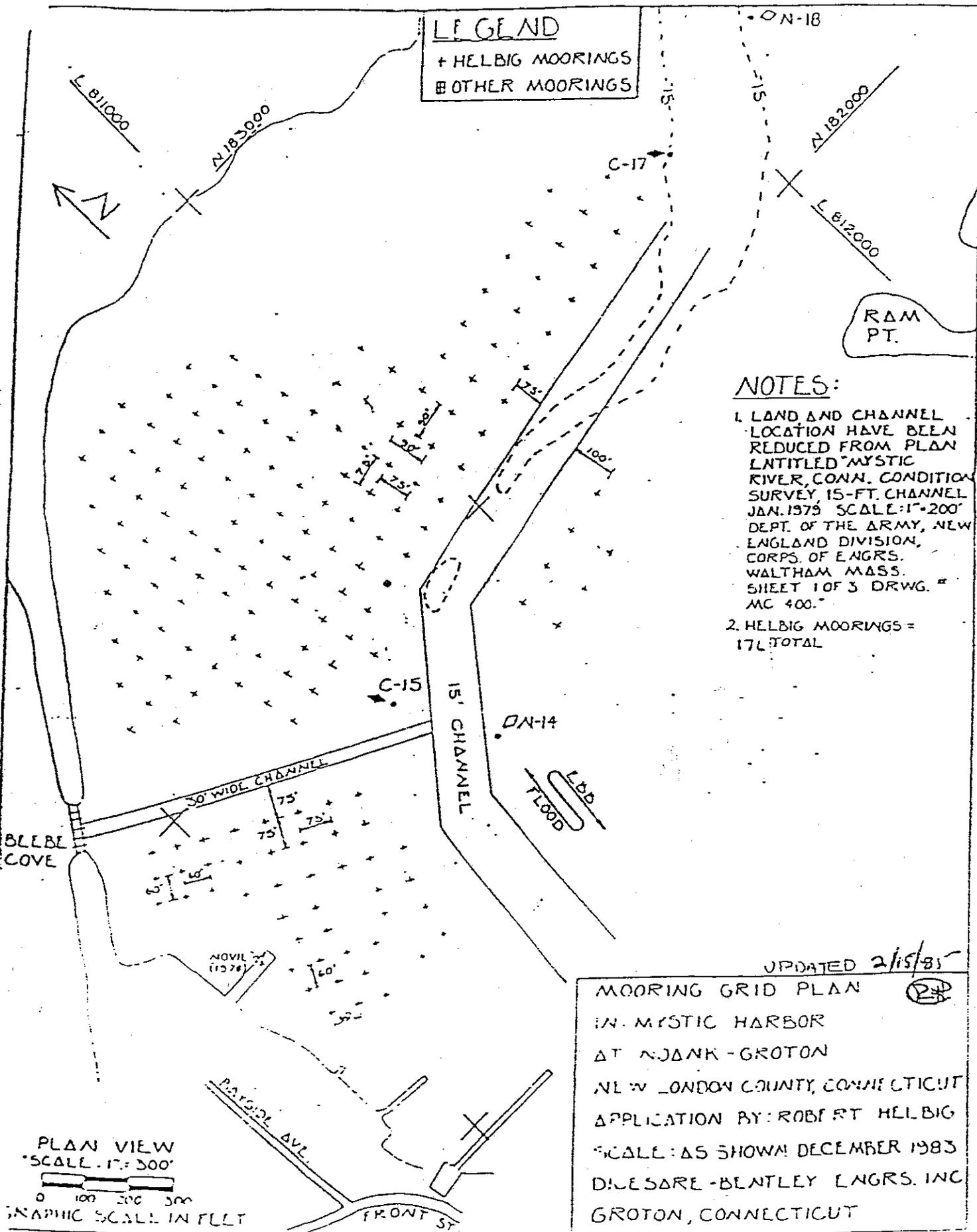
"Structure": Means docks, piers, pilings, breakwaters, groins, and seawalls.

"Transient Anchorage": Means any area reserved and designated on the Water Use Plan for the exclusive short term use of commercial and recreational vessels.

"Underway": Means the condition of a vessel not at anchor, without moorings, and not made fast to the shore nor aground.

"Vessel": Means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water.

APPENDIX B
PLANS FOR COMMERCIAL MOORINGS

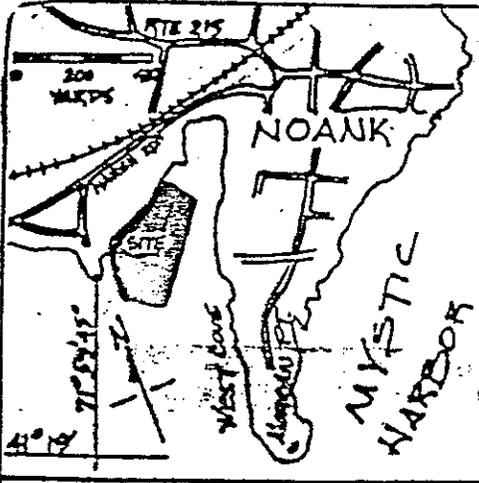


LEGEND
 + HELBIG MOORINGS
 □ OTHER MOORINGS

NOTES:
 1. LAND AND CHANNEL LOCATION HAVE BEEN REDUCED FROM PLAN ENTITLED "MYSTIC RIVER, CONN. CONDITION SURVEY, 15-FT. CHANNEL JAN. 1979 SCALE: 1"=200' DEPT. OF THE ARMY, NEW ENGLAND DIVISION, CORPS. OF ENGRS. WALTHAM MASS. SHEET 1 OF 3 DRWG. "MC 400."
 2. HELBIG MOORINGS = 176 TOTAL

UPDATED 2/15/85
MOORING GRID PLAN
 IN MYSTIC HARBOR
 AT WJANK-GROTON
 NEW LONDON COUNTY, CONNECTICUT
 APPLICATION BY: ROBERT HELBIG
 SCALE: AS SHOWN DECEMBER 1983
 DICESARE-BENTLEY ENGRS. INC
 GROTON, CONNECTICUT

PLAN VIEW
 SCALE - 1" = 300'
 0 100 200 300
 GRAPHIC SCALE IN FEET



PROPOSED DREDGING, FLOATING PIERS, BREAKWATER & MOORINGS

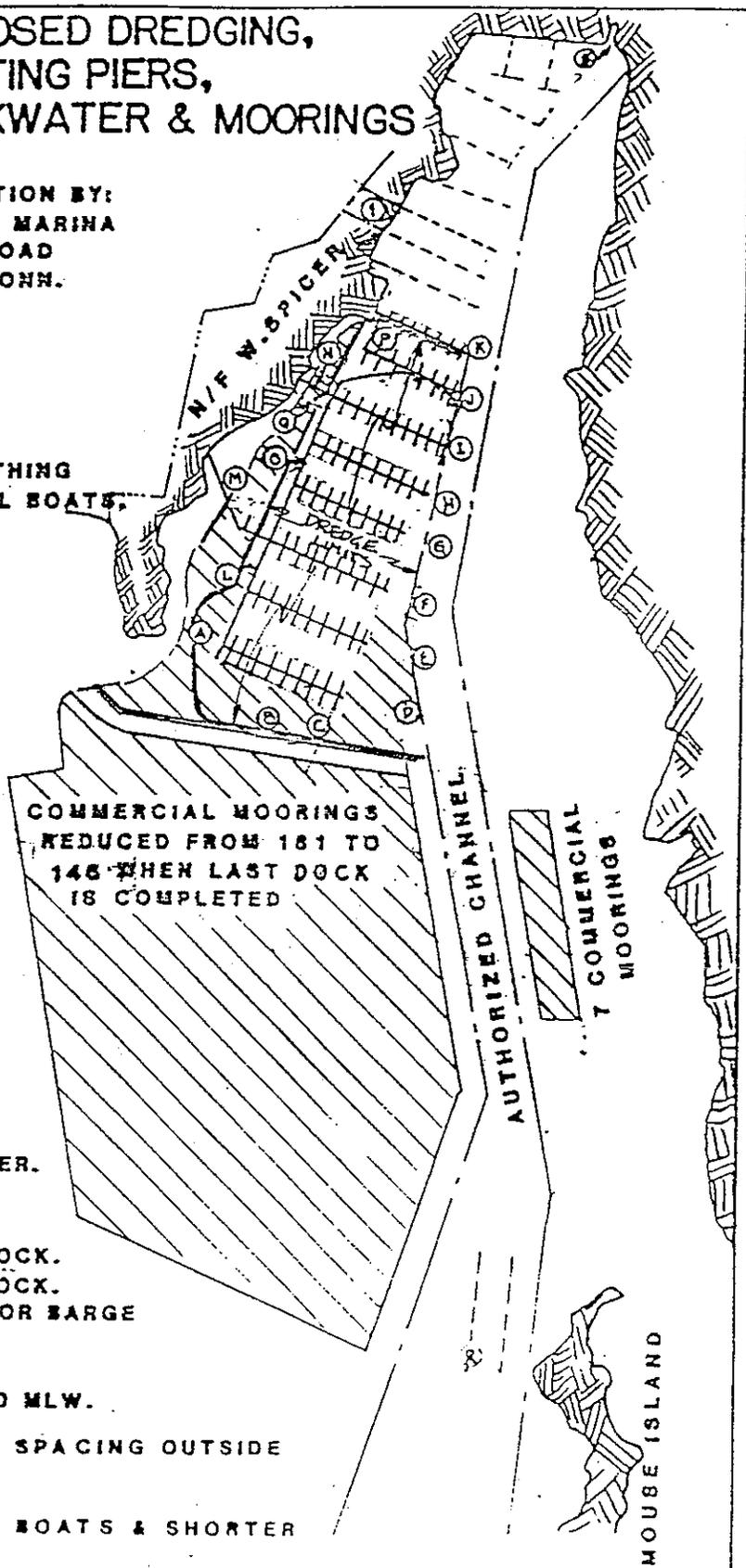
APPLICATION BY:
SPICER'S MARINA
MARSH ROAD
NOANK, CONN.

PURPOSE: TO PROVIDE A SHELTERED BERTHING
AREA FOR SMALL RECREATIONAL BOATS.

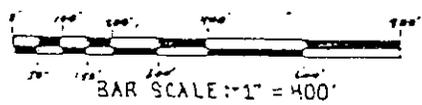
ADJACENT PROPERTY OWNERS:
1. FRED H. COUSINS

PROPOSED NEW FACILITIES:

- A. DREDGE 18,000 CY TO -7.0' MLW.
RE-USE GRANULAR MATERIAL
FOR NEW BREAKWATER CORE.
- B. CONSTRUCT NEW 780' BREAKWATER.
- C. INSTALL 870 NEW PILES 12" DIA.
FOR BREAKWATER AND NEW PIERS.
- D. INSTALL NEW 297' (35 SLIPS)
FLOATING PIER (FLT PR).
- E. INSTALL NEW 297' (34 SLIPS) FLT PR.
- F. INSTALL NEW 357' (41 SLIPS) FLT PR.
- G. INSTALL NEW 297' (32 SLIPS) FLT PR.
- H. INSTALL NEW 297' (32 SLIPS) FLT PR.
- I. INSTALL NEW 297' (32 SLIPS) FLT PR.
- J. INSTALL NEW 240' (31 SLIPS) FLT PR.
- K. INSTALL FINGER PIERS ON EXISTING
235' FLT PR (18 SLIPS).
- L. INSTALL NEW 290' FLOATING ACCESS PIER.
- M. INSTALL NEW 225' FIXED ACCESS PIER.
- N. INSTALL NEW 85' FIXED ACCESS PIER.
- O. INSTALL NEW 350' FLOATING ACCESS DOCK.
- P. INSTALL NEW 145' FLOATING ACCESS DOCK.
- Q. INSTALL 825 CY TEMP GRANULAR FILL FOR BARGE
USE IN BREAKWATER CONST.
- R. MAINTAIN ACCESS CHANNEL
FROM MOUSE ISLAND TO MARINA AT -7.0 MLW.



NOTE: 95' TRIANGULAR GRID MOORING SPACING OUTSIDE
BREAKWATER
INSIDE BREAKWATER, SMALLER BOATS & SHORTER
SCOPES WILL BE TYPICAL

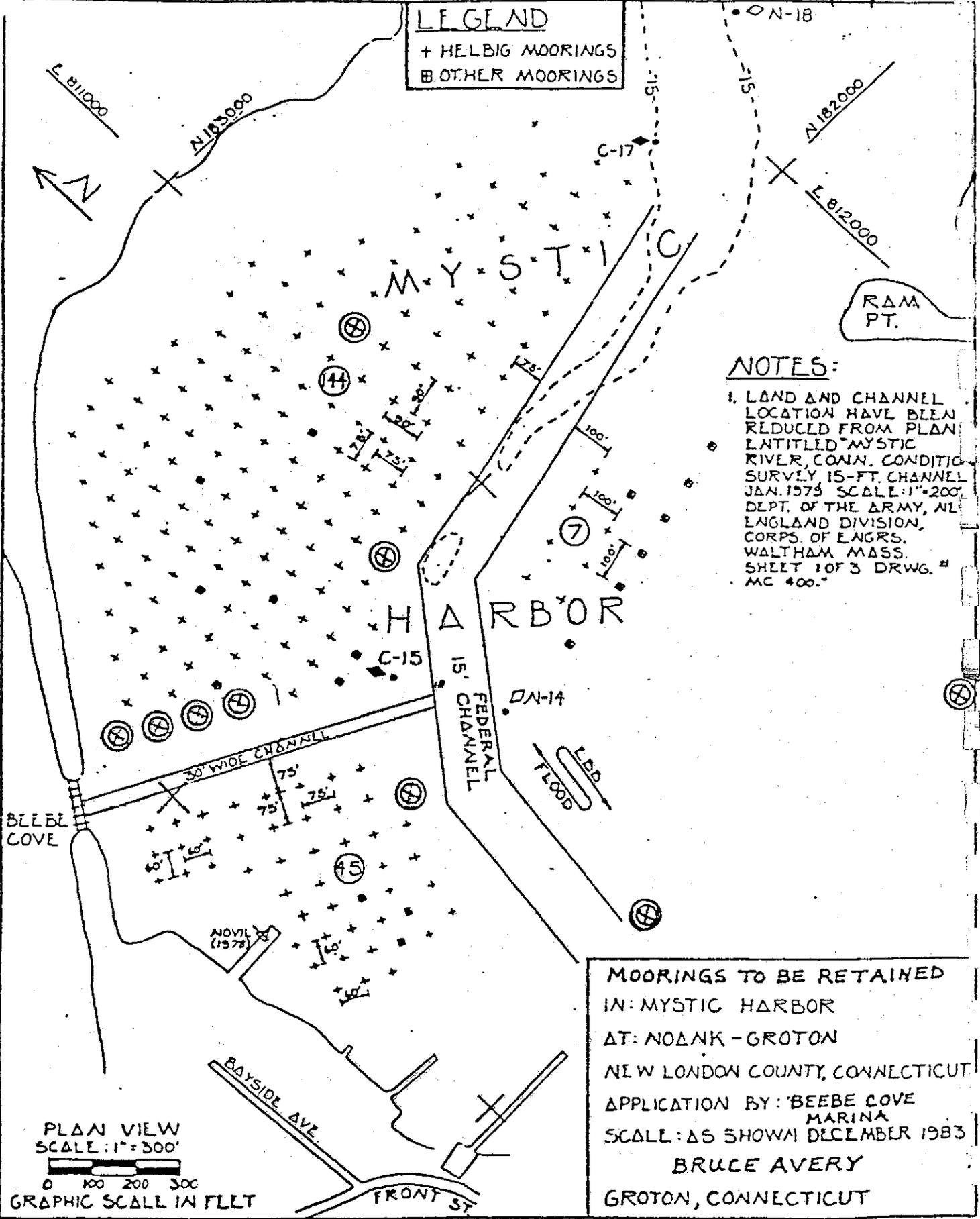


REVISED 5-85
FEB 1985
SHT 1 of 6

BEEBE COVE MARINA MOORING

MARKED BY (S) 10 MOORINGS TOTAL

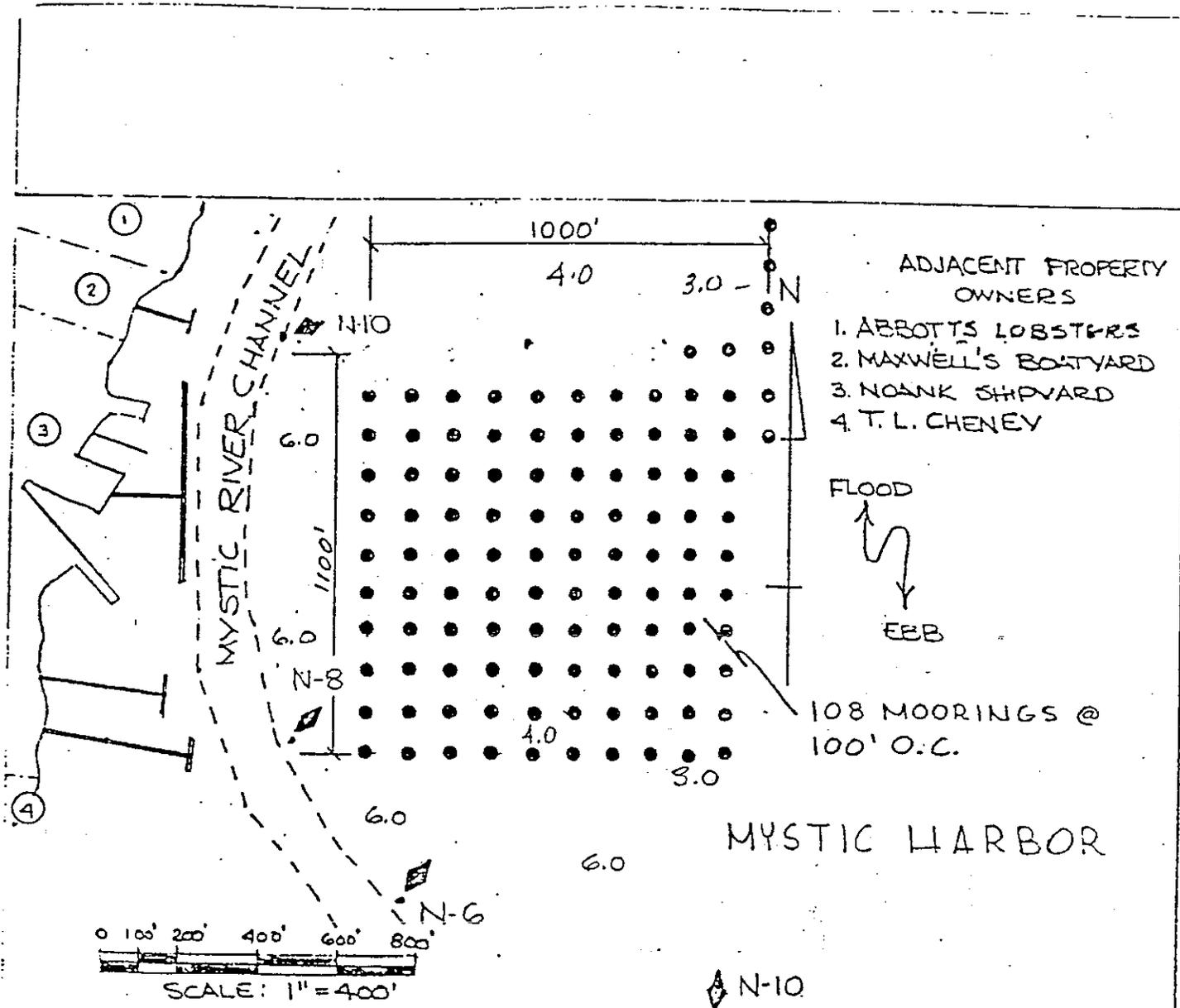
LEGEND
 + HELBIG MOORINGS
 (S) OTHER MOORINGS



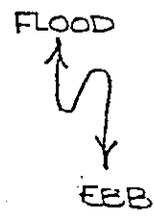
NOTES:
 1. LAND AND CHANNEL LOCATION HAVE BEEN REDUCED FROM PLAN ENTITLED "MYSTIC RIVER, CONN. CONDITION SURVEY, 15-FT. CHANNEL JAN. 1973 SCALE: 1"=200' DEPT. OF THE ARMY, ATLANTIC DIVISION, CORPS OF ENGRS. WALTHAM MASS. SHEET 1 OF 3 DRWG. # MC 400."

MOORINGS TO BE RETAINED IN: MYSTIC HARBOR
 AT: NOANK - GROTON
 NEW LONDON COUNTY, CONNECTICUT
 APPLICATION BY: BEEBE COVE MARINA
 SCALE: AS SHOWN DECEMBER 1983
 BRUCE AVERY
 GROTON, CONNECTICUT

PLAN VIEW
 SCALE: 1"=300'
 0 100 200 300
 GRAPHIC SCALE IN FEET

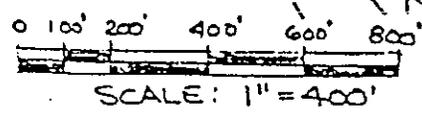


- ADJACENT PROPERTY OWNERS
1. ABBOTTS LOBSTERS
 2. MAXWELL'S BOATYARD
 3. NOANK SHIPYARD
 4. T. L. CHENEY

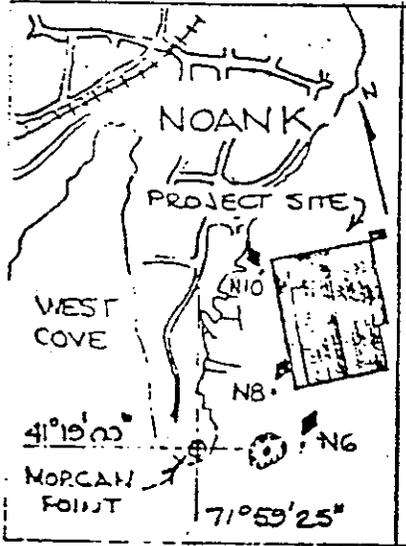


108 MOORINGS @
100' O.C.

MYSTIC HARBOR



FROM NOAA 13214
FISHERS ISLAND SOUND



MOORING AREA - MYSTIC HARBOR

APPLICATION BY: NOANK SHIPYARD
PEARL STREET
NOANK, CT.

PURPOSE: PROVIDE MOORINGS FOR
PRIVATELY OWNED SMALL CRAFT

PROPOSED FACILITIES: 108 MOORING ANCHOR,
CHAINS, LINES AND BOUYS

DATE: 18 AUGUST 1983
REV "A" - 21 Nov. 1983

SHEET 1 OF 1

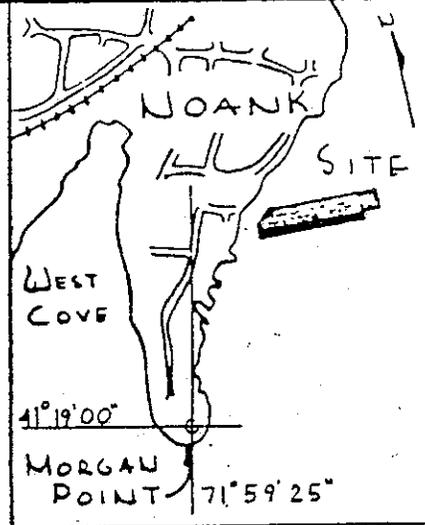
PURPOSE: PROVIDE MOORINGS FOR PRIVATELY OWNED SMALL CRAFT.

ADJACENT PROPERTY OWNERS:

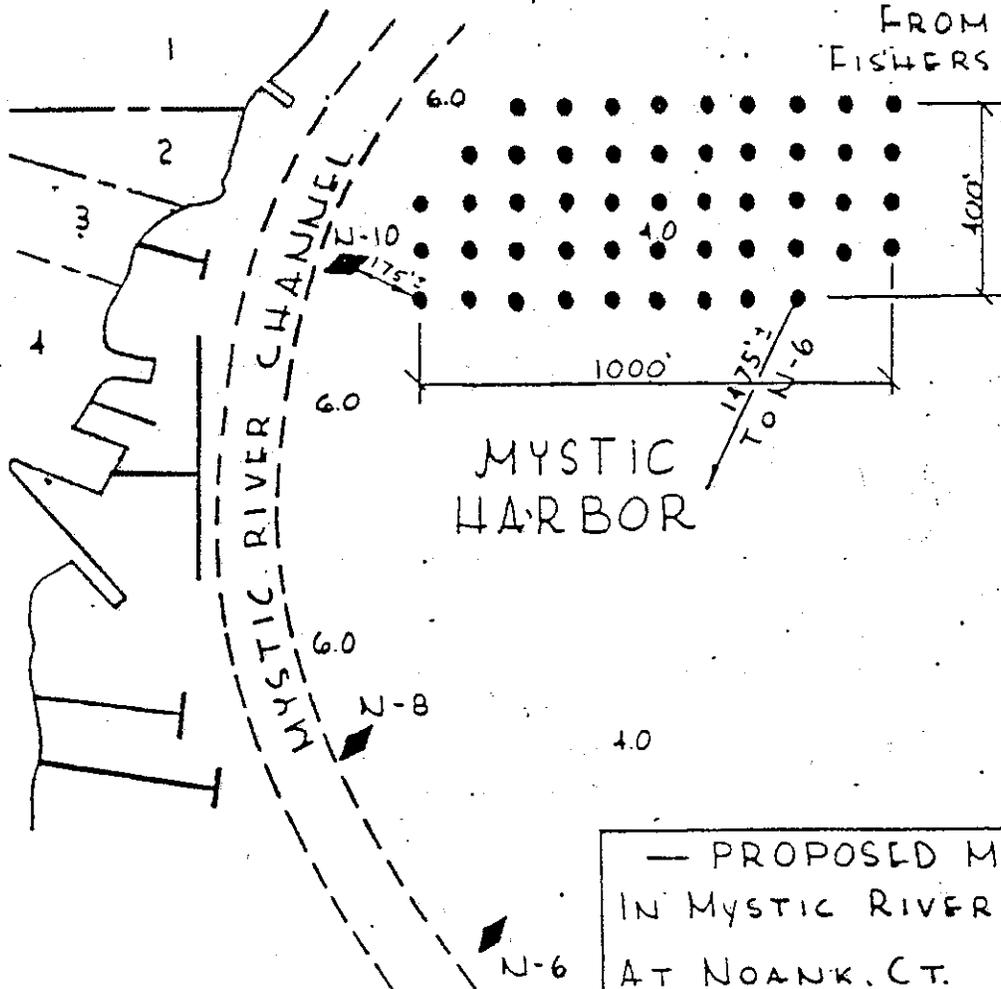
1. D. MORTELLITO.
2. ABBOTS LOBSTERS
3. MAXWELL'S BOATYARD
4. NOANK SHIPYARD

NOTE:

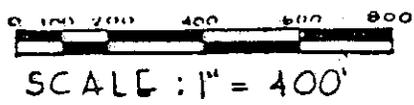
1. MOORINGS ARE 100' O.C.
- EACH WAY AND TOTAL 50.



FROM NOAA 13214 FISHERS ISLAND SOUND



— PROPOSED MOORINGS —
 IN MYSTIC RIVER
 AT NOANK, CT.
 NEW LONDON COUNTY CT.
 APPLICATION BY MAXWELL BOATYARD
 SHEET 1 OF 1 29 AUGUST '83



APPENDIX C

PREAMBLE FOR MOORING TACKLE SPECIFICATIONS

The following mooring tackle specifications are minimum guidelines to be followed when applying for a mooring permit for mooring in the Noank Harbor sector of the waters under the jurisdiction of the Town of Groton Harbor Management Commission. No representation of adequacy is made by the promulgation of these standards. The commission recognizes that particular conditions may necessitate a stricter requirement or allow a relaxation of these standards on a case by case basis.

The applicant may request, or the Harbormaster may require, a variance from these minimum standards on consideration of the following factors: location of the proposed mooring, including factors such as exposure, water depth, proximity to shore or structures or other moorings; type of vessel to be moored, including factors such as bulk, windage, and draft; and type of mooring tackle, including adequate substitution of mooring type and chain weight. Variations of length of mooring tackle are not to be allowed in grid areas.

The applicant may appeal Harbormaster decisions concerning mooring tackle requirements to the Harbor Management Commission in writing and such appeal shall be heard at their next regular meeting.

No standards can assure adequate protection from severe coastal storms with associated winds and waters.

ADDITIONAL SPECIFICATIONS

1. All shackles shall be seized. Seizing shall not promote electrolysis.
2. CHAFING GEAR shall be used.
3. Adequate and properly secured chocks are required.
4. Pennants should be spliced or shackled to the chain below the buoy. The use of a second pennant is recommended. Wire shall not be used for pennant.
5. No engine blocks shall be allowed for mooring.
6. Mid-chain weights or anchors shall not be used as regular tackle, but are encouraged during storm conditions. They shall be removed promptly afterward so as to ensure proper grid swing.
7. Winter sticks (spars) shall be used only in winter and shall attach directly to the chain so the other end is clearly visible above the water at all times.
8. Regular inspection of moorings is required. As a prerequisite for mooring permit renewal, one must certify that their mooring tackle meets or exceeds the minimum standards. Moorings may be inspected by the Harbormaster at any time.
9. The proposed ground tackle as a whole must be acceptable to the Harbormaster.

NO REPRESENTATION OF ADEQUACY IS MADE BY THIS SECTION OR BY THE HARBORMASTER'S ACCEPTANCE OF PROPOSED TACKLE.

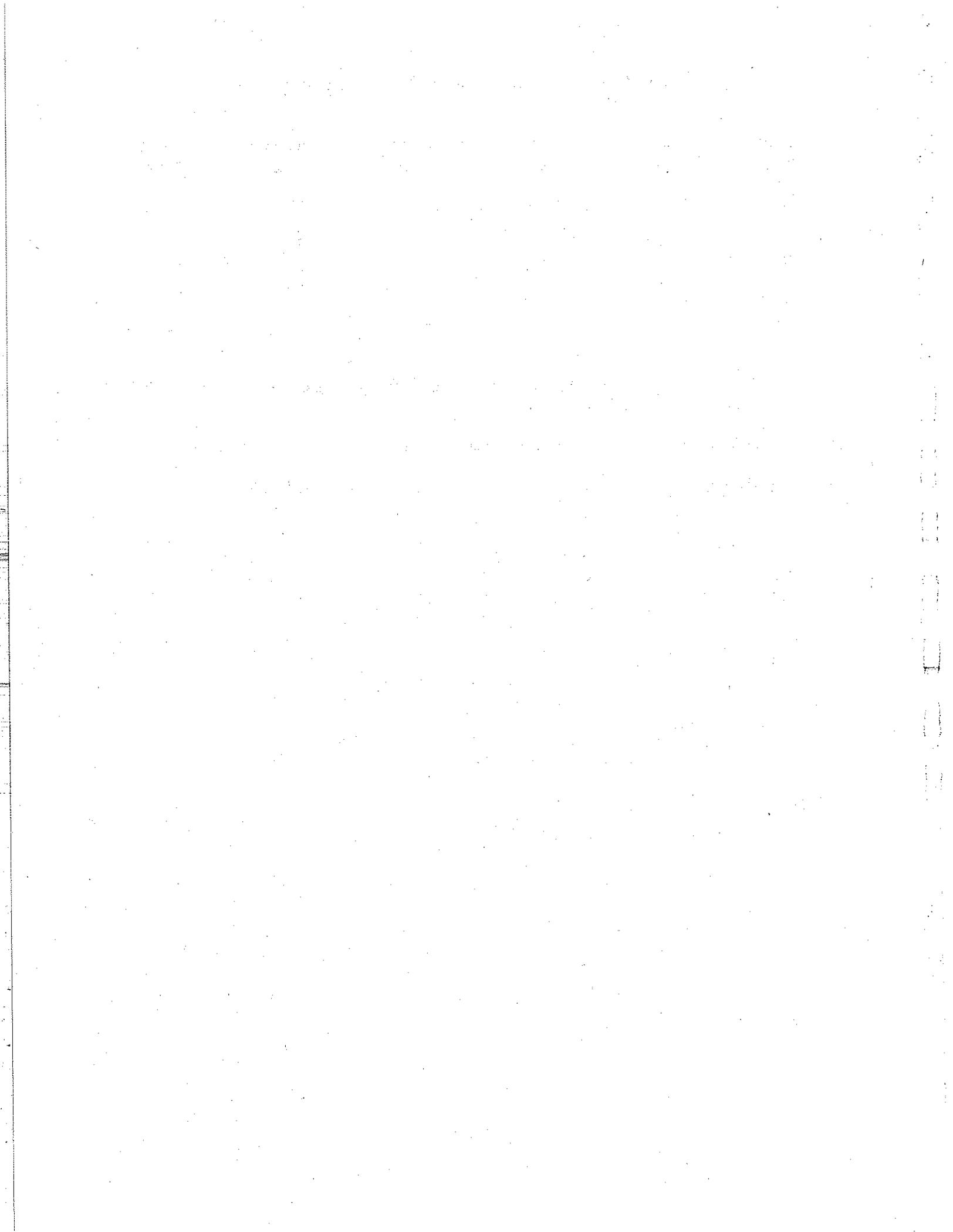
MINIMUM MOORING TACKLE SPECIFICATIONS

<u>Mushroom Weight</u>	<u>Bottom Chain</u>	<u>Top Chain</u>	<u>Largest Sailboat</u>	<u>Largest Powerboat</u>	<u>Pennant Diameter</u>
100	25' 1/2"	None	15'	15"	1/2"
150	25' 1/2"	25' 3/8"	20'	20'	1/2"
200	25' 1/2"	25' 3/8"	24'	24'	5/8"
300	25' 1/2"	25' 1/2"	28'	28'	3/4"
500	25' 3/4"	25' 1/2"	35'	30'	3/4"
750	25' 3/4"	25' 5/8"	40'	35'	1"
1000	25' 3/4"	25' 5/8"	45'	40'	1 1/4"

In areas with a grid pattern of 85'-100' center to center, total rode length may not exceed 60', bottom chain at least 15', total chain at least 30'.

In areas with a grid pattern of 160' center to center, total rode length may not exceed 100'.

The standards may be adjusted when the charted soundings are greater than 8'.



APPENDIX D
MOORING GRIDS - NOANK HARBOR

All grid spacing indicated below shall be on an equilateral triangular grid pattern and have mooring tackle in accordance with the established minimum mooring specifications.

<u>AREA</u> <u>(as designated on Water Use Plan)</u>	<u>GRID</u> <u>(Center to Center)</u>
F and G	95'
D and E	100'
C	160'
Private Moorings, east of Mystic River Channel	160'
A	First 3 rows from channel: 85' Remaining area: 75'

For areas not listed above, mooring spacing shall be determined by the Harbormaster and Harbor Management Commission with due consideration of water conditions, vessel size and draft, and other relevant factors.

APPENDIX E
MOORING LOCATION APPLICATION AND PERMIT

MOORING LOCATION APPLICATION AND PERMIT
19__

APPLICANT:

Name _____ Telephone (H) _____ (W) _____

Address _____
Street City State Zip

New _____ Renewal _____

VESSEL:

Name _____ Type (Sail) _____ Make and Model _____
(Power) _____
(Other) _____

Vessel Owner (if different) _____ Telephone _____

Address _____
Street City State Zip

Documentation No. _____ OR State Registration _____

Length _____ Draft _____ Beam _____

Mooring Description: Anchor Type _____ Weight _____

Chain(s) _____ Pennant _____

Shore Access Point _____

Position In: West Cove Grid _____ OR Mystic River Grid _____

Sketch of Mooring Location: Show ranges or bearings of nearby landmarks. Include buoys, channel, and piers, etc.

Year Installed _____ Year Last Inspected _____

Pulled _____ Dove On _____ By Whom _____

I undertake to install and maintain my mooring in accordance with the above specifications which I understand are minimum requirements established by the Town of Groton Harbor Management Commission and do not constitute a guarantee of adequacy under all conditions.

Signature of Mooring Owner Date _____

Note: Moorings may not be rented or sold in place without a permit from the Harbormaster. Standards as to ground tackle and spacing of moorings are established by the Town of Groton Harbor Management Commission. Moorings must be placed on grid points where grid has been established.

Fee Paid _____ Approved _____ Date _____
Harbormaster

Permit expires on the next December 31st and must be renewed by January 31st.

(WHITE COPY APPLICANT/YELLOW COPY HARBORMASTER)

APPENDIX F

**MINUTES FROM PUBLIC WORKSHOP AND PUBLIC INFORMATION MEETING
ON INTERIM PLAN**

MEMORANDUM

TO: Noank Harbor Task Force

FROM: Jim Sempere *JMS*

DATE: 25 October, 1984

SUBJECT: Comments from Public Workshop 1 -
Problems and Opportunities

On October 25, 1984 at 7:30 pm, a public workshop was held at the Noank Fire Station. Some 60 persons attended the workshop in addition to the members of the Noank Harbor Task Force, representatives from the Groton Planning Department, the State Office of Coastal Area Management and the Division of Waterways.

Those attending the workshop were divided into discussion groups with the task of identifying and discussing the key issues and problems relating to the use and management of Noank Harbor. The following memorandum summarizes the comments made, as they were presented to the group as a whole.

TABLE A

- o The mooring density in West Cove is too high.
- o What are the environmental effects and constraints of traffic, speed, noise, and boat pump-outs.
- o What is the effect of pollution on shellfishing in the area.
- o There is a need for a garbage disposal area.
- o Who decides the density of the mooring area?
- o What is the equitable allocation of mooring spaces among competing interests?

TABLE B

- o Commercial interests must not crowd out private users.
- o Esker Point should be used for dingy access and maintained by the Town of Groton with preference to Town residents.
- o Develop Esker Point as a public mooring area.
- o A full time Harbor Master is essential for the success of the plan and for security and safety.
- o The Harbor Master must have the ability, funds, and facilities to enforce the plan.

TABLE C

- o What are the technical criteria and guidelines for moorings?
- o What is the highest density considered safe (considering storm conditions)?
- o Institute annual inspection for ground tackle to make sure that it is adequate for a given boat.
- o Develop a proper grid system that allows adequate swinging and maneuvering space.
- o There is a need for improved navigational markings in West Cove.

TABLE D

- o There is a need for periodic dredging because of siltation.
- o Speed limits and no wake areas need to be considered.
- o Institute 24-hour patrols to protect boats.
- o Develop a storm hazard protection plan.
- o An impartial administrative body must have authority to administer the plan.
- o Plan must be coordinated with the Fire Marshall, Zoning Board, DEP, and the Corps of Engineers.
- o The plan must consider the needs of commercial fishermen (mostly lobstermen) and shellfishing.

TABLE E

- o Parking and public access to mooring areas are almost non-existent. How much traffic can the area bear.
- o There is inadequate parking outside of the commercial marina areas.
- o The closed residential area of Noank appears incapable of supporting the mooring potential of the Mystic River area.
- o It is unfair that persons living adjacent to the water do not have a greater say in what happens there. They pay more taxes and should reap their share of the resources.
- o What are the rights of the private property owners.

TABLE F

- o What is the effect of development on the environment and property values. Particularly non-conforming uses.
- o There must be public facilities for transients. Who should be responsible for providing and maintaining transient moorings and public access to them. They should have garbage pick-up and bathrooms, showers, a place to buy groceries.
- o Definition of public access to private mooring spaces.
- o Availability of private mooring spaces for town residents.
- o Marking a fairway from Noank to Masons Island.

MINUTES
Noank Harbor Management Task Force Meeting
March 7, 1984

I. ROLL CALL

Present: Barbara Johnson, Roger Sherman, Dexter Holaday, Bob Helbig, Paul Bates, Victor Burdick, J. Lewis, E. Robba, W. Ames, Bill Spicer, Brae Rafferty, Russell Fowler, Robert Hust

II. ITEMS OF BUSINESS

1. Review of Preliminary Interim Plan for management of Noank Harbor. The Task Force received copies of the plan as formulated through the previous meeting.

2. Public response and comments on Preliminary Interim Plan
Chairman Bates opened the meeting and discussed the background of the management proposal, relationship with the Army Corps of Engineers, and process of developing the interim plan. Burdick read a written statement describing the purpose of the plan, the need for control and regulation for the safety of all and the purpose of the public meeting.

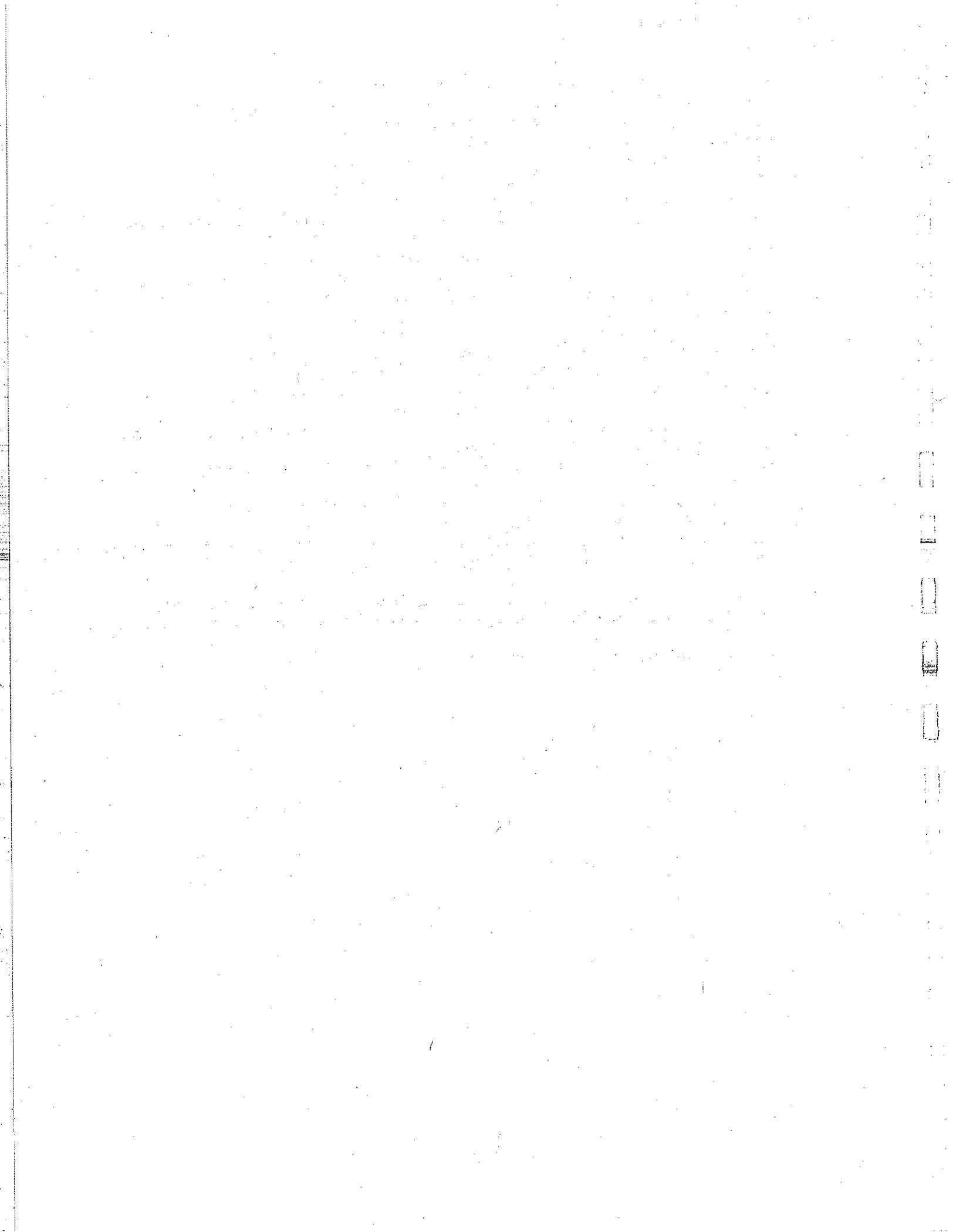
Bates then opened the meeting to the public for comment on the plan. The following issues, concerns, and comments were stated:

There seems to be a growing commercial grab of public waters
A more reasonable percentage of area should be reserved for public use, private individuals will have to go to marinas for a mooring.
Why were moorings being reserved for Triplett lots.
Commercial uses are profiting on state domain and more area be reserved for Noank citizens.
The dense commercial use of water increases local liability, there should be a fee and inspection program.
Property adjacent to the water should have their water area left open even if not presently using it.
Increased pollution from boats-users by the increased mooring activity.
What will be done about moorings displaced by the new West Cove channel; channel should be down the middle of the cove, 1/3 for marinas, 2/3 for private.
Why is the turn over of commercial moorings allowed? Are the Spicer and Yacht Club moorings considered together, 80% of West Cove will be commercial.
More open water in West Cove is needed.
Waterfront property riparian rights be protected.
There are many layers of regulation, who does what?
Channel markers are shifted at times.
Are there conflicts with existing Special Anchorages and are the new areas to be considered.
Policy IV-2 of 15% public area is very disproportionate.
The grid size-separation varies greatly, most are too short.
In general the whole area for good mooring is being taken up.
There is no open water and fairways within the area proposed.
The waters are not only for mooring boats there are other uses, no open water for young boaters, etc.
There is a great demand for rental moorings and other services provided by marinas. Marinas provide access and opportunity for people to get to water. Task Force should look at what real demands are and water areas should not be held in escrow.

Waterfront property owners need protection.
Plan should describe who, what and how also, who has authority, what are the citizens rights, how to request mooring, specifications for tackle.
Transient area should be defined.
The problem of land support and parking for these moorings.
Do the moorings need local Zoning Commission?
Answered by Holaday - yes
The areas proposed are too dense, with this many people increased enforcement is needed.
Pollution and debris washes up on waterfront property.
Marinas do provide parking and access to the water for individual.
Proposed West Cove channel is displacing existing mooring, channel is too much to east.
Mooring in West Cove is too dense, leave channel where it is.
The land use requirements and zoning have been abused in the past.
Waters belong to all citizens, some rights are questionable.
Marinas serve a function but control is needed, Noank should not provide for Groton Long Point who excludes marinas.
There should be a continued review of the situation from time to time.
There should be a uniform grid system.
Moorings on east side of Mystic River near Nun 14 were placed too close to existing moorings.
There should be sewage pump outs in areas served by sewers.
Density of moorings will increase pollution in West Cove.
Marina operator should have written agreement on liability with mooring person.
Holaday indicated many boaters were present.

There being no other comments, Bates indicated because of the many concerns the Task Force will have to meet again next week to discuss this information.

Meeting was adjourned at 9:40 p.m.



APPENDIX G
HARBOR MANAGEMENT ACT

HARBOR MANAGEMENT COMMISSIONS

*See chapter 263 (Sec. 15-1 et seq.) re harbors and rivers.

Sec. 22a-113k. Harbor management commissions. (a) Any municipality having within its limits navigable waters as defined in subsection (b) of section 15-3a may establish by ordinance one or more harbor management commissions or may designate any existing board, commission, council, committee or other agency as a harbor management commission. Any harbor management commission established under this section may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board. The harbor master or deputy harbor master for the municipality shall be a nonvoting ex-officio member of any harbor management commission. The ordinance shall designate the area within the territorial limits of the municipality and below the mean high water that shall be within the jurisdiction of a commission and shall set forth the number of members of a commission, their method of selection, terms of office and procedure for filling any vacancy.

(b) Notwithstanding the provisions of the general statutes or any special act, if an existing municipal waterfront authority, municipal shellfish commission or municipal port authority is designated as a harbor management commission, the municipality may by ordinance increase the membership of such authority, commission or agency and may include one member representing each of the following: The planning commission, the zoning commission, or the combined planning and zoning commission, the conservation commission, shellfish commission and flood control board.

(c) Any two or more municipalities whose common boundaries lie within navigable waters as defined in subsection (b) of section 15-3a may by concurrent ordinances of their legislative bodies establish one or more harbor management commissions. Each such commission shall consist of an equal number of members from each municipality constituted pursuant to subsection (a). Any municipality that is a member of a commission may, by vote of its legislative body, elect to withdraw from a commission.

(P.A. 84-247, S. 1; P.A. 88-336, S. 3, 5; P.A. 90-269, S. 5, 8.)

History: P.A. 88-336 inserted new Subsec. (b) concerning membership of existing authorities designated as commissions and relettered former Subsec. (b) as Subsec. (c); P.A. 90-269 authorized a municipality to have one or more harbor management commissions.

Sec. 22a-113l. Powers. Any commission established pursuant to section 22a-113k is authorized to enter into contracts, employ consultants and other assistants and receive and expend funds for equipment, supplies and staff to carry out the purposes of section 15-1, subsection (a) of section 15-7 and sections 22a-113k to 22a-113t, inclusive. Any municipality may appropriate funds to such commission.

(P.A. 84-247, S. 2.)

Sec. 22a-113m. Harbor management plan. Approval. The commission, in consultation with the commissioners of environmental protection and transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to 22a-112, inclusive, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the commissioners of environmental protection and transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the commissioners of environmental protection and transportation.

(P.A. 84-247, S. 3.)

Sec. 22a-113n. Content of plan. (a) The plan shall identify existing and potential harbor problems, establish goals and make recommendations for the use, development and preservation of the harbor. Such recommendations shall identify officials responsible for enforcement of the plan and propose ordinances to implement the plan. The plan shall include, but not be limited to, provisions for the orderly, safe and efficient allocation of the harbor for boating by establishing (1) the location and distribution of seasonal moorings and anchorages, (2) unobstructed access to and around federal navigation channels, anchorage areas and harbor facilities, and (3) space for moorings and anchorages for transient vessels.

(b) The plan may recommend: (1) Boundaries for development areas to be approved and established by the commissioner of environmental protection in accordance with the provisions of section 22a-360; (2) designations for channels and boat basins for approval and adoption by the commissioner of environmental protection in accordance with the provisions of section 22a-340; (3) lines designating the limits of areas for the location of vessels with persons living aboard to be approved and adopted by the director of health in accordance with section 19a-227; (4) pump-out facilities, including the designation of no discharge zones in accordance with Section 312 of the Federal Clean Water Act; and (5) regulations for the operation of vessels on the harbor pursuant to the provisions of section 15-136. Upon adoption of the plan, any recommendation made pursuant to this subsection shall be binding on any official of the state, municipality or any other political subdivision when making regulatory decisions or undertaking or sponsoring development affecting the area within the commission's jurisdiction, unless such official shows cause why a different action should be taken.

(P.A. 84-247, S. 4.)

Sec. 22a-113o. Factors considered in preparation of plan. In preparing the plan, the commission shall consider the following factors: (1) Recreational and commercial boating; (2) recreational and commercial fisheries and shellfisheries; (3) fish and shellfish resources, including leased or designated shellfish beds; (4) conservation of natural resources; (5) areas subject to high velocity waters, including but not limited to hurricanes, wave washes or tsunamis, that are designated as V-zones on a flood insurance rate map published by the National Flood Insurance Program; (6) exposed areas subject to flooding and erosion as defined in section 25-70; (7) commercial and industrial uses that are water dependent as defined in subdivision (16) of section 22a-93; (8) water quality and public health; (9) recreational uses other than boating and fisheries; (10) water dependent educational uses; (11) public access; and (12) tidal wetlands, beaches and dunes, bluffs and escarpments and intertidal flats as defined in section 22a-93.

(P.A. 84-247, S. 5.)

Sec. 22a-113p. Action on applications to municipal agencies referred to commission. The commission may review and make recommendations, consistent with the plan, on any proposal affecting the real property on, in or contiguous to the harbor that is received by any zoning commission, planning commission or combined planning and zoning commission, zoning board of appeals, historic district commissions, flood and erosion control board, harbor improvement agency, port authority, redevelopment agency, shellfish commission, sewer commission, water pollution control authority or special district with zoning or other land use authority. Such agencies shall send a copy of any such proposal to the commission upon the request of such commission. The commission shall be notified of any such proposal at least thirty-five days prior to the commencement of the hearing thereon or where no hearing is held, at least thirty-five days prior to the taking of any final action on the proposal. The local agency authorized to act on the proposal shall consider the recommendations of the commission. A two-thirds vote of all the members of the local agency having authority to act on the proposal shall be required to approve a proposal which has not received a favorable recommendation from the commission, provided that the provisions of this section shall not be deemed to alter the authority of the agency having primary jurisdiction over the proposal to deny, modify or condition the proposal. Failure of the commission to submit a recommendation shall be deemed to be approval of the proposal.

(P.A. 84-247, S. 6.)

Sec. 22a-113q. Request for general permit and delegation of enforcement authority. Upon adoption of the plan, the commission may request a general permit from the United States Army Corps of Engineers and delegation of enforcement authority pursuant to section 22a-2a.

(P.A. 84-247, S. 7.)

Sec. 22a-113r. Mooring or anchorage permit. Enforcement of ordinances implementing plan. Upon adoption of the plan, no mooring or anchorage shall be placed in the harbor without a permit from the harbor master or deputy harbor master for the municipality. Any permit granted by the harbor master or deputy harbor master shall be consistent with the plan and shall expire on the thirty-first day of December next following its issuance. The harbor master or deputy harbor master shall keep a record of the location of each mooring and anchorage for which a permit has been issued, the name and address of the owner and a description of the vessel to be moored. Such information shall be made available to any officer authorized to enforce the provisions of chapter 268. The harbor master or deputy harbor master shall enforce any ordinance adopted by a municipality to implement the plan.

(P.A. 84-247, S. 8.)

See Secs. 15-1 and 15-7 re duties of harbor masters.

Sec. 22a-113s. Permit fee. The commission may propose a fee schedule for a permit for a mooring or anchorage or any other activity within the scope of the plan to be adopted by vote of the legislative body of each town establishing the commission. The maximum annual fee for a mooring or anchorage shall be one hundred dollars. The harbor master or deputy harbor master for the municipality shall collect such fee. Any fee collected pursuant to this section shall be deposited into a fund maintained by the municipality in which such fee was collected and shall be used for the maintenance and improvement of the harbor for the public and for expenses for personnel and equipment directly related to the function of the commission and the harbor master or deputy harbor master.

(P.A. 84-247, S. 9.)

Sec. 22a-113t. Model harbor management. Not more than six months after October 1, 1984, the commissioner of environmental protection in consultation with the commissioner of transportation shall prepare a model harbor management plan.

(P.A. 84-247, S. 10.)