

Mianus Pond Policy
Adopted by the Greenwich Inland Wetlands and Watercourses Agency
November 21, 2005

The Inland Wetlands and Watercourses Agency hereby adopts a policy with respect to docks, floats and piers constructed on and into Mianus Pond, a Town-owned waterbody and land area. Each existing dock will be inspected and documented for Agency files to enable compliance personnel to determine if any new docks are constructed as well as ensure existing docks aren't currently deteriorating into the pond. The Agency will require its staff and/or consultants to make a thorough analysis of a detailed site plan for each existing and proposed dock. The Agency has a similar policy for decks constructed within regulated areas, and docks are no less important.

This policy establishes procedures and guidelines for the construction and maintenance of any new dock in Mianus Pond, and the Agency will advise every homeowner abutting Mianus Pond with an existing, non-permitted dock that they are in violation of Agency regulations and that an application must be made to legitimize such existing dock. The application process can then proceed, using the guidelines set forth below.

Any dock that can be shown to be in existence prior to establishment of the Greenwich Inland Wetland and Watercourse Agency regulations (December 1, 1974) may be "grandfathered" and thus permitted by the Agency. Any dock-owner who claims to possess a grandfathered dock must make an application to the Agency to determine the legitimacy of such a claim.

The Agency may determine, for reasons set forth in the Agency regulations, that one or more of the existing docks in Mianus Pond should be removed.

For each dock-owner who maintains a dock in Mianus Pond without Agency approval, the Agency will send a violation letter instructing each dock-owner to file an application to legitimize said dock.

Since the land bordering the entire edge of Mianus Pond is owned by the Town of Greenwich, the Town of Greenwich must be the legal applicant. Rather than put the onus for compliance on the Department of Parks and Recreation or Department of Public Works, and since applications are likely be more accurate and detailed if submitted by homeowners, the Agency recommends that the Board of Selectmen issue an authorization to all dock-owners to file an application on the Town's behalf to the Agency for a permit to keep an existing dock. (In addition, the Agency is likely to require cash-compliance bonds from each dock-owner for required remediation or landscape planting, and such bonding is unlikely to happen if Town of Greenwich is the applicant.) If this authorization is acceptable to the Board of Selectmen, then this authorization can be forwarded by the Agency to any dock-owner in violation of Agency regulations.

As to guidelines for new docks, the Agency will restrict docks based on (1) size, (2) construction, (3) design, and (4) use as follows:

(1) Docks are to be no wider than six feet and extend no farther than 15 feet from the edge of land.

(2) Docks may not be built using pressure-treated wood. Untreated wood, recycled plastic wood, and aluminum are acceptable. Ferrous fasteners may be utilized. Furthermore, floatation material other than foam core, which is prone to rapid deterioration, should be required.

(3) Docks are to be free-floating and not supported on piers, i.e., they may not be rigidly affixed on pilings to the underlying submerged pond bed. The dock must be adequately anchored in place; Applicant must demonstrate the dock cannot shift position during storm events.

(4) Use should be limited to passive recreation, such as swimming, tubing and floating. Launching or mooring of motorized boats (electric or gas) are not allowed. Launching and temporary mooring of rowed watercraft (rowboats, kayaks) and small sailboats (Sunfish, etc.) are acceptable. Docks may not be used commercially, although docks may be shared by more than one residence.

Regarding pond-side landscaping, 100% of the shoreline (aside from the 6' of dock width) should be planted to provide 10' of acceptable vegetated buffer; alternatively, 70% of the shoreline should be planted to provide 15' of acceptable vegetated buffer. Applicants are, of course, free to argue why such is unnecessary on an ad hoc basis, e.g., due to pre-regulation activity, etc.

As a compliance matter, the Agency recommends commencing a process to inform the public about these procedures and guidelines, why they are necessary, why there is a minimal hardship for the involved landowners, and how the Agency and the Town have no agenda to remove all docks from the pond. This should make compliance several orders of magnitude easier.

Although a homeowner may choose to file an application to establish why a permanently affixed dock should be legitimized, future replacements of such docks and their piers should comply with the new standards set forth above. Permitting these activities within the pond should be deterred, since it will cause at minimum a short term disturbance and also present issues relating to logistics when and if the town decides to dredge the pond. Accordingly, the Agency proposes to impose standards for docks in Mianus Pond that contemplate no permanent structures.