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November 17, 2025

Jeton Adili, Zoning Enforcement Officer
Town of Morris
3 East Street
P.O. Box 66
Morris CT 06763

Re: Proposed Bantam Lake Overlay Zone Regulation

Dear Tony:

I have reviewed the proposed overlay zone regulation for Bantam Lake. The proposed regulation compares favorably with other similar zoning regulations that have been in use in neighboring towns. The question you forwarded to me, on behalf of the Commission, is whether the Planning & Zoning Commission's statutory authority to regulate land use extends into Bantam Lake. As explained below, the answer is yes.

In 2002, I answered a similar question in regard to a large floating dock that had been installed at the end of an easement on Deer Island. At that time, there was uncertainty as to whether docks and other floating structures were subject to zoning. The answer I provided then is still legally valid.

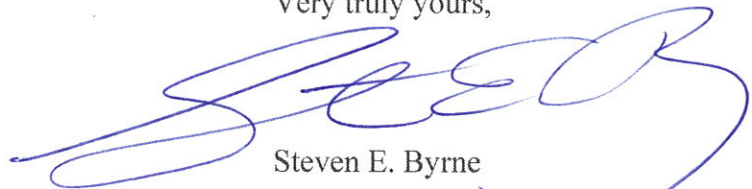
Because all police power is vested in the state, and zoning is a function of this police power, any authority the commission may have to regulate docks must be granted to it by the state, and this is done by statute. Connecticut General Statute 8-2(a) sets forth the powers a zoning commission has to control certain uses of land. It provides in pertinent part that "The zoning commission of each city, town or borough is authorized to regulate ... water dependent uses as defined in section 22a-93,". General Statute 22a-93(16) includes within the definition of water dependent uses recreational boating facilities and waterfront docks as well as "water based recreational uses".

From these regulations, it can be concluded that boat lifts, docks and floats, as defined in the proposed overlay zone regulation, come within these statutory definitions and therefore, is under

the Commission's jurisdiction. During my research on this issue, I found several cases involving the regulation of docks by local land use agencies. As an example, *Donahue v. Salisbury Zoning Board of Appeals*, LLI-CV-98-77682 (4.22.99) which concerned the application of a setback regulation to floating docks. Even in instances where the Connecticut Department of Energy and Environmental Protection has jurisdiction over a particular body of water, it consents to concurrent jurisdiction with local planning and zoning boards and requires any applicant to comply with local regulations and permits. *Casewell Cove Marina Assoc. v. Planning and Zoning Board of the City of Milford*, WL 722583 (1999). Therefore, it is clear that this commission has the authority to adopt this proposed regulation and regulate boat lifts, docks and floats located at Bantam Lake.

Please let me know if you have any additional questions regarding this proposed zoning amendment.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'S. Byrne', with a long, sweeping underline that extends to the right.

Steven E. Byrne

cc.: Janell Mullen

From: [Janell Mullen](#)
To: planningandzoning@morrisct.gov; [David R. Wiig](#)
Subject: Re: November 19th Meeting
Date: Wednesday, November 19, 2025 6:45:34 AM

Good morning,

As mentioned, I will be tuning in remotely due to scheduling constraints. I have heard that the proposed overlay is causing a little stir in the online corners of the community.

Chairman - it might be helpful to give the audience an understanding of the impetus for working on the overlay was driven by the implementation of the POCD. Specifically, the action item states; "Explore developing a Bantam Lake Waterfront Overlay District that would create restrictions for activities that negatively affect the water quality of Bantam Lake."

It might also be meaningful to state that most shoreline structures and docks are pre-existing non-conforming and not subject to the *new* rules.

I would suggest stating that the limitations of size and quantity of aquatic-related structures align with the wetlands regulations which are already set in place.

We will see where the hearing goes, but stating the facts and some background in advance of opening the floor to the public may be useful.

Just my thoughts! See you on screen!

Thanks!

Janell

Town of Morris, CT
Planning & Zoning Commission

BANTAM LAKE OVERLAY

Prepared by Town Planner for Planning Workshop on June 18th, reviewed and discussed with BLPA on August 20th, revised for Planning Workshop on September 17, 2025, finalized and set for public hearing on October 15, 2025.

BACKGROUND

The Morris Town Plan of Conservation & Development includes the following recommendation:
Explore developing a Bantam Lake Waterfront Overlay District that would create restrictions for activities that negatively affect the water quality of Bantam Lake.

In August of 2023, the Town Planner prepared a document for the Bantam Lake Protective Association (BLPA) that introduced the concept of the Bantam Lake Overlay Zone. It proposed that all properties located within five-hundred feet (500') of the mean high-water mark of Bantam Lake be included in this overlay district (see associated map). The mean-high water (MHW) mark is a line that water impresses on the shore that distinguishes the land from the waterbody.

An overlay district is a zoning mechanism that introduces additional development standards to areas of sensitive environmental concern (examples include the Flood Plain District in Morris, the Housatonic River Overlay Zone in neighboring towns). Additional provisions will be applied to portions of properties/properties that fall within this overlay in addition to the existing standards that currently exist in the underlying zone.

PROPOSED TEXT AMENDMENT

*It is suggested that the Bantam Lake Overlay District gets added within Article V Special Districts as **Section 56 – Bantam Lake Overlay District***

Purpose

To protect and preserve the quality and safety of waterbodies and shorelines within the Town of Morris and to promote the health, safety and welfare of all persons living adjacent to waterbodies and making use of them.

It is proposed that all properties/portions of properties within five-hundred feet (500') of the mean-high water (MHW) mark of Bantam Lake fall into the Bantam Lake Overlay Zone (BLOZ). All site grading, clearing, construction, and/or alteration of structures and site improvements such as the installation of pools, tennis courts, impervious surfaces, within this overlay will be subject to the BLOZ standards are outlined below.

Accordingly, it is the intent and purpose of the Town of Morris to adopt reasonable regulations and permitting procedures for docks, boat lifts and floats.

Definitions

BOAT LIFT – a structure in the watercourse or attached to a dock, or shore, designed to lift a vessel out of the water and/or provide a platform for a vessel.

DOCK – a structure, other than a walkway, boat lift, vessel or float, projecting over a watercourse which is attached or adjacent to the shore.

FLOAT – a freestanding solid or inflatable platform other than a dock, walkway, vessel or boat lift attached to the bed of a watercourse by lines, cables or chains.

IMPERVIOUS SURFACE – an impervious surface is any of the follow surfaces which minimize or prevent the infiltration of rainfall into soil – buildings, roofs, hardscapes such as tennis courts and other sports courts, concrete or stone features such as patios and walkways, roads and driveways.

MEAN-HIGH WATER MARK- mark is a line that water impresses on the shore that distinguishes the land from the waterbody.

VESSEL – every type of watercraft, motorized and nonmotorized, other than a seaplane on water, used or capable of being used as a means of transportation on water.

Specific Requirements within the Bantam Lake Overlay Zone

Docks, Floats, and Boat Lifts -

1. All docks, floats, and boat lifts shall require a zoning permit.
2. All docks and floats require numbering in accordance with the listed street address. The street and number using reflective materials as least 3 inches high shall be affixed to the end of a dock or float so as to be visible from the water.
3. Only one dock, one boat lift, and either one rowing shell dock or one float is permitted per shoreline property. The maximum sizes allowed are as follows: dock – 360 square feet of total surface area including access ramp; boat lift – 12 feet by 20 feet; rowing shell dock – 4 feet by 25 feet; and float – 10 feet by 10 feet.
4. The use of marine structures (docks, floats, rowing shell dock and boat lifts) shall be recreational in nature, secondary to a private residential use, and not for commercial purposes.
5. Docks and other marine structures subject to destruction or damage by ice movement must be removed on a seasonal basis [before ice].
6. Any dock, boat lift, rowing shell dock, or float placed in a watercourse may not be permanently affixed or installed in the waters or lakebed and cannot have any permanent contact with the submerged land. Any marine structure must be built and installed to be temporary in nature and readily removed seasonally or otherwise.
7. Docks shall be no more than eight [8] feet in width at their junctures with the existing shoreline. This eight [8]-foot maximum width must not be exceeded within five [5] feet of the shoreline
8. The dock alignment must be perpendicular to the shore and remain so for at least five [5] feet from the shoreline.

9. The dock and rowing shell dock shall be fastened to the shoreline in a manner to minimize any disturbance to the existing shoreline. There shall be no re-grading, re-contouring, or similar modification of the existing shoreline and surrounding land. The installation, placement, construction or maintenance of docks shall not include the obstruction, alteration, pollution, removal or disposition of material from or into Bantam Lake.
10. Material for the flotation of marine structures shall be as follows: non-toxic, noncorrosive, encapsulated impact resistant buoyancy material that is resistant to fragmentation. Metal or plastic containers that have previously been used for any other purpose are not permitted. Rust retardant hardware shall be used.
11. Docks and other marine structures shall be assembled from non-toxic rot resistant material [no pressure treated wood].
12. Docks, boat lifts, rowing shell docks, and marine structures shall not be located within ten feet [10 ft] of the abutter's side-yard.
13. Height above docks shall be minimized and there shall be free movement of water beneath all docks.
14. Marine and lakefront structures may not include appurtenances such as roofs, raised platforms, and decks. Removable fabric canopies or umbrellas and removable waterslides are allowed.

Shoreline Setback

1. All non-marine structures [such as decks, sheds, pools, accessory buildings] shall be setback from the shoreline by at least twenty-five feet (25') as measured from the MHW.

Impervious Coverage

1. Impervious surfaces within the Bantam Lake Overlay Zone shall be minimized. Impervious coverage in this overlay zone shall not exceed twenty-five percent (25%). Gravel driveways are counted as impervious.

RECOMMENDATIONS

1. Pre-existing non-conforming structures are expected. The Town of Morris Wetlands Regulations started regulating docks, floats, boat lifts, and rowing shell docks on June 16, 2004. It is recommended that property owners self-elect to obtain zoning permits for marine structures for the safe use of Bantam Lake and to properly abide by the dimensional requirements and the numbering system.
2. Discontinue lakefront use of lawn fertilizers and encourage residents to maintain lakefront vegetative buffers of twenty-five feet [25'] in width.
3. Residents should minimize the shorefront span of artificial beaches to ten-percent (10%) of the lot's frontage. [If the lot's subject frontage is 150', its shoreline beach shall no greater than fifteen feet [15 ft] in length.] Artificial beaches should not exceed fifteen feet [15'] in depth.
4. Adhere to the Dark Sky Principles within the BLOZ.

5. Properly maintain and upgrade on-site wastewater disposal systems and encourage private residents to get their septic systems pumped regularly for optimum water quality of Bantam Lake.