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RIGHTS OF PASSAGE

By Kathleen O'Neil

Town officials across Connecticut watched their shorefronts carefully this past summer, waiting for a possible invasion. Not by jellyfish, or red tide, but by out-of-town visitors who are now allowed to enter formerly residents-only beaches.

Towns across Connecticut created inclusive beach access policies in response to a landmark state Supreme Court ruling last year. But Connecticut towns' new policies may comply more with the letter of the law than its spirit. That's because while the towns do allow nonresidents, they charge higher fees that some people say are designed to continue to keep nonresidents out.

"They're pretty expensive," said long-time Greenwich resident Mary Hull of her town's nonresident beach passes. "I don't think there are many people who would be coming in every day."

Greenwich currently charges nonresidents $20 per vehicle, and $10 per person for a daily pass. In comparison, resident adults are charged $20 for a season pass, $5 for children, and seniors receive free passes.

"I'm opposed to the pricing structure. I think it's clearly keeping people away," said lawyer Brenden Leydon of Greenwich's nonresident beach pass policies. Leydon, a Stamford resident, was responsible for getting Greenwich's polices changed. He sued the town in 1995 when he and a friend were denied access to run on the town beach.

His case was finally decided last July, when the Connecticut Supreme Court ruled that Greenwich's residents-only beach policy violated federal and state constitutions by denying nonresidents the freedoms of expression and association. The ruling was interpreted to also apply to developed town parks and lakes.

Only about 80 miles of Connecticut's 250-mile shoreline is sandy beach, and about half of those stretches are privately owned. Before the ruling, at least 10 towns had residents-only beaches and lakeshore swimming areas. They quickly came up with plans to allow nonresidents on their beaches for summer 2002.

Most already charged residents for daily or seasonal beach passes, often given out as parking stickers. When creating nonresident passes, town officials said they factored in how much money is taken from taxes to maintain the beach, but tried to keep the fees reasonable, as required by the court ruling.

That balance was one all towns faced, including the village of Rowayton in Norwalk, which had to decide how much to charge non-residents to access its Bayley Beach. "The district has accepted the fact that there has to be public access," said Norwalk common counsel representative Betsy Bain in an interview before the beach opened. "The issue is what is equitable, and what is reasonable?" Bain said.

Rowayton later decided to charge nonresidents who apply for a pass $20 per vehicle on weekends, $15 weekdays, and $10 for people without a vehicle. Residents are charged a $10 fee to obtain a season pass.

Greenwich's selectmen considered several ideas to comply with the new rule, including a yearly out-of-town pass for $403, and reduced rates for mid-week, but they finally settled on the daily passes, allowing nonresidents to access the 147-acre Greenwich Point Park, of which the beach is a small part. The town will re-evaluate the plan at the end of the year.

"It works very well," said Greenwich first selectman Richard Bergstresser. "Clearly there are people accessing the beach," he said, adding that the town sold about 66 passes to its two beaches in April, just after the season began.

"The town decided to sell passes at the town hall, which is a few miles away, rather than at the beach entrance because the beach access road is too narrow", Bergstresser said. A backup of cars could prevent emergency vehicles from getting through.

A few rejected plans, including one to sell "free speech passes," reflected some Greenwich residents' opposition to the ruling. Those habitants in this exclusive New York City commuter town, which has an average personal income of about $100,000, argued that since the beach and their parks are maintained by town property taxes, the town had a right to exclude nonresidents.

"Some residents got scared," said Hull, who is also Director of the Greenwich Green and Clean organization. "They were afraid to change, and so were fighting hard to keep people out. The residents are used to having power and being able to do whatever they want," she said. However, Hull said, she thinks the majority of people who visit the beach want to look at the water and appreciate the scenery, not trash it.

"I think we need to share our wonderful asset," Hull said, "but it is crucial that we limit the traffic because too much would ruin the quality of life for residents who live along the narrow roads to and from the beach, and it could create a frightening scenario for emergency vehicles."

Bergstresser said he thinks the hostility toward the court decision has died down. "People seem to see the system works well, and we're not over-burdened. In general, we've recovered from the angst," he said.

Still, objections to allowing nonresidents access have been echoed in other Connecticut towns by residents who fear their beaches will be overrun by nonresidents, and who want to use high fees as a deterrent.

For example, the city of Groton, part of the town of Groton, opened its Eastern Point Beach to town and non-Groton residents this year, charging $55 for a non-resident season pass, compared to $30 for resident adults.

"We figured (the nonresident fee) was reasonable," said Bill Sanford, director of parks and recreation for the city of Groton. "However," he said, "some residents don't think it's high enough. Believe me, they want to keep people out."

The town of Madison, which is home to Hammonasset State Park's beach in addition to its own formerly residents-only Surf Club beach, began selling nonresident passes to town beaches for $10 per person per day and $10 per vehicle. Resident adults can buy season passes for $20. In comparison, the state park charges $8 per vehicle.

The town sold three nonresident passes in May, an employee in Madison's beach and recreation department said. "We have Hammonasset State Park in our town, and it's $8 a day per vehicle, so why'd they want to go to our beach?" said the employee, who asked that her name not be printed. The nonresident prices had been set at a level to try to keep people out, she said, "but we didn't want to set them so high that we'd get sued. I think they should've just let that guy in Greenwich run through," she added

However, Leydon said he was considering suing Greenwich again, this time for continuing to limit nonresidents' access.

"I believe I can sue on the differential pricing. The price structure's too high for nonresidents," he said, "and (the town) keeps people out by not selling passes on site."

But Leydon said he personally won't be hurrying over to Greenwich's beach. He said when he has time, he goes to a local Stamford beach.

Along with most Connecticut residents, after the 2002 summer season ended, he very likely wondered what all the fuss was about.

Editor's Update: In fact, the number of valid Greenwich beach passes was **reduced** when residents traded in their old cards for new stickers, and only 1% of the total beach-goers turned out to be out-of-towners. "They did us a favor in a funny way," said Mary Hull.

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Kathleen O'Neil is a freelance writer who has lived in Connecticut, and is now pursuing a graduate degree in Environmental Journalism at the University of Colorado.

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