

**SECTION III**  
**LWRP POLICIES**

This section was developed in cooperation with the New York State Department of State, Division of Coastal Resources and Waterfront Revitalization. In developing a set of Waterfront Revitalization Program Policies, the Town drew upon the State policies of the Waterfront Revitalization of Coastal Areas and Inland Waterways Act, the Town Comprehensive Plan, the Town Zoning Law, and the preceding analysis. To effectively realize the Town's waterfront planning goals, eleven policies are outlined below.

Foster a pattern of development in the waterfront area that enhances community character, preserves open space, makes efficient use of infrastructure, makes beneficial use of a waterfront location, and minimized adverse effects of development.

1. Protect water-dependent uses, promote siting of new water dependent uses in suitable locations, and support efficient harbor operation.
2. Protect agricultural lands.
3. Promote sustainable use of fish and wildlife resources.
4. Protect and restore ecological resources, including significant fish and wildlife habitats, wetlands, and rare ecological communities.
5. Protect and improve water resources.
6. Minimize loss of life, structures, and natural resources from flooding and erosion.
7. Minimize environmental degradation from solid waste and hazardous substances.
8. Provide public access to and along the Town's coastal waters.
9. Protect scenic resources that contribute to the visual quality of the Essex Town waterfront.
10. Protect, preserve, and enhance resources significant to the historical, archeological, and cultural legacy of the Essex waterfront.

For each policy, set forth in Part III, goals, standards and criteria are provided to guide public agencies and set parameters for consistency determinations. Depending on the conditions in a particular area, the policies articulate appropriate land and water use goals and present a hierarchy of preferred options for meeting those goals.

**POLICY 1 FOSTER A PATTERN OF DEVELOPMENT IN THE WATERFRONT AREA THAT ENHANCES COMMUNITY CHARACTER, PRESERVES OPEN SPACE, MAKES EFFICIENT USE OF INFRASTRUCTURE, MAKES BENEFICIAL USE OF A WATERFRONT LOCATION, AND MINIMIZES ADVERSE EFFECTS OF DEVELOPMENT.**

The pattern of development along the Town of Essex Lake Champlain shoreline is characterized by a compact historic hamlet with a mix of residential and commercial uses surrounded by a scenic rural landscape with forests, open fields, agriculture, and scattered housing. The Lake itself is used for a variety of recreational purposes, principally for recreational boating. A commercial ferry service connects the hamlet to Vermont. It is the policy in the Town of Essex to preserve this pattern of development. The character and value of this pattern is more fully described in the Inventory section of this document, in the Town's Comprehensive Plan, and in 1989 Trancik Study, Essex Hamlet: Plan for the Future of Essex.

**1.1 Preserve the historic character of the hamlet of Essex while allowing for compatible new development; utilize scenic and historic resources of the community to foster appropriate economic development.**

- Require new development within the hamlet to be similar in scale, materials, and siting to existing development.
- Allow for a mix of uses by permitting a wide range of residential and commercial uses.
- Encourage the reuse of existing buildings.
- Promote the development of commercial uses that will serve the needs of residents and visitors, such as, grocery, hardware, pharmacy, café, restaurant.
- Provide for a range of housing, including housing for the elderly.
- Promote new infill development to accommodate population increases, particularly in the area of the hamlet south of Church St. west of Main St. (TSA Study, 2001)
- Avoid new development that would overburden roads and sewage disposal capacity.
- Maintain or require parking and circulation patterns that preserve and facilitate pedestrian traffic throughout the hamlet.
- Design parking facilities to mitigate visibility by locating at rear of structures, landscaping to screen, avoiding unnecessary pavement, etc., and ease parking restrictions in the hamlet.
- Limit the scale of new roads to that of those in place.

- Locate and design new development to reduce automobile use.

**1.2 Preserve the rural character of the waterfront area outside the hamlet of Essex.**

- Adhere to the density limitations established by the Adirondack Park Agency and the Town of Essex Zoning Law.
- Limit building where it would conflict with the Town's rural pattern and scale of settlement.
- Protect and encourage agriculture in those areas of the Town that are or have historically been devoted to farming.
- Preserve stonewalls and hedgerows.
- Preserve open fields not in agricultural use.
- Retain open space in as large contiguous parcels as possible.
- Avoid commercial strip development.
- Allow flag lots to preserve scenic, historic, and natural resources.

**1.3 Maintain the waterfront area north of the hamlet primarily for residential use of moderate intensity, while allowing a range of uses other than non-resource based industrial uses.**

**1.4 Limit new development south of the hamlet and shoreward of Lake Shore Road to uses accessory to development located landward of Lake Shore Road.**

**1.5 Preserve the open character of the land landward of Lake Shore Road by encouraging agricultural uses and through careful siting of low-density residential and commercial development. (zoning, site plan review, and special use permit criteria)**

**1.6 Provide for public recreation at Whallons Bay.**

**1.7 Preserve the land in the area of Split Rock as predominately open space.**

**1.8 Ensure that development or uses make beneficial use of their waterfront location.**

The amount of waterfront located in the Town and its related resources are limited. Plans for future development of the waterfront must therefore be limited to appropriate scale. As outlined on the map, several areas of the shoreline have severe development constraints. All uses should relate to the unique qualities associated with their proposed location and consideration should be given to whether a use is appropriate for that location. When planning waterfront development

or redevelopment, the waterfront location should be reflected in the design, siting and orientation of the development.

Encourage water enhanced uses where appropriate. Water enhanced uses are activities that do not require a location on or adjacent to the water to function, but whose location on the waterfront could add to public enjoyment and use of the water's edge if properly designed and sited. Water enhanced uses are generally of a recreational, cultural, commercial or retail nature.

Water enhanced uses should be encouraged where they are compatible with surrounding development and are designed to make beneficial use of their location on the waterfront. Water enhanced uses should be sited and designed to:

- Attract people to or near the waterfront and provide opportunities for access that is oriented to the Lake.
- Provide public views to or from the water.
- Minimize consumption of waterfront land.
- Not interfere with the operation of water-dependent uses.
- Not cause significant adverse impacts to community character and surrounding land and water resources.

The following uses and facilities are considered potentially appropriate as water-enhanced activities along the Essex shoreline:

- Activities such as active and passive recreation, parks, and playgrounds.

Facilities such as industrial, high-density residential, and large-scale public utilities are not suitable for the Essex waterfront. Adequate upland is available for such uses.

The following planning principles should be used to guide investment and preparation of development strategies and plans:

- Scale development to be appropriate to the setting.
- Design development to highlight existing resources, such as local history and important natural and manmade features to reinforce community identity.
- Design the waterfront as a focus for activity that draws people to the Lake and links the waterfront to upland portions of the community.

- Recognize environmental constraints as limiting development.

All development or uses should recognize the unique qualities of the waterfront location by:

- Using site and building design to make beneficial use of a waterfront location and associated waterfront resources.
- Minimizing consumption of waterfront lands and potential adverse impacts on natural resources.
- Limiting shoreline alteration and surface water coverage.
- Incorporating recreational activities, public access, open space, or amenities as appropriate to the use, to enhance the site and the surrounding community, and to increase the visual and physical access to the Lake.
- Ensuring that design and siting of uses and structures complements the surrounding community and landscape.
- Using indigenous plants as components of landscape design to improve habitat and water quality.

### **1.9 Maintain and enhance natural areas**

Natural areas, open space, and recreational land produce public benefits that may not be immediately tangible. In addition to scenic and recreational benefits, these lands may also support habitat for commercially or ecologically important fish and wildlife, provide watershed management of flood control benefits, serve to recharge ground water, and maintain links to the region's agricultural heritage.

Special consideration should be given to protecting stands of large trees, unique forest cover types and habitats, and old fields. The open space value of agricultural land should be protected.

### **1.10 Minimize the adverse effects of new development and redevelopment**

- Cluster development to economize on roads and other infrastructure and to protect scenic, agriculture, and natural resources.
- Require appropriate landscaping to screen or enhance the appearance of new development.
- Control lot configuration to minimize the effects of new development.
- Regulate lighting.

- Allow for transfer of development rights to protect open space.
- Limit tree clearing.
- Control shoreline access from multi-family development.
- Require adequate setbacks.

Adhere to standards specific to certain uses, including telecommunications towers, restaurants, motor vehicles services, and public utilities.

**POLICY 2: PROTECT WATER-DEPENDENT USES, PROMOTE SITING OF NEW WATER-DEPENDENT USES IN SUITABLE LOCATIONS, AND SUPPORT EFFICIENT HARBOR OPERATION.**

The intent of this policy is to protect existing water-dependent commercial and recreational uses and to promote their future siting in accordance with the reasonably expected demand for such uses. It is also the intent of this policy to foster orderly water use management to address the problems of conflict, congestion, and competition for space in the use of surface waters and underwater lands.

**2.1 Protect water-dependent uses.**

Commercial waterborne activity, both for transportation and recreation, contributes to the economy and quality of life within the Town. These activities include the Lake Champlain Transportation ferry, marinas, excursion boats, fishing boats, and waterfront rental facilities. Water dependent recreational activities, such as swimming, boating, and fishing are also important to the quality of life in the Town.

Water dependent uses have locational requirements that make portions of the waterfront especially suitable. As a result most of these uses are primarily located on and in the bays adjacent to the hamlet.

A water dependent use is an activity that can only be conducted in, on, over, or adjacent to a water body because such activity requires direct access to that water body, and that involves as an integral part of that activity, the use of the water. The following uses and facilities are considered potentially appropriate as water-dependent activities along the Essex shoreline:

- Recreational activities which depend on access to water such as fishing, boating.
- Existing public and private marina facilities and the Essex-Charlotte ferry.
- Tour boat and charter boat facilities.
- Water related public utilities, such as the Town water system.

In addition, caution should be taken to:

- Reserve the water surface for water dependent uses.
- Avoid actions which would displace, adversely affect, or interfere with existing water dependent uses.
- Maintain ferry service by supporting the upgrading of infrastructure to provide safe and efficient traffic patterns in the Essex hamlet.
- Preserve or improve existing shorefront infrastructure, including Town-owned wharves, piers, and bulkheads to maintain and enhance water-dependent activities.

## **2.2 Promote the siting of new or expanded water-dependent uses at suitable locations**

The bays adjacent to the hamlet are the areas most suitable for commercial water dependent uses. However, these areas are already substantially developed with such uses and little space remains for new uses. Space is available for limited expansion or reconfiguration of existing uses.

Outside the hamlet, the need for compatibility of these uses with surrounding uses and natural features limits new or expanded water dependent uses to relatively small scale recreational uses, such as a swimming beach or public boat launch.

Limit in-water expansion of marinas to the area landward of the pierhead line established in the Essex Waterways and Harbor Management Law.

Ensure that adequate upland infrastructure, including parking as required by the Town zoning law, is available before approving new or expanded water dependent uses.

## **2.3 Minimize the effects of new or expanding water dependent uses**

Site new and/or expanded existing marinas, yacht clubs, boat yards, and other boating facilities where there is: adequate upland for support facilities and services; sufficient waterside and landside access; appropriate near-shore depths to minimize dredging; and adequate water circulation.

Limit discharge of vessel waste by requiring the provision of sufficient vessel waste pump out facilities.

## **2.4 Promote the efficient management of surface waters and underwater lands.**

Lake Champlain within the Town of Essex supports a wide range of public and private in-water uses. These uses include recreational and commercial boating, anchorage and mooring areas, recreational fishing and swimming, marinas, public and private docks, special aquatic events, and ferry service. The Town of Essex finds that to manage the efficient use of Lake Champlain

that lies within the Town, promote safe commercial and recreational navigation, provide for the equitable allocation of the water's surface for a variety of uses, and to protect the natural and cultural resources upon which many of these uses depend, a waterways and harbor management law is necessary.

Adhere to the standards established by the Town's Waterways and Harbor Management Law.

### **POLICY 3: PROTECT AGRICULTURAL LAND**

Although there is currently no active agriculture in the waterfront area some lands south of the hamlet suitable for agriculture are zoned for agricultural use. Agriculture remains a preferred use for these lands.

- Define agriculture broadly and encourage diverse agricultural enterprises, including dairy, hay, production, livestock production, produce stands, and specialty farms, such as wildflowers, nurseries, berries, orchards, and produce.
- Require provision of a buffer whenever a non-agricultural use is proposed to be located adjacent to an agricultural use. The provision of the buffer shall be the responsibility of the non-agricultural use.
- Locate housing to minimize conflicts with the agricultural community.
- Avoid regulating agricultural uses in a manner that unreasonably restricts farm structures or practices.
- Minimize the negative impacts of development on active farmland.
- Regulate the keeping of livestock in or adjacent to residential areas to limit odor, dust, and noise.

### **POLICY 4: PROMOTE SUSTAINABLE USE OF LIVING RESOURCES.**

### **POLICY 5: PROTECT AND RESTORE ECOLOGICAL RESOURCES, INCLUDING SIGNIFICANT FISH AND WILDLIFE HABITATS, WETLANDS, AND RARE ECOLOGICAL COMMUNITIES.**

The waterfront ecosystem within the Town is composed of all the migratory and resident wildlife and vegetation that inhabit the open waters, embayments, beaches, and adjacent uplands. The central goal of this policy is to avoid any adverse primary or secondary impacts to the waterfront ecosystem. Impairment to the terrestrial and aquatic habitat areas, functions, and other elements of this ecosystem results from outright physical loss of elements (primary impact) degradation of these elements caused over time by actions within or adjacent to a community (secondary impact), as well as functional loss

caused by the introduction of uses that are disruptive to certain wildlife or plant species. Unavoidable adverse impacts from a proposed project should be minimized and mitigated.

Avoid activities that may cause or cumulatively contribute to permanent adverse changes to the ecological complexes and their natural processes. When avoidance is not possible, minimize the impacts of the project to the extent feasible and mitigate any physical loss or degradation of ecological elements. Use mitigation measures that are likely to result in the least environmentally damaging feasible alternative.

Where destruction or significant impairment of habitat values cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of habitat mitigated to the extent practicable.

**5.1 Protect indigenous plants from excessive loss or disturbance and encourage greater quantity and diversity of indigenous plants to the extent practical.**

- Avoid use of non-indigenous plants except in ornamental gardens, as collect specimens, or for erosion control and filtration provided that it is not feasible to use native species to perform the same functions.
- Avoid use of non-indigenous plants that are invasive species likely to alter existing natural community composition. Where destruction or significant impairment of plants cannot be avoided, the potential impacts of land use or development should be minimized and any resulting losses of plants mitigated to the extent practicable.

**5.2 Minimize negative impacts of development, especially in environmentally sensitive areas, such as shorelines and watersheds of Lake Champlain, the higher elevations, steep slopes, soils with a likely capacity for erosion, stream corridors, and wetlands.**

**5.3 Protect native stocks and maintain sustainable populations of indigenous fish and wildlife species and other aquatic living resources.**

- Protect spawning grounds, habitats and water quality to preserve aquatic resources.
- Artificial stocking should only be undertaken when it will not result in loss of the genetic integrity of native populations. Prevent the introduction of non-indigenous species into natural environments unless it is part of an approved pest control program.

**POLICY 6: PROTECT AND IMPROVE WATER RESOURCES.**

The purpose of this policy is to protect the quality and quantity of water in the waterfront area. Quality considerations include both point and non-point source pollution management. All projects that involve discharges to water bodies need to comply with applicable state water quality standards and regulations.

Specific non-point pollution management measures are presented in the Guidance Specifying Management Measures for Sources of Non-point Pollution in Coastal Waters (U.S. EPA, 840-B-92-002).

**6.1 Prohibit direct or indirect discharges which would cause or contribute to contravention of water quality standards.**

- Prohibit the direct discharge of materials and wastewater to the Lake and its tributaries.
- Require all land development, including the conversion of existing structures to multiple units, to meet local and State standards for water supply and sewage disposal.
- Seek establishment of a sewer district to serve the Essex hamlet, especially properties along the Lake Champlain shoreline.

**6.2 Protect the quality of the Town's waters by managing activities that generate non-point source pollution.**

- Use best management practices, including the preservation and enhancement of shoreline vegetation, to minimize non-point discharge into Town waters of excess nutrients, organics, eroded soils, and pollutants, and to control storm water runoff from roadways and other developed areas.
- Minimize the negative impacts of development in the watershed of Lake Champlain, along stream corridors, and on soils with a likely capability for erosion.
- Manage and reduce storm water runoff by requiring erosion and sediment control plans whenever appropriate. Erosion and sediment control plans shall meet the standards of the Town zoning law.
- Require that site drainage recharge groundwater to the extent practical and that surface waters flowing off-site shall not degrade any streams or adversely affect drainage on adjacent properties or public roads.
- Manage manure and other waste so that it does not create a risk to public health or to the quality of any wetland, water body, or groundwater.
- Construct all parking, loading, access driveways, or service areas of permeable materials.
- Ensure that drainage structures are properly maintained.

**6.3 Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, and wetlands.**

- Undertake dredging and dredge spoil disposal in a manner that meets state permit requirements, protects fish and wildlife habitats, natural protective features, wetlands and aquatic resources, and, where feasible, maintains or improves aesthetic resources.
- Ensure that excavation and fill operations meet state standards for physical factors, such as pH, dissolved oxygen, dissolved solids, nutrients, odor, color and turbidity, health factors such as pathogens, chemical contaminants, and toxicity, and aesthetic factors such as oils, floatables, refuse, and suspended solids.
- Minimize potential adverse impacts on aquatic life during excavation or placement of fill by using clean fill material and appropriate scheduling of operation.

**6.4 Protect the quality and quantity of groundwater, streams, and the sources of wetlands.**

- Determination by the state of water classifications and water quality standards should be based in part on the upland land use policies and on the existing and intended waterfront functions.
- Minimize disturbance of streams including their beds and banks. Prevent erosion of soil, increased turbidity, and irregular variation in velocity, temperature and level of water.
- Maintain the viability of small streams and wetlands by protecting the quantity of water that feeds these areas.

**POLICY 7: MINIMIZE LOSS OF LIFE, STRUCTURES AND NATURAL RESOURCES CAUSED BY FLOODING AND EROSION.**

This policy aims to reduce flooding and erosion hazards and to protect life, structures, and natural resources by reinforcing state and Town flooding and erosion regulations. Development in the waterfront area needs to be managed to reduce exposure to these hazards. The Town of Essex waterfront area is generally free from flood hazard. Shoreline erosion does occur along portions of the lakefront.

The inherent protective value of natural shorelines needs to be enhanced to ensure continuing benefits to the Town, region, and state. The benefits of erosion control structures for property owners will be balanced against the impacts upon adjacent properties and to the water body as a whole, which can include increased erosion, aesthetic impairments, loss of public recreational resources, loss of habitats, and water quality degradation.

## **7.1 Avoid development in erosion prone areas**

- Development and other investments of private and public funds should be located in a manner that minimizes or eliminates potential exposure to flooding and erosion hazards. If feasible, locating non-water dependent development and structures away from erosion hazards is the most effective means of avoiding the consequences of erosion.
- Minimize the negative impacts of development on the shoreline, soils with a likely capacity for erosion, and in flood plains.
- Minimize shoreline alteration by not altering natural contours, by not disturbing shoreline vegetation except in a minimal way. Where shoreline vegetation has been disturbed it shall be restored or replaced with appropriate indigenous vegetation.
- Minimize the erosion that may be caused by construction on any land in the shoreline overlay district.
- Limit the time period when soil may be exposed without vegetation and ensure that exposed soil is adequately protected from erosion.

## **7.2 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.**

- Maximize the flooding and erosion protective capacities of natural shoreline features and minimize interference with natural waterfront processes to avoid adverse effects on the shoreline. Generally, protection, maintenance, and restoration of natural waterfront processes and shoreline features are preferred over use of structural measures.
- Use vegetative plantings and other non-structural measures that have a reasonable probability of managing flooding and erosion based on shoreline characteristics including exposure, geometry and sediment composition. Use vegetative plantings to increase protective capacities of natural protective features at every opportunity and in combination with other types of measures. Use vegetative plantings alone to control erosion in areas where the potential success rate vegetative methods is high.
- Use hard structural erosion protection measures, such as bulkheads, only where avoidance of the hazard is not practical using non-structural measures, and provide mitigation where structural measures will increase severity of the hazard to surrounding public and private property. Allow use of hard structural supports where they will maintain or develop infrastructure for water-dependent uses or support commercial uses. In areas with extensive use of hard structural measures, protect upland development and investment by supporting efforts to close gaps in the hardened shoreline, repair breaches, and maintain the structure.

- Subject wharves, bulkheads, or any shoreline alteration to the standards of site plan review.
- Limit the height of bulkheads and require they be constructed of native stone, cement, or wood. Where treated lumber is used it shall be sealed and non-leaching. Cement should be tinted in color to blend into the adjacent shoreline.
- Design projects so that they do not adversely affect adjacent shorelines or properties by exacerbating flooding or erosion. Unavoidable impacts that result from a project should be mitigated to the extent practicable.

**POLICY 8: MINIMIZE ENVIRONMENTAL DEGRADATION FROM SOLID WASTE AND HAZARDOUS SUBSTANCES.**

The disposal of solid waste (residential, commercial and commercial wastes; demolition and construction debris; sludges from air, water pollution control, or resource recovery facilities, and dredge spoils) can affect the use and quality of the Town's waterways and waterfront lands. Among the concerns associated with the disposal and treatment of solid wastes and hazardous substances are the environmental damage caused by illegal dumping and the potential for contamination of water resources and waterfront habitat areas, filling of wetlands and littoral areas atmospheric loading, and degradation of scenic resources in the waterfront zone.

Projects involving the handling, management, transportation or discharge of solid wastes and hazardous substances need to comply with the applicable state and local laws or their successors. Solid wastes are those materials defined under ECL 27-0701 and 6 NYCRR Part 360-1.2. Hazardous wastes are those materials defined under ECL 27-0901 and 6 NYCRR Part 371. Substances hazardous to the environment are defined under ECL 37-0101. Toxic pollutants are defined under ECL 17-0105. Radioactive materials are defined under 6 NYCRR Part 380. Pesticides are those substances defined under ECL 33-010 1 and 6 NYCRR Part 325.

**POLICY 9: PROVIDE PUBLIC ACCESS TO AND ALONG THE TOWN'S COASTAL WATERS.**

The intent of Policy 9 is to increase both physical and visual public access in a manner that balances the interests of public and private waterfront use. This policy also presents standards for public lands, public facilities contiguous to the shoreline and lands under water (public trust lands). These standards are intended to preserve existing access to the shoreline provided by facilities such as public parks, beaches, marinas, piers, streets, highways, and existing easements on privately owned land, and to encourage public access improvements as a component of public projects.

**9.1 Preserve, protect and maintain existing physical, visual and recreational access to the waterfront.**

- Protect and maintain infrastructure, including roadways and shoreline protection structures, which support public access and recreation facilities.
- Maintain in good repair existing public access areas to ensure public safety and enhance enjoyment.
- Enhance Town park and beach areas including maintaining the wall at Beggs Park.
- Explore opportunities for increased access to shoreline and the waters of Lake Champlain.

**9.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.**

- Encourage the development and maintenance of high quality public spaces in appropriate locations, particularly those that would facilitate connection of existing waterfront public access spaces and allow continuous access along the shore.
- When public access cannot be included as a component of a public project, site and design the project in a manner that does not preclude the future development of public access.

**9.3 Provide visual access to the waterfront, the Lake, waterfront open space where physically practical.**

- Preserve existing visual access in the development of waterfront public lands and facilities. Minimize reduction of existing visual access caused by the scale design, and location of public projects in areas such as streets, parks, bridges and highways. Preserve visual corridors provided or defined by mapped streets (open or improved) that terminate at the shoreline or within the waterfront block.
- The requirements of the Essex Zoning Law should guide the location and amount of visual access provided.

**9.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.**

When acquiring waterfront property for public access and open space, give priority to locations such as:

- Sites with potential for waterfront-enhancing, water-related or water-dependent uses or recreation (passive or active, along the shore, on piers or in the water);

- Sites that would enhance natural resources and habitats;
- Sites that would improve access to public lands, buffer public incompatible uses, or consolidate or connect existing public lands;
- Sites listed as local Historic Landmarks or listed on the State a Register of Historic Places;
- Make appropriate recreational use of Town owned land at Whallons Bay;
- Provide for future recreational needs, especially for youth.

**9.5 Preserve the public interest in and use of lands and waters held in public trust by the state and Town.**

- Limit grants, easements, permits or lesser interest in lands underwater to those instances where there would be no overall adverse effect on the public interest in public trust lands.
- Limit the transfer of interest in public trust lands to the minimum necessary.
- Require documentation of ownership, riparian interest, or other legal right when such interests or rights are not readily apparent prior to approving private use of public trust lands under water.
- Retain a public interest in the transfer of interest in underwater lands which will be adequate to preserve appropriate public access, recreational opportunities, and other public trust purposes.

**9.6 Increase access to and public enjoyment of the waterfront area by encouraging and supporting appropriately scaled tourist facilities.**

- Encourage low impact tourism that increases employment, keeps revenue in the local economy, targets interpretation of community history, and maintains the look and feel of the community's surroundings.
- Encourage non-motorized forms of tourism development.
- Incorporate bike lanes or wide shoulders in highway improvements.
- Encourage tourists passing through Town to extend their stay.
- Support the Lake Champlain Byways Program.
- Provide for enhanced appropriate access to natural areas via hiking and bike.

**POLICY 10: PROTECT SCENIC RESOURCES THAT CONTRIBUTE TO THE VISUAL QUALITY OF THE ESSEX TOWN WATERFRONT.**

The intent of Policy 10 is to prevent the impairment of natural and manmade scenic resources in the waterfront area. High quality landscapes may consist of waterbodies, landforms, vegetation and components of the built environment such as buildings, highways, bridges, piers, and other structures. In the Town, visual quality and scenic resources are recognized and protected through historic preservation, natural resources protection, parks and open space planning and acquisition, zoning special districts, controls on over-water development, and design standards that shape new development.

**10.1 Protect and improve visual quality associated with the Town's historic context and working waterfront.**

- Enhance the aesthetic quality of the entire community and maintain its natural beauty.
- Ensure that new buildings and other structures are compatible with and add interest to existing scenic elements, such as landmarks, maritime uses, recreational boating facilities, natural features, topography, landforms and the botanic environment. Among the measures that may be considered are grouping or orienting structures to preserve open space and maximize views to and from the water, and incorporating sound existing structures into development where harmonious with their surroundings. Preserve the aesthetic features of the shoreline.
- Where feasible and practical, provide views of visually interesting elements of the natural and built landscape.
- New development should be compatible with the scenic elements defining the character of the area.
- Minimize the negative impacts of development on scenic view sheds.
- Preserve existing vegetation or establish new vegetation where necessary to enhance scenic quality.
- Minimize introduction of uses that would be discordant with existing scenic elements, and screen unattractive aspects of uses that detract from the visual quality of nearby public parks and waterfront open spaces.
- Control signage pursuant to standards established in the Town zoning law.
- Protect the Route 22 corridor as a scenic travel corridor.
- Protect the scenic values of Lake Shore Road.
- Bury power lines in all new construction when possible.

**POLICY 11: PROTECT, PRESERVE AND ENHANCE RESOURCES SIGNIFICANT TO THE HISTORICAL, ARCHAEOLOGICAL, AND CULTURAL LEGACY OF THE ESSEX WATERFRONT**

Archaeological sites and historic structures are tangible links to past generations, events and cultures associated with Town's waterfront area. The intent of this policy is to protect, preserve, and revitalize those historic, archaeological, and cultural resources that have a waterfront relationship or significance. All projects involving historic and archaeological resources need to comply with national, state, and local laws and regulations regarding designated historical resources.

**11.1 Retain and preserve designated historic resources and enhance resources significant to the coastal culture of the Town.**

- Protect designated historic resources, including those structures, landscapes, districts, areas, sites, or underwater structures that are listed on the National or State Register of Historic Places. Apply the Secretary of the Interior's Standards for Rehabilitation when reviewing any commercial development involving historic properties in the Essex hamlet historic district. Use the Secretary's Standards for Rehabilitation as guidelines in reviewing any residential project affecting a designated historic resource.
- Avoid demolition of buildings, or major portions of buildings that contribute to the architectural, historic, or character of the Essex Historic District.
- Permit demolition of buildings in the historic district only if they do not or cannot contribute to the historic district, they have irretrievably lost their physical integrity or ability to contribute, or their demolition would meet the standards for a use variance pursuant to the Town of Essex Zoning Law.

**11.2 Minimize damage to historic shipwrecks and other submerged resources that may have historic value.**

**11.3 Minimize potential adverse impacts to significant archaeological resources by redesigning the project, reducing the direct impacts on the resource, or data prior to construction. Attract people to or near the waterfront and provide opportunities for access that is oriented to the Lake.**