

**STONY CREEK
STRATEGIC PLANNING
RECOMMENDATIONS**

June 6, 1995

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Branford Planning and Zoning Board
Comprehensive Plan Recommendations, June 6, 1995

I. POSITION STATEMENT

The Stony Creek area is blessed with a unique mixture of natural and man-made assets and resources. We, the residents of the Village of Stony Creek, are totally committed to the preservation of our community with its beautiful open spaces, harbor, historic buildings, and businesses. We strongly oppose anything that will increase density or change the character of our Village.

The Town of Branford’s Planning & Zoning Board is currently revising a 23 year old Comprehensive Plan of Development and has invited and encouraged residents of this community and others in Town to actively participate in the revision process.

Over 60 people in our small community have spent considerable time and effort studying the Town’s 1972 Comprehensive Plan, State and Town regulations, and many other maps and documents. Our efforts have produced a significant number of recommendations, which are included in this report. We hope that this document will be fully reviewed and utilized by the town of Branford’s Planning and Zoning Board in the creation of its updated “Comprehensive Plan of Development”.

II. RECOMMENDATION HIGHLIGHTS

The highlights of our recommendations follow. For the Committee’s convenience, these are cross-referenced to the text.

1. To request an Order of Sewer Abatement for our community. Our residents are overwhelmingly opposed to sewers, which have historically resulted in increases in density. (Successful compliance, monitoring, and upgrading of residential septic systems in Stony Creek and the Thimble Islands has provided significant improvement in water quality.) **pg. 5-8**

2. To assure that existing zoning and sanitary disposal regulations are strictly enforced **pg. 7-8**

3. To create a “Village Overlay District” so that the Stony Creek Association would be required to review any local project involving a zoning change, site-plan or special use application **pg. 3-6**

4. To upgrade zoning regulations (increase setbacks affecting wetlands and coastal resources, restrict cluster zoning, etc.) **pg. 3-4**

5. To control and stabilize tourism and find an appropriate solution to our current traffic and parking problems **pg. 12-13**

6. To establish a “Harbor Manager” position, responsible to the Stony Creek Association, to control and enforce regulations and protect the environment **pg. 9-10**
7. To ensure that any changes in zoning support, preserve, and encourage the continuation of the existing local businesses while limiting the expansion of these businesses to their existing sites **pg. 10-12**
8. To further support Section 5.6 of the 1972 Comprehensive Plan which included an implementation program designed to preserve open space. We believe that the Town’s new plan should include these, and even stronger provisions to preserve open spaces **pg. 13-17**
9. To safeguard the physical character of Stony Creek; its historic buildings, views, and unique features **pg. 8, 17**
10. To maintain, and improve the water quality of the harbor for commercial and recreational use **pg. 4, 5, 7, 9-12**
11. We recommend that no other public roads be extended into or out of the Village of Stony Creek **pg. 5,16**
12. It is important to ensure that development does not impact adversely on the delicate natural environment of Stony Creek **pg. 4, 5, 7, 11-16**

III. ZONING, VILLAGE OVERLAY, SEWERS, HISTORIC PRESERVATION

A. General

1. Documentation

With the assistance and cooperation of the Regional Water Authority, we have prepared CADD Base Maps for the Stony Creek Planning Area (for use only on this planning effort). This base shows zoning districts, roads and streets, property lines, contours, wetlands, Coastal Management District (CMD), Inland Wetlands, setbacks, Stony Creek Association boundaries, and RWA water taps. We anticipate adding Town-owned, Land Trust-owned, Institutionally-owned parcels as well as sewer information and possibly soil type data.

B. Zoning and Related Issues

1. Zoning

We favor preservation in the Stony Creek Planning Area. We want to preserve the quality of the environment that makes this place so special, including the combination of the Village character, its density and population, views, water quality, clean air, improved traffic patterns, and pedestrian circulation.

We want to ensure that all proposed development involving a zoning change, site plan, or special use application within the Association limits (including the Islands) is reviewed by the Stony Creek Association Board prior to permits being issued.

We want all “variance” applications to be reviewed by the Stony Creek Association board. We want to ensure strict enforcement of zoning requirements, with “hardship” variances being minimized.

We want to update zoning districts and requirements to reflect historic land use and the Comprehensive Plan(s).

As development increases through time and has a cumulative affect on the natural and man-made environments, development should be subject to increasing restrictions.

Recommendations:

- Add “Stony Creek Village Overlay District” to the zoning regulations, with the requirement that the Stony Creek Association Board review and advise the Town boards and officials as to the impact and acceptability of the proposal.
- Revise “rural” areas in the comprehensive plan to be larger than one acre in size.
Create an R6 Zoning District with a minimum lot size of 60,000 s.f. with setbacks increased 100% over the R5 Zone to apply to rural land use within the Coastal Management District.
- Considering additional development and congestion within the Planning Area, we suggest the following:
 - Increase setbacks from major streets, such as Rt. 146 and Leetes Island Road.
 - Make Coastal Management District proposed changes applicable town-wide.
- Add wording to the zoning regulations to clarify state case law that now serves to define “hardship” as a basis for zoning variances and to encourage the Zoning Board of Appeals to be consistently more restrictive in the Village Overlay District.

2. Coastal Management District (CMD)

Most of the Stony Creek Association land area falls within the CMD area (which is defined by a 1,000 foot setback from Long Island Sound and its tidal wetlands).

It is important to ensure that development does not have an adverse impact on this delicate natural environment.

Recommendations:

- Consider increasing zoning setbacks within the CMD as required to preserve the water resources and apply this zoning setback requirement to septic systems (subsurface sanitary disposal systems) to ensure minimum impact on water resources
- Survey, accurately record, and publish the CMD boundary.

3. Inland Wetlands

There are substantial inland wetlands within the Stony Creek Planning Area, in combination with areas of minimal soil overlay of granite ledge rock.

It is important to ensure that development does not have an increasingly adverse impact on this delicate natural environment.

Recommendations:

- Make a town-sponsored survey of the inland wetlands (town-wide), with boundaries and setbacks accurately recorded.
- Consider increasing zoning setbacks for properties within 50 feet of inland wetlands or containing inland wetlands; apply this zoning setback requirement to septic systems (sub-surface sanitary disposal systems).
- Covert filling of marshlands should be subject to heavy fines and/or forfeiture of the land if the action cannot be corrected.

4. Water Quality

We are concerned with the environmental and water quality of wetlands, tidal marshes, and Long Island Sound because the natural environment is so much a part of Stony Creek. We favor improving this natural environmental quality and recognize that water consumption, sanitary disposal, and storm run-off all affect this environment.

It is important to ensure that additional development does not have an increasingly adverse impact on this delicate natural environment feature.

The State DEP and Agriculture Department have been monitoring water quality in Long Island Sound. The water quality here is substantially improved and now meets Health standards for the harvesting of shellfish year-round. This shows how effective the cooperation of the East Shore Health District and local community has been in achieving these excellent results.

Federal law prohibits pleasure boats from pumping sanitary waste into Long Island Sound. There is reason to suspect that this continues, in part, because enforcement (detection, identification) is difficult for Coast Guard, state and local police.

Storm and related run-off are best disposed of on each parcel (including the islands) rather than allowed to run into Long Island Sound and its marshes.

Recommendations:

- Actively promote the use of less water for sanitary and other purposes.
- Decrease intensity and density of future development.
- Maintain and improve Town and private storm drainage systems; add traps to Town structures.
- Regulate the amount of impermeable surface on each parcel (including the islands) and require that sanitary waste be retained and disposed of on-site.
- Enforce regulations against pleasure boats pumping waste into the Sound; communicate with Town, State and Federal officials to encourage/demand enforcement.
- Encourage the development of public pump-out stations within the Town of Branford to facilitate pleasure boat compliance with these regulations.
- Restrict the use of toxic chemical fertilizers and pesticides.

5. Roads and Streets

An important aspect of the character of Stony Creek is that there is one main road into the Village. There is no through traffic.

Recommendations:

- We recommend that no other public roads be extended into or out of the Village.

C. Village Overlay District

1. Evaluation

Since the mid 1950's zoning matters for Stony Creek have been controlled by the Town of Branford. The Stony Creek Association has played an important role when the Village is affected by development proposals.

In recent years, the desirability of the Village has caused increased pressure for development. Conversely, ecology and preservation of open space require less intense development and, when development does proceed, it needs to be more environmentally sensitive. Along with these divergent trends, a strong community spirit and desire for preservation of the Village character has continued to grow. For all these reasons, greater local control over future development is sought by the Village residents.

Recommendations:

- Add a "Stony Creek Village Overlay District" to the Branford zoning regulations. Such a district, modeled after the existing "Town Center Overlay District," would require a review by the Stony Creek Association Board of Directors of any project involving Stony Creek zoning change, site plan or special use approval, road work, major utility work, etc. While advisory in nature, no action could be taken by the Branford Planning and Zoning Board or the Zoning Board of Appeals until written comment was received from the Association. Such a regulation would ensure local awareness of projects affecting use and aesthetics in the business district as well as density and infrastructure impact in all districts. This format would allow comment

from the existing, duly elected Board of Directors without incurring the legal liabilities with the actual decision making process.

- Lesser issues such as routine variance requests would continue to be dealt with by the Branford Zoning Board of Appeals. It is recommended that the Chairman of the Legal and Zoning subcommittee of the Stony Creek Association request to be placed on the mailing list for the regular agenda of the Zoning Board of Appeals to ensure awareness of pending issues.

D. Sewers

1. Evaluation

The topic of sewers with regard to the Village of Stony Creek is a complicated and contentious one. A unique mix of geological and sociological issues make for an unusual and complex situation. The high density of existing housing combined with the ledge rock geology provide a challenging situation for both existing on-site sewage disposal systems and any proposed public system. These same conditions, however, have imposed a natural barrier to any substantial increase in population or building density. Public sentiment among the residents runs strongly against such an increase and in a recent poll of the business community the overwhelming majority responded in favor of preserving the existing character of the Village and opposing the installation of sewers.

With the increased desirability of properties within the Village of Stony Creek and the Thimble Islands, it is generally accepted that the installation of public sewers would foster demand for increased density development and subsequently cause stress on marginal infrastructure elements such as roadways and water mains. Such a development would also result in a dramatic change in the relatively quiet lifestyle that the community has enjoyed to date and generally seeks to maintain.

In the ten year period preceding 1995, it has been demonstrated that increased public awareness and judicious enforcement of existing Public Health Codes can be very effective in controlling the environmental impact of existing on-site sewage disposal systems. These efforts notwithstanding, the State Department of Environmental Protection periodically continues to exert a certain amount of pressure on the Town of Branford to develop a plan for public sewers in Stony Creek. There is at present an outstanding order to the Town regarding the situation in Stony Creek. The order is to hire an outside party to conduct an assessment of the situation. The Town has responded to this order by citing information of its own, including the recent improvements by homeowners and calling into question the negative influence of New Haven's water conditions and summer boating.

Sewers can be brought into existing residential areas in one of three ways: either by a DEP order, by private development, or by a public initiative. Such an initiative would require residents in the areas concerned to submit a petition reflecting 70% approval (historically) to the Sewer Authority requesting evaluation and assessment. Given the base of granite ledge that exists in the area, it is generally held that the installation of any such system would be environmentally harmful, disruptive, and exceedingly expensive. In the event that a public sewer system were to be brought into Stony Creek, it would be connected to the present system of relay and pumping stations and treated by a Central Sewage Treatment Facility. The present Sewage Treatment Facility

located on the Branford River was constructed in 1961 and upgraded in 1982. The present technology at the plant is outmoded and plans are underway to construct a new facility to be on line by the year 2000. This new facility would have the capacity to include the servicing of Stony Creek. (A report by the engineering firm under hire is on file.)

Meanwhile, in the absence of public sewers, Stony Creek residents, with the encouragement of the Stony Creek Association, continue to make improvements as necessary to their existing systems. The East Shore Health Department, charged with carrying out State regulations and enforcing Public Health Codes, works with owners of failing septic systems to make repairs and improvements as best as individual situations allow. Prudent maintenance of these systems is enabled by a Town ordinance making "pump-out permits" available to residents once a year for a \$5 fee. The State Department of Health Services delegates a substantial portion of its authority to the local Health Department to set their own fees, penalties, and to some extent, their regulations to suit the communities they serve. The Department also conducts periodic off-shore bacteria testing in conjunction with the State Agriculture Department. The Agriculture Department is currently responsible for monitoring the water quality of the shellfish beds in Long Island Sound through their Aquaculture Program and conducts monthly tests of their own. A "complete" shoreline survey is scheduled for next year. (A water quality report for 1994 by the Aquaculture personnel involved is on file.)

Although none are presently in place, there is continuing interest and investigation into the use of community systems, engineered wetlands, and other emerging technology based solutions. While the State Health Code has no provisions for innovative alternative systems, the DEP is open to the idea and some funding may be available through the "Construction Grant Program". Community sewerage systems, although not common, have been used successfully in the past. This type of system would require a large enough parcel of property (public or private) to serve the purpose. Such systems, however, could prove financially advantageous to the Town in avoidance of increased sewer system operating costs while maintaining natural density limitations and further validate the allocation of open space land.

While most of the currently raised issues on the subject seem to focus on the need for sewers, there is a strong case to be made against them as well. First and foremost is the issue of development density increase and all its related lifestyle issues, including greater water usage for sanitary and other purposes. Also, increased development yields less open space and more storm water run-off; the resultant run-off carries more pollutants as a result of asphalt, winter road chemicals, auto-related chemicals, and others. The complexity of installing the public system, with one main road into the Village and ledge, would make for a long term disruption of traffic and access for police, emergency, and fire safety. Last is the high cost of system installation (estimated in 1991 as \$35,000-\$60,000 per unit), which has several ramifications. In this Town, the property owners being served are responsible for the installation cost, typically pro-rated by the length of street frontage of the property (or the total cost divided equally by the number of properties served). This high cost will tend to cause property owners to maximize development in an effort to re-coup the costs.

Recommendations:

- We strongly recommend that the Village of Stony Creek and the Thimble Islands not be included in future expansion plans for public sewers.
- We recommend that use of emerging technology-based solutions be encouraged to improve and resolve conditions on existing problematic systems.
- We strongly recommend that a program of active Sewer Abatement be instituted for the Village of Stony Creek, with attendant regulations, inspections, testing, repairs, changes, and improvements, to improve water quality and to remain within Public Health standards using on-site sanitary disposal systems.

E. Historic Preservation

1. Evaluation

We have long known that this Village was a special place, established predominately by the structures and land use of generations before now.

Stony Creek’s listing on the National Register of Historic Places in 1988 was based on the stated fact that the Village “as a whole maintains its historical integrity to a substantial degree”. At that time more than 71% of its 487 buildings contributed to the historic or architectural significance. “Post World War II demolition and construction have also had a relatively minor effect on the historic visual qualities of the area . Yet three quarters of our history in buildings, settings and view is still though perilously intact.

It has been widely demonstrated that historic preservation promotes the general health and welfare of a community by protecting property values, fostering a sense of history and civic pride while preserving architectural heritage and protecting community amenities.

Following the lead of other Connecticut communities, we suggest the following steps to encourage the protection, enhancement, perpetuation of buildings and vistas having special historic and aesthetic values which represent this Village’s cultural, social, economic and architectural history. The nature of these suggestions is to provide a local climate that will encourage preservation of our community, make properties eligible for possible grants, assistance from any relevant historical or preservation agencies, and provide protection from unreasonable destruction.

Recommendations:

- Promote the establishment of a Scenic Road Ordinance to allow for the designation and protection of local roads and streets which contribute to the character of our community.
- Promote the preservation of existing agricultural and farm sites by pursuing existing preservation programs and property tax incentives.
- Petition the Town of Branford to establish a system of prior notification and have the Stony Creek Association review any and all public works projects which might have an impact our area. (This is covered by Village Overlay District.)
- Petition that Town of Branford-owned buildings or property within National-Register boundaries of the Village receive all consideration for preservation and protection with regard to any historical significance.

IV. HARBOR & ISLANDS, BUSINESS, TRAFFIC & TOURISM

A. Harbor and Islands

1. **General Shorefront Facilities**—Stony Creek, with its surrounding islands, is endowed with a picturesque shorefront and many water assets. Much of the charm of Stony Creek comes as a result of this waterfront setting. Much of the activity that makes this community so interesting is centered on water-related activities. We should safeguard and enhance these waterfront and water-related assets in order to maintain the visual beauty and benefits for the Stony Creek residents and, whenever practicable and justified, to provide public access. The Stony Creek community should develop a higher consciousness about the value and importance of our existing shorefront and island assets.

Recommendations:

- We should maintain, reconstruct, and preserve the existing charm of the shorefront perimeter. When repair or replacement of shorefront facilities, such as walls, steps, and stone docks is required, being consistent with the “granite” tradition and existing charm of the area should be encouraged, whenever and wherever possible.
- The public has two kinds of access to the shorefront and islands: Visual - the views and vistas from publicly accessible roads, parks, and water craft; and Physical - direct access to shorefront land and islands/rocks not privately owned. We should be vigilant about finding opportunities to add to the inventory of shorefront and islands available for public access and develop the public and private means to acquire such property for community use when it becomes available and if it makes sense to do so.
- We should explore land exchange possibilities, both with the Branford Land Trust and with private owners, when a swap might be developed that would serve the best interests of both parties.
- We should expand our vision of the Stony Creek waterfront beyond our existing paradigm. The possibility does exist to enhance our harbor, boating access, mooring, beach, and other waterfront activities by the judicious use of seawalls, rip rap or other barriers to waves and wind that would enhance our waterfront assets without doing environmental or visual damage.

2. **Management of Harbor Activity**—We recognize that the pressure to increase boating, fishing, and shell fishing, and other water-related activities will continue. To ensure the continued best use of our greater harbor asset for mixed use, management of this asset is important. The “greater harbor” is defined as the water area bounded by the Stony Creek shoreline and extending just beyond the islands to open water.

Recommendations:

- In addition to the Harbor Master, the appointment of a “Harbor Manager” who will report to the Stony Creek Association or their designee. (Note that the position of Harbor Manager is differentiated from the position of Harbor Master; which is an appointment normally made by the Governor that provides for no local direction or oversight.)
- The Harbor Manager would work to ensure the best mixed-use availability of our water and greater harbor assets in light of the overlapping interests of the various users. The Harbor Manager’s responsibilities, in conjunction with local police and/or the Harbor Master when necessary, would include:

- safety
- channels, markers, and navigation aids
- moorings and anchorages
- public docks
- oystering, clamming, and lobstering
- water-related commercial use
- harbor maintenance
- public information
- setting and collection of fees (in conjunction with the SCA)
- water quality and pollution (in conjunction with the ESHD)

3. **Boating Facilities**—Increasingly limited access to the water, combined with a scarcity of boating facilities, present more problems as a greater percentage of the public acquires boats. Part of the beauty and charm of Stony Creek is having good, safe, and adequate slips and other boating facilities available locally.

Recommendations:

- To ensure continued availability of such facilities, slip facilities should be available to accommodate the growing needs of Stony Creekers, Islanders, and to the extent available, residents of the Town of Branford.
- To the extent practical, and consistent with adequate parking and toilet facilities, slips should be made available to nonresidents. A higher charge for slips for nonresidents should be considered as a way to defray the cost required to accommodate them.
- Management of the boating facilities and moorings, whether continued through the Stony Creek Boating Association or a successor organization, should ultimately be accountable to the Stony Creek Association. It should remain a financially self-sustaining operation, and make an equitable contribution toward the general expenses associated with maintaining the waterfront and greater harbor assets. The policies and procedures of the responsible organization should be open to public review.
- The continued availability of a gas/oil dock is strongly encouraged. In the event it is not provided through a private business, the organization responsible for the boating facilities should take the lead in finding alternative means to continue to provide this service.

4. **Commercial Water Related Businesses**—The commercial water-related use presently seems to be divided into four main categories: tour boats; work boats servicing the shoreline and the islands; fishing for oysters, clams, and lobsters; and on-shore businesses which primarily service water-related activities. These commercial activities provide jobs to area residents, perform services that are important to the community, and are part of the charm of Stony Creek. We should encourage these businesses to survive and prosper in our community.

Recommendations:

- The Stony Creek Association, as part of this planning process, should establish in conjunction with the principals of the tour boat businesses, an overall and ongoing "systems" solution to the infrastructure required due to the existence of these tour boat businesses. Adequate village parking, toilet facilities, dock facilities, garbage

disposal, public safety, as well as issues of pollution and a limit on visible advertising should be addressed and solved so that these businesses can thrive without becoming a burden to the full-time residents of the community. These businesses should bear their fair share of the cost of providing the infrastructure and facilities they require. The creation of a separate facility to support the tour boats, which may not require vehicular traffic to penetrate as far into the Village as is presently the case, should be explored.

- Adequate facilities, ideally separate from the private boating facilities, should continue to be provided for work-boats, and upgraded as needs change. These facilities should be managed by the same organization that manages the private boating facilities. Commercial users should pay their fair share of the facilities they use.
- The coexistence of shell fishing and private boating activity should be managed in order to assure fair and equitable treatment of both interests. This might best be done by representatives of the Stony Creek Boating Association or a successor organization, the shell fishing principals, and the Harbor Manager. Engaging in a dialog and establishing mutually acceptable guidelines before problems arise can avoid problems that might naturally arise as the water-related resources are subject to greater use.
- Bait, tackle, gas, ice and other supplies, engine repair, and even a boatyard are presently available to resident and visiting boaters and sailors. To the extent practical, the community should work closely with these businesses to ensure their economic viability and continued operations in support of our waterfront activities. In particular, we should be certain that our zoning rules do not work against this community interest.

5. **Public Beach**—The beach is a valuable asset, presently enjoyed by many villagers as well as by visitors from outside the Village. We believe Stony Creek should continue to have a public beach and that it should evolve in the following ways:

Recommendations:

- The beach asset should be managed to maximize enjoyment for Stony Creek residents. We should look for ways to expand the beach facility, either where it presently is or elsewhere if an opportunity develops. However, maintaining the character, intimacy, and historical value of what now exists is important.
- Beach expansion and use must be in proportion to other improvements and public accommodations, such as village parking and toilet facilities.

6. **Islands Development**—Although habitation of the Thimble Islands is seasonal, the Islands and islanders are an important part of the Stony Creek community. We should not lose sight of the fact that by working together we can develop the community and the islands consistent with the mutual best interests of both groups.

Recommendations:

- The parking needs of the islanders should be adequately met, and we should be on the lookout for a suitable opportunity to develop off-street parking for the islanders in a mutually acceptable location consistent with the aesthetics of the Village.
- The future and further development of the islands should be carefully managed. It is recommended that a review of the present zoning regulations be undertaken as part

of the present planning process and if changes are indicated, that a recommendation be forwarded through the Thimble Islands Association and/or the Stony Creek Association.

- We should ensure, through the Thimble Islands Association and/or the Stony Creek Association, that the islands and rocks in our greater harbor area not privately owned at present, will remain available for public use. They should not be appropriated through squatters rights, tax payments, or other methods which would put them off-limits to public use.
- We should encourage imaginative but practical solutions that enable islanders to comply with stricter septic and other environmental requirements, such as the use of a boat mounted “honey wagon” that could service the Thimble Islands as well as other Branford off-shore facilities.
- A closer working relationship between the Thimble Islands Association and the Stony Creek Association is encouraged and might be accomplished through cross-representation between these organizations.

B. Business

1. **Zoning for Business**—The business community of Stony Creek has ties to virtually every aspect of our Village. Zoning should support, preserve, and encourage the continuation of local business. The evolution of local properties from BR to residential has added to the difficulty of introducing any new businesses to the area.

Recommendations:

- Limit the expansion of existing local businesses to their sites.
- We specifically request that established businesses such as the Pine Creek Boatyard, Taken for Granite, Stony Creek Auto Service, and the Stony Creek Package Store operating in currently zoned residential districts in the area of the Leetes Island Rd. and Thimble Islands Rd. intersection be considered for conversion from R-3 to BR. These locations have been home to local merchants for generations and should be zoned as such.
- New businesses should be in keeping with the character of the area.

2. **Waterfront Business Usage**—The waterfront of Stony Creek is essential to many different businesses. From tour boats to commercial fishermen to local contractors many people rely on public access to the water for their livelihood.

Recommendations:

- Every effort should be made to preserve the waterfront and expand accessibility for the future.
- The availability of a local gas dock is vitally important. The loss of a local fueling site would encourage improper and unsafe refueling in SCBA slips or on town property.

- C. **Traffic and Tourism**—Tourism in our Village has a positive role and has played an important historical precedent in Stony Creek. Tourist activity has always, and will continue to set our Village apart from other shoreline towns.

Recommendations:

- The Village can support tourist activities at present day levels. This level should be maintained and not increased.

- Solutions to inherent problems such as parking, tour bus accommodation, restroom facilities etc., should be carried out in such a way as to not enhance increased tourism and therefore congestion.
- Install permanent restroom facilities for public and resident use.
- Off street parking for Thimble Island residents in near proximity to the dock.
- Relieve congestion at the dock, i.e.; seek alternate dock facilities for sightseeing boats. By spreading activities around the Village, demand for parking and congestion near the dock area would also be more evenly distributed throughout the Village so as to make the community more of a walking community.
- Traffic and tourism must be a shared and coordinated responsibility of the Stony Creek Association, local businesses, the Town of Branford, and the State.

V. OPEN SPACE, WETLANDS, COASTAL MANAGEMENT DISTRICT

The Stony Creek area is blessed with many tracts of undeveloped woods and marsh. Many people enjoy these lands as places to walk their dogs, to jog or enjoy the outdoors, or as a visual alternative to houses, cars, etc. Though some of the undeveloped land will stay that way forever, by virtue of Town or Land Trust ownership, much is privately owned and could be developed tomorrow. Visualize the effects of continued development: the 24 foot wide town roads, the night time lights, noise, pollution, the increased traffic, the loss of greenery, the loss of places to go to find the peace and beauty of nature.

1. We care deeply about the preservation of open space.
2. We believe that everyone in our community would benefit from the continued preservation of these lands. For example, a negative financial impact of residential development is that it costs the Town more in services than it receives in taxes.
3. We are fully aware that the owners of the remaining undeveloped land in town have the right to realize financial benefits from their property. We do not expect them to make sacrifices for the rest of us. We have seen, however, from situations in other towns, that financial rewards and land preservation are not mutually exclusive. We, therefore, hope, and believe, that the association can work **‘WITH** property owners to plan for future land uses that will benefit everyone. We believe the Town will also benefit by these actions and should therefore play a major role in this preservation process.
4. Our primary objectives are to recommend the preservation of all existing open space areas and wetland areas, in concert with the rights and wishes of property owners (i.e., to hopefully keep these areas from becoming developed), suggest ways to “acquire” (in order to maintain or even expand) open space areas and become better informed about the open spaces in our area (and how to legally protect them from development) - this also includes trying to inform other residents about these matters

Background Information

1. **Open space**: This refers to woods, trails, wetlands, streams and water courses, marshes
2. **Public recreational space**: This refers to beach, park, ball field, other properties that might be obtained for public use (e.g., the Brainerd property)

3. **Open Space:** We obtained various maps and determined what land was owned by the Town, Land Trust, etc. We also tried to determine what larger undeveloped parcels exist and who owns these properties. In addition, we obtained copies of the “Comprehensive Plan of Development” (adopted July, 1972), and reviewed it in regard to what has occurred in the Stony Creek area.
4. **Wetlands and Coastal Management District (CMD):** We reviewed federal wetlands regulations (USCS Title 16 Coastal Management 1994), coastal management (USCS Title 15, subchapter B 1995), including the Coastal Zone Management Act of 1972, which was the basis for Connecticut Coastal Management Legislation (Connecticut General Statutes, Sections 22a-90 through 22a-112) and Branford’s Coastal Management Plan adopted in 1983. Branford also enacted Coastal Management Regulations for its Coastal Management District (1000 feet from shore and river beds) as allowed by the State Statutes which are part of the Town’s current Zoning Regulations (sections 45.1-45.7).

The Town regulations list exemptions from the required State site plan review (specifically one family houses, minor additions, and conservation activities), and are almost identical to Guilford’s regulations.

Our committee has noted that Branford’s regulations are the minimum regulations required by the Coastal Management Act, and has noted that other coastal towns such as in Stratford, Connecticut, have more recently enacted additional regulations with the purpose of preserving coastal land and waters from pollution and erosion, business and industrial uses which can be sited in other areas, and controlling new building construction. Town resource conservation districts have been established through such legislation.

Recommendations (to the Branford Planning and Zoning Board):

- To make people more aware of the importance and vulnerability of open spaces, the Town should make the residents aware of the open spaces and the importance of preserving them
- The Town should have an optional real property tax “check-off” to be used to earmark a portion of the taxes paid to an “open space preservation fund” to be used to purchase open space land.
- The Town should establish a “land bank” (NOTE: Must obtain Enabling Legislation from the State of CT) - this is done on Martha’s Vineyard and Block Island. It provides for a tax on property transfers; the tax proceeds are used to create a fund which would be available for open space purchases.
- The Town should determine if there are any endangered species (animal or vegetation) and their habitat that should be protected.
- Sewers should not be extended into the Stony Creek area. Sewer extension would have many adverse affects on the area, especially impacting negatively on the preservation of open space.
- Cluster zoning should only be considered if it creates a considerable amount of open space; it should never, however, be utilized to allow a developer to obtain more density than the truly developable land area would allow (e.g., in an area zoned for one acre minimums, a 20 acre parcel which has 15 acres of “wetlands”, should only be permitted to allow the equivalent of five single family residences)

- We also propose that the Town enter into an agreement which supports the Branford Land Trust. If this requires an agreement and legislation by the Town to further preserve the land or the Land Trust’s activities, we would like to see it happen.
- Establish public points of access to Land Trust properties where access currently does not exist.
- Based on our review of the Town’s 1972 “Comprehensive plan of Development”, we have determined that designated “Open Space and Conservation Land” and designated “rural” land was not fully protected as such. The new plan should fully protect the designated land areas. The following provisions should be strengthened:
 - 2.9.1 Marshlands: Significant marshlands and wetlands should be increased, reclaimed, maintained and preserved so as to protect wildlife habitat and natural ecosystems, etc.
 - 2.10.4 Protection of Natural Drainage Channels: Stream protection lines or setbacks should be established, etc.
 - 3.5.2 Recreation Open Space: Continuation, and improvement and provision for additional facilities: Acreage; Sites; Beach; Golf course; Linear Park/Community Trail System (NOTE: we strongly support this system)
 - 3.5.3 Conservation Open Space: Protection of natural or unique physical features or resources which should be permanently preserved as open space.
 - 4.7 Protection of Environment: (NOTE: we strongly support this section which includes a Ground Coverage provision designed to prevent over crowding, and other provisions regarding Water, Marshes and Swamps).
 - 5.6 Open Space Program: (NOTE: we strongly support this section); it defines “open space”, and includes an Implementation program designed to obtain and preserve these areas; THE TOWN’S NEW PLAN SHOULD INCLUDE THESE, AND EVEN STRONGER, PROVISIONS (Note: see “Exhibit “A” attached - page 34 of the 1972 plan)
- Covert filling of marshlands should be subject to heavy fines and/or forfeiture of the land if the action cannot be corrected.
- In regard to Wetlands Regulations and Coastal Management District, we propose that Branford in enacting the next Town Plan of Development establish additional coastal management regulations in keeping with other towns sensible and more recent legislation. These regulations would be in keeping with the Coastal Management Act and would reflect the need to further legislate coastal sites which have decreased in availability since the 1972 Plan of Development.

The specific regulations* to be added to a Coastal management district which includes Stony Creek are as follows:

1. View lane
2. Pedestrian access easement
3. Vehicular access easement
4. Water dependent uses
 - Easement for public park
 - Conservation easement for preservation
 - Boat ramp/canoe ramp
 - Fishing pier/public viewing walkway
 - Public docking facility

- Upland winter boat storage
- Boat rentals

Waterbody, watercourse, wetland and coastal resource protection. No new building construction increasing building area within 50 ft. of waterbody, watercourse, freshwater inland wetlands.

No new building construction increasing building area within 75 ft. of tidal wetlands, coastal bluffs and escarpments, beach and dune systems.

Limitations on conversion of seasonal dwelling.

Establishment of waterfront business district within coastal area, e.g. Planning and Zoning, definition of uses and structures. Permitted and prohibited.

Establishment of industrial district within coastal area, permitted and prohibited uses.

Resource conservation district

Permitted and prohibited uses. Passive recreation, scenic overlooks, hunting, hiking, harvesting. All other uses prohibited.

*Refer to Stratford Zoning Regulation Section 3, Section 4.4, Section 8, Section 10.

Recommendations (to the Stony Creek Association):

- To make people more aware of the importance and vulnerability of open spaces, the Association should develop and publish a “newsletter” to let residents know what the Association is doing regarding the preservation of open spaces and to make residents aware of the facts concerning open spaces.
- The Association should put in place a standing committee with requisite expertise to work with landowners of the larger undeveloped properties advising them of the community’s interest in seeing these properties preserved; identifying options for preservation, noting the manifold tax advantages of preservation (inheritance, income tax and property tax); and suggesting sources of further information (e.g., the pamphlet, “Preserving Family Lands”. Note: Our committee has developed a preliminary list of these properties (which is not included in this report).

Note: We also recommend that a “Local” effort be initiated (i.e., local people talking to their friends/neighbors); various individuals would talk to the major property owners to seek their support for preservation of their properties.

- The Association should create a “mechanism” that would assure that it is notified if any land is going to be offered for sale. The Association might, in appropriate cases, seek some form of “right of first refusal” to allow the Association to have the opportunity to acquire property that is about to be sold/developed.
- The Association should be encouraged to purchase open space (various forms of taxation or donation can be utilized to raise money) - the Association should establish an organization (within the Association) to allow it to move quickly to acquire any property as soon as it is known to be available.
- With the recommendation to maintain one main road into and out of Stony Creek, the Association should establish and distribute emergency evacuation procedures to all residents.

- Promote the development of a community-based visual inventory of the features and aspects that inhabitants list as important for preservation of local character, as well as aspects that inhabitants feel are detrimental. This information could serve as a mandate to encourage preservation aspects of local policy.

VI. CLOSING

The Stony Creek Association created the Strategic Planning Committee in response to the imminent revision of the Town of Branford’s Comprehensive Plan of Development. The recommendations presented here were research and developed by a number of committees composed of the people listed below. Many other Stony Creek residents, and local business owners, also participated in town-wide meetings, questionnaires, and informal discussion.

Respectfully submitted by:

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 For the Executive Board of
 the Stony Creek Association and the people of Stony Creek

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* Special thanks to Nina Smith for typing and re-typing multiple drafts.

VII. APPENDIX

SECTION 23 - Purpose of Districts

- 23.19 Village Overlay District: This District is in addition to, and overlays other districts for the purpose of defining the Village of Stony Creek, where it is necessary to insure that the development, preservation, or use of land proceeds in a manner which focuses on design principles and results in creative solutions preserve the village and historic character of the district, and protect and coastal resources, public health, safety, convenience and property values.

SECTION XX - Village Overlay District

- XX.1 General: The use of land, buildings and other structures within the Village Overlay District shall be established and conducted in conformity with the underlying zoning classification, subject to the additional requirements of this Section. No application for a Certificate of Zoning Compliance shall be approved by the Zoning Enforcement Officer and no Certificate of Zoning Compliance shall be issued by him until he had made a determination and certifies in writing that such a use or structure has been reviewed according to the procedures specified in paragraph XX.4 of these Regulation.
- XX.2 Purpose: The purpose of this regulation is to provide for advisory design and use review by the Board of Directors of the Stony Creek Association in order to develop creative solutions to design, land use and circulation problems, to preserve the unique cultural, historic, aesthetic and natural resource assets of the District, and to protect the public health, safety, convenience and property values.

XX.3 Activities and Uses Covered: Any new use or change of use which requires site plan, special use approval per Schedule A, Section 24 of these Regulations, or Request for Change in the established zone designation, and which is located within the Village District, is subject to the requirements of the Village Overlay District. Review of such new use or change of use shall cover the following aspects of the proposal:

In Business District:

- a) Facades
- b) Pedestrian and vehicular circulation
- C) Parking
 - d) Streetscape (including lighting, street furniture, fencing and sidewalk paving)
- e) Landscaping
- f) Signs
- g) Utilities

All Districts:

- a) Permitted Uses
- b) Population Density
- C) Infrastructure Requirements (Roadway capacity, etc.)

XX.4 Procedures: All applications for zoning change, site plan, or special use approval within the Village Overlay District shall include one extra set of site plan/special use or zoning change request application materials and additional materials listed in paragraph XX.5, to be reviewed by the Stony Creek Association Board of Directors (the Board). The Board shall report its findings and recommendations to the Planning and Zoning Commission within 35 days. Such report shall be read at the public hearing on a special use application, zoning change application, or for a site plan application, at any meeting at which the application is discussed.

XX.5 Application: Applications for a Change of Zone Designation, Special Use and/or Site Plan approval within the Village Overlay District shall include, in addition to the requirements of paragraph 31.4, the following materials, as applicable:

Note: a thru g required within Business District only

- a) Facades: Description of materials, color and texture of major building materials.
- b) Pedestrian and vehicular circulation: Site plan as required in paragraph 31.4.2.4, augmented by indication of all entrances and exits to buildings and any special uses thereof. (e.g. employees only, residents only, service entrance)
- c) Parking: Description of uses and calculation of parking requirements for any mixed use, shared parking or exemption request.
- d) Streetscape: Detailed drawing showing design, color, texture and type of materials.
- e) Landscaping: Location, size and species of all plantings and identification of existing and proposed vegetation.
- f) Signs: Detailed drawings showing design, size, color, texture and type of materials. Lettering style, size and color for wall signs shall also be included.
- g) Utilities: Site plan as required in paragraph 31.4.2.7.
- h) Permitted Uses: A description of the proposed use shall be given insufficient detail to allow evaluation of unique requirements of contributions to the area and compatibility with adjacent uses.
- I) Population Density - A listing of the quantity and type of dwelling units and an estimation of the per unit occupancy.
- j) Infrastructure Requirements: An impact study relating to increased demand on existing roadway capacity, water main requirements, electric power service etc.

XX.6 Village Overlay Review: In reviewing applications, the Stony Creek Association Board of Directors shall also take into consideration the following design criteria:

- a) Conformance with the purpose of the Village overlay District as described in paragraph 23.19 of these Regulations.
- b) Logic of design.
- c) Exterior space utilization.
- d) Architectural character.
- e) Parking capacity.
- f) Harmony and compatibility.
- g) Circulation - vehicular and pedestrian.