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SECTION 11A

SPECIAL CRITERIA FOR APPLICATIONS INVOLVING REGULATED ACTIVITIES AROUND LAKE WARAMAUG AND OTHER MAJOR WATER BODIES AND WATERCOURSES

11A.01 Purpose and Goals

a. The purpose of this Section 11A is to protect and enhance the ecological systems of Lake Waramaug and other major water bodies and watercourses in the Town of Washington, which represent important components of the Town's natural endowments and contribute significantly to its bio-diversity.

b. Lacustrine studies have shown that undisturbed shoreline left in its natural state is critical to the long term ecological health of large bodies of water such as Lake Waramaug. Such shorelines often provide an "ecotone transition" area between two eco-systems (lake and land), which areas are typically very important wildlife habitats: the near shore shallows are a critical spawning area and food source for many aquatic and land-based species; hydrophytic and wetland vegetation provide canopy and essential habitat for many of these species, as well as some measure of protection against shoreline erosion. For these reasons, activities within the immediate shoreline areas should be minimized to protect their ecological value, while still allowing reasonable use of the lakes.

c. Prior to the enactment of the 1974 Connecticut Inland Wetlands and Watercourses Act, a significant portion of Lake Waramaug's shoreline had seen the erection of vertical stone and cement retaining walls. Such structures are not an efficient lake-land transition area, especially when they do not abut natural shallows. As noted above, they eliminate a key interface zone between water and land habitats and often do not intercept the nutrients and pollutants that flow into the lake from lakeshore runoff areas. Shoreline walls also hamper wave energy dissipation, restrict the flow of groundwater into lake waters, and their underpinnings are often subject to erosion and scouring. In spite of these shortcomings, such structures that currently exist around Lake Waramaug and other major water bodies have been grandfathered and are allowed to stand if they are not in serious disrepair.

11A.2 Scope

The provisions of this Section 11.A shall apply to all activities within a horizontal distance of 100 feet from Lake Waramaug and other water bodies and watercourses. Landowners are reminded that regulated activities in these areas include, but are not limited to, all clearing of vegetation and all beach maintenance activities.

11A.3 Prohibited Activities

The following activities shall be prohibited unless the Commission finds, based upon all evidence presented in connection with a proper application, that such activities are needed to allow reasonable access to the lake, protection of lakefront property, or proper maintenance of such

property, and that no feasible and prudent alternatives to such access, protection or maintenance exist.

a. The erection of new shoreline retaining walls. Dissipation of wave energy and/or mitigation of erosion damage should generally be handled with the positioning of large rocks to strengthen the natural shoreline, permeable riprap to create a gentle slope to the water's edge or the use of vegetated "soft engineering" techniques such as the planting of deciduous or evergreen low-growing shrubs along the banks.

b. The creation of new sand beaches, because of the likelihood of erosion of beach material and sedimentation into the lake.

c. To minimize the leaching into Lake Waramaug of substances dangerous to its ecology and water quality, the use of pressure- or chemically- treated wood for decking, stair treads, handrails, fencing panels, containers or any other open air structure, is prohibited over the water, on the shoreline and within 100 feet of the lake. Pressure-treated wood may be used for posts, framing and other structural components.

11A.4 Additional Criteria for Regulated Activities

a. If a regulated activity subject to this Section 11A is being proposed to prevent or mitigate erosion damage, the applicant shall present evidence from a qualified engineer or other suitable expert regarding the likely nature and severity of damage that might be caused or facilitated in or by the absence of the proposed activities.

b. Existing vegetative cover, including trees, shrubs, groundcover, shall be preserved to the greatest extent possible and its expansion encouraged around the lake to help with bank stabilization and to enhance the availability of habitat for aquatic and land-based species.

c. The clearing of any type of vegetation shall be no greater than necessary to achieve the applicant's specific goals in seeking approval of the regulated activity.

d. Failing retaining stone walls may be partially or completely rebuilt to their pre-existing height, length and width if half or more of the original wall is still standing and base stones are firmly set in the lake bottom Failing concrete structures may be taken down but have to be replaced with dry stone walls of similar height, length and width.

e. Maintenance activities for existing private and public beaches shall be no more extensive than reasonably necessary to accomplish their purposes.

f. When considering applications for shoreline dock or float anchors, anchoring methods other than the use of large concrete blocks are preferred as they have shown to have less overall impact on lake ecology. If such an alternative method is not selected, shore anchor block size, material and weight must be defined along with proposed anchoring methods. The proper weight and size of such shore anchor blocks shall be determined by an engineer to be the minimum needed for safe anchoring purposes, based on the size of the proposed dock, the material to be used and the fact that the dock has to be

designed to be removable as required under standing zoning regulations. The specifications of out-water mooring blocks must also be provided.

g. Applications for regulated activities around Lake Waramaug shall be detailed enough so that motions of approval can define precisely what work has been approved. In addition to an overall site map, drawings showing a) precise horizontal and profile elevation detail of the work envisaged, b) the relation of this work to the existing shoreline and c) identified fixed points of reference are required. A proposed time line for project completion, material lists and sequence of activities must also be included.