

# **ZONING REGULATIONS**

of the  
Town of Old Saybrook, Connecticut



Old Saybrook Zoning Commission





TOWN OF OLD SAYBROOK

**Zoning Commission**

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# **ZONING REGULATIONS**

ADOPTED/EFFECTIVE: July 8, 1948

AMENDED THROUGH: April 18, 2005



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# ARTICLE I

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# SECTION 1

## Purpose

### 1.1 PURPOSE

The Zoning Commission adopts these Regulations for the purpose set forth in the General Statutes of the State of Connecticut, namely:

- 1.1.1 To lessen congestion in the *streets*;
- 1.1.2 To secure safety from fire, panic, flood, and other dangers;
- 1.1.3 To promote health and the general welfare;
- 1.1.4 To provide adequate light and air;
- 1.1.5 To prevent the overcrowding of land;
- 1.1.6 To avoid undue concentration of population; and
- 1.1.7 To facilitate the provision for transportation, water, sewerage, schools, parks and other public requirements.

### 1.2 PLAN

The Regulations are made in accordance with a comprehensive plan, with due consideration for the recommendations of the Plan of Development of the Town, with reasonable consideration as to the character of each *district* and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate *use* of land throughout the Town.



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## SECTION 2

# Jurisdiction

### 2.1 JURISDICTION

Within the Town of Old Saybrook, excluding the Borough of Fenwick, no land, building, *structure*, will be used and no building, *structure*, will be constructed, reconstructed, enlarged, extended, moved or structurally altered except in conformity with these Regulations. No *lot* or land will be subdivided, conveyed or encumbered so as:

- 1) To make said *lot* or land nonconforming or more nonconforming to those Regulations,
- 2) To make any use, building, *structure*, nonconforming or more nonconforming,
- 3) To reduce any setback, yard, *open space* or off-street parking and loading spaces to less than is required by these Regulations, or
- 4) To make any nonconforming setback, yard, *open space*, or off-street parking and loading spaces more nonconforming.

### 2.2 NONCONFORMITY

Any use, building, *structure*, or any *lot* which existed lawfully, by variance or otherwise, on the date these Regulations or any amendment hereto became effective, and fails to conform to one or more of the provisions of those Regulations or the amendment hereto, may be continued subject to the provisions and limitations of Section 10.



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## SECTION 3

# Certificate of Zoning Compliance

### 3.1 CERTIFICATE

No building or other structure, or part thereof, will be constructed, reconstructed, enlarged, extended, moved or structurally altered until an Application for Certificate of Zoning Compliance has been approved by the Enforcement Officer. No land, building or other structure, or part thereof, will be used or occupied, or changed in use, until an Application for Certificate of Zoning Compliance therefor has been approved by the Enforcement Officer and until a Certificate of Zoning Compliance therefor has been issued by the Enforcement Officer certifying conformity with these Regulations. No Application or Certificate, however, is required for a farm, forestry, truck garden or nursery *use* having no building, *structure*, concerning the use. All Applications for Certificate of Zoning Compliance will be submitted and approved in accordance with the provisions of Section 72; all Certificates of Zoning Compliance will be issued in accordance with the Section.

### 3.2 CONFLICT WITH AMENDMENTS

No Application for Certificate of Zoning Compliance will be approved by the Enforcement Officer authorizing a proposed *use* of land, building, *structure*, or proposed construction, reconstruction, enlargement, extension, moving or *structural alteration* of a building, *structure*, which does not conform to any proposed amendment of these Regulations if the first notice of a public hearing to consider the amendment has been published in a newspaper as required by the General Statutes of the State of Connecticut. If, however, the proposed amendment has not been adopted by the Commission and made effective within 65 days from the date of the public hearing, the Application for Certificate of Zoning Compliance may be approved by the Enforcement Officer.



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# SECTION 4

## Districts

### 4.1 DISTRICTS

For the purpose of these Regulations, the Zoning Commission hereby divides the Town of Old Saybrook into the following classes of *districts*: (Revised 6/26/75) (Revised 1/29/83) (Revised 3/10/00)

DISTRICT	MAP CODE
Residence AAA District	AAA
Residence AA-1 District	AA-1
Residence AA-2 District	AA-2
Residence AA-3 District	AA-3
Residence A District	A
Residence B District	B
Residence C Conservation District	C
Central Business B-1 District	B-1
Shopping Center Business B-2 District	B-2
Restricted Business B-3 District	B-3
Gateway Business B-4 District	B-4
Marine Commercial	MC
Marine Commercial Limited	MCL
Saybrook Point District	SP
Saybrook Point District #1	SP-1
Saybrook Point District #2	SP-2
Saybrook Point District #3	SP-3
Industrial I-1 District	I-1
Industrial I-2 District	I-2

### 4.2 SPECIAL DISTRICTS

The following are additional classes of *districts* established in accordance with ARTICLE V:

- 4.2.1 **Flood Plain Zone.** The Flood Plain Zone is a class of *district* in addition to and overlapping one or more of the other *districts*. The boundaries of the Flood Plain Zone and the special requirements applicable therein are as specified in Section 54. (Text added 6/28/78)

4.2.2 **Planned Residential Development (PRD) District.** The Planned Residential Development (PRD) District is a class of *district* established in accordance with Section 55. (Text revised 3/10/00)

4.2.3 **Aquifer Protection District.** The Aquifer Protection District has a Map Code "AP" and is a class of *district* in addition to and overlapping one or more of the other *districts*. Special requirements applicable in the Aquifer Protection District are as specified in Section 57. (Adopted effective 7/1/85)

#### 4.3 CONSERVATION ZONE

The Connecticut River Gateway Conservation Zone, herein referred to as "Conservation Zone," is established by the Connecticut General Assembly under Public Act 73-349, and the boundaries of the Zone, which may be amended from time to time by the General Assembly, are shown on the Zoning Map for informational purposes to indicate the portion of the Town of Old Saybrook in which particular provisions of these Regulations are applicable. (Text added 6/26/75)

#### 4.4 SAYBROOK POINT DISTRICT

The Saybrook Point District delineates an area of the Town that is of local, State and National interest by reason of its

- a) Prominent location on the Connecticut River,
- b) Capability for development of *water-dependent uses*,
- c) Vistas and coastal environment that are enjoyed by many people, and
- d) The historic significance of the Fort Saybrook site and archeological resources reflecting its *use* over many generations.

The Saybrook Point District is designed and intended to be used and developed in an integrated and harmonious manner for Town park, *open space* and historic site preservation, for *water-dependent uses* and for water-related which enable community enjoyment of the assets of the Point and for uses which are consistent with preservation of adjacent residential neighborhoods, some of which are also of historic significance. The Saybrook Point District is divided into three Districts in which particular uses are permitted and standards are applicable to promote a design unit in accordance with studies prepared by the Town. Establishment of the District, and related procedures and standards, is necessary to conserve and make the best of the special resources of the area. (Text added 1/29/83)



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# SECTION 5

## Zoning Map

### 5.1 MAP

The boundaries of the *districts* specified in Section 4 are hereby established as shown on a map entitled "Zoning Map of the Town of Old Saybrook, Connecticut", dated April 23, 1973, Revised September 4, 1973, Revised September 21, 1983) including any special maps and boundary descriptions for the *districts*, any Supplementary Maps of particular Sections of the Town and any amendments thereof, which map is hereby declared to be a part of these Regulations and is herein referred to as "Zoning Map". The following Supplementary Maps are part of the Zoning Map: \*

- 5.1.1 **Supplementary Map Number One (Route 1 Corridor).** Dated April 23, 1973, Revised September 4, 1973.
- 5.1.2 **Supplementary Map Number Two (Saybrook Point).** Dated October 15, 1982, Revised January 29, 1983)
- 5.1.3 **Supplementary Map Number Three (North Cove).** Dated April 18, 1983; Revised May 13, 1983, Revised May 27, 1983.
- 5.1.4 **Supplementary Map Number Four (Riverfront).** Dated April 18, 1973; revised May 13, 1983, revised May 27, 1983.
- 5.1.5 **Supplementary Map Number Five (Ferry Point/Hydes Creek).** Dated April 18, 1983; revised May 13, 1983, revised May 27, 1983.
- 5.1.6 **Supplementary Map Number Six (Aquifer Protection District).** Dated April 15, 1985. (Adopted effective 7/1/85.)

### 5.2 INTERPRETATION OF MAP

Where a question arises as to exact boundaries of a *district* shown on the Zoning Map, the Zoning Commission will by resolution determine the location of the boundary, giving due consideration, among other factors, to the indicated location of the boundary on the Zoning Map, the scale of the Zoning Map, the location of property lines and the expressed intent and purposes of these Regulations.

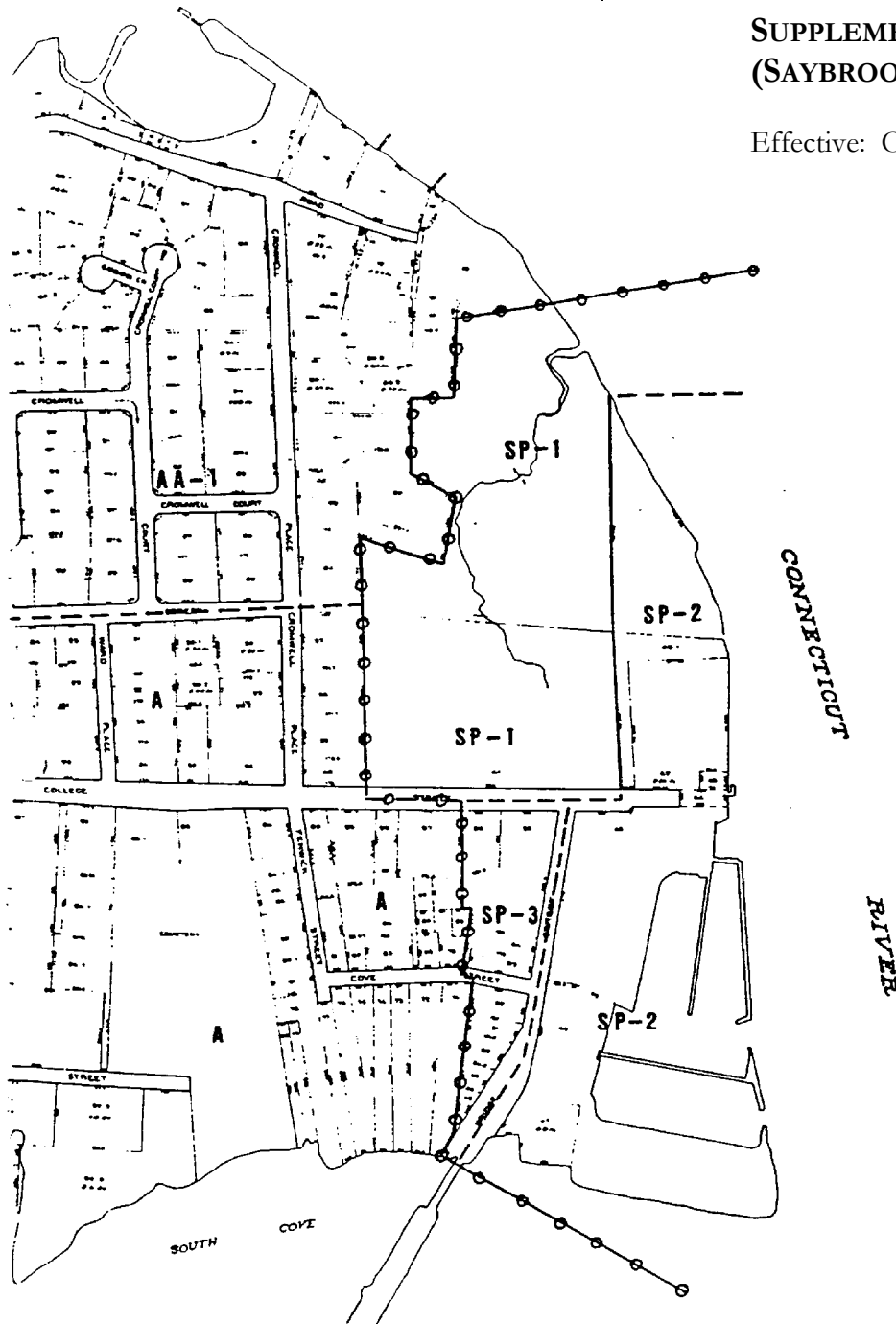
### 5.3 EXTENSION OF USE

Where the boundary of a *district* divides a lot, the existence of which *lot* is evidenced by deed or deeds recorded in the land records of the Town of Old Saybrook on the effective date of these Regulations or on the effective date of any amendment of these Regulations establishing the boundary, the Zoning Commission, in accordance with the provisions of

Section 52, may grant a Special Exception authorizing a *use* of land, buildings and other *structures* permitted in one *district* to be extended into the other *district* for a distance of not more than thirty (30) feet.

**SUPPLEMENTARY MAP #2  
(SAYBROOK POINT)**

Effective: October 15, 1982



1/83

**ZONING MAP**

of the  
Town of Old Saybrook, Connecticut

**Old Saybrook Zoning Commission**



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## SECTION 6

# Permitted Uses

### 6.1 USES

Land, buildings, and other *structures* in any *district* may be used for one or more of the uses listed as permitted in the *district* under ARTICLES II, III, and IV. Uses listed as Special Exception uses are permitted in the *district* subject to the approval of the Zoning Commission or Board of Appeals in accordance with the provisions of Section 52 or 53 as specified. To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in a *district* even though the listing of uses prohibited is not intended to be exhaustive; any *use* not specified as permitted in the *district* is prohibited. The following uses are specifically prohibited in all *districts*:

- 6.1.1 The use, occupancy, parking, or storage of a trailer on any *lot* except in accordance with the provisions of Section 66.
- 6.1.2 The outdoor storage on any *lot* in a Residence District of more than one (1) unregistered motor vehicle.
- 6.1.3 Carousel, roller coaster, whirligig, merry-go-round, ferris wheel or similar amusement device, unless sponsored by a local charitable or benevolent organization and located in a Business or Industrial District and then for a period not to exceed six (6) days; any establishment, including arcade, amusement center, store or shop, where more than two (2) amusement machines or devices are available for *use* by the public on a fee basis. (Amended 9/30/81)
- 6.1.4 In a Conservation Zone no dumping or storage of refuse is permitted other than the lawful temporary dumping or storage of small amounts of the material for brief periods pending final disposition outside the Conservation Zone. No solid waste disposal facility will be established in the Conservation Zone nor any existing facility expanded in area. (Text added 6/26/75)
- 6.1.5 In a Conservation Zone, the commercial or removal of forest tree species is prohibited. (Text added 6/26/75)

### 6.2 PERFORMANCE STANDARDS

The *use* of land, buildings and other *structures* or wherever located, will be established and conducted so as to conform to the performance standards specified in Section 61.

### 6.3 **PARKING AND LOADING**

As specified in Section 62, parking and loading spaces will be provided off the *street* in connection with all uses of land, buildings and other *structures*. In addition, all off-street parking and loading spaces will conform to the requirements of Section 62.

### 6.4 **LANDSCAPING, SCREENING, AND BUFFER AREAS**

Landscaping, Screening, and Buffer areas in accordance with Section 63. (Adopted effective 1/1/95.)

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## SECTION 7

# Area, Location, and Bulk Standards

### 7.1 GENERAL

The following regulations will apply to the area, shape and *frontage* of *lots* and the location and *bulk* of buildings and other *structures* in each *district* under Articles II, III and IV.

### 7.2 LOT AREA, SHAPE, FRONTAGE, AND MINIMUM AREA OF BUILDABLE LAND

Each *lot* will have at least the minimum area as specified in the district. Each *lot* to be used for a *dwelling* will have at least the minimum area as specified in the district, and each *lot* to be used for a *dwelling* containing more than one (1) *dwelling unit* will have at least the minimum additional area for each *dwelling unit* in the *dwelling* in excess of one (1) specified in the district. Each *lot* will be of the shape that a square with a minimum dimension specified in the *district* will fit on the *lot* and, in Residence Districts, will also have the minimum width along the building line specified in the district. Each *lot* will have the minimum *frontage* on a *street* specified in the district.

7.2.1 **Minimum Area of Buildable Land.** (Amended effective 4/13/95.) In addition to other requirements, every new *lot* created subsequent to April 13, 1995, which is to be used for building purposes, will contain within its boundaries a minimum area of buildable land (MABL), with the following characteristics:

- A. Such MABL will include a contiguous area of not less than fifteen thousand 15,000 square feet;
- B. The MABL will be of the shape as to be capable of containing a square of not less than one hundred feet (100') on a side;
- C. The MABL will not include any land determined to be *inland wetlands* or *tidal wetlands*, as defined by the Connecticut General Statutes, nor any land delineated as a Special Flood Hazard Area;
- D. No more than twenty percent of the area designated as MABL will have naturally occurring topography exceeding twenty percent slope in grade as measured in forty foot (40') increments throughout the *parcel*;
- E. No land will be included in the MABL which is identified as having ground water higher than eighteen inches (18") below the naturally occurring surface, or ledge at a depth of less than four feet (4') below the natural ground surface as observed by *soil* testing; unless an area of suitable size and location has been identified through *soil* testing which demonstrates the suitability of *soil* in that area for the sewage system placement in accordance with the requirements of the Connecticut Public Health Code in effect at the time of

the testing. The soil testing required will be witnessed by the Environmental Health Officer, or the Officer's designee, unless otherwise approved by the Environmental Health Officer. The number and location of the tests as required to demonstrate the suitability of the soil for sewage placement will be determined by the Environmental Health Officer, who will certify compliance of the soil testing with the requirements hereof. No fewer than three (3) test holes, which have been observed by the town Sanitarian or her/his agent, will be provided and will be conducted the that both the primary and reserve system are investigated. (Amended Effective 4/8/00.)

- F. No more than ten percent of the MABL will be encumbered by easements, including easements for drainage, utilities, or vehicular access, but not including conservation easements.
- G. Any proposed building *lot* for which a subdivision or resubdivision Application is required under the Subdivision Regulations for the Town of Old Saybrook will include a Minimum Area of Buildable Land which complies with this Section. The Old Saybrook Planning Commission will determine compliance with the MABL requirement for subdivision *lots*.
- H. In addition to 7.2.1. (g) above, any division of land for building purposes, which does not require approval under the Subdivision Regulations for the Town of Old Saybrook will meet the MABL requirements of this Section. Prior to the division of property, a Plot Plan meeting the requirements of Section 8 will be submitted to the Enforcement Officer for review, which demonstrates that the minimum area of buildable land has been met for both the proposed new *lot* and the original lot. No *lot* will be transferred by deed, and no building permit will be issued for the *lot* until the approval has been obtained from the Enforcement Officer.

7.2.2 **Exceptions.** The *lot area*, shape and *frontage* requirements will not be construed to prohibit condominium ownership of a building or buildings on a *lot* meeting the requirements specified in the district; the *lot area*, shape and *frontage* requirements will not be construed to prohibit other forms of ownership of a portion of a building and its related *lot* provided that a Special Exception therefore has been approved by the Zoning Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the office of the Old Saybrook Town Clerk.

### 7.3 HEIGHT

No building, *structure*, will exceed the number of stories or the maximum *height*, whichever is less, as specified in the district. This limitation, however, will not apply to the following, provided that, if located on a *lot* in a Conservation Zone, a Special Exception therefore has been approved by the Zoning Commission under the provisions of Section 52: ornamental cupolas, belfries, chimneys, flag or radio poles, silos, bulkheads, water tanks and towers, hose



towers or scenery lofts or towers, churches, or Town buildings and *structures*, nor to tanks and elevator, heating, ventilating, air conditioning or similar equipment located on the roof of a building and not occupying more than twenty-five percent (25%) of the area of the roof; except in the Conservation Zone the additional *height* will not occupy more than ten percent (10%) of the roof area. (Revised 6/26/75, Revised 3/12/80)

7.3.1 **Height in a Conservation Zone.** In a Conservation Zone, no building, *structure*, will exceed the number of stories or maximum *height*, whichever is less, as specified for that portion of the *district* in the *zone*. (Revised 6/26/75)

7.3.2 **Telecommunication Towers.** The maximum *height* requirement specified for the *district* may be exceeded for *telecommunication towers* used for commercial purposes in *districts* AAA, AA-1, B-3, B-4, I-1 and I-2 in accordance with the standards set forth in Section 68 and upon the granting of a Special Exception by the Zoning Commission. (Text added 12/10/97.)

7.3.3 **Non-Commercial Airway Communication Antennas.** The maximum *height* requirement specified for residential *districts* may be exceeded for *antennas* and towers intended for non-commercial airway communication purposes, including television *antenna*, HAM radio towers and satellite dishes, subject to the requirements of Section 8.21. Towers exceeding the *height* of thirty-five (35) feet are prohibited in the Conservation Zone. (Text added 12/10/97.)

## 7.4 SETBACKS

No building, *structure*, will extend within less than the minimum distances of any *street* line, *rear property line*, other property line or Residence District boundary line as specified in the district, subject to the following exceptions and additional limitations:

7.4.1 **Signs.** Certain permitted *signs*, as specified in Section 62, may extend within lesser distances of a property or *street* line.

7.4.2 **Projections.** Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for *setback* from a street line, property line or Residence District boundary line for the distance specified in the district.

7.4.3 **Additional Setbacks.** In any district, any portion of a building or other structure, which portion exceeds 35 feet in *height*, will be *setback* from any street line, property line or Residence District boundary line by two (2) additional feet for each foot or fraction thereof by which the portion exceeds thirty-five feet (35') in *height* unless otherwise specified.

7.4.4 **Narrow Streets.** The required *setback* from a *street line* of a *street* having a width of less than fifty feet (50') will be increased by one half (½) of the difference between 50 feet and the actual width of the street.

- 7.4.5 **Railroads.** In Business, Marine, and Industrial Districts no *setback* is required from the right-of-way line of a railroad.
- 7.4.6 **Form of Ownership.** The *setback* requirements will not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to the requirements; the *setback* requirements will not be construed to prohibit other forms of ownership of a portion of a building and its related *lot* provided that a Special Exception therefor has been approved by the Zoning Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the office of the Old Saybrook Town Clerk. (Adopted Effective 12/10/97.)
- 7.4.7 **Fences, Walls, and Terraces.** The required *setback* distances will not apply to fences or walls six (6) feet or less in *height* nor to necessary retaining walls or to unroofed terraces, but no fence, wall or terrace will be located within the right-of-way of any street.
- 7.4.8 **Accessory Buildings in Residence Districts.** In Residence Districts, unattached accessory buildings or *structures* which are twenty (20') feet in *height* and four hundred (400') square feet in *gross floor area* may meet the lesser *setback* requirements for minor accessory buildings and *structures* as specified in the district.
- Minor accessory buildings or *structures* that are ten (10') feet in height or less and one hundred twenty (120') square feet or less in *gross floor area* located on a lot less than twelve thousand five hundred (12,500) square feet may reduce the rear and other property line setback for minor accessory buildings by one half (1/2). Storage sheds are considered permanent minor accessory buildings.
- 7.4.9 **Special Setbacks within Conservation Zone.** Within a Conservation Zone, no building, *structure*, will extend within less than fifty feet (50') of the Connecticut River or any of its tributaries or its associated *wetlands* as identified and defined in Sec. 22a-32 and 22a-38 of the Connecticut General Statutes, except that the special *setback* will not be applicable to buildings and other *structures* used for the following purposes when a Special Exception therefor has been approved by the Zoning Commission under the provisions of Section 52:(Text Added 6/26/75, Revised 1/29/83, Revised 9/21/83))
- A. Accessory uses, other than for human occupancy, or for non-commercial airway equipment (Effective 12/10/97); and
  - B. Uses permitted under Paragraph 35.1.3, 35.1.5, 35.1.6, 35.1.7, 36.1.7, 36.1.8, 37.1.7,37.1.8, 37.1.9, and 37.1.10.
- 7.4.10 **Special Setbacks from Wetlands.** All activities are expressly prohibited within fifty feet (50') of a *tidal wetland*, except that the special *setback* will not be applicable to buildings or other *structures* used for purposes under Paragraph 35.1.3, 35.1.5, 35.1.6, and 35.1.7, when a Special Exception therefore has been approved by the Zoning

Commission under the provisions of Section 52. (Amended 6/15/78, Amended 2/22/80, Revised 8/24/88))

## 7.5 BUILDING BULK AND COVERAGE

For all *stories* of all *buildings* and *structures* on any *lot*, the *buildings/structures coverage*, the *gross floor area*, or the *total lot coverage* will not exceed the percentage of *lot area* as specified in the *district*. (Amended Effective 7/28/02.)

7.5.1 **Form of Ownership.** The *floor area* and coverage requirements will not be construed to prohibit condominium ownership of a building or buildings which otherwise conform to the requirements; the *floor area* and coverage requirements will not be construed to prohibit other forms of ownership of a portion of a building and its related *lot* provided that a Special Exception therefor has been approved by the Zoning Commission in accordance with Section 52 and a subdivision map therefor has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations of the Town of Old Saybrook and recorded in the office of the Old Saybrook Town Clerk.

7.5.2 **Coverage within Connecticut River Gateway Conservation Zone.** The *buildings/structures coverage* on any *lot* in the Connecticut River Gateway Conservation Zone will not exceed the percentage of *lot area* as specified for that portion of the *District* in such zone or as otherwise provided in these regulations. (See Appendix for Standards of the Connecticut River Gateway Commission, adopted by the Connecticut River Gateway Commission October 24, 1973, amended January 22, 1976, amended June 26, 1975, and May 28, 1992; adopted by the Old Saybrook Zoning Commission October 7, 1996). (Amended effective 7/28/02.) (Amended effective April 30, 2004).



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## SECTION 8

# Additional Standards

### 8.1 GENERAL

The requirements hereinafter specified are supplementary to and in addition to standards set forth elsewhere in these regulations.

### 8.2 PLOT PLANS AND ARCHITECTURAL PLANS

Plot Plans and architectural plans, when required to be submitted under these regulations in connection with an Application for Certificate of Zoning Compliance, will conform to the following standards:

8.2.1 **Plot Plans.** (Text amended 6/15/76, Revised 6/29/78, Revised 10/2/79, Revised 7/1/86) Submission of a Plot Plan to the Zoning Officer is required for certain activities to demonstrate conformance with the provisions of these regulations. The Plot Plan will show all information listed in this Section as applicable to a particular *lot* or activity; except that the Zoning Officer may waive the submission of information that is not necessary to determine compliance with these regulations. The Zoning Officer may require the additional information as necessary to determine conformance with the regulations for a specific Application.

- A. **Statement of Use** – A written statement, signed by the Applicant, and by the owner if different from the Applicant, describing the nature and extent of the proposed *use* or occupancy in sufficient detail to determine compliance with the *use* provisions of these regulations.
- B. **Maps** – All Plot Plans required under these regulations will be clearly and legibly drawn at a scale of one inch equal to forty feet (1"=40') or other scale approved by the Zoning Officer. Plot Plans will be drawn on one or more 18"x24" or 24"x36" sheets consisting of good quality polyester film or other material that will enable production of clear prints as required by these regulations. All Plot Plan maps will include the following information:
  - 1. **General Information** – including title of the projector development; name and address of Applicant or owner; north arrow, numerical and graphic scale, date of plan, and any revision dates.
  - 2. **Location Map** – showing *streets*, property lines and zoning *district* boundary lines within 100 feet of the site.
  - 3. **Schedule** – showing compliance with appropriate zoning standards, including the area of the *lot* (in square feet); the area of *wetlands* and *watercourses*; the amount of *floor area* by use; *building/structure coverage*

and *total lot coverage* by building and paving; the basis of computation of required off-street parking and loading spaces and the number provided; building and other *setback* lines. (Text amended 5/3/02)

4. **Property Information** – including the boundaries and existing conditions on the lot; the names of all abutting *lot* owners; location, width and purpose of all easements; the location of all tidal and *inland wetlands*, water bodies, high tide lines, floodway and Special Flood Hazard area boundaries, location of minimum area of buildable land; soil type boundaries and codes from the "Soil Survey of Middlesex County, Connecticut", USDA Soil Conservation Service; location of any historic or archeological sites.
5. **Existing and Proposed Development** – location of existing and proposed buildings or uses, including buildings, *structures*, *signs*, fences, walls, barriers, *outside storage* areas and screening; docks, wharves and bulkheads; location, design and dimensions for existing and proposed parking, aisles, loading and circulation; existing and proposed drainage, utilities and related facilities; outdoor illumination, landscaping and *open spaces*; provisions for *soil erosion* and *sediment* control; location and results of any *soil* tests performed on the site.

C. **Other Information** – The Enforcement Officer may require, but not be limited to, the following:

1. The Plot Plan will be prepared by and bear the seal of a land surveyor, professional engineer, architect or landscape architect licensed to practice in the State of Connecticut as required by law for preparation of parts of the plan. The seal of the preparor will be impressed on all copies of the Plot Plan presented for approval.
2. The boundaries and existing conditions of the *lot* will be shown based on a survey meeting or exceeding a "Class A-2" type survey specified in the *Code of Recommended Practice for Standards of Accuracy and Maps*, or it equivalent.
3. Existing and proposed grading contours at an interval not exceeding two (2) feet, or equivalent ground elevations, based on Mean Sea Level, including identification of a benchmark at the site.
4. Any other information that the Enforcement Officer may deem necessary to determine conformance with these regulations.

8.2.2 **Architectural Plans.** When required, architectural plans will include all buildings and *structures* proposed to be constructed, reconstructed, enlarged, extended, moved or structurally altered; will be drawn to scale of 1/4" = 1' or larger, and will include *signs* and outdoor illumination facilities unless otherwise provided in connection with plot plans. (Amended effective 4/13/95.)

- 8.2.3 **Noncommercial Tree Cutting Plan.** For any *lot* in a Conservation Zone, the plans will include a *noncommercial tree cutting plan* showing the following: the existing mix of forest tree species, their approximate *height*, age and density; and a description of the cutting or removal activities to be undertaken. (Text amended 6/26/75)

### 8.3 INDOOR RESTAURANTS

Indoor restaurants and other indoor food and beverage service establishments will serve customers only when they are seated at tables or counters. At least seventy-five (75%) of the seats at tables or counters will be located within an enclosed building. The establishments may provide food take-out service when (a) the service and transfer of food and beverages to customers is located within an enclosed building, (b) the food is intended for consumption off the premises, and (c) the service is clearly incidental to a primary permitted indoor food and beverage service establishment where customers are served only when seated as herein specified. Where specifically permitted in a *district* as a Special Exception Use, however, the establishments may also include service to customers at service counters as well as service to Customers in motor vehicles at a take-out window. (Amended 4/25/88, Amended 4/27/89)

### 8.4 ACCESSORY USES

Accessory uses will not include uses that are otherwise not permitted or specifically prohibited in the District. In Residence Districts, accessory uses will also conform to the following additional standards and conditions:

- 8.4.1 The accessory *use* will be located on the same *lot* with the *use* to which it is accessory.
- 8.4.2 Accessory uses may include a boat landing, and dock to accommodate no more than two (2) boats.
- 8.4.3 Accessory uses may include off-street parking spaces and private garages, but except in connection with a farm or a Special Exception use, there will be no more than one (1) commercial vehicle parked on any lot, and the vehicle will not exceed 1½-ton capacity.
- 8.4.4 No part of a *lot* located in any of the Residence Districts will be used for access to a *use* not permitted in the District.

### 8.5 PROFESSIONAL OFFICE IN A DWELLING UNIT

A professional office in *dwelling unit* located in a Residence District is an additional *use* for which a Certificate of Zoning Compliance is required. The office will be used only for the office of person engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office will reside in the *dwelling unit*, and there



will be no more than two (2) nonresident persons employed in connection with the office. The *floor area* used for the office will not exceed one third of the *gross floor area* of the *dwelling unit*.

## 8.6 HOME OCCUPATION IN A DWELLING UNIT

A *home occupation* in a *dwelling unit* located in a Residence District is an additional *use* or which a Certificate of Zoning Compliance is required. A *home occupation* consists of an activity conducted for gain and will conform to the following standards and conditions (Text added 6/15/78):

- 8.6.1 The person conducting the *home occupation* will reside in the *dwelling unit*, and there will be no more than one (1) non-resident person employed in connection with the occupation.
- 8.6.2 There will be no evidence outside the dwelling, except permitted *signs* and required off-street parking, that the *dwelling* contains a home occupation.
- 8.6.3 The *home occupation* will be confined to but one (1) floor of the *dwelling unit* and not more than twenty-five percent (25%) of the floor will be so used.
- 8.6.4 No finished consumer goods will be acquired outside the *dwelling unit* for sale in connection with a *home occupation* within the *dwelling unit*.
- 8.6.5 The *home occupation* and the conduct thereof will not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood.
- 8.6.6 The Application for a Certificate of Zoning Compliance will be signed by the person or persons proposing to conduct the *home occupation* and will be accompanied by a detailed description of the proposed use. Each Certificate of Zoning Compliance will automatically terminate when the Applicant no longer resides in the *dwelling unit*.

## 8.7 RENTING OF ROOMS

The renting of rooms in a *dwelling unit* located in a Residence District is an additional *use* for which a Certificate of Zoning Compliance is required. The person renting the rooms will reside in the *dwelling unit*. No accessory building will be used for renting of rooms, and there will be no provision for cooking facilities in or available to the rooms except the principal cooking facilities of the *dwelling unit*.

## 8.8 FARMS

Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock, will conform to the following additional standards and conditions:

- 8.8.1 Farms will not include commercial piggeries, and there will be no commercial slaughtering, fertilizer manufacturing, or any commercial reduction of animal matter.
- 8.8.2 No livestock will be kept on a *lot* of less than five (5) acres and any building in which livestock or poultry are kept will not extend within less than 150 feet of any property or street line, except as follows:
- A. On a *lot* of not less than eighty thousand (80,000) square feet, one (1) animal unit, consisting of one (1) equine, bovine or llama or up to five (5) sheep or goats, may be kept provided that any building or shelter in which animals are kept is located not less than seventy (70) feet from any property or street line, and there may be one (1) additional animal unit for each forty thousand (40,000) square feet of *lot area* over eighty thousand (80,000) square feet, up to a maximum of three (3) animal units; (Text revised 11/23/87) and
  - B. An aggregate of not more than twenty (20) chickens, other poultry or rabbits may be kept on any *lot* if kept in a building or enclosure conforming to the *setback* requirements for buildings and other *structures*.
- 8.8.3 No commercial greenhouse will extend within less than one hundred fifty (150) feet of any property or street line.

## 8.9 MINIMUM ACCESS

No *dwelling* will be constructed, and no building will be changed in *use* for occupancy as a dwelling, unless located on a *lot* which has a *frontage* of not less than 20 feet on a *street* or on a private right-of-way or exclusive access easement which is everywhere 20 feet or more in width and connecting to a street.

## 8.10 CORNER VISIBILITY

On any *corner lot* there will be no building, structure, fence, wall or planting, located within a triangular space on the *lot* bounded by the two intersection *street lines* and a straight line connecting a point on one *street line* 25 feet from the intersection with a point on the other *street line* 25 feet from the intersection, so as to obstruct a clear line of sight anywhere across the triangle between an observer's eye at an elevation 3.5 feet above one *street line* and an object one (1) foot above the other street line, except that any building may extend to within the minimum distance of a *street line* as specified in these Regulations. Any fence, wall or planting which so obstructs the line of sight will not be considered & *nonconformity* authorized to continue under the provisions of Paragraph 2.2.

## 8.11 MINIMUM FLOOR ELEVATION

Within the Flood Plain Zone, any building, *structure*, that is to be constructed, moved or substantially improved will have a lowest floor elevation including basement as specified in a certain ordinance entitled "Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut". (Text revised 6/29/78)

## 8.12 MINIMUM BUILDING SIZE

Certain buildings will conform to minimum size requirements as follows (Text added 6/15/76, Revised 6/15/78):

8.12.1 All *dwelling*s in any *district*, where permitted, and other than *dwelling*s for elderly or handicapped persons approved under a Special Exception as specified in Paragraph 52.7.10, will have a minimum of seven hundred fifty (750) square feet of *gross floor area*. (Text revised 9/18/79)

8.12.2 All *principal buildings* in Business, Marine, and Industrial Districts, other than buildings accessory to permitted *dwelling*s, will have a minimum of seven hundred fifty (750) square feet of *gross floor area*.

## 8.13 LIQUOR ESTABLISHMENTS

No establishment where alcoholic beverages are sold for on-premise or off-premise consumption will be located on any *lot* within a 500-foot radius of any property on which a school is located. (Text amended 6/15/77)

## 8.14 ACCESSORY APARTMENTS

(Adopted Effective: 3/18/85) An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family is a *use* subordinate to the *dwelling* and an additional *use* for which a Certificate of Zoning Compliance is required. The following standards, conditions, and procedures are applicable to the establishment of the accessory apartment:

8.14.1 The accessory apartment will be located within, or in an addition to, the single detached *dwelling* and will be provided with a kitchen and complete bathroom, separate from the facilities of the remainder of the dwelling, as well as two (2) means of egress including a separate outside door. A garage *structure* attached to the *dwelling* and converted to contain an accessory apartment is considered to be within the dwelling.

8.14.2 Either the single detached *dwelling* or the accessory apartment therein will be occupied by an owner of the premises except that when the owner is a *non-profit corporation* organized for the purpose of providing housing for low and moderate income individuals and families and the premises is not operated for profit, both the single detached *dwelling* and the accessory apartment therein may be occupied by non-owners. (Adopted effective 10/1/90.)

8.14.3 The single detached *dwelling* to which the apartment is accessory will be located on a *lot* having at least the minimum area as required by these Regulations for the District where the *lot* is located and as specified when served or not served by public water supply. A single detached *dwelling*, located in a Planned Residential Development

(PRD), as defined in these Regulations, is not eligible to contain an accessory apartment.

- 8.14.4 The single detached *dwelling* will be provided with the number of off-street parking spaces required by these Regulations, and the accessory apartment will be provided with at least one (1) additional off-street parking space that is usable independently of the spaces required for the dwelling.
- 8.14.5 The single detached *dwelling* will have no less than the minimum square feet of *gross floor area* specified in Paragraph 8.12.1, and the accessory apartment will have a minimum *floor area* of not less than five hundred (500) square feet. The *gross floor area* of the accessory apartment will not exceed one-third of the total habitable *gross floor area* of the *dwelling*, or seven hundred fifty (750) square feet, whichever is less. The accessory apartment is not eligible for use as a professional office, a *home occupation* in a *dwelling unit*, or for the renting of rooms. (Text amended 5/3/02)
- 8.14.6 The single detached *dwelling* containing an accessory apartment will have a design that maintains the appearance of the premises as a single detached *dwelling* for one (1) family. The *dwelling* when constructed or converted to contain an accessory apartment will have only one (1) outside door along the front facade elevation unless two (2) the doors existed at the time of a conversion. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* will be located on the side or rear of the *dwelling* and will be fully enclosed.
- 8.14.7 The Application for Certificate of Zoning Compliance will be accompanied by the following:
  - A. An affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory apartment or the remainder of the single detached *dwelling* is to be occupied by an owner of the premises as the principal place of residence;
  - B. A certification from the Director of Health of the Town of Old Saybrook that the water supply and sewage disposal Systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the accessory apartment and remainder of the dwelling;
  - C. A plan of the premises as specified in Paragraph 72.2; and
  - D. Competent floor plan drawings of the *dwelling* and apartment, and suitable sketches, architectural drawings or photographs sufficient to show the character and extent of exterior building and facade construction including any alterations.
- 8.14.8 [Reserved.]

8.14.9 Upon receipt of a complete Application for Certificate of Zoning Compliance, the Enforcement Officer will make a report to The Zoning Commission at a meeting of the Commission, concerning conformity of the Application and accessory apartment proposal to these Regulations.

8.14.10 Issuance of a Certificate of Zoning Compliance for an apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family is conditioned upon the following:

- A. In January of each calendar year, the owner of the premises will file with the Enforcement Officer a new affidavit of ownership of the premises and certifying that either the accessory apartment or the remainder of the *dwelling* is occupied by an owner of the premises as required for the original Application; and
- B. The Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.

## 8.15 DRAINAGE

Provision will be made for the collection and discharge of storm water on the *lot* in the a manner as to assure the usability of off-street parking and loading spaces, to avoid hazards to pedestrian and vehicular traffic on the *lot* and on any street, to avoid storm water flow across sidewalks and other pedestrian ways and to protect streams and *wetlands* from pollution. Provision will also be made for the protection or improvement of existing watercourses, channels, and other drainage systems.

The following minimum criteria for design storms will be used in the analysis and design of storm drainage system and *structures*:

- A. Watershed drainage area of less than five hundred (500) acres and no established watercourse - 25-year frequency discharge.
- B. Watershed drainage area of less than one thousand (1,000) acres with an established watercourse - 50-year frequency discharge.
- C. Watershed drainage area of over one thousand (1,000) acres – 100-year frequency discharge.

In addition to these criteria, all drainage systems will be in accordance with sound design criteria and good engineering practice.

## 8.16 SANITATION

Proper provision will be made for the water supply and sewage disposal requirements of the proposed use. When public water supply or sewage disposal system are not to be used, the private systems, will be subsurface and designed and constructed in accordance with any applicable State or Town laws and the design will be approved by the Director of Health of the Town of Old Saybrook prior to approval of the proposed development. In addition, proper provision will be made for the collection, storage, and disposal of solid wastes accumulated in connection with the proposed *use* and for control of litter by means of receptacles, fences, or other means approved by the Zoning Commission.

## 8.17 SETBACK AREAS

The area required for *setback* from a street line, property line or Residence District boundary line will be limited in *use* as follows:

8.17.1 **Outside Storage.** No outside storage areas will be located in the area required for *setback* from a *street line* or Residence District boundary line; in I-1, no outside storage area will be located in the area required for *setback* from a property line.

8.17.2 **Loading Spaces.** No off-street loading space will be located in the area required for *setback* from a *street line* or Residence District boundary line; in B-3, I-1, and I-2 Districts, no the space will be located in the area required for *setback* from a property line.

8.17.3 **Parking Spaces.** Parking spaces and *driveways* will conform to the requirements of Section 62.

## 8.18 OUTSIDE STORAGE

All areas proposed for *use* as *outside storage* areas will be identified on the site plan as to location, dimensions and type of materials to be stored; the type of storage will be clearly related to the *principal use* of the *lot* an which the storage area is located and will meet all other applicable requirements for *use* and location. *Outside storage* areas will be limited in extent on any lot, in accordance with the *district* where located, as follows:

ZONING DISTRICT	PERCENTAGE OF LOT AREA
B-1	25%
B-2	25%
B-3	none permitted
B-4	75%
MC	75%
MCL	25%
I-1	25%
I-2	10%
SP-2	25%

In addition, any *outside storage* area located in a B-1, B-2, B-4, I-1 or I-2 District will be enclosed, except for necessary access *driveways*, by buildings or fences, walls embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any street, provided, however, that the Commission may determine that the enclosure is not necessary in connection with all or a portion of necessary and reasonable *outside storage* that is an adjunct to retail sales.

8.19 **[RESERVED.]**

8.20 **HANDICAPPED PERSONS**

The plot plan will make proper provision for buildings and site development that are accessible to and usable by physically handicapped persons, such as by:

- 8.20.1 Provision of walks and ramps of suitable width and grade;
- 8.20.2 Inclined curb approaches or curbs cut flush with parking areas;
- 8.20.3 Reserved, wide parking spaces; and
- 8.20.4 Ground level building entrances.

8.21 **NON-COMMERCIAL AIRWAY COMMUNICATION ANTENNAS**

*Antennas* and their support *structures* in residential districts intended for non-commercial airway communication purposes, including television *antenna*, HAM radio towers and satellite dishes, may be considered customary *accessory uses* as defined in Section 9 of these regulations subject to the following standards (Adopted effective 12/10/97.):

- 8.21.1 *Antennas* and support *structure* for HAM radios will not exceed a *height* of sixty-five (65) feet including the *height* of the building if building mounted. (Any inhabited portion of the building will not exceed the *height* specified for the district.) *Antennas* and support *structure* located in the Conservation Zone, however, will not exceed thirty-five (35) feet.
- 8.21.2 Satellite and microwave dish *antennas* will not exceed a diameter of three (3) feet and will not extend more than eight (8) feet above the roofline of building served.
- 8.21.3 A *setback* of one (1) foot for each foot of *height* of the *structure* and *antenna* will be maintained from all property lines to provide an adequate fall zone. If building mounted, the *height* for determining *setback* will be measured from the point of attachment to the building.
- 8.21.4 No such *structure* or *antenna* will be located in the front yard.

## 8.22 DRIVE-THROUGH WINDOWS FOR FINANCIAL INSTITUTIONS AND PHARMACIES.

In B-2 and B-4 Districts only, a financial institution or a pharmacy licensed by the State of Connecticut may include service to customers in motor vehicles at a *drive-through window* as an accessory use within a building of not less than two-thousand (2000 s.f.) square feet by Special Exception, and which conforms to the following additional standards and conditions:

- 8.22.1 A drive-through window at a pharmacy shall only be permitted for the presentment of prescriptions and the pickup of prescription medicines.
- 8.22.2 The Applicant shall demonstrate, to the satisfaction of the Commission, that provision has been made for the stacking of vehicles in a lane which is separate from the traffic circulation pattern associated with the use and its parking area.
- 8.22.3 The Applicant shall demonstrate, to the satisfaction of the Commission, that adequate provision has been made for customers to park and safely enter/exit the building without crossing through adjacent lanes of moving traffic or stacking lanes for the drive-through window service.
- 8.22.4 Drive-through vehicle lanes will be located so as to be physically separated from parking lot aisles and driveway entrances.
- 8.22.5 The applicant must plant evergreen or other tree species with similar visual canopy of not less than three (3) inch caliper, at least six (6) feet in height for every twenty five (25) feet along the perimeter landscaping area wherever a drive-through window is located adjacent to a residential use.
- 8.22.6 There shall be no more than one drive-through window and one *substation* per building. The substation will be within twenty-five (25) feet of the drive-through window. Any drive-through window will be located, whenever possible at the back of a building or that portion of the building least visible from all public roads. Any drive-through window will have no more than two (2) lanes per building and for use by only (1) business per building.
- 8.22.7 There will be no more than two additional “drive-through” signs for directional flow provided that the directional signs are no wider than forty-eight inches (48”) nor higher than eight inches (8”) with the words “Enter” or “Exit” only. No more than two (2) “Open” or “closed” signs will be allowed only when directly located above the drive-through lane and shall be no wider than forty-eight (48”) inches nor higher than eight inches (8”). Advertisements located at substations are signs.





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# SECTION 9

## Definitions

### 9.1 INTENT AND GENERAL RULES OF CONSTRUCTION

In the interests of clarity and brevity, the following terms will, unless otherwise stated, have the meaning indicated below for all purposes of these Regulations. Other terms used in these regulations will have the meaning commonly attributed to them. The Zoning Commission will give due consideration to the expressed purpose and intent of these Regulations where a question arises as to the precise meaning of a term and, by Resolution, determine the meaning of the term in question.

Words used in the present tense will include the future tense. When the context so requires, words in the masculine, feminine, or neuter gender will include any gender, and words in the singular or plural will include both singular and plural numbers. For the convenience of the reader, these Regulations depict in *Italics* throughout any terms defined in this Section. (Reference to paragraph numbers deleted 12/28/87)

### 9.2 DEFINITIONS

**Accessory Building or Structure.** A *building* or *structure*, in addition to the *principal building*, that is clearly subordinate to, and customarily incidental to, and located upon the same *lot* as, the *principal building* or on a contiguous *lot* under the same ownership. Any *accessory building* physically attached to a *principal building* is a part of the *principal building* in applying the Building Bulk and Coverage regulations to the *building*. (Added effective 7/26/02.)

**Accessory Use.** A *use*, in addition to the *principal use*, that is clearly subordinate to, and customarily incidental to, and located upon the same *lot* as, the *principal use* or on a contiguous *lot* under the same ownership. (Added effective 7/26/02.)

**Adult Bookstore.** An establishment that has as a *principal activity* the sale of books, magazines, newspapers, videotapes, videodiscs and motion picture films or tapes that are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, and which establishment excludes minors by virtue of age. (Added effective 5/16/95.)

**Adult Cabaret.** A cabaret that features nude or *partially nude* dancers, go-go dancers, exotic dancers, strippers, male, or female impersonators, or similar entertainers and that excludes minors by virtue of age. (Added effective 5/16/95.)

**Adult Entertainment Business.** Any establishment that is customarily not open to the public generally but only to one or more classes of the public, thereby excluding any minor by reason of age. These include, but are not limited to, one or more combination of the following types of businesses: adult bookstore, *adult motion picture theater*, *adult mini-motion*

*picture theater, adult cabaret, adult novelty business, Adult Personal Service Business.* (Added effective 5/16/95.)

**Adult Mini-Motion Picture Theater.** An enclosed building having as a *principal activity* the presenting of material characterized by emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths and from which minors are excluded by virtue of age. (Added effective 5/16/95.)

**Adult Motion Picture Theater.** An enclosed building with a capacity of 50 or more persons having as a *principal activity* displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons therein and from which minors are excluded by virtue of age. (Added effective 5/16/95.)

**Adult Novelty Business.** A business that has as the *principal activity* the sale of devices of simulated human genitals or devices designed for sexual stimulation and that excludes minors by virtue of age. (Added effective 5/16/95.)

**Adult Personal Service Business.** A business having as a *principal activity* a person, while nude, *partially nude* or fully clothed, providing personal services for a person of the same or other sex on an individual basis in an open or closed room and that excludes minors by virtue of age. It includes, but is not limited to, the following activities: massage parlors, exotic rubs, modeling studios, body painting studios, wrestling studios, individual theatrical performances, It does not include activities performed by persons pursuant to, and in accordance with, licenses issued to the persons by the State of Connecticut. (Added effective 5/16/95.)

**Antenna.** A device used to receive or transmit electromagnetic waves or radio signals, the signals will include but not be limited to: radio, television, cellular telephone, paging, personal communication services (PCS), and microwave communications. Examples include panels, microwave dishes, and single poles known as whips. (Added effective 12/10/97.)

**Aquifer.** A geologic unit consisting of surficial deposits of glacial till and stratified drift (sand and gravel) capable of yielding usable amounts of water.

**Assisted Living Unit.** A *dwelling unit* that includes a full bathroom within the unit, including, a water closet, lavatory, tub, or shower bathing unit and equipment for preparation and storage of food. (Added/Effective: 12/30/98.)

**Attic.** The space between the ceiling beams of the top story and the roof rafters. (Added effective 8/16/99.)

**Bed and Breakfast Transient Lodging.** See Paragraph 52.7.14 of Sec. 52. (Amended effective 11/10/93.)

**Bedroom.** Any room designed, intended, furnished or occupied for sleeping quarters, and any room other than a living room, dining room, kitchen, bathroom, or a utility or storage room having an area of less than fifty (50) square feet. (Adopted effective 4/13/95.)

**Billboard.** Any sign greater than one hundred (100) square feet that is freestanding or mounted upon the roof or wall of a building. *Billboard* will expressly include any sign that is visible from a street from which the property on which the sign is located does not have direct vehicular access. Billboard will not include any sign(s), pursuant to **Section 64 Signs**, or approved as part of a Site Plan Review, per **Section 51 Site Plan**, or Special Exception, per **Section 52 Special Exceptions (Zoning Commission)**, of these Regulations.

**Boat With or Without Hauling Trailer.** Any vessel more than 15 feet with or without a hauling trailer. Section 66.2.1.f. (Effective 5/30/95.)

**Building.** Any *structure* having a roof and intended for shelter, housing or enclosure of persons, animals, or materials. The connection of two (2) or more *buildings* by means of a porch, breezeway, passageway, carport, or other the roofed *structure* deems them one (1) *building*. See also *Accessory Building/Structure* or *Principal Building/Structure*. (Added effective 7/26/02.)

**Building or other Structure, Nonconforming.** See **Nonconformity, Nonconforming use, building, or other structure, or lot**.

**Building/Structure Coverage.** The footprint of a *building* or *structure* as measured from the outermost edge (i.e., dripline), including the area of all covered porches, and similar roofed portions, projected to the “nadir” (lowest point), but excluding any architectural projections of the type permitted to extend into the area required for *setback* from a *street* line, property line or residential *district* boundary line as specified in Section 7.4.2 and excluding any *building* or *structure* completely below the finished grade of the *lot*. These Regulations require calculation of coverage by excluding *wetlands* from the area of the *lot*. (Added effective 7/26/02.)

**Bulk.** The size and shape of *buildings*, *structures* and *use* areas and the physical relationships of their exterior walls or spatial limits with *lot* lines and other *buildings*, *structures* and *uses*; or with the other walls of the same *building*, or other portions of the same *structure* or *use*. *Bulk* also includes the relationship of *buildings*, *structures* and *uses* with all yards and *open spaces* required by these Regulations; and also includes provisions of these Regulations dealing with *floor area ratio*, *building height*, *lot area per dwelling unit*, *lot frontage*, *lot width along building lines*, required *setbacks*, courts, usable *open space*, spacing between *buildings* on a single *lot*, length of *building* in a row, and all other similar provisions of these Regulations dealing with the relationship between land and the improvements or *uses* located, or to be located, thereon. (Added effective 7/26/02.)

**Co-located Antenna.** An *antenna* that uses existing towers, buildings, or other *structures* for siting of a *telecommunication facility*. (Added effective 12/10/97.)

**Co-located Telecommunication Facility.** *Telecommunication facilities* that *use* existing towers, buildings, or other *structures* for the placement of *antennas* and do not require the construction of a new tower. Co-located *telecommunication facilities* may include accessory *structures* the as buildings that house associated equipment and security fencing. Any *telecommunication facility* that utilizes a stub tower or other accessory support *structure* and exceeds the *height* of the existing *structure* by more than twenty-five feet (25') will not be

considered a co-located *telecommunication facility* and will be subject to the standards of Section 68.3. (Added effective 12/10/97.)

**Commercial Trailer.** See **Trailer, Commercial.** (Text revised 5/16/95)

**Connecticut River Gateway Conservation Zone.** The Connecticut River Gateway Conservation Zone, herein referred to as *Conservation Zone*, is established by the Connecticut General Assembly under Public Act 73-349, and the boundaries of the Zone, which may be amended from time to time by the General Assembly, are shown on the Zoning Map for informational purposes to indicate the portion of the Town of Old Saybrook in which particular provisions of these Regulations are applicable. See Section 4.3. (Text added 6/26/75)

**Conservation Zone.** See **Connecticut River Gateway Conservation Zone.** (Text added 6/26/75)

**Construction/office Trailer.** See **Trailer, Construction/office.** (Text revised 5/16/95)

**County Soil and Water Conservation District.** The Middlesex County Soil and Water Conservation District established pursuant to Connecticut General Statutes § 22a-315, et. seq., as amended. (Added effective 7/26/02.)

**Coverage.** See *Buildings/Structures Coverage* or *Total Lot Coverage*. (Amended 12/28/87, Amended 12/4/89, Added effective 7/26/02.)

**Deck.** An *accessory structure* consisting of one or more horizontal surfaces attached to and extending from the *Dwelling* and used for Accessory residential *uses*. Any roof, non-retractable awning, or other fixed surface may not cover nor enclose a *deck* in any manner. (Added effective 7/26/02.)

**District.** An area within which certain *uses* are permitted, certain others are prohibited, and certain others are designated as uses requiring a Special Exception or Special Permit from the Commission, the Planning Commission, or the Board; *setbacks* and other *open spaces* are required; *lot* areas, *building height* limits, and other requirements are established; all of the foregoing being identical for all property located within the area to which they apply. Compare to definition of "Zone". (Added effective 7/26/02.)

**Disturbed area.** An area where the cover is destroyed or removed leaving the land subject to accelerated *erosion*. See Section 67.2.1. (Effective 7/1/86.)

**Drive through substation.** A subsidiary or support station to a *Drive-Through Window* that is not a primary generation or transmission facility. (Effective 4/18/05.)

**Drive-through window.** A window that allows for drop-offs, orders, pick-ups or information exchanges when sent or received from a motor vehicle in a lane established for this purpose. See Section 8.22. (Effective 4/18/05.)

**Driveway.** Any access from a *street* used, designed, or intended for vehicular ingress and egress to any *building, structure, use, or lot*. (Added effective 7/26/02.)

**Dwelling.** A building containing one (1) or more *dwelling units*.

**Dwelling Unit.** A building or a part of a building designed for occupancy, and so occupied, by one (1) family. Accommodations occupied for transient lodging in a hotel or motel are not a *dwelling unit*.

**Erosion.** The detachment and movement of *soil* or rock fragments by water, wind, ice, and gravity. See Section 67.2.2. (Effective 7/1/86.)

**Family.** A person or a group of related persons, plus guests and domestic servants thereof, or a group of not more than five (5) persons who need not be so related, who are living as a single housekeeping unit maintaining a common household. A roomer or boarder to whom rooms are rented as permitted by these regulations is not considered a member of a "family" for the purpose of this definition.

**Fence.** A *structure* for enclosure or screening, including a wall. (Added effective 7/26/02.)

**Floor Area, Gross.** See *Gross floor area*. (Added effective 7/26/02.)

**Floor Area Ratio.** The *gross floor area* in square feet of all *buildings* on a *Lot*, divided by the area of the *Lot* in square feet. (Added effective 7/26/02.)

**Floor Area (Attic).** The area enclosed by the roof rafters and the exterior walls at the level of the top of the ceiling below or *attic* floor joists. (Amended effective 8/16/99.)

**Frontage.** A property line that is also a *street line*.

**Gross floor area.** The sum of the gross area (horizontal) of all stories of a *building* or *structure*, as measured by the exterior faces of the walls or from the centerline of party or common walls separating two *buildings*, *dwelling*s, or distinct and separate non-residential *uses* having no common exterior access. *Gross floor area* will not include: (a) elevator shafts and stairwells, accessory water tanks and cooling towers; and (b) patios, terraces, unroofed open porches/*decks*/pools, and outside uncovered steps. Any space used for a non-residential *use* will be included for calculating the required off-street parking spaces for the *use*. (Added effective 7/26/02.)

**Height.** In measuring a building, or part thereof,, *structure*, to determine compliance with the maximum *height* provisions, measurement will be taken from the level of the highest roof ridge of the building, or part thereof, or highest feature of a *structure* to a "ground elevation datum" consisting of the average elevation of the existing, natural grade of the *lot* at the perimeter of the proposed building, or the part thereof, or structure. A separate ground elevation datum is applicable to each building, or part thereof having a separate roof, and to each *structure* on a lot. When any two (2) buildings having different ground elevation datum are interconnected, the as by common areas, other *floor area* or other architectural features or *structures*, the ground elevation datum applicable to the interconnection feature or *structure* is the same as the building having the lower ground elevation datum. (Amended effective 8/16/99.)

**Home Occupation.** An activity consisting of one or more of the following:

1. The preparation and sale of those products customarily produced in the home, garden or farm, the as home baking, needlework, fruits, produce and home preserves, provided that the products are created entirely on the premises;
2. The preparation and sale of the products of arts and crafts, the as painting and illustrating, woodcarving and cabinet making, ceramics, writing, sculpture, ornamental glass and metal working, provided that the products are created entirely on the premises;
3. The conduct of a business office.

**Inland Wetland.** Land, including submerged land, that consists of any of the *soil* types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, of the Natural Resources Conservation Service of the United States Department of Agriculture, pursuant to Connecticut General Statute 22a-38(15), as the same may be amended from time to time. (Added effective 7/26/02.)

**Inspection.** Including periodic review of *sediment* and erosion control measures shown on the certified Control Plan. See Section 67.2.3. (Effective 7/1/86.)

**Intensification.** Additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than that which existed prior to the change of use. (Amended effective 4/13/95.)

**Lot.** One (1) or more contiguous *parcels* of land under unified ownership, and separately described in a Deed of record, that is occupied or capable of being occupied by one (1) *principal building* and the *accessory buildings* or *uses* customarily incidental to it, including the *open spaces* these Regulations require, and that, in addition, meets the minimum area, width, and other applicable requirements of these Regulations for the *zone* in which the *parcel* is located, or is a legal non-conforming *parcel*, as defined in these Regulations. In the case of multiple or two-family *dwellings*, a group of *buildings* under the same ownership will be considered as occupying the same *lot*. (Added effective 7/26/02.)

**Lot Area.** The area of a horizontal plane bounded by all *lot* lines. (Added effective 7/26/02.)

**Lot Area and Shape.** In determining compliance with minimum *lot area and shape* requirements of these regulations, land subject to easements for drainage facilities and underground public utilities may be included, but no *street* or highway, easement or vehicular access, private right-of-way for vehicles or easement for above-ground public utility transmission lines may be included. Area consisting of ponds, lakes, swamps, or marsh will not be used for compliance with the minimum *lot area* requirement. Land in two or more zoning *districts* may be used to satisfy a minimum *lot area* requirement, provided that the requirement of the *district* requiring the largest *lot area* is met, but no land in a residence *district* will be used to satisfy a *lot area* requirement in any other district. (Amended 6/15/78, Amended 12/4/89.)

**Lot, Corner.** A *lot* having *lot* lines formed by the intersection of two *streets*, whether public or private, and where the interior angle of the intersection is less than 135 degrees. A *lot*

fronting on a curved *street* is a *corner lot* if the central angle of the curve is less than 135 degrees.

**Lot Coverage.** The ratio between the *building/structure coverage* and the gross area of the *lot*. (Added effective 7/26/02.)

**Lot, Nonconforming.** See **Nonconformity, Nonconforming use, building, or other structure, or lot.**

**Lot Width along Building Lines.** A line that a) is parallel with or concentric with a *street line* where the *lot* has *frontage* and b) does not extend into the area required for *setback* from the *street* line.

**Mobile Home.** A movable or portable *dwelling* built on a chassis, and that is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy. Section 66.2.1.d. (Effective 5/30/95.)

**Mobile Manufactured Home.** A detached residential unit having three dimensional components that are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with Federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems. Section 66.2.1.h. (Effective 5/30/95.)

**Motorized camper.** A portable *dwelling* designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary *dwelling* for travel, camping, recreational and vacation *use* and that will be eligible to be licensed/registered and insured for highway use. Section 66.2.1.c. (Effective 5/30/95.)

**Nonconformity, Nonconforming use, building, or other structure, or lot.** A use, building, *structure*, or any lot that existed lawfully, by variance or otherwise, on the date these Regulations or any amendment became effective, and that fails to conform to one or more of the provisions of these Regulations or any amendment. See Section 10.2. (Effective 9/1/80.)

**Non-profit Corporation.** A Connecticut corporation organized and existing under the provisions of Title 33, Chapter 600 of the General Statutes of Connecticut as amended (non-stock corporations), and also that said corporation be classified and approved as a tax-exempt, charitable corporation under the provisions of Section 501-C-3 of the Federal Internal Revenue Code and as the same may be from time to time amended. (Amended effective: 10/1/90.)

**Open Space** (as applied to *bulk* and *setback* requirements). An unoccupied space, open to the sky, on the same *lot* as the subject *building* or *structure*. (Added effective 7/26/02.)



**Outside Storage.** The *outside storage* or display of merchandise, supplies, machinery and materials or the outside manufacture, processing or assembling of goods, but excluding areas for parking of registered motor vehicles in daily use.

**Parcel.** Any contiguous piece of land, including one or more contiguous *lots* of record, unified under the same ownership, whether or not every said piece of land was acquired at the same time; excluding, however, any *parcel* that is a *lot*, as these Regulations define that term. (Added effective 7/26/02.)

**Partially Nude.** Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts. (Added effective 5/16/95.)

**Paved Area.** An area covered with an impervious material the as concrete, asphalt, or bituminous concrete to be used for the storage, passage, or conveyance of motor vehicles or pedestrians, including, but not limited to, *streets*, parking *lots*, *driveways*, loading areas, sidewalks, or impervious surface drainage swales. (Added effective 7/26/02.)

**Pick-up coach or pick-up camper.** A *structure* designed primarily to be mounted on a pick-up or truck chassis and with equipment to render it suitable for *use* as a temporary *dwelling* for travel camping, recreational and vacation uses only, and that will be eligible to be licensed/registered and insured for highway use. See Section 66.2.1.b. (Effective 5/30/95.)

**Planned Residential Development (PRD).** a) One (1) or more *dwellings*, each containing not less than four (4) nor more than eight (8) *dwelling units*, or b) One or more clusters of up to six (6) single detached *dwellings* per cluster for one family, and otherwise as defined and permitted pursuant to the Unit Ownership Act, Chapter 825, of the General Statutes of the State of Connecticut, as amended from time to time, and fulfilling all requirements and provisions thereof, together with the parking, recreation and *accessory uses* customary with and incidental thereto that are limited to the *use* of the residents of the *dwelling* units. (Amended effective 3/10/00.)

**Primary recharge area.** That area immediately overlying the stratified drift *aquifer* as well as adjacent areas of stratified drift that may not have sufficient thickness to be part of the *aquifer*; the boundary, of the *primary recharge area* is the contact between the stratified drift and adjacent till or bedrock.

**Principal activity.** A *use* accounting for more than ten percent (10%) of a business stock-in-trade, display space, or floor space, or movie display time per month. (Added effective 5/16/95.)

**Principal Building or Structure.** That single *building*, or inter-related group of *buildings*, in which is conducted the *principal use* of the *lot* on which the *building* is situated. (Added effective 7/26/02.)

**Principal use.** The primary purpose or function for which one uses, designs, or intends to *use* premises. (Added effective 7/26/02.)

**Private Country Club.** A private business charging a fee for initiation, membership and services that provides a variety of recreational and social facilities, including, but not limited

to, the following: eighteen (18) hole golf course with practice and training facilities; clubhouse with appropriate locker rooms, office facilities, including meeting rooms; health and fitness facilities; golf professional shop; restaurants and snack bars with the sale of alcoholic beverages; maintenance, operations and storage facilities, including golf cart maintenance and storage facilities; swimming pools; tennis courts; and parking areas. (Adopted effective 2/18/00.)

**Property Line, Rear.** Any property line that is parallel to or within 45 degrees of being parallel to a *street* line, except for a *lot* line that is itself a *street line*, and except that in the case of a *corner lot*, only one *lot* line will be considered a *rear property line*.

**Residential Life Care Facility.** A managed residential community consisting of private residential units and providing assistance with activities of daily life, the as meal service, laundry service, housekeeping, social and recreational activities, transportation and personal services in a group setting to persons primarily 60 years and older who require help or aid with activities of daily living. The *residential life care facility* may provide nursing type services, but is not a nursing home or convalescent facility, as defined by the State of Connecticut. (Added/Effective: 12/30/98.)

**Secondary Recharge Area.** Land adjacent to the *primary recharge area* from which groundwater moves down gradient into the *aquifer*.

**Sediment.** Solid material, either mineral or organic, that is in suspension, that is transported, or has been moved from its site of origin by erosion. See Section 67.2.5. (Effective 7/1/86.)

**Setback.** An *open space* on the same *lot* with a *building* or *structure* having those minimum dimensions prescribed by these Regulations. (Added effective 7/26/02.)

**Setback, From Street Line.** A *setback* between any *principal building* or *principal structure* and the *street line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and the *street line*; or, in the case of a *corner lot*, a similar *setback* extending along all *streets*. See Section 7 (Area, Location, and Bulk Standards). (Added effective 7/26/02.)

**Setback, from Rear Property Line.** A *setback* between any *principal building* or *principal structure* and *rear property line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and *rear property line*; or, in the case of a *corner lot*, a similar *setback* extending across the side the rear of the *lot* opposite the *street* on which the *principal building* has its *street* address, or is otherwise the designated front of the *lot*. See Section 7 (Area, Location, and Bulk Standards). (Added effective 7/26/02.)

**Setback, From Other Property Line.** A *setback* between a property line other than a *rear property line* or a *street line* and any *principal building* or *principal structure*, extending on both sides of the *lot* from the *street line* to the *rear property line*; or, in the case of a *corner lot*, a similar *setback* extending across the side of the *lot* opposite the *street* on which the building does not have its *street* address, or is otherwise not the designated front of the *lot*. Any *setback* that is not a *rear*

*setback* or a *setback from street* is a *setback from other property line*. See Section 7 (Area, Location, and Bulk Standards). (Added effective 7/26/02.)

**Shopping Center.** For purposes of establishing off-street parking requirements, a shopping center is herein defined to be a group of no less than four (4) business establishments that may include retail stores, personal services, theaters, and restaurants, with a public vehicle parking area shared in common. See Section 62.3.2 d.6). (Adopted effective 1/1/95.)

**Sign.** Every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for use for the purpose of advertisement, identification, publicity or notice, when visible from any street or from any lot other than the lot on which the sign is located and either 1) located out-of-doors or 2) located indoors and intended to be viewed from outside the building. The term *sign* will not include any flag, pennant, or insignia of any governmental unit or nonprofit organization, any traffic or directional sign located within the right-of-way of a street when authorized by the Town of Old Saybrook or State of Connecticut nor any illustrations, insignia or lettering that are an integral and permanent part of the architecture of a building approved under a Site Plan or Special Exception. See Section 64.2. (Effective 11/16/98.)

**Soil.** Any unconsolidated mineral and organic material of any origin. See Section 67.2.6. (Effective 7/1/86.)

**Soil Erosion and Sedimentation Control Plan.** A plan for minimizing *soil* erosion and sedimentation, consisting of no less than a map and narrative. See Section 67.2.4. (Effective 7/1/86.)

**Special Flood Hazard Area.** An area within the Town of Old Saybrook subject to one (1%) percent or greater chance of flooding in any given year, as identified on the Town of Old Saybrook's Flood Insurance Rate Map (FIRM).

**Story.** That portion of a building between the surface of any floor and the surface of the floor or ceiling next above. A basement is not a story except when the surface of the floor above it is either:

1. More than four (4) feet above the average existing, natural grade at the perimeter of the proposed building; or
2. More than four (4) feet above the finish grade for more than fifty percent (50%) of the total building perimeter; or
3. More than nine (9) feet above the finished grade at any point.

See definition of *Story, Half (1/2)*, for when an *attic* is considered a story. (Amended 8/16/99.)

**Story, Half (1/2).** For the purpose of determining the number of stories in a building, a one-half (1/2) story is a habitable *attic* that is the highest most story of the building, having stairway access located within the walls of the building, and having a *floor area* enclosed by the roof rafters and exterior walls at an elevation of five (5) feet measured vertically above the *attic*

floor joists equal to not more than fifty percent (50%) of the *attic floor area* immediately below and under the same roof. Exterior doors and balconies are prohibited on the one-half (½) story. Under all circumstances, one half (½) story that equals more than fifty percent (50%) of the *attic floor area* immediately below and under the same roof is prohibited. See the attached 1/2 story diagram for the method of determining compliance with this definition. (Amended 7/1/86, Amended 8/16/99.)

**Street.** Any improved right-of-way or fee simple *parcel* of land dedicated and accepted by the Town or the State of Connecticut, except limited access State highway, for the purpose of public travel by lawful procedure and suitable for vehicular travel; or any proposed *street* shown on an approved subdivision plan filed in the office of the Old Saybrook Town Clerk. (Added effective 7/26/02.)

**Street Width.** The distance between the *street lines*.

**Street Line.** The right-of-way, easement, taking of property line of any *street* as well as the right-of-way or easement boundary lines of any private road, *driveway* or *street* for vehicular access when the width between the lines is 25 feet or more.

**Storage Trailer.** See **Trailer, Storage.**

**Structure.** Anything constructed or erected which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas. A combination of materials forming an edifice or a *building* of any kind, or any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including, but not limited to, mobile homes, *signs*, vending machines, *fences* or walls, a wharf or dock, an above-ground tank, pools, or a detached solar panel or satellite dish. A *structure* will not include the following: flagpoles; ornamental wells; tents, trailer coaches, wheeled vehicles; retaining walls, *fences* not over six (6) feet high; platforms or *decks* not more than six (6) inches above existing grade and not over any basement or story below; utility mains, lines, and underground facilities; yard and play equipment and one (1) landing per residence for the purpose of access to air and sunlight totaling not more than thirty (30) s.f. in conjunction with a minimum size Building Code compliant access ramp.

**Structural Alteration.** Any change in or addition to the *structure* or supporting members of a building, the as walls, columns, beams, or girders.

**Substantial Improvement.** Any repair, reconstruction, or improvement of a building, the cost of which equals or exceeds fifty percent (50%) of the market value of the building either a) before the improvement of repair is started; or b) if the building has been damaged and is being restored, before the damage occurred. *Substantial improvement* occurs when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the building. The term does not include either a) any project for improvement of a building to comply with State or town health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions; or b) any alteration of a building listed on the national register of Historic Places

or the Connecticut State Inventory of Historic Places. See Section 54.2.1 (Effective 4/13/95.)

**Telecommunication Tower.** A *structure* designed and intended to support equipment used to transmit or receive *telecommunication* or radio signals for commercial purposes. Examples of the *structures* include, without limitation, monopoles, and lattice construction steel structures that may be self-supported or guyed. (Added effective 12/10/97.)

**Tent Trailer.** See **Trailer, Tent.**

**Tidal Wetland.** Those areas that border on or lie beneath tidal waters, the as, but not limited to, banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the vegetation pursuant to Connecticut General Statute 22a-29(2), as may be amended from time to time. (Added effective 7/26/02.)

**Telecommunication Equipment Building.** The building accessory to a *telecommunication* tower, in which the electronic receiving and relay equipment in support of a *telecommunication facility* is housed. (Added effective 12/10/97.)

**Telecommunication Facility.** Towers or *antennas* and accessory *structures* and equipment used in receiving or transmitting *telecommunication* or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer that connects the mobile unit with land based telephone lines. The facilities will be for commercial *use* only and includes those owned and operated by public utilities. (Added effective 12/10/97.)

**Total Lot Coverage.** The horizontal impervious surface of all *buildings* and *structures*, including pools (*building/structure coverage*), plus *paved areas* but excluding pedestrian sidewalks, ornamental plazas and terraces, *signs* and landscaped islands within parking areas. (Added effective 7/26/02.)

**Trailer, Commercial.** A trailer or trailers used in conjunction with permitted commercial and industrial establishments the as trucking terminals, building contractor's businesses and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods and marine transportation. Section 66.2.2.c. (Effective 5/30/95.)

**Trailer, Construction/office.** A trailer or trailers used for equipment or supply storage or as a construction office in connection with a bonafide construction project for which appropriate building permits have been acquired. Section 66.2.2.b. (Effective 5/30/95.)

**Trailer, Storage.** The trailer portion of a tractor-trailer vehicle, storage container or box, portable warehouse or similar moveable roofed enclosures placed on a *lot* for the purpose of storing equipment or other goods and having a *gross floor area* exceeding fifty (50) square feet. Section 66.2.2.a. (Effective 5/30/95.)

**Trailer, Tent.** A canvas, folding structure, mounted on wheels to be used as a temporary *dwelling* for travel, camping, recreational and vacation uses, and that is eligible to be licensed/registered and insured for highway use. Section 66.2.1.e. (Effective 5/30/95.)

**Trailer, Travel.** Any camper, camp trailer, furnished van, or any of trailers designed for human habitation. See Section 66.2.1.a. (Effective 5/30/95.)

**Trailer, Utility.** A small box, horse, or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of 15 feet in length. Section 66.2.1.g. (Effective 5/30/95.)

**Travel Trailer.** See **Trailer, Travel.**

**Tree Cutting, Noncommercial.** The cutting or removal of forest tree species on a *lot* for the purpose of preparing a site for the construction of a building, *structure*, or cutting for the customary maintenance and improvement of a lot.

**Use.** Any purpose for which a *building*, *structure*, or premises may be designed, arranged, intended, maintained, or occupied; or, any activity, occupation, business, or operation actually carried on in a *building*, *structure*, or on a *lot* or *parcel*. (Added effective 7/26/02.)

**Use, Nonconforming.** See **Nonconformity, Nonconforming use, building, or other structure, or lot.**

**Utility Trailer.** See **Trailer, Utility.**

**Watercourse.** Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, that are contained within, flow through or border upon this state or any portion thereof, pursuant to Connecticut General Statute 22a-38(16), as may be amended from time to time. (Added effective 7/26/02.)

**Water-Dependent Uses.** *Uses* and facilities that require direct access to, or location in, marine or tidal waters and that, therefore, cannot be located inland, including, but not limited to, marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat *building* facilities, water-based recreational *uses*, navigation aids, basins and channels, industrial *uses* dependent upon water-borne transportation or requiring large volumes of cooling or process water that cannot reasonably be located or operated at an inland site, and *uses* that provide general public access to marine or tidal waters, pursuant to Connecticut General Statute 22a-93(16), as may be amended from time to time. (Added effective 7/26/02.)

**Wetland.** See *Inland Wetland* or *Tidal Wetland*. (Added effective 7/26/02.)

**Zone.** An area overlaying a *district*, and applying standards, requirements, and procedures that relate to the particular nature and purpose of that *Zone*, the as groundwater protection, coastal area management, flood plain protection, or protection of the Connecticut River valley. Compare to “*District*.” (Added effective 7/26/02.)



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# SECTION 10

## Non-Conformity

### 10.1 INTENT

It is the intent of these Regulations that non-conformities are not to be expanded, that they should be changed to conformity as quickly as the fair interest of the owners permit and that the existence of any existing non-conformity will not of itself be considered grounds for the approval of a variance for any other property.

### 10.2 DEFINITIONS

A nonconforming use, building, or other structure, or lot, is one which existed lawfully, whether by variance or otherwise, on the date these Regulations or any amendment hereto become effective, and which fails to conform to one or more of the provisions of these Regulations or the amendment hereto. No non-conforming use, building or other structure, or *lot* will be deemed to have existed on the effective date of these Regulations unless 1) it was actually in being on a continuous basis on the date, and 2) if the *nonconformity* is a use, the *use* had not been discontinued within the meaning of Paragraph 10.6.4.

### 10.3 APPROVED APPLICATIONS AND CERTIFICATES

Unless otherwise specifically provided in these Regulations, nothing in these Regulations will require any change in the *use* of any land, building or other structure, or part thereof, or in the area, location, *bulk* or construction of any building, *structure*, for which an Application for Certificate of Zoning Compliance will have been lawfully approved and any required Certificate of Zoning Compliance will have been lawfully issued even though the use, building or *structure* does not conform to one or more provisions of these Regulations or any amendment hereto.

### 10.4 CHANGE IN PLANS

Subject to the time limitations of Paragraph 10.4.1, nothing in these Regulations will be deemed to require any change in the proposed *use* of any land, building, *structure*, or the area, location, *bulk* or construction of any building, *structure*, for which an Application for Certificate of Zoning Compliance has been lawfully approved and any required Building Permit and Sanitation Permit will have been lawfully issued even though the proposed use, building, *structure*, does not conform to one or more provisions of these Regulations or any amendment hereto.

**10.4.1 Time Limit.** An approved Application for Certificate of Zoning Compliance authorizing a proposed use, building, *structure*, that does not conform to one or more provisions of these Regulations or any amendment hereto, as described in Paragraph 10.4, will become null and void unless 1) the *use* authorized thereby will have been established within one (1) year from the effective date of the Regulations or any



amendment thereto when the *use* does not involve the establishment of a building, *structure*, for which an Application for Certificate of Zoning Compliance must be approved or 2) the use, building, *structure*, authorized thereby will be established and completed within two (2) years from the effective date of the Regulations or any amendment thereto. The Zoning Commission may grant extensions of the period for additional period not to exceed one (1) year after public hearing for good cause demonstrated to the satisfaction of the Commission.

**10.4.2 Previous Regulations.** The provisions of Paragraphs 10.4 and 10.4.1. will apply to Permits and Certificates of Occupancy issued under the Zoning Regulations in effect prior to these regulations.

## 10.5 CASUALTY

If any nonconforming building or *structure* or any building or *structure* containing a nonconforming *use* will be damaged or destroyed by fire or other casualty, the building or *structure* may be restored and the nonconforming *use* resumed to the extent that the building, *structure* or *use* existed at the time of the casualty, provided that the restoration is started within a period of one (1) year from the casualty and is diligently prosecuted to completion. In the event of failure to start the restoration, within the one (1) year period and to complete within 24 months thereafter, or within the additional periods, not exceeding six (6) months, as the Zoning Commission may grant upon written Application made to it, the right under this Paragraph to restoration of each building, *structure*, and the right to resume any the nonconforming *use* will be lost and terminated.

## 10.6 NONCONFORMITY - USE

The following provisions and limitations will apply to a nonconforming *use* of land, building, or other structure (text revision 6/15/77):

**10.6.1 Enlargement.** No nonconforming *use* of land will be enlarged, extended or altered, and no building, *structure*, or part thereof devoted to a nonconforming *use* will be enlarged, extended, reconstructed or structurally altered, except where the result of the changes is to reduce or eliminate the *nonconformity*. No nonconforming *use* of a building, *structure*, will be extended to occupy land outside the building, *structure*, or space in another building or other structure.

**10.6.2 Change.** No nonconforming *use* of land, buildings or other *structures* will be changed to any *use* which is substantially different in nature and purpose from the former nonconforming *use* except the uses that are permitted uses in the *District* in which they are to be located. No nonconforming *use* of land, buildings or other *structures* if once changed to conform or to more nearly conform to these Regulations will thereafter be changed so as to be less conforming again. (Amended 3/12/80, Amended 7/1/86.)

**10.6.3 Moving.** No nonconforming *use* of land will be moved to another part of a *lot* or outside the lot, and no nonconforming *use* of a building, *structure*, will be moved or

extended to any part of the building, *structure*, not manifestly arranged and designed for the *use* at the time the *use* became nonconforming, and no building, *structure*, containing a nonconforming *use* will be moved, unless the result of any the move is to end the *nonconformity*.

10.6.4 **Discontinuance.** No nonconforming *use* of land, buildings or other *structures* which will have been discontinued with intent to abandon said *use* will thereafter be resumed or replaced by any other nonconforming use. No nonconforming *use* of buildings or other *structures*, which will have been discontinued for a continuous period of one (1) year, will thereafter be resumed or replaced by any other nonconforming use. Any nonconforming *use* of land not involving a building, or any nonconforming *use* of land involving buildings or improvements which have an assessed valuation of less than \$1,000.00 on the last completed tax assessment list of the Town of Old Saybrook, will be discontinued within three (3) years from the date the *use* became nonconforming.

10.6.5 **Performance Standards.** Any *use* of land, buildings, *structure*, which does not conform to one or more of the performance standards of Section 61 will not be changed to increase the *nonconformity* but may be changed to decrease or eliminate the *nonconformity*. Any the *nonconformity* so reduced or eliminated will not be resumed.

## 10.7 NONCONFORMITY - IMPROVEMENTS

The following provisions and limitations will apply to nonconforming buildings, other *structures*, and improvements:

10.7.1 **Enlargement.** No nonconforming building, other *structure* or improvement will be enlarged, extended, reconstructed or structurally altered unless the enlargement or extension is conforming.

10.7.2 **Change.** No nonconforming building, other *structure* or improvement if once changed to conform or to conform more nearly to these Regulations will thereafter be changed to be nonconforming or less conforming again.

10.7.3 **Moving.** Nonconforming building, other *structure* or improvement will be moved unless the result of the moving is to reduce or eliminate the *nonconformity*.

10.7.4 **Signs.** *Signs* of a size or type not permitted in the *district* in which they are situated, or which are improperly located or illuminated, or which are nonconforming in any other way, will be considered nonconforming *structures* under this Section, and any increase in size, illumination or flashing of the *signs* will be deemed to be an enlargement or extension constituting an increase in *nonconformity*.

10.7.5 **Off-Street Parking and Loading.** Any lot, use, building, *structure*, which does not conform to one or more of the parking and loading provisions of Section 62 will continue to conform to the provisions to the extent that it conforms on the effective date of the Section. Any *use* of land, buildings or other *structures* which does not

conform to one or more of the provisions of Section 62 will not be changed to a *use* which would need additional off-street parking or loading spaces to comply with the provisions of Section 62 unless the spaces are provided as required for the new *use* under Section 62.

- 10.7.6 **Site Development and Landscaping.** Site development and landscaping which fails to conform to requirements of these Regulations under Section 51 will be deemed a *nonconformity*. No *use* for which the site development and landscaping are required will be enlarged, extended, changed or moved and no building, *structure*, for which the site development and landscaping are required will be enlarged, extended, moved or reconstructed unless the *nonconformity* is eliminated, provided that the Zoning Commission, in accordance with the provisions of Section 52, may grant a Special Exception to authorize continuation or reduction of the *nonconformity*.

## 10.8 NONCONFORMITY - LOTS

A lot, which fails to meet the area, shape or *frontage* or any other applicable requirements of these Regulations pertaining to *lots*, may be used as a lot, and a building, *structure*, may be constructed, reconstructed, enlarged, extended, moved or structurally altered thereon, provided that all of the following conditions and requirements are met:

- 10.8.1 If the *lot* fails to meet the area requirements of these Regulations, the owner of the *lot* will not also be the owner of contiguous land which in combination with each *lot* that fails to conform would make a *lot* that conforms or more nearly conforms to the area requirements of these Regulations pertaining to *lots*;
- 10.8.2 The use, building, *structure*, will conform to all other requirements of these Regulations;
- 10.8.3 If permitted in the District, the *lot* may be used for the construction of a single detached *dwelling* for one (1) family provided that the *lot* contains an area of not less than twelve thousand five hundred (12,500) square feet if served by public water supply or forty thousand (40,000) square feet if not so served and provided that the requirements of Paragraph 10.8.2 are met; and
- 10.8.4 If permitted in the District, an existing single detached *dwelling* for one (1) family, so occupied, on the *lot* may be reconstructed, enlarged, extended or structurally altered provided that the requirements of Paragraph 10.8.2 are met.

## 10.9 TITLE

No change of title, possession, or right of possession affects the right to continue a nonconforming use, building, or other structure.

## 10.10 REPAIR

Nothing in this Section prohibits work on any nonconforming building, *structure*, when required by law to protect the public health or safety, if the work does not increase the *nonconformity*. Nothing in this Section prohibits work on ordinary repair and maintenance of a nonconforming building, *structure*, or replacement of existing materials with similar materials.

## 10.11 FLOOD PLAIN COMPLIANCE

Any non-conforming residential structure located in a *Special Flood Hazard Area* that can be raised above the base flood elevation to bring the structure into compliance with the Flood Plain Management Ordinance of the Town of Old Saybrook will be permitted on the following conditions:

- a. A letter is provided and signed by a licensed and insured contractor or structural engineer at the time of application for Certificate of Zoning Compliance. The letter must clearly state in detail, the process of raising the *structure* and that the individual performing the act does not anticipate that the *building/structure* will collapse or be destroyed in the process of raising *building/structure*.
- b. The structure will be raised within the existing footprint unless it is proposed to be moved to more nearly conform with a setback regulation that the *structure* is currently violating.
- c. No part of the structure will be demolished and rebuilt unless it is in compliance with the Zoning Regulations.
- d. In the event that the lot size and location of the structure prohibits the construction of stairways that meet the zoning regulations to enter the *structure*, the applicant will be permitted to put a stairway and landing that meets no more than the minimum area requirements for a stairway and landing as defined by State Building Code in effect at the time of application.
- e. In the event that any portion of the nonconforming structure is destroyed or damaged by the act of raising the *structure*, the applicant will not be able to rebuild the destroyed areas unless it meets the Zoning Regulations in effect at the time the structure was damaged.
- f. Any deviations in plans or unanticipated problems occurred during the project must be immediately reported to the Zoning Enforcement Officer and Building Official.



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## SECTION 11

# Prohibitions

### 11.1 BILLBOARD PROHIBITION

Anything in these Regulations to the contrary notwithstanding, billboards are prohibited throughout the Town of Old Saybrook. *Billboard* will include, but not be limited to, any sign greater than one hundred (100) square feet that is freestanding or mounted upon the roof or wall of a building. *Billboard* will expressly include any sign that is visible from a street from which the property on which the sign is located does not have direct vehicular access. Billboard will not include any sign(s), pursuant to **Section 64 Signs**, or approved as part of a Site Plan Review, per **Section 51 Site Plan**, or Special Exception, per **Section 52 Special Exceptions (Zoning Commission)**, of these Regulations.



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# ARTICLE II

## RESIDENCE DISTRICTS

### SECTION 21 Residence AAA District..... 21-1

- 21.1 Permitted Uses
- 21.2 Special Exception Uses
- 21.3 Lot Area, Shape, and Frontage
- 21.4 Height
- 21.5 Setbacks
- 21.6 Building Bulk and Coverage
- 21.7 Plot Plan
- 21.8 Site Plan
- 21.9 Special Exception

### SECTION 22 Residence AA-1 District ..... 22-1

- 22.1 Permitted Uses
- 22.2 Special Exception Uses
- 22.3 Lot Area, Shape, and Frontage
- 22.4 Height
- 22.5 Setbacks
- 22.6 Building Bulk and Coverage
- 22.7 Plot Plan
- 22.8 Site Plan
- 22.9 Special Exception

### SECTION 23 Residence AA-2 District..... 23-1

- 23.1 Permitted Uses
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- 23.3 Lot Area, Shape, and Frontage
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### SECTION 24 Residence A District..... 24-1

- 24.1 Permitted Uses
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24.6 Building Bulk and Coverage  
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SECTION 25 Residence B District..... 25-1

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SECTION 26 Residence AA-3 District..... 26-1

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SECTION 27 Residence C Conservation District..... 27-1

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# SECTION 21

## Residence AAA District

### 21.1 PERMITTED USES

- 21.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 21.1.2 A professional office in a *dwelling unit*, subject to the provisions of Section 8.
- 21.1.3 Home occupations in a *dwelling unit*, subject to the provisions of Section 8.
- 21.1.4 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 21.1.5 An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family, subject to the provisions of Section 8. (Adopted effective 3/18/85.)
- 21.1.6 Schools, parks, playgrounds, and *open space* lands of the Town of Old Saybrook.
- 21.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 21.1.8 *Signs* as provided in Section 64.
- 21.1.9 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 21.2 SPECIAL EXCEPTION USES

- 21.2.1 Conversion of *dwelling*s to contain two (2) *dwelling unit*.
- 21.2.2 Roadside stands for the display and sale of farm products grown on the premises.
- 21.2.3 Day nurseries.
- 21.2.4 Convalescent homes, private hospitals, and sanatoria licensed by the State of Connecticut.
- 21.2.5 The following uses when conducted by a *non-profit corporation* and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 21.2.6 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 21.1.6.
- 21.2.7 Summer day camps, if there is no furnishing of rooms.
- 21.2.8 The following uses when not conducted as a business or for profit: membership clubs, lodges, community houses; nature preserves and wildlife sanctuaries; and tennis, swimming, boating and similar clubs. (Amended effective 2/18/00.)
- 21.2.9 Commercial kennels, livery and boarding stables, and riding academies.
- 21.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of Supplies.
- 21.2.11 Water supply reservoirs, walls, towers, treatment facilities and pump stations.
- 21.2.12 Buildings, uses, and facilities of the State of Connecticut or Federal Government.
- 21.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 21.2.14 Radio Towers for Standard Broadcasting Radio Stations.(Adopted 3/12/80)
- 21.2.15 Private Country Club, golf courses. (Adopted effective 2/18/00.)
- 21.2.16 Accessory uses customary with and incidental to any previously mentioned Special Exception use, except where specifically prohibited. (Amended effective 2/18/00.)

### 21.3 LOT AREA, SHAPE, AND FRONTAGE

#### 21.3.1 Minimum Lot Area.

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply:    | 40,000 square feet |
| B. | Not served by public water supply | 60,000 square feet |

#### 21.3.2 Minimum Dimension of Square.

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 150 feet |
| B. | Not served by public water supply | 200 feet |

#### 21.3.3 Minimum Frontage. 20 feet

#### 21.3.4 Minimum Width along Building Line. 150 feet

**21.4 HEIGHT**

21.4.1 **Maximum Number of Stories.** 2½ stories

21.4.2 **Maximum Height.** 35 feet

**21.5 SETBACKS**

21.5.1 **From Street Line.** 50 feet

21.5.2 **From Rear Property Line.** 20 feet

21.5.3 **From Other Property Line.** 20 feet

21.5.4 **Projection into Setback Area.** 3 feet

21.5.5 **Minor Accessory Buildings and Structures.**

A. From Longest Street Line of Corner Lot 50 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

**21.6 BUILDING BULK AND COVERAGE**

21.6.1 **Maximum Building/Structure Coverage.** 10%

21.6.2 **Maximum Gross Floor Area.** 20%

**21.7 PLOT PLAN**

Prior to approval of any Application for Certificate For Zoning Compliance for a *use* permitted under Paragraphs 21.1.1 through 21.1.16 and Paragraphs 21.1.7 through 21.1.9, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended effective 4/13/95.)

**21.8 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 21.1.6, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

**21.9 SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 21.2.1 through 21.2.15, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

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# SECTION 22

## Residence AA-1 District

### 22.1 PERMITTED USES

- 22.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 22.1.2 A professional office in a *dwelling unit*, subject to the provisions of Section 8.
- 22.1.3 *Home occupations* in a *dwelling unit*, subject to the provisions of Section 8.
- 22.1.4 The renting of not more than three (3) rooms, with or without meals, in a dwelling unit to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 22.1.5 An apartment dwelling unit that is accessory to a single detached dwelling for one (1) family, subject to the provisions of Section 8. (Adopted effective 3/18/85.)
- 22.1.6 Schools, parks, playgrounds, and open space lands of the Town of Old Saybrook.
- 22.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 22.1.8 *Signs* so provided in Section 64.
- 22.1.9 Accessory uses customary with and incidental to any aforesaid permitted use, subject to the provisions of Section 8.

### 22.2 SPECIAL EXCEPTION USES

- 22.2.1 Conversions of dwellings to contain two (2) *dwelling units*.
- 22.2.2 Roadside stands for the display and sale of farm products grown on the premises.
- 22.2.3 Day nurseries.
- 22.2.4 Convalescent homes, private hospitals and sanitariums, licensed by the State of Connecticut.
- 22.2.5 The following uses when conducted by a *non-profit corporation* and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.

- 22.2.6 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 22.1.6.
- 22.2.7 Summer day camps, if there is no furnishing of rooms.
- 22.2.8 The following uses when not conducted as a business or for profit: membership clubs, lodges, community houses; nature preserves and wildlife sanctuaries; and tennis, swimming, boating and similar clubs. (Adopted effective 2/18/00.)
- 22.2.9 Commercial kennels, livery and boarding stables, and riding academies.
- 22.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.
- 22.2.11 Water supply reservoirs, walls, towers, treatment facilities, and pump stations.
- 22.2.12 Buildings, uses, and facilities of the State of Connecticut or Federal Government.
- 22.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 22.2.14 Private Country Clubs, golf courses. (Adopted effective 2/18/00.)
- 22.2.15 Accessory uses customary with and incidental to any previously mentioned Special Exception use, except where specifically prohibited. (Adopted effective 2/18/00.)

## **22.3 LOT AREA, SHAPE, AND FRONTAGE**

### **22.3.1 Minimum Lot Area.**

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 40,000 square feet |
| B. | Not served by public water supply | 40,000 square feet |

### **22.3.2 Minimum Dimension of Square.**

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 150 feet |
| B. | Not served by public water supply | 150 feet |

### **22.3.3 Minimum Frontage.**

20 feet

### **22.3.4 Minimum Width along Building Line.**

100 feet

## **22.4 HEIGHT**

### **22.4.1 Maximum Number of Stories.**

2½ stories

22.4.2 **Maximum Height.** 35 feet

**22.5 SETBACKS**

22.5.1 **From Street Line.** 35 feet

22.5.2 **From Rear Property Line.** 20 feet

22.5.3 **From Other Property Line.** 20 feet

22.5.4 **Projection into Setback Area.** 3 feet

**22.5.5 Minor Accessory Buildings and Structures.**

A. From Longest Street Line of Corner Lot 35 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

**22.6 BUILDING BULK AND COVERAGE**

22.6.1 **Maximum Building/Structure Coverage.** 20%

A. Within Gateway Conservation Zone (Adopted effective 10/2/89.) 15%

22.6.2 **Maximum Gross Floor Area.** 40%

**22.7 OPEN SPACE SUBDIVISIONS**

The Planning Commission, in accordance with the provisions of Section 56, may grant a Special Exception to permit establishment of an Open Space Subdivision Plan involving reduction of *lot area and shape* requirements of this Section.

**22.8 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 22.1.1 through 22.1.5 and Paragraphs 22.1.7 through 22.1.9, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)



## **22.9 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 22.1.6, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

## **22.10 SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 22.2.1 through 22.2.14, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52.

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## SECTION 23

# Residence AA-2 District

### 23.1 PERMITTED USES

- 23.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 23.1.2 A professional office in a *dwelling unit*, subject to the provisions of Section 8.
- 23.1.3 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 23.1.4 An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family, subject to the provisions of Section 8. (Adopted effective 3/18/85.)
- 23.1.5 Schools, parks, playgrounds, and *open space* land of the Town of Old Saybrook.
- 23.1.6 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 23.1.7 *Signs* as provided in Section 64.
- 23.1.8 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 23.2 SPECIAL EXCEPTION USES

- 23.2.1 Conversions of dwellings so as to contain two (2) *dwelling units*.
- 23.2.2 *Bed and breakfast transient lodging*. (Adopted effective 11/10/93.)
- 23.2.4 Day nurseries.
- 23.2.5 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 23.2.6 The following uses when conducted by a *non-profit corporation* and not as a business for profit churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 23.2.7 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 23.1.5.

23.2.8 Summer day camps, provided that there is no furnishing of rooms.

23.2.9 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.

23.2.10 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.

23.2.11 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

23.2.12 Buildings, uses and facilities of the State of Connecticut or Federal Government:

23.2.13 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.

23.2.14 Accessory uses, customary with and incidental to any previously mentioned Special Exception use.

### 23.3 LOT AREA, SHAPE, AND FRONTAGE

#### 23.3.1 Minimum Lot Area.

A.	Served by public water supply	20,000 square feet
B.	Not served by public water supply	40,000 square feet

#### 23.3.2 Minimum Dimension of Square.

A.	Served by public water supply	100 feet
B.	Not served by public water supply	150 feet

23.3.3 Minimum Frontage. 20 feet

23.3.4 Minimum Width along Building Line. 100 feet

### 23.4 HEIGHT

23.4.1 Maximum Number of Stories. 2½ stories

23.4.2 Maximum Height. 35 feet

### 23.5 SETBACKS

23.5.1 From Street Line. 35 feet

23.5.2	<b>From Rear Property Line.</b>	15 feet
23.5.3	<b>From Other Property Line.</b>	15 feet
23.5.4	<b>Projection Into Setback Area.</b>	3 feet
23.5.5	<b>Minor Accessory Buildings and Structures.</b>	
A.	From Longest Street Line of corner lot	35 feet
B.	From Rear Property Line	10 feet
C.	From Other Property Line	10 feet
D.	Maximum Height	20 feet

## 23.6 BUILDING BULK AND COVERAGE

23.6.1	<b>Maximum Building/Structure Coverage.</b>	20%
A.	Within Gateway Conservation Zone (Adopted effective 10/2/89.)	15%
23.6.2	<b>Maximum Gross Floor Area.</b>	40%

## 23.7 PLOT PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 23.1.1 through 23.1.4 and Paragraphs 23.1.6 through 23.1.8, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended effective 4/13/95.)

## 23.8 SITE PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 23.1.5, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

## 23.9 SPECIAL EXCEPTION

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 23.2.1 through 23.2.14, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.



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# SECTION 24

## Residence A District

### 24.1 PERMITTED USES

- 24.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 24.1.2 A professional offices in a *dwelling unit*, subject to the provisions of Section 8.
- 24.1.3 *Home occupations* in a *dwelling unit*, subject to the provisions of Section 8.
- 24.1.4 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 24.1.5 An apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family, subject to the provisions of Section 8. (Adopted effective 3/18/85.)
- 24.1.6 Schools, parks, playgrounds, and *open space* lands of the Town of Old Saybrook.
- 24.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 24.1.8 *Signs* as provided in Section 64.
- 24.1.9 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 24.2 SPECIAL EXCEPTION USES

- 24.2.1 Conversion of *dwelling*s so as to contain two (2) *dwelling units*.
- 24.2.2 *Bed and breakfast transient lodging*. (Adopted effective 11/10/93.)
- 24.2.3 Roadside stands for the display and sale of farm products grown on the premises.
- 24.2.4 Day nurseries.
- 24.2.5 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 24.2.6 The following uses when conducted by a *non-profit corporation* and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; educational; religious, philanthropic and charitable institutions; and *dwelling*s for elderly or handicapped persons. (Revised 9/18/79)

- 24.2.7 Residential lifecare facility. (Adopted effective 1/30/89; Text added and remainder of section renumbered)
- 24.2.8 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 24.1.6.
- 24.2.9 Summer day camps, if there is no furnishing of rooms.
- 24.2.10 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 24.2.11 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.
- 24.2.12 Water supply reservoirs, wells towers, treatment facilities and pump stations.
- 24.2.13 Buildings; uses and facilities of the State of Connecticut or Federal Government.
- 24.2.14 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 24.2.15 Accessory uses customary with and incidental to any previously mentioned Special Exception use.

### 24.3 LOT AREA, SHAPE, AND FRONTAGE

#### 24.3.1 Minimum Lot Area. (Revised 2/22/80)

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 20,000 square feet |
| B. | Not served by public water supply | 40,000 square feet |

#### 24.3.2 Minimum Dimension of Square.

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 100 feet |
| B. | Not served by public water supply | 150 feet |

#### 24.3.3 Minimum Frontage. 50 feet

#### 24.3.4 Minimum Width along Building Line. 100 feet

### 24.4 HEIGHT

#### 24.4.1 Maximum Number of Stories. 2½ stories

24.4.2. **Maximum Height.** 35 feet

## 24.5 SETBACKS

24.5.1 **From Street Line.** 25 feet

24.5.2 **From Rear Property Line.** 15 feet

24.5.3 **From Other Property Line.** 15 feet

24.5.4 **Projection into Setback Area.** 3 feet

### 24.5.5 **Minor Accessory Buildings and Structures.**

A. From Longest Street Line of corner lot 35 feet

B. From Rear Property Line 10 feet

C. From Other Property Line 10 feet

D. Maximum Height 20 feet

## 24.6 BUILDING BULK AND COVERAGE

24.6.1 **Maximum Gross Floor Area.** 40%

24.6.2 **Maximum Building/Structure Coverage.** 20%

A. Within the Gateway Conservation Zone (Text amended 6/26/75,  
Revised 10/2/89.) 15%

## 24.7 PLOT PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 24.1.1 through 24.1.5 and Paragraphs 24.1.7 through 24.1.9, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended effective 4/13/95.)

## 24.8 SITE PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 24.1.6, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

## 24.9 SPECIAL EXCEPTION



Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 24.2.1 through 24.2.15, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

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## SECTION 25

# Residence B District

### 25.1 PERMITTED USES

- 25.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 25.1.2 A *dwelling* containing two (2) *dwelling units* and not more than one (1) *dwelling* per lot.
- 25.1.3 A professional office in a *dwelling unit*, subject to the provisions of Section 8.
- 25.1.4 *Home occupations* in a *dwelling unit*, subject to the provisions of Section 8.
- 25.1.5 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 25.1.6 Schools, parks, playgrounds, and *open space* lands of the Town of Old Saybrook.
- 25.1.7 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 25.1.8 *Signs* as provided in Section 64.
- 25.1.8 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 25.2 SPECIAL EXCEPTION USES

- 25.2.1 Roadside stands for the display and sale of farm products grown on the premises.
- 25.2.2 Day nurseries.
- 25.2.3 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 25.2.4 The following uses when conducted by a *non-profit corporation* and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 25.2.5 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in 25.1.6.
- 25.2.6 Summer day camps, if there is no furnishing of rooms.

25.2.7 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.

25.2.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.

25.2.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

25.2.10 Buildings, uses and facilities of the State of Connecticut or Federal Government.

25.2.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.

25.2.12 Accessory uses customary with and incidental to any previously mentioned Special Exception use.

### 25.3 LOT AREA, SHAPE, AND FRONTAGE

#### 25.3.1 Minimum Lot Area.

A.	Served by public water supply	12,300 square feet
B.	Not served by public water supply	40,000 square feet

#### 25.3.2 Minimum Dimension of Square.

A.	Served by public water supply	80 feet
B.	Not served by public water supply	150 feet

25.3.3 Minimum Frontage. 50 feet

25.3.4 Minimum Width along Building Line. 100 feet

### 25.4 HEIGHT

25.4.1 Maximum Number of Stories. 2½ stories

25.4.2 Maximum Height. 35 feet

### 25.5 SETBACKS

25.5.1 From Street Line. 25 feet

25.5.2 From Rear Property Line. 15 feet

25.5.3	<b>From Other Property Line.</b>	15 feet
25.5.4	<b>Projection into Setback Area.</b>	3 feet
25.5.5	<b>Minor Accessory Buildings and Structures.</b>	35 feet
A.	From Longest Street Line of corner lot	35 feet
B.	From Rear Property Line	10 feet
C.	From Other Property Line	10 feet
D.	Maximum Height	20 feet

## 25.6 BUILDING BULK AND COVERAGE

25.6.1	<b>Maximum Building/Structure Coverage</b>	20%
A.	Not served by public water supply within Gateway Conservation Zone	15%
25.6.2	<b>Maximum Gross Floor Area</b>	40%

## 25.7 PLOT PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 25.1.1 through 25.1.5 and Paragraphs 25.1.7 through 25.1.9, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)

## 25.8 SITE PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 25.1.6, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

## 25.9 SPECIAL EXCEPTION

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 25.2.1 through 25.2.12, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.



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# SECTION 26

## Residence AA-3 District

### 26.1 PERMITTED USES

- 26.1.1 A single detached *dwelling* for one (1) family and not more than one (1) *dwelling* per lot.
- 26.1.2 A professional office in a *dwelling unit*, subject to the provisions of Section 8, provided, however, that there will be no non-resident person employed in connection with the office.
- 26.1.3 *Home occupations* in a *dwelling unit*, subject to the provisions of Section 8, provided however, that there will be no non-resident person employed in connection with the occupation.
- 26.1.4 Parks, playgrounds, and *open space* lands of the Town of Old Saybrook.
- 26.1.5 Farms, including truck gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 26.1.6 No *signs* with the exception of property identification by name and number not exceeding two (2) square feet in area.
- 26.1.7 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 26.2 SPECIAL EXCEPTION USES

- 26.2.1 The following uses when conducted by a *non-profit corporation* and not as a business for profit churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 26.2.2 The following uses when not conducted as a business or for profit: membership clubs, lodges, community houses; nature preserves and wildlife sanctuaries; and tennis, swimming, boating and similar clubs. (Amended effective 2/18/00.)
- 26.2.3 Private Country Clubs, golf courses. (Adopted effective 2/18/00.)
- 26.2.4 Accessory uses customary with and incidental to any previously mentioned Special Exception use, except where specifically prohibited. (Adopted effective 2/18/00.)

**26.3 LOT AREA, SHAPE, AND FRONTAGE**

26.3.1	<b>Minimum Lot Area.</b> (Amended/Effective 8/21/90.)	87,120 square feet
26.3.2	<b>Minimum Dimension of Square.</b>	200 feet
26.3.3	<b>Minimum Frontage.</b>	20 feet
26.3.4	<b>Minimum Width along Building Line.</b>	200 feet

**26.4 HEIGHT**

26.4.1	<b>Maximum Number of Stories.</b>	2½ stories
26.4.2	<b>Maximum Height.</b>	35 feet

**26.5 SETBACKS**

26.5.1	<b>From Street Line.</b>	50 feet
26.5.2	<b>From Rear Property Line.</b>	20 feet
26.5.3	<b>From Other Property Line.</b>	20 feet
26.5.4	<b>Projection into Setback Area.</b>	3 feet
26.5.5	<b>Minor Accessory Buildings and Structures.</b>	
A.	From Longest Street line of corner lot	50 feet
B.	From Rear Property Line	20 feet
C.	From Other Property Line	20 feet
D.	Maximum Height	20 feet

**26.6 BUILDING BULK AND COVERAGE**

26.6.1	<b>Maximum Building/Structure Coverage.</b>	10%
26.6.2	<b>Maximum Gross Floor Area.</b>	20%

**26.7 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 26.1.1 through 26.1.5 and Paragraphs 26.1.7 through 26.1.9, a

Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)

## **26.8 SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraph 26.2.1 through 26.2.12, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52. (Amended/Effective 4/13/95.)





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## SECTION 27

# Residence C Conservation District

### 27.1 PURPOSE

To cluster residential development amid open spaces at a density and in configurations suitable to preserve natural and cultural resources. (Added effective 9/26/03)

### 27.1. PERMITTED USES

27.1.1 A single family detached dwelling for one (1) family and not more than one (1) such dwelling per lot.

27.1.2 A professional office in a dwelling unit, subject to the provisions of Section 8

27.1.3 Home occupations in a dwelling unit, subject to the provisions in Section 8.

27.1.4 The renting of not more than one (1) room, with or without meals, in a dwelling unit to a total of not more than one (1) person, subject to the provisions of Section 8.

27.1.5 An apartment dwelling that is accessory to a single attached dwelling for one (1) family, subject to the provisions of Section 8.

27.1.6 Family daycare home, as defined in C.G.S. 19a-77.

27.1.7 Parks, playgrounds, and open space lands of the Town of Old Saybrook.

27.1.8 Farms, including truck gardens, nurseries, greenhouses, forestry and the keeping of livestock and poultry, subject to the provisions of Section 8.

27.1.9 Signs, as provided in Section 64.

27.1.10 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to provisions of Section 8.

### 27.2 SPECIAL EXCEPTION USES

27.2.1 Group Day Care Homes, as defined in Conn Gen. Stats. §19a-77

27.2.2 Convalescent homes, dwellings for elderly or handicapped persons, residential life care facility.

27.2.3 Intentionally omitted.

- 27.2.4 The following uses when conducted by a non-profit corporation and not as a business for profit: Schools.
- 27.2.5 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 27.1.7.
- 27.2.6 Buildings, uses, and facilities of the State of Connecticut or Federal Government.
- 27.2.7 The following uses when not conducted as a business for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 27.2.8 Livery and boarding, and riding academies.
- 27.2.9 Public utility substations and telephone equipment buildings provided that there is no outside service yard or outside storage of supplies.
- 27.2.10 Water supply reservoirs, wells, towers, and treatment facilities and pump stations.
- 27.2.11 Radio Towers for Standard Broadcasting Radio Stations.
- 27.2.12 Bed and breakfast transient lodging
- 27.2.13 Private country clubs, in accordance with the standards and criteria of Section 52.7.16.
- 27.2.14 Accessory uses customary with and incidental to any previously mentioned SPECIAL EXCEPTION use, except where specifically prohibited.

### **27.3 LOT AREA, SHAPE, AND FRONTAGE**

#### **27.3.1 Minimum Lot Area**

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Not served by public water supply | 60,000 square feet |
| B. | Served by public water supply     | 40,000 square feet |

#### **27.3.2 Minimum dimension of Square**

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 150 feet |
| B. | Not served by public water supply | 200 feet |

#### **27.3.3 Minimum Frontage** 20 feet

#### **27.3.4 Minimum width along Building Line** 150 feet

*See Section 27.11 for mandatory clustering of lots in subdivisions.*

#### **27.4 HEIGHT**

27.4.1 Maximum number of stories 2½ stories

27.4.2 Maximum Height 35 feet

#### **27.5 SETBACKS**

27.5.1 From Street Line 50 feet

27.5.2 From Rear Property Line 20 feet

27.5.3 From Other Property Line 20 feet

27.5.4 Projection into Setback Area 3 feet

27.5.5 Minor Accessory Buildings and Structures

A. From Longest Street Line of Corner Lot 50 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

#### **27.6 BUILDING BULK AND COVERAGE**

27.6.1 Maximum Building/Structure Coverage 10%

27.6.2 Maximum Gross Floor Area 20%

#### **27.7 PLOT PLAN**

Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under Paragraphs 27.1.1 through 27.1.6 and paragraphs 27.1.8 through 27.1.10, a PLOT PLAN shall be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8.

#### **27.8 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a use permitted under paragraphs 27.1.7, a Site Plan shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

#### **27.9 SPECIAL EXCEPTION**

Prior to the approval of any Certificate of Zoning Compliance for a use permitted by Special Exception under Paragraph 27.2.1 through 27.2.14, a Special Exception application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

#### **27.10 PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

A Planned Residential Development shall be eligible to be established and approved in the Residence C Conservation District in accordance with Section 55 of these Regulations.

#### **27.11 MANDATORY CLUSTERING OF LOTS OF SUBDIVISIONS**

For any subdivision located within the Residence C District, the applicant for such subdivision shall be required by the Planning Commission to apply for a Special Exception pursuant to Section 56 Open Space Subdivision of these Regulations, unless The Planning Commission waives this requirement where the size, shape, or character of the property makes it unsuitable for Open Space Subdivision treatment. The area, shape, bulk, coverage and other requirements for such lots shall be in accordance with Section 56 when such Special Exception application is required.

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# ARTICLE III

## BUSINESS and MARINE DISTRICTS

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- 31.0 PURPOSE
- 31.1 PERMITTED USES
- 31.2 SPECIAL EXCEPTION USES
- 31.3 LOT AREA, SHAPE, AND FRONTAGE
- 31.4 HEIGHT
- 31.5 SETBACKS
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- 31.7 PLOT PLAN
- 31.8 SITE PLAN
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- 32.3 LOT AREA, SHAPE, AND FRONTAGE
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- 35.9 **SPECIAL EXCEPTION**

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**SECTION 37 Saybrook Point SP District ..... 37-1**

- 37.0 **PURPOSE**
- 37.1 **PERMITTED USES**
- 37.2 **SPECIAL EXCEPTION USES**
- 37.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 37.4 **HEIGHT**
- 37.5 **SETBACKS**
- 37.6 **BUILDING BULK AND COVERAGE**
- 37.7 **PLOT PLAN**
- 37.8 **SITE PLAN**
- 37.9 **SPECIAL EXCEPTION**

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# SECTION 31

## Central Business B-1 District

### 31.0 PURPOSE

To sustain and enhance a pedestrian-oriented village center with on-street parking, wide shady sidewalks, and mixed-use buildings, containing street-level stores with businesses, offices and residences above, forming the street wall. Applicable standards define and enhance the unique village character and encourage the conversion, conservation, and preservation of existing buildings and sites that define the historic character of the District.  
(Text amended 7/28/02)

### 31.1 PERMITTED USES

Any *use* listed in Section 31.1 that occupies a *gross floor area* greater than 5,000 square feet of total area will be a Special Exception Use (text revision 6/15/77, Amended 4/13/95).

31.1.1 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail.

31.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.

31.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.

31.1.4 [Reserved.]

31.1.5 Indoor theaters and assembly halls.

31.1.6 Manufacture, processing or assembling of goods for sale only on the premises and at retail, if there are no more than three (3) persons engaged in the manufacture, processing or assembling.

31.1.7 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.

31.1.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.

31.1.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

31.1.10 Buildings, uses and facilities of the State of Connecticut or Federal Government.



31.1.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.

31.1.12 off-street parking facilities whether accessory to a permitted *use* or not.

31.1.13 Buildings, uses and facilities of the Town of Old Saybrook.

31.1.14 *Signs* as provided in Section 64.

31.1.15 Accessory uses customary with and incidental to any previously mentioned permitted use.

### 31.2 SPECIAL EXCEPTION USES

31.2.1 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8. (Text added 7/10/79)

31.2.2 *Bed and breakfast transient lodging.* (Approved effective 11/10/93.)

### 31.3 PROHIBITED USES (Sections renumbered 7/10/79)

31.3.1 *Dwellings*; and convalescent homes, hospitals, and sanitarium.

31.3.2 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.

31.3.3 Hotels and motels; veterinary hospitals; and bowling alleys.

31.3.4 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

31.3.5 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 31.1.6.

31.3.6 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding, and machine shops.

### 31.4 LOT AREA, SHAPE, AND FRONTAGE

#### 31.4.1 Minimum Lot Area.

A.	Served by public water supply	12,500 square feet
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- B. Not served by public water supply 40,000 square feet

**31.4.2 Minimum Dimension of Square.**

- A. Served by public water supply 50 feet  
B. Not served by public water supply 150 feet

**31.4.3 Minimum Frontage.** 50 feet

**31.5 HEIGHT**

**31.5.1 Maximum Number of Stories.** 2½ stories

**31.5.2 Maximum Height.** 35 feet

**31.6 SETBACKS**

**31.6.1 From Street Line.** 10 feet

**31.6.2 From Rear Property Line.** 10 feet

**31.6.3 From Other Property Line.** None.

**31.6.4 From Residence District Boundary Line.** 5 feet

**31.7 BUILDING BULK AND COVERAGE**

**31.7.1 Maximum Building/Structure Coverage.** 75%

- A. Maximum each for any *building* 18,000 square feet

**31.7.2 Maximum Gross Floor Area.** 150%

- A. Maximum each for any *building* 36,000 square feet

**31.7.3 Maximum Total Lot Coverage.** 85%

**31.8 PLOT PLAN** (Amended/Effective 4/13/95.)

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 31.1.14 and 31.1.15, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8.

### 31.9 SITE PLAN

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 31.1.1 through 31.1.13, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

### 31.10 SPECIAL EXCEPTION

Prior to the approval of any Application For Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 31.2.1 and 31.2.2, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52.

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## SECTION 32

# Shopping Center Business B-2 District

### 32.1 PURPOSE

To sustain and enhance the existing central shopping center areas consisting of anchor retail shopping with small attached complementary stores and combined parking. Applicable standards require new business development and renovation of existing business sites to improve and enhance the overall aesthetic context of the existing centers in scale and character with the Town of Old Saybrook. (Text amended 7/28/02)

### 32.2 PERMITTED USES

Any *use* listed in Section 32.1 that occupies a *gross floor area* greater than 10,000 square feet of total area will be a Special Exception Use (amended/Effective 4/13/95).

- 32.2.1 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail.
- 32.2.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.
- 32.2.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.
- 32.2.4 [Reserved.]
- 32.2.5 Indoor theaters and assembly halls.
- 32.2.6 Manufacture, processing or assembling of goods for sale only on the premises and at retail, if there are no more than three (3) persons engaged in the manufacture, processing or assembling.
- 32.2.7 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.
- 32.2.8 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.
- 32.2.9 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 32.2.10 Buildings, uses, and facilities of the State of Connecticut or Federal Government.

32.2.11 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.

32.2.12 Off-street parking facilities whether accessory to a permitted *use* or not.

32.2.13 Hotels and motels; veterinary hospitals; and bowling alleys.

32.2.14 Buildings, uses, and facilities of the Town of Old Saybrook.

32.2.15 *Signs* as provided in Section 64.

32.2.16 Accessory uses customary with and incidental to any previously mentioned permitted use.

### **32.3 SPECIAL EXCEPTION USES**

32.3.1 Motor vehicle service stations, which will have only a Limited Repairers License, if any, issued by the State of Connecticut. (Amended 12/16/74)

32.3.2 Motor vehicle repair garages including those permitted under Paragraph 32.2.1 above, including automobile, truck, trailer and farm equipment repairing, painting and upholstering, and establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof; provided each site have an area of at least four (4) acres and a depth of at least 400 feet extending from the *streetline*. (Amended effective 12/16/74.)

32.3.3 Heliports. (Text added 6/15/78)

32.3.4 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8. (Text added 7/10/79)

32.3.5 *Bed and breakfast transient lodging*. (Adopted effective 11/10/93.)

### **32.4 PROHIBITED USES**

32.4.1 *Dwellings*; and convalescent homes, hospitals and sanitariums. (Amended 6/15/77)

32.4.2 Motor vehicle service stations except as permitted under Paragraphs 32.2.1 and 32.2.2; and establishments for motor vehicle washing. (Amended effective 12/16/74)

32.4.3 Warehousing and wholesale businesses; building contractors in businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

32.4.4 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 32.1.6.

32.4.5 Painting, plumbing, electrical, sheet material, carpentry, woodworking, blacksmith, welding, and machine shops.

### **32.5 LOT AREA, SHAPE, AND FRONTAGE**

#### **32.5.1 Minimum Lot Area.**

A.	Served by public water and supply	20,000 square feet
B.	Not served by public water supply	40,000 square feet

#### **32.5.2 Minimum Dimension of Square.**

A.	Served by public water supply	100 feet
B.	Not served by public water supply	150 feet

32.5.3 **Minimum Frontage.** 50 feet

### **32.6 HEIGHT**

32.6.1 **Maximum Number of Stories.** 2½ stories

32.6.2 **Maximum Height.** 35 feet

### **32.7 SETBACKS**

32.7.1 **From Street Line.** 25 feet

32.7.2 **From Rear Property Line.** 10 feet

32.7.3 **From Other Property Line.** 10 feet

32.7.4 **From Residence District Boundary Line.** 25 feet

32.7.5 **Projections into Setback Area.** 5 feet

### **32.8 BUILDING BULK AND COVERAGE**

32.8.1 **Maximum Building/Structure Coverage.** 40%

32.8.2 **Maximum Gross Floor Area.** 60%

- A. Buildings of no greater than twenty-five thousand (25,000) square feet of *gross floor area*, except that, for each complete twelve (12) acre parcel, one *building* of eighty-eight thousand (88,000) square feet of *gross floor area*, plus covered loading spaces required by these Regulations.

- B. Minimum *open space* between *buildings* 20 feet

32.8.3 **Maximum Total Lot Coverage.** 80%

### 32.9 **PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 32.1.15 and 32.1.16, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)

### 32.10 **SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 32.1.1 through 32.1.14, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

### 32.11 **SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 32.2.1 through 32.2.3, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52.

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## SECTION 33

# Restricted Business B-3 District

### 33.0 PURPOSE

To allow for the orderly transition from residential areas to business areas in a way that will maintain the residential character of the area and achieve harmony with the adjacent residential neighborhoods. Applicable standards protect those neighborhoods by limiting the type and intensity of business *uses*, as well as the size and character of *buildings* and the layout of the site.

### 33.1 PERMITTED USES

- 33.1.1 A single detached *dwelling* for one (1) family and not more than one (1) the *dwelling* per lot.
- 33.1.2 A professional office in a *dwelling unit*, subject to the provisions of Section 8.
- 33.1.3 *Home occupations* in a *dwelling unit*, subject to the provisions of Section 8.
- 33.1.4 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons, subject to the provisions of Section 8.
- 33.1.5 Schools, parks, playgrounds, and *open space* lands of the Town of Old Saybrook.
- 33.1.6 Farms, including trucks, gardens, nurseries, greenhouses, forestry, and the keeping of livestock and poultry, subject to the provisions of Section 8.
- 33.1.7 *Signs* as provided in Section 64.
- 33.1.8 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 33.2 SPECIAL EXCEPTION USES

- 33.2.1 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail.
- 33.2.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; and undertaker's establishments.
- 33.2.3 Indoor restaurants and other indoor food and beverage service establishments, including the restaurants and establishments with service to customers at service counters as well as service to customers in motor vehicles at a take-out window, subject to the provisions of Section 8. (Amended 4/25/88, Amended 4/27/89.)



- 33.2.4 Manufacture, processing or assembling of goods for sale only on the premises and at retail, if there are no more than three (3) persons engaged in the manufacture, processing or assembling.
- 33.2.5 Conversions of dwellings so as to contain two (2) *dwelling units*.
- 33.2.6 *Bed and breakfast transient lodging*. (Adopted 10/18/93. Effective 11/10/93.)
- 33.2.7 Day nurseries.
- 33.2.8 Convalescent homes, private hospitals and sanitarium, licensed by the State of Connecticut.
- 33.2.9 The following uses when conducted by a *non-profit corporation* and not as a business for profit: churches and places of worship; parish halls; schools; colleges; universities; general hospitals; cemeteries; and educational, religious, philanthropic and charitable institutions.
- 33.2.10 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 33.1.5
- 33.2.11 The following uses when not conducted as a business or for profit: membership clubs; lodges; community houses; and nature preserves and wildlife sanctuaries; and golf, tennis, swimming, boating and similar clubs.
- 33.2.12 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.
- 33.2.13 Water supply reservoirs, walls, towers, treatment facilities and pump stations.
- 33.2.14 Buildings, uses, and facilities of the State of Connecticut or Federal Government.
- 33.2.15 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 33.2.16 Accessory uses customary with and incidental to any previously mentioned Special Exception use.

### 33.3 PROHIBITED USES

- 33.3.1 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.
- 33.3.2 Hotels and motels; veterinary hospitals; and bowling alleys.

33.3.3 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

33.3.4 Research laboratories; manufacture, processing or assembling of goods except as permitted under Paragraph 33.2.4.

33.3.5 Painting, plumbing, electrical, sheet metal, carpentry, wood- working, blacksmith, welding, and machine shops.

33.3.6 Roadside stands for the display and sale of farm products; newspaper and job printing; cleaning or laundry agencies or self-service establishments; theaters and assembly halls; day camps; and commercial kennels, livery and board stables and riding academies.

#### **33.4 LOT AREA, SHAPE, AND FRONTAGE**

##### **33.4.1 Minimum Lot Area.**

E.	Served by public water supply	12,500 square feet
B.	Not served by public water supply	40,000 square feet

##### **33.4.2 Minimum Dimension of Square.**

A.	Served by public water supply	100 feet
B.	Not served by public water supply	150 feet

33.4.3 **Minimum Frontage.** 100 feet

#### **33.5 HEIGHT**

33.5.1 **Maximum Number of Stories.** 2½ stories

33.3.2 **Maximum Height.** 35 feet

#### **33.6 SETBACKS**

33.6.1 **From Street Line.** 25 feet

33.6.2 **From Rear Property Line.** 15 feet

33.6.3 **From Other Property Line.** 15 feet

33.6.4 **Projection into Setback Area.** 3 feet

33.6.5 **Minor Accessory Building and Structures.**

- A. From Longest Street Line of corner lot 25 feet
- B. From rear Property Line 10 feet
- C. From other Property Line 10 feet

**33.7 BUILDING BULK AND COVERAGE**

33.7.1 **Maximum Building/Structure Coverage.** 40%

- A. Maximum each for any building 3,000 square feet

33.7.2 **Maximum Gross Floor Area.** 80%

- A. Maximum each for any *building* 6,000 square feet
- B. Minimum *open space* between *buildings* 20 feet

33.7.3 **Maximum Total Lot Coverage.** 80%

**33.8 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 33.1.1 through 33.1.4 and 33.1.6 through 33.1.8, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)

**33.9 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraph 33.1.5, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

**33.10 SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 33.2.1 through 33.2.16, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52.

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# SECTION 34

## Gateway Business B-4 District

### 34.0 PURPOSE

To allow for development of regional businesses that requires easy access to major highways. Applicable standards require building and site layout of appropriate character as the gateways to the Town of Old Saybrook. These Regulations pay particular attention to ensure that traffic congestion caused by these developments will not degrade or impede access to the Town itself. (Text amended 7/28/02)

### 34.1 PERMITTED USES

Any *use* listed in Section 34.1 that occupies a *gross floor area* greater than 20,000 square feet of total area will be a Special Exception Use. (Amended/Effective: 4/13/95.)

34.1.1 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail.

34.1.2 Business and professional offices; banks and other financial institutions; medical and dental clinics; undertaker's establishments; and newspaper and job printing.

34.1.3 Cleaning agencies and retail or self-service cleaning establishments; laundry agencies and retail or self-service laundry establishments not using steam.

34.1.4 [Reserved.] (Text changed 6/15/76)

34.1.5 Indoor theaters and assembly halls.

34.1.6 Churches and places of worship; parish halls; schools; colleges; universities; educational, religious, philanthropic and charitable institutions; membership clubs; lodges; community houses; and day nurseries.

34.1.7 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.

34.1.8 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

34.1.9 Buildings, uses, and facilities of the State of Connecticut or Federal Government.

34.1.10 Railroad rights-of-way and passenger stations, including customary accessory services therein.

34.1.11 off-street parking facilities whether accessory to a permitted *use* or not.

34.1.12 Hotels and motels; veterinary hospitals; and bowling alleys.

34.1.13 Warehousing and wholesale businesses; building contractors, businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

34.1.14 Research laboratories; manufacture, processing or assembling of goods.

34.1.15 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding, and machine shops.

34.1.16 Buildings, uses, and facilities of the Town of Old Saybrook.

34.1.17 *Signs* as provided in Section 64.

34.1.18 Accessory uses customary with and incidental to any previously mentioned permitted use.

## 34.2 SPECIAL EXCEPTION USES

34.2.1 Motor vehicle service stations; motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof.

34.2.2 Indoor restaurants and other indoor food and beverage service establishments, subject to the provisions of Section 8. (Text added 6/15/76)

34.2.3 Heliports. (Text added 6/15/78)

34.2.4 Convalescent Homes licensed by the State of Connecticut. (Amended effective 4/25/85)

34.2.5 *Bed and breakfast transient lodging*. (Amended effective: 11/10/93.)

34.2.6 Adult entertainment businesses. (Amended effective 5/16/95.)

## 34.3 PROHIBITED USES

34.3.1 *Dwellings*, hospitals, and sanitarium. (Amended effective 4/25/85)

## 34.4 LOT AREA, SHAPE, AND FRONTAGE

### 34.4.1 Minimum Lot Area.

A.	Served by public water supply	20,000 square feet
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- B. Not served by public water supply 40,000 square feet

**34.4.2 Minimum Dimension of Square.**

- A. Served by public water supply 100 feet  
B. Not served by public water supply 150 feet

**34.4.3 Minimum Frontage.** 50 feet

**34.5 HEIGHT**

**34.5.1 Maximum Number of Stories.** 2½ stories

**34.5.2 Maximum Height.** 35 feet

**34.6 SETBACKS**

**34.6.1 From Street Line.** 50 feet

**34.6.2 From Rear Property Line.** 20 feet

**34.6.3 From Other Property Line.** 20 feet

**34.6.4 From Residence District Boundary Line.** 50 feet

**34.6.5 Projections into Setback Area.** 5 feet

**34.7 BUILDING BULK AND COVERAGE**

**34.7.1 Maximum Building/Structure Coverage.** 40%

**34.7.2 Maximum Gross Floor Area.** 60%

- A. Maximum each for any *building*,  
plus covered loading spaces 85,000 square feet  
B. Minimum *open space* between *buildings* 20 feet

**34.7.3 Maximum Total Lot Coverage.** 70%

- A. Maximum each for any building 125,000 square feet

**34.8 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 34.1.17 and 34.1.18, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8.

**34.9 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 34.1.1 through 34.1.16, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

**34.10 SPECIAL EXCEPTION**

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 34.2.1 through 34.2.5, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52.

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## SECTION 35

# Marine Commercial MC District

### 35.0 PURPOSE

To provide for and encourage appropriate land *uses*, with emphasis on waterfront access and *water-dependent uses* as defined by the Connecticut Coastal Management Act, as codified at C.G.S. 22a-93, and water-related uses. (Amended 9/21/83, additional changes 7/28/02)

### 35.1 PERMITTED USES

Any *use* listed in Section 35.1 that occupies a *gross floor area* greater than 5,000 square feet of total area will be a Special Exception Use. (Amended 4/13/95.)

35.1.1 A single detached *dwelling* for one (1) family and not more than one (1) the *dwelling* per lot.

35.1.2 Schools, parks, playgrounds, and *open space* lands of the Town of Old Saybrook.

35.1.3 A dock, wharf, slip basin, or similar landing facility for pleasure boats.

35.1.4 A fish market primarily handling local catches.

35.1.5 Establishments for the sale, repair, or servicing of boats, including the dispensing of fuel and lubricants at retail, but expressly excluding *bulk* storage of fuel. (Revised 2/22/80)

35.1.6 A sail loft or ship chandlery, including the retail sale of marine equipment, engines, and provisions for boats.

35.1.7 Storage of boats when accessory and subordinate to a *use* permitted under Paragraph 35.1.3 or 35.1.5.

35.1.8 *Signs* as provided in Section 64. (Amended 2/22/80)

35.1.9 Accessory uses customary with and incidental to any previously mentioned permitted use, subject to the provisions of Section 8.

### 35.2 SPECIAL EXCEPTION USES

35.2.1 Docks, wharf, slip basin, or similar landing facility for vessels engaged in commercial fishery or shellfishery.

35.2.2 Marine research laboratories for the study of aquatic and marine environment, ecology and resources. (Amended effective 1/29/80; sections renumbered)



- 35.2.3 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 35.1.2.
- 35.2.4 Public utility substations and telephone equipment buildings provided that there is no outside service yard or *outside storage* of supplies.
- 35.2.5 Water supply reservoirs, wells, towers, treatment facilities and pump stations.
- 35.2.6 Buildings, uses and facilities of the State of Connecticut or Federal Government.
- 35.2.7 Railroad rights-of-way and passenger stations, including customary accessory services therein but not including switching, storage sidings, freight yards or freight terminals.
- 35.2.8 Retail stores and service establishments.(Amended and renumbered 6/15/78)
- 35.2.9 Restaurants, and other indoor food and beverage service establishments, subject to the provisions of Section 8.
- 35.2.10 Business and professional offices.
- 35.2.11 Swimming facilities, commercially operated tennis courts or private tennis clubs and similar facilities for racquetball and paddle tennis.
- 35.2.12 Base operations for fishery and shellfishery business, including as an accessory *use* of the business a store or market for the sale of fish, shellfish, and other related food products, or the commercial *bulk* processing of fish and shellfish.
- 35.2.13 Accessory uses customary with and incidental to any previously mentioned Special Exception use.

### 35.3 LOT AREA, SHAPE, AND FRONTAGE

#### 35.3.1 Minimum Lot Area.

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 20,000 square feet |
| B. | Not served by public water supply | 40,000 square feet |

#### 35.3.2 Minimum Dimension of Square.

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 100 feet |
| B. | Not served by public water supply | 150 feet |

#### 35.3.3 Minimum Frontage.

20 feet

**35.4 HEIGHT**

35.4.1 **Maximum Number of Stories.** 2½ stories

35.4.2 **Maximum Height.** 35 feet

**35.5 SETBACKS**

35.5.1 **From Street Line.** 40 feet

35.5.2 **From Rear Property Line.**

A. Abutting navigable water None.

B. Not abutting navigable water 20 feet

35.5.3 **From Other Property Line.**

A. Abutting navigable water None.

B. Not abutting navigable water 20 feet

35.5.4 **From Residence District Boundary Line.** 25 feet

35.5.5 **Projections into Setback Area.** 3 feet

**35.6 BUILDING BULK AND COVERAGE**

35.6.1 **Maximum Building/Structure Coverage.** 40%

35.6.2 **Maximum Gross Floor Area.** 80%

35.6.3 **Maximum Total Lot Coverage.** 80%

**35.7 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 35.1.1 and 35.1.8, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8.

**35.8 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a *use* permitted under Paragraphs 35.1.2 through 35.1.7, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

### 35.9 SPECIAL EXCEPTION

Prior to the approval of any Application for Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 35.2.1 through 35.2.13, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

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SECTION 36  
**[Reserved.]**



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## SECTION 37

# Saybrook Point SP Districts

### 37.0 PURPOSE (Amended 1/29/83 additional amendment 7/27/02)

To plan for the most appropriate use and development of this important area and to chart a course that ensures that protection of the significant heritage and scenic beauty of the Point.

### 37.1 PERMITTED USES (Amended/Effective 4/13/95.)

Land, buildings, and other *structures* in Saybrook Point Districts #1, #2, and #3 may be used for one or more of the uses listed as permitted in the District. Any *use* listed in Section 37.1 that occupies a *gross floor area* greater than five thousand (5,000) square feet of total area will be a Special Exception use. Uses are permitted or prohibited in accordance with the following designation and procedure:

- P** A *use* permitted in the District, as a matter of right in accordance with the provisions of Section 8.
- S** A *use* permitted in the District, subject to the approval of a Special Exception in accordance with the provisions of Sections 8, 51, and 52.
- E** A *use* permitted in the District, subject to approval of a Site Plan and a Special Exception in accordance with the provisions of Sections 8, 51, and 52, or of Sections 8, 51, and 53, if so specified.
- X** A *use* prohibited in the District.

		SP-1	SP-2	SP-3
37.1.1	A single detached <i>dwelling</i> for one (1) family and not more than one (1) the <i>dwelling</i> per lot.	X	X	P
37.1.2	A <i>dwelling</i> containing two (2) <i>dwelling units</i> and not more than one (1) the <i>dwelling</i> per lot.	X	X	S
37.1.3	A Planned Residential Development (PRD), subject to all of the provisions of Section 55, provided however that the minimum <i>lot area</i> under Paragraph 55.6.1 is 69,700 square feet, and the minimum building <i>setback</i> of 75 feet in Paragraph 55.6.4 is not applicable.	X	X	E

37.1.4	A professional office in a <i>dwelling unit</i> , subject to the provisions of Section 8.	<b>X</b>	<b>X</b>	<b>P</b>
		<b>SP-1</b>	<b>SP-2</b>	<b>SP-3</b>
37.1.5	<i>Home occupations</i> in a <i>dwelling unit</i> , subject to the provisions of Section 8.	<b>X</b>	<b>X</b>	<b>P</b>
37.1.6	Parks, playgrounds, museums, educational facilities, and <i>open space</i> lands of the Town of Old Saybrook.	<b>P</b>	<b>P</b>	<b>P</b>
37.1.7	A dock, wharf, slip basin, or similar landing facility for pleasure boats and excursion boats serving the public, expressly excluding vessels engaged in commercial fishery or shellfishery.	<b>S</b>	<b>S</b>	<b>X</b>
37.1.8	Establishments for the sale, repair, or servicing of pleasure boats, including the dispensing of fuel and lubricants for boats at retail, but expressly excluding dry storage of boats and <i>bulk</i> storage of fuel. (Amended effective 7/1/85.)	<b>X</b>	<b>S</b>	<b>X</b>
37.1.9	A sail loft or ship chandlery, including the retail sale of marine equipment, engines, and provisions for pleasure boats.	<b>X</b>	<b>S</b>	<b>X</b>
37.1.10	Public walkways, parks, and fishing piers.	<b>P</b>	<b>S</b>	<b>X</b>
37.1.11	Marine research laboratories for the study of aquatic and marine environment, ecology, and resources.	<b>X</b>	<b>S</b>	<b>X</b>
37.1.12	Indoor restaurants and other food and beverage service establishments, subject to the provisions of Section 8.	<b>X</b>	<b>E</b>	<b>X</b>
37.1.13	The following uses when related to and either accessory or subordinate to a <i>use</i> permitted under paragraphs 37.1.7, 37.1.8, 37.1.9, or 37.1.12 on the same lot: Business and professional offices; Stores and other buildings and <i>structures</i> where goods are sold and services are rendered primarily at retail; Hotels and motels for transient lodging, including conference facilities; and Swimming and other recreational facilities.	<b>X</b>	<b>E</b>	<b>X</b>

37.1.14	Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 37.1.6 and 37.1.10.	<b>E</b>	<b>E</b>	<b>E</b>
37.1.15	Buildings, uses, and facilities of the State of Connecticut or Federal government.	<b>E</b>	<b>E</b>	<b>E</b>
		<b>SP-1</b>	<b>SP-2</b>	<b>SP-3</b>
37.1.16	off-street parking accessory to a <i>use</i> permitted and located in the Saybrook Point District.	<b>S</b>	<b>S</b>	<b>S</b>
37.1.17	Accessory uses customary with and incidental to any aforesaid permitted <i>use</i> located on the same lot, subject to the approval of a Site Plan or Special Exception is required for the permitted use.	<b>P</b>	<b>P</b>	<b>P</b>
<b>37.2</b>	<b>LOT AREA, SHAPE, AND FRONTAGE</b>			
37.2.1	<b>Minimum Lot Area (square feet).</b>		20,000	69,700
37.2.2	<b>Minimum Dimension of Square.</b>		100 feet	
37.2.3	<b>Minimum Frontage.</b>		50 feet	
<b>37.3</b>	<b>HEIGHT</b>			
37.3.1	<b>Maximum Number of Stories.</b>		2½ stories	
37.3.2	<b>Maximum Height.</b>		35 feet	
<b>37.4</b>	<b>SETBACKS</b>			
37.4.1	<b>From Centerline of College Street Right-of-Way.</b>	55 feet	70 feet	55 feet
37.4.2	<b>From Street line of Other Streets.</b>		25 feet	
37.4.3	<b>From Property Line.</b>			
	A. Abutting navigable water. (See Paragraph 7.4.9.)		None.	
	B. Not abutting navigable water		15 feet	
37.4.4	<b>Projections Into Setback Area.</b>		3 feet	
<b>37.5</b>	<b>BUILDING BULK AND COVERAGE</b>			



37.5.1	<b>Maximum Building/Structure Coverage.</b>	10%	25%	20%
37.5.2	<b>Maximum Gross Floor Area.</b>	10%	50%	40%
37.5.3	<b>Maximum Total Lot Coverage.</b>	75%	75%	75%

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# ARTICLE IV

# INDUSTRIAL DISTRICTS

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- 41.1 Permitted Uses
- 41.2 Special Exception Uses
- 41.3 Lot Area, Shape, and Frontage
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- 41.7 Plot Plan
- 41.8 Site Plan
- 41.9 Special Exception

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# SECTION 41

## Industrial I District

### 41.0 PURPOSE

To allow for offices, warehouses, light assembly, and other compatible light industrial uses that do not cause excess pollution or require sewers. Applicable standards permit flexible site development to retain the natural features and open character of the area. (Text amended 7/28/02)

### 41.1 PERMITTED USES

Any *use* listed in Section 41.1 that occupies a *gross floor area* greater than 40,000 square feet of total area will be a Special Exception Use. (Amended/Effective 4/13/95.)

41.1.1 Research laboratories, manufacture, processing, or assembling of goods.

41.1.2 Office buildings for business and professional establishments; banks and other financial institutions, medical and dental clinics, health and physical fitness facilities open to general public membership.

41.1.3 Warehousing and wholesale businesses; building contractors' businesses and storage yards; lumber and building materials businesses; freight and materials trucking terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel.

41.1.4 Printing and publishing establishments.

41.1.3 Painting, plumbing, electrical, sheetmetal, carpentry, woodworking, blacksmith, welding, and machine shops.

41.1.6 [Reserved.]

41.1.7 Hotels and motels.

41.1.8 Motor vehicle repair garages including automobile, truck, trailer and farm equipment repairing when clearly accessory and subsidiary to another permitted *use* on the same lot; establishments for the rental of automobiles, trucks, trailers or farm equipment.

41.1.9 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail when accessory and subordinate to another permitted *use* on the same lot.

41.1.10 The following uses when accessory and subordinate to another permitted *use* on the same lot: churches and places of worship; parish halls; schools; colleges; universities;

educational, philanthropic and charitable institutions; membership clubs; lodges; community houses; indoor theaters, and assembly halls; and day nurseries.

41.1.11 Public utility substations and telephone equipment buildings.

41.1.12 Water supply reservoirs, wells, towers, treatment facilities and pump stations.

41.1.1.3 Buildings, uses, and facilities of the State of Connecticut or Federal Government.

41.1.14 Railroad rights-of-way and passenger stations, including customary accessory services therein.

41.1.15 off-street parking facilities whether accessory to a permitted *use* or not.

41.1.16 Buildings, uses, and facilities of the Town of Old Saybrook.

41.1.17 *Signs* as provided in Section 64.

41.1.18 Accessory uses customary with and incidental to any previously mentioned permitted use.

## **41.2 SPECIAL EXCEPTION USES** (Amended 6/15/78)

41.2.1 Heliports.

41.2.2 Indoor restaurants and other indoor food and establishments, subject to the provisions of Section 8. (Amended 6/15/78)

41.2.3 Convalescent homes licensed by the State of Connecticut. (Amended effective 10/28/85.)

## **41.3 PROHIBITED USES**

41.3.1 *Dwellings*; and hospitals and sanitarium. (Amended effective 10/28/85.)

41.3.2 Stores and other buildings and *structures* where goods are sold or service is rendered primarily at retail except as permitted under Paragraph 41.1.9; veterinary hospitals; undertakers' establishments; and bowling alleys.

41.3.3 Motor vehicle service stations; motor vehicle repair garages except as permitted under Paragraph 41.1.8; establishments for motor vehicle washing; establishments for the sale of new or used automobiles, trucks, trailers or farm equipment.

41.3.4 Commercial kennels; livery and boarding stables and riding academics; and roadside stands for the display and sale of farm products; summer day camps.

**41.4 LOT AREA, SHAPE, AND FRONTAGE****41.4.1 Minimum Lot Area.**

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 40,000 square feet |
| B. | Not served by public water supply | 40,000 square feet |

**41.4.2 Minimum Dimension of Square.**

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water Supply     | 150 feet |
| B. | Not served by public water supply | 150 feet |

**41.4.3 Minimum Frontage.** 50 feet**41.5 HEIGHT****41.5.1 Maximum Number of Stories.** 3 stories

- |    |                          |            |
|----|--------------------------|------------|
| A. | Within Conservation Zone | 2½ stories |
|----|--------------------------|------------|

**41.5.2 Maximum Height.** 50 feet

- |    |                          |         |
|----|--------------------------|---------|
| A. | Within Conservation Zone | 35 feet |
|----|--------------------------|---------|

**41.6 SETBACKS****41.6.1 From Street Line.** 50 feet**41.6.2 From Rear Property Line.** 20 feet**41.6.3 From Other Property Line.** 20 feet**41.6.4 From Residence District Boundary Line.** 50 feet**41.6.5 Projections into Setback Area.** 5 feet**41.7 BUILDING BULK AND COVERAGE****41.7.1 Maximum Building/Structure Coverage.** 40%

- |    |  |     |
|----|--|-----|
| A. | Within Gateway Conservation Zone (Amended 6/26/75) | 25% |
|----|--|-----|

**41.7.2 Maximum Gross Floor Area.** 80%**41.7.2 Maximum Total Lot Coverage.** 70%

#### **41.8 PLOT PLAN**

Prior to approval of any Application For Certificate of Zoning Compliance for a *use* permitted under Paragraphs 41.1.17 and 41.1.18 a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Section 8. (Amended/Effective 4/13/95.)

#### **41.9 SITE PLAN**

Prior to approval of any Application For Certificate of Zoning Compliance for a *use* permitted under Paragraphs 41.1.1 through 41.1.16, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

#### **41.10 SPECIAL EXCEPTION**

Prior to the approval of any Application For Certificate of Zoning Compliance for a *use* permitted by Special Exception under Paragraphs 41.2.1 through 41.2.3, a Site Plan and Special Exception Application will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51, and 52 (Text amended 6/15/78).

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SECTION 42  
**[Reserved.]**





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# ARTICLE V

## SITE PLANS, SPECIAL EXCEPTIONS, and SPECIAL DISTRICTS

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# SECTION 51

## Site Plans

### 51.0 PURPOSE

Pursuant to C.G.S. Section 8-3 (g), a Site Plan is required for certain uses permitted within these Regulations, to determine the conformity of a proposed building, *use* or *structure* with the provisions of these Regulations. This Section establishes procedural and informational requirements for Site Plans. These requirements are in addition to other applicable standards and requirements of these regulations. (Amended/Effective: 4/13/95.)

### 51.1 PROCEDURE

Where a Site Plan is required, the Site Plan will be prepared in accordance with the purpose and intent of these Regulations, including protection of public health, safety, comfort and convenience; coordination with and improvement of vehicular and pedestrian access; provision of adequate drainage and utilities; appropriate lighting and landscaping; protection of natural resources, conservation of the natural terrain, provision for vegetation on the site to the maximum extent practical and maintenance of architectural harmony with the surrounding area.

### 51.2 ACTIVITIES FOR WHICH A SITE PLAN IS REQUIRED (Text amended 6/15/76, 6/15/77)

Where required by these Regulations, no buildings or *structures* will be erected, altered or enlarged, nor building, *use* or *structure* will be used, nor uses altered in space, time or intensity, and no permit will be issued by the Enforcement Officer, until a Site Plan meeting all applicable requirements of this Section herein has been approved by the Zoning Commission.

Unless otherwise specified in these Regulations, a Site Plan is required for all proposed uses or of use, except the following

- A. Single family residential *use* on a previously approved and buildable lot. A Plot Plan as detailed in Section 8.2 is adequate for most single family uses; provided, however, that a Site Plan may be required by the Commission or the Enforcement Officer, acting on behalf of the Commission, when topography, *soils*, existing development, mixed uses or other factor make it infeasible to properly determine conformance with the Zoning Regulations without a Site Plan.
- B. Within Business (B-1, B-2, B-3, and B-4) Districts and Industrial (I-1, I-2) Districts, a change from an existing permitted *use* located within a *structure* to another permitted *use* located within the same structure, provided that the Commission determines that the new *use* will not result in either the

alteration of the exterior of the structure, or in an intensification of the *use* of the structure. Intensification will be defined as additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than that which existed prior to the change of use. A Plot Plan and written statement of *use* must be submitted for the change of use. The Commission may delegate the responsibility for determination of applicability of this subsection the Enforcement Officer, who will periodically report the determinations to the Commission.

- C. Any *use* for which the Commission approves a waiver of Site Plan requirements under Section 51.2.1.

**51.2.1 Waiver of Site Plan Requirements.** In addition to uses and activities specifically exempted from Site Plan requirements by these Regulations, the Commission may waive requirements for a Site Plan if it determines that a proposed activity will not affect existing traffic circulation, or result in an increase in the need for parking, nor will it entail any significant exterior change to a building or site, nor will the new activity have an impact substantially different from the existing *use* from which the change is requested. A request for a waiver of Site Plan requirements will be submitted in writing by the property owner or owner's agent. A Commission decision to waive Site Plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting. Coastal Site Plans, where applicable, will not be waived.

**51.2.2 Partial Waiver of Site Plan Information Requirements.** To avoid unnecessary delay and expense for an Applicant whose proposed activity is minor in nature and limited in its impact on the surrounding area, the Commission may, at its sole discretion, exempt any Application from specific information requirements as set forth in this Section. the exemption may be approved if the Commission finds that the information would not aid the Commission in its determination of the Application's compliance with these Regulations. A request for a partial waiver of Site Plan requirements will be submitted in writing by the property owner or owner's agent. A Commission decision to waive Site Plan requirements may be made based on informal discussion of the activity at a regular or special Commission meeting. Coastal Site Plans, where applicable, will not be waived.

### 51.3 INFORMAL DISCUSSION OF SITE PLANS

Any Applicant for a *use* requiring Site Plan approval may request the placement of the proposal on the agenda of a regular or special meeting of the Commission for the purpose of presenting preliminary plans or concepts, and receiving preliminary comments, observations, and questions, and identifying areas of concern. At this time, the potential Applicant should request the placement of the potential Site Plan Application on the agenda of a regular or special meeting of the Architectural Review Board for the purpose of obtaining guidance in the aesthetic design criteria prior to a formal Site Plan Application. The purpose of the informal discussion(s) is to minimize delay, expense, and inconvenience to all interested

parties and to assist a potential Applicant in understanding appropriate design parameters desired by the Town). At the informal discussion of the Zoning Commission, the Applicant may request a full or partial waiver of Site Plan requirements under Section 51.2.1 or 51.2.2 of the Zoning Regulations above. Following informal discussion, the Zoning Commission may suggest that the proposal or certain aspects thereof be referred to other Municipal State or Federal agencies for review and comments or may advise the potential Applicant that additional information will be required prior to action on a formal Application for Site Plan approval. (Amended effective 6/15/98.)

## 51.4 FORMAL APPLICATION FOR SITE PLAN APPROVAL

**51.4.1 Submission of Formal Application.** All Applications for Site Plan review, including Application form, fee, maps, reports, legal documents and other information required under Section 51.5, will be submitted to the Enforcement Officer or other designated agent of the Commission. To receive prompt consideration, a complete Application should be submitted no later than 14 days before a regularly scheduled Commission meeting.

An Application will be considered complete when an Application form, fee, maps and other materials conforming substantially to the requirements of Section 51.5, have been received. Failure to submit a complete Application may be cause for disapproval of the Application.

**51.4.2 Official Date of Receipt of Application.** The official date of receipt of a Site Plan Application will be the next regularly scheduled meeting of the Commission immediately following the day of submission of the complete Application to the Enforcement Officer or other designated agent, or 35 days, whichever is sooner.

**51.4.3 Statutory Requirements.** Site plan Applications except those accompanying a Special Permit request in accordance with Section 52 and 53 of these Regulations, will be acted upon by the Commission under the provisions of Section 8-7d(b) of the Connecticut General Statutes. The Commission may hold a public hearing on any Site Plan. In the case of Site Plans accompanying a Special Permit Application, the plans will be considered as part of the Special Permit Application and action on the plan will be taken in accordance with Section 52 and 53 of these Regulations.

**51.4.4 Inland Wetlands Report and Permit Required.** If any part of the site is the jurisdiction of the Old Saybrook Inland Wetlands Commission under provisions of Chapter 400 of the Connecticut General Statutes, the report of said Commission together with any permit issued for regulated activities will be submitted with the Site Plan. In accordance with State Statutes, the Zoning Commission will not act on a Site Plan Application until the report of Inland Wetlands Commission has been received and considered.

**51.4.5 Architectural Review Board Advisory Report Findings Required.** For all commercial, industrial, and multi-family Applications for Site Plan approval required pursuant to the Zoning Regulations of the Town of Old Saybrook, the Zoning Commission will transmit three copies of Site Plan materials to the Old Saybrook

Architectural Review Board for an advisory report of its findings. Within 45 days after receipt from the Zoning office of a copy of the Application, plans, and documents, the Architectural Review Boards will submit an advisory report of its recommendations to the Zoning Commission. (Revised 6/15/77)

51.4.6 **Referrals.** The Zoning Commission may transmit copies of Site Plan materials to other officials and agencies for advisory reports and consultation or for approval as may be required by law. The referrals may include, but are not limited to, the following: Planning Commission, Architectural Review Board, Conservation Commission, Parks and Recreation Commission, Harbor Commission. Economic Development Commission, Board of Selectmen, Commission attorney, Town Sanitarian, Fire Marshal, Commission Engineer, State Department of Transportation, Connecticut River Estuary Regional Planning Agency, Connecticut River Gateway Commission, Middlesex Soil and Water Conservation District, or any other regulatory or advisory body of local State or Federal government from which the Commission wishes to seek advice and counsel in reaching its decision.

51.4.7 **Procedure.** Upon receipt, the Zoning office will transmit the Application and accompanying plans and documents to the Zoning Commission; will also transmit three copies thereof to the Architectural Review Board. A copy of any Site Plan and Soil Erosion & Sediment Control Plan may be transmitted by the Zoning office to the Middlesex Soil and Water Conservation District with a request for its technical review and advisory opinion, and for certification in accordance with Section 67; a copy of any Site Plan and Control Plan pertaining to the *lot* in the Conservation Zone will also be transmitted to the District for the review and opinion. Within 45 days after the receipt of a copy of the Application, plans and documents, the Architectural Review Board may and the Planning Commission will submit advisory reports of their recommendations to the Zoning Commission.

## 51.5 SITE PLAN OBJECTIVES

In reviewing a Site Plan Application, the Commission will take into consideration the public health, safety and welfare of the public in general and the immediate neighborhood in particular, and may approve the modifications as are necessary to assure that the Site Plan complies with the requirements of these regulations. In particular, the Commission will assure that the Site Plan meets the following objectives:

51.5.1 **Complete Application.** That the Application is complete and includes all material and information required by the Commission under these Regulations to reach the findings contained herein.

51.5.2 **Conformance with Zoning Regulations.** That the Application conforms to all relevant provisions of these Regulations.

51.5.3 **Town Plan of Development.** That the proposed Site Plan is in general conformance with the intent of the Town Plan of Development, however the Plan of Development will not take precedence over the specific provisions of these

Zoning Regulations (Text added 7/1/86).

- 51.5.4 **Emergency Services.** That all buildings, *structures*, uses, equipment, or material are readily accessible for fire, police and emergency medical services, and are protected against hazards from fire and flood and from other hazards to public safety.
- 51.5.5 **Traffic Access.** That all proposed traffic access ways do not create traffic hazards and are adequate in width, grade, alignment, and visibility; and that the capacity of adjacent and feeder *streets* is adequate to accommodate peak and average traffic volume and any special traffic characteristics of the proposed use.
- 51.5.6 **Circulation and Parking.** That adequate off-street parking and loading spaces are provided to prevent on-street congestion, that the interior circulation system is adequately designed and marked to provide safe and convenient movement for both vehicles and pedestrians through the parking area and to all uses, *structures*, and parking spaces (Text amended 9/21/83, 7/1/86).
- 51.5.7 **Landscaping and Screening.** That the landscaping of the site complies with the intent and purpose of these regulations, that existing trees are preserved to the maximum extent possible, that parking and service areas are suitably screened and buffered during all seasons of the year from adjacent residential areas and public *streets*, and that creation of impervious surfaces is minimized to protect water quality and maintain the character of the surrounding area (text added 7/1/86).
- 51.5.8 **Lighting.** That glare from the installation of outdoor lighting and illuminated *signs* is properly shielded from the view of adjacent property and public *streets*; keeping with the character of the surrounding area, that intensity of lighting is in keeping with the character of the surrounding area.
- 51.5.9 **Public Health.** That all utility systems are suitably located, adequately designed, and properly installed to serve the proposed uses, to protect the property from adverse air, water or land pollution, and to preserve and enhance the environmental quality of the surrounding neighborhood and that of the town.
- 51.5.10 **Natural and Historical Resources.** That the development of the site will preserve sensitive environmental land features, such as steep slopes, *wetlands*, and large rock outcroppings, and preserve scenic views or historically and archaeologically significant features.
- 51.5.11 **Neighborhood Character.** That the location, size, scale, and overall architectural character of any proposed use, building or structure, as well as the nature and intensity of operations involved in or conducted in connection therein will be in general harmony with the character of the surrounding neighborhood and consistent with the recommendations of the Architectural Review Board), and will not be detrimental to the appropriate and orderly development or *use* of any adjacent land, building or structure.



## 51.6 CONTENTS OF SITE PLAN SUBMISSION

Unless waived by the Commission under Section 51.2, each Application for Site Plan review will include all information required in Sections 51.6.1 through Section 51.6.4 below. Additional information and reports may be required as specified in Section 51.6.5.

51.6.1 **Number of Copies.** Each Site Plan Application will be submitted in triplicate. Additional copies of Site Plan materials, for review by other agencies or officials, will be provided by the Applicant upon request from the Commission or the Enforcement Officer.

51.6.2 **Form.** Formal Application for Site Plan approval will be requested on a form provided by the Commission, available from the Enforcement Officer.

51.6.3 **Fee.** The Application will be accompanied by a fee as may be established by the Commission in accordance with State statutes and applicable town ordinances.

51.6.4 The following information will be submitted as part of all Site Plan Applications:

- A. **Statement of Use.** A written statement, signed by the Applicant, and by the owner if different from the Applicant, describing the nature and extent of the proposed *use* or occupancy in sufficient detail to determine compliance with the *use* provisions of these Regulations. The written statement will include a declaration as to the nature and extent of the proposed *use* or occupancy; a description of provision for water supply, sewage disposal, solid and liquid waste, drainage and other utilities; the number of persons estimated to occupy or visit the premises on a daily basis; the basis for determining parking and loading requirements, and estimate of the type of vehicular traffic and number of vehicles generated on a daily basis and at peak hour; and disclosure of any toxic or hazardous substances used, stored or processed in connection with the proposed *use* or occupancy (Text amended 7/1/86).
- B. **Maps.** All maps will be drawn on one or more sheets measuring 24" x 36". If more than one sheet is required, each sheet will be sequentially numbered, and an index of all supporting detail map sheets will be included on the first sheet. For more efficient presentation, any information required in Section 51.6.4(2) may be combined on plan sheets, if the information is presented in a clear and understandable manner. All prints of maps and plans will be clear, legible, and bound along the left side with required identifying data on each sheet. To the extent practical, north arrows will be consistent from one map to the other. Maps will be dated, and revision dates will be shown if plans are updated or revised during the review process.
  1. **Location Map** – An accurate map at a scale of one inch equals 1000 feet will be submitted showing the subject property and all property and *streets* within 1000 feet of any part of the subject property,

including all *lots* and *lot* lines, all zoning *district* boundaries, and all existing *streets* and roads. The location map may be included on the Site Plan (the location map may be derived from the town's base map.)

2. **Site Development Plans** – Site development plans will include a Class A-2 survey of the property and all improvements, prepared by a land surveyor registered in the State of Connecticut.

All site development plans will be prepared, signed and sealed with a live seal by a professional engineer, architect, or landscape architect as appropriate, licensed to practice in the State of Connecticut, who is responsible for the information and design. All plans which include the design of roads, detailed drainage systems, sanitary sewer systems and water systems will be prepared, signed and sealed by a licensed professional engineer.

Site development plans will be prepared at a scale of not more than fifty (50) feet to one (1) inch, or other appropriate scale as authorized by the Commission, and will indicate the following information, where appropriate.

- a. **General Information**

- (1) Name and address of the Applicant and owner of record and all adjoining property owners as listed on the Town's tax roles;
- (2) Date, north arrow, and numerical and graphical scale on each map;
- (3) A brief written description of the proposed *use* or uses;
- (4) A table or chart indicating existing zoning and the proposed number or amount and types of uses, *lot area*, *lot width along building lines*, setbacks, building *height*, *building/structure coverage*, *gross floor area*, *total lot coverage*, parking spaces, and landscaping, as they relate to the requirements of the zoning regulations;
- (5) The words, "Approved by the Old Saybrook Zoning Commission", with designated places for the title and signature of the Commission and the date.

- b. **The Property**

- (1) Boundaries of the property;

- (2) Location, width, and purpose of all existing and proposed easements and rights-of-way on the property;
- (3) Existing and proposed contours at intervals of two feet or less, or equivalent ground elevations, based on datum satisfactory to the Commission, including identification of a bench mark at the site;
- (4) Location of all existing wooded areas, *watercourses*, *wetlands*, rock outcrops, and other significant physical features; and where appropriate, mean high water line, *wetlands* boundary, special flood hazard areas, and channel encroachment lines.

**c. Buildings and Uses**

- (1) Location, design and *height* of all existing and proposed buildings, *signs*, fences and walls;
- (2) Architectural elevations and floor plans for all buildings; architectural plans will include all proposed buildings, *structures* and *signs* and all existing buildings, *structures* and *signs* proposed to be reconstructed, enlarged, extended, moved or structurally altered. Architectural plans may be in preliminary form but will include exterior elevation drawings, generalized floor plans and perspective drawings.
- (3) Location of all existing and proposed uses and facilities not requiring a building, the as tennis courts, light standards, tanks, fences, transformers, dumpsters, and the like;
- (4) Location and design of all existing and proposed uses not requiring a structure;
- (5) Demonstration that proper provision is made for access and *use* by physically handicapped persons, including walks and ramps of suitable width and grade, inclined curb approaches or curbs cut flush with parking areas, reserved parking spaces and ground level building entrances.

**d. Off-Street Parking and Loading, Access and Circulation**

- (1) Location, arrangement, and dimensions of all existing

and proposed *paved areas* including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps;

- (2) Location, arrangement and dimensions of loading and unloading areas;
- (3) Location and dimensions of pedestrian walkways, entrances, exits and walks;
- (4) All off-street parking and loading, access and circulation will meet the requirements of Section 63 of these Regulations (Text amended 7/1/86).

e. **Landscaping, Screening, and Buffer Areas**

- (1) Percentage, size, arrangement, uses, and dimensions of *open space* on the site;
- (2) Location and design of all required buffer strips and screening, interior landscaped areas; plant materials, fencing, screening devices, decorative paving, or other materials proposed;
- (3) Location of existing trees with a trunk caliper of more than six inches (6”), except in densely wooded areas where the foliage line will be indicated;
- (4) All landscaping, screening and buffer areas will meet the requirements of Section 63 of these Regulations.

f. **Signs and Lighting**

- (1) Location, size, *height*, orientation, and plans of all existing and proposed *signs* and outdoor lighting.

g. **Utilities and Drainage** (Text revised 9/21/83).

- (1) Location and design of all existing and proposed sanitary subsurface sewage disposal systems, storm water drainage, water supply facilities, and refuse collection areas including provisions for recycling, as well as other underground and above ground utilities.
- (2) Storm water drainage system details, including location, size, and elevations of all catch basins, dry wells, pipes, culverts, drainage swales, detention or retention basins and other features.

h. **Sedimentation and Erosion Control Measures**

- (1) Location and design of all proposed sedimentation control measures in accordance with Section 67. (Amended 10/2/79)

i. **Other Information as Appropriate.** In addition to other requirements of Section 51.6, other plans and reports may be required under these regulations, including but not limited to the following:

- (1) Coastal Site Plan, under Section 72;
- (2) Special requirements for flood hazard areas, under Section 54;
- (3) Erosion and sedimentation control plan, when the *disturbed areas* of the development are cumulatively more than one-half (1/2) acre, under Section 67;
- (4) A *noncommercial tree cutting plan*, if the proposed development is located within the Gateway Conservation Zone.
- (5) Any permits required from any State or Federal agencies.
- (6) Any other information deemed by the Commission to be necessary to determine conformity with the intent of these regulations.

51.6.5 **Additional Site Plan Submission Requirements.** The Commission may require that written reports be prepared and submitted as part of any Site Plan submission. Reports which may be required include reports on sewage disposal, water supply, fire protection measures, management of stormwater runoff, traffic generation, storage of hazardous materials, protection of significant archeological sites, or any other aspect of existing and proposed development as the Commission may deem necessary to determine conformance with the intent of these Regulations.

A. The following written reports may be required by the Commission where appropriate:

1. **Water and Sewer Service.** The Applicant will submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the proposed development. The engineer will certify that the proposed water supply and method of

sewage disposal comply with all applicable sanitary codes, rules, and regulations. Before submission of the report to the Zoning Commission, the Applicant will secure the endorsement of the report by the Director of Health of the Town of Old Saybrook or her/his agent.

- a. **Sewage Disposal** – The report will contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal. When the site is to be served by public sewers, the Applicant will provide evidence from the Water Pollution Control Authority or its agent that the site can be adequately served by public sewers;
  - b. **Water Supply** – Where public water is available within 200 feet of the property line of a proposed development site, the Applicant will provide evidence from the Connecticut Water Company that the site can adequately be served by public water. Where public water is not available and cannot be provided, the Commission may require that the Applicant retain the services of a licensed water analyst who will perform the chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests will be submitted to the Director of Health for the Town of Old Saybrook or her/his agent for review and written approval;
2. **Fire Protection** – The Applicant will identify the source of water for fire protection, and will where necessary, after consultation with the fire marshal provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location, and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report will include evidence that the comments of the Fire Marshal have been solicited and received.
  3. **Traffic Generation** – For all new non-residential development, and for residential development proposals when required by the Commission, a written report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the proposed *use* or uses. For site plans involving 30 or more parking spaces, or for any *use* which, in the judgement of the Commission, may have a significant traffic impact, a traffic impact analysis, prepared by a recognized traffic engineer, will be submitted as part of the Application. The traffic report will include a discussion of the plan's compliance with Section 62 of these Regulations concerning

on-site and off-site traffic impacts (Text added 7/1/86).

4. **Stormwater Management** – The Applicant will provide a mapped and written description of all storm drainage measures, prepared by a professional engineer licensed in the State of Connecticut. The written description will identify the method used to calculate runoff, runoff characteristics of the property before and after development, drainage calculations, structural elements of the proposed drainage design, maintenance procedures, safety measures including fencing and trash racks, proposed landscaping and vegetation measures used to stabilize slopes and bottom surfaces, and proposed ownership of any structural elements. The Applicant will obtain written endorsement of the mapped and written drainage plan from the engineer designated to review the report on behalf of the Commission.
  
5. **Hazardous Materials and Wastes** – The Applicant will identify any hazardous materials and wastes to be associated with the proposed occupancy and *use* of the property. Hazardous materials and wastes are defined as materials included in Section 3001 of the Federal Resource Conservation and Recovery Act (PCRA), Connecticut Hazardous Waste Regulations, the Federal Hazardous Substance Act, the Toxic Substance Control Act, and other applicable regulations. If these materials or wastes are to be present, then the Applicant will present evidence that all applicable permits and approvals from Federal, State or local authorities have been or are in the process of being obtained. The Applicant will demonstrate that the hazardous materials or wastes will be contained or managed in the manner that the substances will not specifically pollute or degrade natural resources or the surrounding environment (Text added 9/21/83).
  
6. **Staging Plan** – In cases where the Applicant wishes to develop in stages, an overall site and staging plan indicating the ultimate development will be submitted, including the estimated cost of site improvements for each individual Section.
  
7. **Protection of Significant Historical and Archaeological Sites** – When a site plan submission is made for a site that includes an historic structure, or which is adjacent to or nearby a *lot* that includes an historic structure, or is located in an historic district, or has been identified by the State Historic Preservation Officer or State Archaeologist as historically or architecturally significant, the Applicant will identify on the plans the nature and location of the historic or archaeological resource and will indicate what measures are being taken to protect the resource.

### 51.7 COMMISSION ACTION ON SITE PLAN APPLICATION

A decision to approve, modify, or deny a site plan Application will be made within the time period specified by State Statute. The reason or reasons for the Commission's decision will be stated on its records. Notice of the decision will be published in accordance with State statutes. Once approval has been granted by the Commission, one Mylar and four copies of the approved plan, on which all modifications approved by the Commission as part of its approval have been clearly indicated, will be forwarded to the Commission for its endorsement.

### 51.8 POSTING A BOND

The Commission may require, as a condition of Site Plan approval that the Applicant post a bond or other surety to assure conformance with all proposed improvements (excluding buildings) shown on the approved site plan. The bond will be in a form, amount, and duration acceptable to the Commission and its legal counsel. Should the site developer be unable to complete the required site improvements; the bond will be used by the town to complete work necessary for protection of public health, safety, and welfare. A separate bond may be required for installation of sedimentation and *erosion* controls, landscaping, or other separate aspects of site plan development.

### 51.9 APPEALS

The Commission will give notice of its decision as required by law. The decision of the Commission may be appealed in accordance with Chapter 124 of the Connecticut General Statutes. The Commission will not endorse the plan until after the time for taking an appeal from the decision has elapsed, or in the event of an appeal promptly upon termination of the appeal by dismissal, withdrawal or judgment in favor of the Applicant.

### 51.10 FILING THE PLAN

Following completion of the appeal period or resolution of the appeal in favor of approval and upon receipt of one Mylar and four print copies of the approved plan including any required modifications, and upon receipt of any required bond, the Commission Chairman or Secretary will endorse the site plan and a copy of the plan map will be filed with the Enforcement Officer. The Commission may also require that the approved plan be filed by the Applicant on the Land Records of the Town of Old Saybrook.

### 51.11 COMMENCEMENT AND COMPLETION OF CONSTRUCTION

Construction will commence on any site plan in accordance with the final plans within one year of the date of the Commission's approval thereof. Any plan not commenced within one year will be invalid and no building permit will be issued until a new site plan is approved. Any site not completed within five years (or other time as may be authorized by State statutes) of the date of the Commission's approval will likewise become null and void, and no Certificate of Occupancy will be issued except upon the approval of a new site plan. A notice of approval of a site plan will include a statement of the date on which the five-year



period (or other authorized period) expires.

## 51.12 CERTIFICATE OF OCCUPANCY

No Certificate of Occupancy will be issued by the Building official until the Commission or its agent has determined that the site has been completed in accordance with the approved site plan and has been issued a final Certificate of Zoning Compliance. No Certificate of Zoning Compliance will be issued until the Commission or its designated agent has received written certification from the project architect, engineer, or land surveyor, if one has participated in the preparation of Application materials, to the effect that the project has been completed in accordance with the approved plan. If amendments have been approved, "as-built" drawings will be submitted as well. The Commission or its agent will consider written certification and "as built" drawings, along with any Sections of the site. If the Commission or its agent finds that the project is complete in accordance with the approved plan, issuance of a Certificate of Occupancy will be authorized. If the Commission or its agent finds that the project is incomplete, a Certificate of Occupancy will not be issued.

## 51.13 AMENDMENTS TO AN APPROVED SITE PLAN (Amended effective 4/13/95.)

51.13.1 **Minor Amendments.** Minor amendments to an approved site plan may be approved by the Commission, provided said amendments do not alter the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan as approved. Minor changes will include, but are not limited to, slight relocation of *paved areas*, utilities, landscaped areas, lighting, and other site features because of unforeseen topographic or other field conditions.

51.13.2 **Major Amendments.** Major amendments will be treated as new Applications for site plan approval in accordance with these regulations. Major amendments will include, but are not limited to, any significant alteration in the square footage or location of landscaped areas; any alteration in residential density; any increase in building *floor areas*, or *height*, and any other alteration which significantly affects the overall character, quality, density or intensity, uses, amenities, parking or other major features of a site plan. The Commission will decide, on cases of question, whether a change will be designated major or minor.

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## SECTION 52

# Special Exception (Zoning Commission)

### 52.1 GENERAL

In accordance with the procedures, standards and conditions hereinafter specified, the Zoning Commission may approve a Special Exception in a *district* where the uses are listed, except the Special Exception uses as are subject to the approval of the Board of Appeals under Section 53. All requirements of this Section are in addition to other requirements applicable in the *district* in which the Special Exception *use* is to be located.

### 52.2 PURPOSE

Uses permitted as Special Exception uses subject to the approval of the Zoning Commission are permitted uses in their respective *districts*, subject to the satisfaction of the requirements and standards of this Section. Special Exception uses that may be permitted in a *district* are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the *district* but that possess the special characteristics that each *use* should be considered as an individual case.

### 52.3 APPLICATION

Application for a Special Exception will be submitted in writing to the Enforcement Officer, will be accompanied by an Application for Certificate of Zoning Compliance and will also be accompanied by the following:

52.3.1 **Statement of Use.** A written statement describing the proposed *use* in sufficient detail to determine compliance with the *use* provisions of these Regulations and the performance standards of Section 61; four (4) copies will be submitted.

52.3.2 **Site Plan.** Four (4) copies of a site plan, in accordance with the provisions of Section 8 and Section 51. (Amended 6/15/77)

52.3.3 **Architectural Plan.** Four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.

52.3.4 **Soil Erosion and Sediment Control Plan.** four (4) copies of a *Soil Erosion & Sediment Control Plan*, in accordance with the provisions of Section 67.

52.3.5 **Modification of Submission.** (Amended 2/22/80) The Zoning Commission, upon written request by the Applicant, may by resolution:

- A. Determine that the required submission of all or part of the information required under Paragraph 52.3.2 and 52.3.3 is not necessary to decide on the Application and need not be submitted, or

- B. Determine that the information is deferred for submission and decision at a later date.

## 52.4 PROCEDURE

Upon receipt, the Zoning office will transmit the Application and accompanying plans and documents to the Zoning Commission; and will also transmit three (3) copies thereof to the Planning Commission and three (3) copies thereof to the Architectural Review Board. A copy of any site plan and *Soil erosion and sediment control plan* may be transmitted by the Zoning office to the Middlesex County Soil and Water Conservation District with a request for its technical review and advisory opinion, and for certification in accordance with Section 67; a copy of any site plan and Control Plan pertaining to a *lot* in a Conservation Zone will be so transmitted to the District for the review and opinion. Within forty-five (45) days after the receipt of a copy of the Application, plans, and documents, the Planning Commission and the Architectural Review Board may submit advisory reports of its recommendations to the Zoning Commission. The Zoning Commission may request the Applicant to submit the additional information that it deems necessary to decide on the Application. The Zoning Commission will hold a public hearing on the Application, will decide thereon, and give notice of its decision as required by law. The Applicant may consent in writing to any extension of the time for public hearing and action on the Application. (Amended 6/26/75, Amended effective 6/30/98.)

## 52.5 APPROVAL

After the public hearing the Zoning Commission may approve a Special Exception if it will find that the proposed *use* and the proposed buildings and *structures* will conform to the General Standards, in addition to any Special Standards for particular uses, hereinafter specified. Approval of an Application under this Section will constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the Application for Certificate of Zoning Compliance. One extension of the period for an additional period not to exceed one (1) year may be granted by the Zoning Commission for good cause. All Special Exceptions may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

## 52.6 GENERAL STANDARDS

The proposed *use* and the proposed buildings and conform to the following General Standards:

- 52.6.1 **Character.** The location, type, character and extent of the *use* and of any building, *structure*, in connection therewith will be in harmony with and conform to the appropriate and orderly development of the Town and will not hinder or discourage the appropriate development and *use* of adjacent property or impair the value thereof.

- 52.6.2 **Fire Protection.** The nature and location of the *use* and of any building, *structure*, in connection therewith will be that there will be adequate access to it for fire protection purposes.
- 52.6.3 **Access.** Provision will be made for vehicular access to the *lot* in the a manner as to avoid undue hazards to traffic or pedestrians and undue traffic congestion on any street. Provision will be made for appropriate continuation and improvement of *streets* terminating at the *lot* where the *use* is to be located.
- 52.6.4 **Lot Size.** The *lot* on which the *use* is to be established will be of sufficient size and adequate dimension to permit conduct of the *use* and provision of buildings, other *structures* and facilities in the a manner that will not be detrimental to the neighborhood or adjacent property.
- 52.6.5 **Neighborhood.** The site plan and architectural plans will be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- 52.6.6 **Other.** The site plan and architectural plans will also conform to the applicable standards of Section 51.

## 52.7 SPECIAL STANDARDS

The proposed *use* and the proposed buildings and *structures* will also conform to the following Special Standards

- 52.7.1 **Roadside Stands.** Roadside stands will be established only for the display and sale of farm products grown on the premises where the stand is located, will not exceed a maximum *building/structure coverage* of four hundred (400) square feet, will observe all *setbacks* required for *buildings* and other *structures* and will be provided with at least one (1) off-street parking space for each fifty (50) square feet of *building/structure coverage*.
- 52.7.2 **Day Nurseries.** Day nurseries will conform to the following Special Standards
- A. The *use* will be limited to daytime group care programs for children.
  - B. The Application will be accompanied by a report from the Director of Health of the Town attesting that the proposed location, site plan, buildings and facilities comply in all respects to applicable Town and State health laws and regulations and will be adequate, safe and suitable for the intended use.
  - C. In the Residence Districts, the Special Exception will be granted for a limited period not to exceed five (5) years.

52.7.3 **Convalescent Homes and Hospitals.** (Text amended 10/28/85). Convalescent homes, private hospitals, and sanitariums, licensed by the State of Connecticut, will conform to the following Special Standards:

- A. In AAA and AA-1 Districts, the *use* will be located on a *lot* having a minimum area of ten (10) acres and there will be no more than one (1) patient bed for each 10,000 square feet of *lot area*; in AA-2, A, B and B-3. Districts, the *use* will be located on a *lot* having a minimum area of five (5) acres, and there will be no more than one (1) patient bed for each 5,000 square feet of *lot area*; in B-4 District, the *use* will be located on a *lot* having a minimum area of ten (10) acres, and there will be no more than one (1) patient bed for each 2,500 square feet of *lot area*; in 1-1 Districts, the *use* will be located on a *lot* having a minimum area of fifteen (15) acres and there will be no more than one (1) patient bed for each 5,000 square feet of *lot area*.
- B. No building, *structure*, established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street* line.
- C. The *use* will be served by public water supply.
- D. The *use* will comply in all respects to applicable laws and regulations of the State of Connecticut.
- E. The Application will be accompanied by a report from the Director of Health of the Town attesting to the adequacy of the proposed location, site plan, buildings, and facilities for the intended use.
- F. The Application will be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, site plan, buildings and facilities.

52.7.4 **Clubs.** Golf, tennis, swimming or similar clubs will be located on a *lot* of not less than 10 acres, and no building, *structure* or recreation facility established in connection with the *use* will extend within less than 100 feet of any property or *street* line.

52.7.5 **Commercial Kennels and Stables.** Commercial kennels, livery and boarding stables and riding academies will be located on a *lot* of not less than five (5) acres. Dogs will be kept in buildings, enclosures or runs located not less than 150 feet from any property or *street* line. Any building in which livestock are kept will be located not less than 100 feet from any property or *street* line.

52.7.6 **Public Utility Substations.** Public utility substations and telephone equipment buildings located in Residence or B-3 Districts will conform to the following Special Standards:

- A. Any building in connection with the *use* will have a design that is in harmony with residential architecture in the neighborhood.

- B. Any equipment or utility facilities not located in a building will be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other *lot* or from any street.

52.7.7 **Restricted Business B-3 District.** In Restricted Business B-3 Districts, a Special Exception use that is to be established by addition to, extension of, or alteration of an existing building originally designed as a house will preserve the character of the existing building, as a house.

52.7.8 **Conservation Zone.** (Amended 6/26/75) The following will be applicable to additional *height* and special *setbacks* for which a Special Exception may be approved in a Conservation Zone:

- A. The building features for which additional *height* may be approved under Paragraph 7.3 will not be used for human occupancy and will not occupy more than ten percent (10%) of the area of the roof.
- B. The additional *height* under Paragraph 7.3 and the special exemptions under Paragraph 7.4.9 will be compatible with the preservation of the natural and traditional riverway scene in the Conservation Zone and the purposes of Public Act 73-349.

52.7.9 **Heliports.** Any heliport will be a private heliport for non-scheduled periodic landing and takeoff of rotor-craft, will be accessory and incidental to another permitted *use* on the *lot* and will conform to the regulations of State and Federal agencies having jurisdiction over aircraft landing and takeoff facilities and *use* of airspace. (Amended 6/15/78)

52.7.10 **Dwellings for Elderly or Handicapped Persons.** (Amended 9/18/79) *Dwellings* for elderly or handicapped persons will conform to the following Special Standards:

- A. Such *dwellings* will be owned by a *non-profit corporation*, established under the laws of the State of Connecticut for the specific purpose of owning, constructing and operating the *dwellings*. A copy of the articles of incorporation, as well as a copy of a management plan, will be submitted with the Application for a Special Exception.
- B. Such *dwellings* and *dwelling units* will be designed and equipped specifically to meet the special needs of elderly or handicapped persons, and each *dwelling unit* will be occupied by at least one (1) person who is either 62 years of age or older or is physically handicapped. The management plan will include a provision that a surviving spouse under the age of 62 may be permitted to remain in the complex.
- C. Such *dwellings* may:
  - 2. Contain not less than two (2) nor more than eight (8) *dwelling units* or

3. Consist of one or more clusters of up to six (6) single detached *dwelling*s per cluster for one (1) family. No *dwelling unit* will contain more than two (2) *bedrooms*. Each one-*bedroom dwelling unit* will contain not less than 400 square feet of enclosed floor space and each two-*bedroom dwelling unit* will contain not less than 550 square feet of enclosed floor space. No separate *dwelling unit* will be located above any other *dwelling unit* unless the upper unit has at-grade access (principal doorsill not more than twenty-four (24) inches above the grade of the adjoining land).
- D. Such *dwelling*s will be located on a *lot* having a minimum area of two (2) acres that have an average seepage rate of one (1) inch in 10 minutes or less. *Dwellings* will be located on suitable building land on the lot, and the total number of *dwelling units* will not exceed 12 per acre of land having the above seepage rate. All the *dwelling*s will be served by public water supply.
- E. No such dwelling, or building or *structure* accessory thereto, will extend within less than 25 feet of any *street line* or property line, and no parking spaces or access aisles in connection therewith will extend within 25 feet of any *street line* or within 15 feet of any property line. No such *dwelling* will extend within less than 15 feet of any other *dwelling* on the lot.
- F. The *use* may include accessory community rooms and facilities for the *use* of the occupants of the *dwelling*s, as well as utility and maintenance buildings and facilities necessary for support of the *dwelling*s on the lot.

52.7.11 **Marine Research Laboratories.** (Amended 2/22/80) Any marine research laboratory for the study of aquatic and marine environment, ecology and resources, to be located in the MC District, will also conform to the following Special Standards:

- A. The laboratory activity will have need for and actually *use* access from the *lot* to Long Island Sound or the Connecticut River by boat or other vessels in connection with its primary study activities.
- B. Such access by boat or other vessel to the Sound or River will be of a type, character and extent that is in harmony with and conforming to the appropriate and orderly *use* of the Sound or River by boating and fishery uses permitted in the District.

52.7.12 **Radio Towers.** (Amended 3/12/80) Radio towers for Standard Broadcasting Radio Stations must be used in connection with a radio station located completely within the Town of Old Saybrook.

**52.7.13 Residential Life Care Facility.** (Amended effective 12/30/98.)

- A. The *residential life care facility* will consist of a building or buildings containing *assisted living units*. These will consist of studio, one (1) or two (2) *bedroom* units. These units will be designed and equipped specifically to meet the special needs of elderly persons. Each *assisted living unit* will be occupied by at least one (1) person who is either sixty (60) years of age or older. The management plan required under Paragraph 52.7.13f may include provision that a surviving spouse under the age of sixty (60) may be permitted to remain in the *assisted living unit*.
- B. The *residential life care facility* will provide the following facilities and services for *use* by or benefit of all residents of the facility and their guests:
  - 1. A medical facility which will be equipped to provide medical and other health-related services; Common areas will contain a dining room, kitchen, lobby, library, gift shop, beauty salon/barber shop, craft/hobby shop, chapel and health club. An emergency generator system capable of providing emergency power to both the residential and the medical facility will be provided. A fully equipped physical therapy room available to both residents of the life care building and the medical facility will be provided on site. Common services will also include food service, housekeeping assistance, a full-time health counselor, a full-time social director, 24-hour on-site licensed nursing, a Medical Director or licensed physician on call 24 hours a day, transportation services, home health care or other medical services, a fully integrated 24-hour security system and fire alarm system with individual unit as well "as full facility alerting capability.
- C. The *residential life care facility* will be located on a *lot* having a minimum of seven (7) contiguous non-*wetland* acres. The *lot* will have a minimum *frontage* of 300 feet on a *street* and will be of a shape that a square with a minimum dimension of 400 feet will fit on the lot. The total number of *assisted living units* will not exceed 12 per acre, and the facility will be served by public water supply.
- D. The *residential life care facility* buildings and *structures* will not exceed the *height* limit of the District. *Assisted living units* may be located above other *assisted living units*. When located outside the Conservation Zone, the total floor area of all buildings and other *structures* on the *lot* may be increased to fifty percent (50%) of the *lot area* outside the *zone*.
- E. Each studio *assisted living unit* in The *residential life care facility* will not contain less than 420 square feet of enclosed floor space; each one (1) *bedroom assisted living unit* will not contain less than five hundred twenty (520) square feet of enclosed floor space; and each two (2) *bedroom assisted living unit* will contain not less than seven hundred fifty (750) square feet of enclosed floor space. No more than twenty-two percent (22%) of *assisted living units* will be studios.



- F. A management plan specifying the occupancy, facilities, services and administration for the *residential life care facility* will be submitted with the Application for Special Exception.

**52.7.14 Bed and Breakfast Transient Lodging.** (Adopted effective 11/10/93.) A *bed and breakfast transient lodging use* consists of a room or rooms for overnight accommodation of visitors in a dwelling, including service of breakfast to the visitors, and the *use* is subject to the following Special Standards:

- A. The *dwelling* will be located on a *lot* in the Residence AA-2 or A District or the Central Business B-1, Shopping Center Business B-2, Restricted Business B-3 or Gateway Business B-4 District.
- B. The owner of the *dwelling* will reside on the premises, and the premises will be the principal place of residence of the owner.
- C. The *dwelling* will have a minimum *gross floor area* of two thousand (2,000) square feet and will be found to be capable of accommodating the rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment. There will be no more than four (4) the rooms in the *dwelling* and each room will be limited to double occupancy. One (1) full bathroom will be provided for each two (2) rooms for transient visitors. Not less than seven hundred fifty (750) square feet of the *dwelling* will be reserved and assigned as the *dwelling unit* for occupancy by the owner of the premises.
- D. The Use, including any modification or additions to the dwelling, will preserve the architectural style and integrity of the building as a *dwelling* and any stairways for access to floors above ground level will be located inside the dwelling. In the event that the *dwelling* is an historic *structure* as defined in Section 9, the use, including any modifications to the dwelling, will not preclude the structure's continued designation as an historic structure.
- E. In addition to off-street parking spaces required for other uses on the lot, one (1) off-street parking space will be provided for each room for transient visitors, and in Residence Districts, no the parking spaces will be located in the area required for building *setback* from a *street line* and in Business Districts the parking spaces will be located as specified in Paragraph 62.7.4.
- F. The *dwelling* will be served by public water supply. The sewage disposal system, existing, or as proposed to be modified to serve the proposed use, will be approved by the Director of Health of the Town of Applicant. The transient lodging occupancy will be approved by the Town Fire Marshal.
- G. Occupancy of rooms for transient lodging by any person will not exceed 14 consecutive days in the 90-day period commencing with the day of first occupancy. Meals for occupants of the rooms will be limited to breakfast only.

- H. In determining the appropriate number of rooms to be permitted on a *lot* in a Residence District the Commission will be guided by the following:
1. A *dwelling* on a *lot* of at least twenty thousand (20,000) square feet may contain no more than two (2) the rooms or a *dwelling* on a *lot* of at least thirty thousand (30,000) square feet may contain no more than three (3) the rooms or a *dwelling* on a *lot* of forty thousand (40,000) square feet or more may contain no more than four (4) the rooms.
  2. The Commission may modify the above *lot area* standards to allow more or fewer rooms based upon, but not limited to, the factors as the size and shape of the lot, the more distant or closer proximity of *dwelling* on other *lots* and across the *street* and the provision for and layout of off-street parking in a manner supporting the residential character of the neighborhood, including screening. In any event, there will be no more than four (4) the rooms in the dwelling.
- I. No the *bed and breakfast transient lodging use* is permitted in a *dwelling* where rooms are rented as provided in Paragraph 8.7.
- J. In the event of any change in ownership of the *lot* where an approved bed and breakfast *use* is located, the new owner, before continuation of the operation of the use, will submit an Application for Certificate of Zoning Compliance and the Application will be approved and Certificate issued by the Enforcement Officer when the Officer determines that the continued *use* will be in compliance with these Regulations and the original Special Exception requirements for the lot.

**52.7.15 Adult Entertainment Businesses.** (Added effective 5/16/95.) The purpose of this Section is to regulate uses, which, because of their nature, have potentially serious objectionable operational characteristics, particularly when concentrated, and under certain circumstances, thereby having a deleterious effect upon surrounding areas. Special regulation of these uses is necessary to insure that these adverse effects will or downgrading of the surrounding neighborhood. These regulations prevent clustering of these uses in any one location and thereby protect health, safety, general welfare, and property values in the Town of Old Saybrook. In addition to conforming to standards elsewhere in these regulations, any Adult Entertainment Business will also conform to the following Special Standards:

- A. **Specific Concerns** – An *adult entertainment business*, as defined in Section 9, Definitions, may be approved by special exception in a Business B-4 District only, provided the following standards and criteria are met in addition to the standards, criteria, and conditions stated elsewhere in Section 52.7.15:
1. No *lot* containing the *adult entertainment business* will be located within 250 feet of a *district* which, pursuant to these regulations and the Zoning Map of the Town of Old Saybrook is classified AAA, AA-1,

AA-2, AA-3, A, B, B-1, B-2, B-3, I-1, MC, or Saybrook Point District. (Text added 1/29/83)

2. No *lot* containing the *adult entertainment business* will be located within one thousand (1,000) feet of an adjacent municipality.
  3. No *lot* containing the *adult entertainment business* will be established within one thousand (1,000) feet of another the business.
  4. No *lot* containing the *adult entertainment business* will be located within one thousand (1,000) feet of the property line of any public, private, or parochial school, day-care center, library, park, playground, or other recreational facility, whether commercial or non-profit, or any other area where numbers of minors regularly travel or congregate, in any *zone*. Nor will any the business be located within one thousand (1,000) feet of the property line of any church, convent, monastery, synagogue, or other similar place of worship, or cemetery.
  5. For purposes of this Section, distances will be measured in a straight line, without regard to intervening *structures* or objects, from the nearest portion of the *lot* containing or proposing to contain an *adult entertainment business use* to the nearest boundary of the uses specified in i, ii, iii and iv above.
  6. In businesses where the adult entertainment Section accounts for less than ten percent (10%) of a business stock in trade, display space, or floor space, the adult entertainment Section of the business will be secluded from the principle Section of the business in a manner acceptable to the Zoning Commission.
  7. No accessory apartment or apartments or other *dwelling units* will be permitted on the premises of an *adult entertainment business*.
  8. In accordance with Connecticut General Statutes 8-6, these regulations (Section 52.7.15, inclusive) will not be varied by the Zoning Board of Appeals to permit an *adult entertainment business*.
- B. **Application Procedure** – Application for a permit for an *adult entertainment business* will be made to the Zoning Commission in accordance with Sections 34, 51, and 52.7.15, demonstrating compliance with these Sections.
- C. **Required Renewal** – Renewal of *adult entertainment businesses* is required in January of each calendar year and will conform to the following standards:
1. Purchasers of buildings that have had Special Exceptions for *adult entertainment businesses* who want to continue the Special Exception will obtain a Certificate of Zoning Compliance and demonstrate that all

conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the *adult entertainment business*.

2. Any the renewal will be referred to the Zoning Commission for consideration. The Zoning Commission, in its sole discretion, may require a new Application and a demonstration of compliance with all conditions necessary for a Special Exception before the continued operation of the *adult entertainment business*.

**52.7.16 Private Country Club.** (Adopted effective 2/18/00.) The purpose of this section is to provide standards for the development of well-planned and environmentally sensitive country club facilities, which include golf courses that will enhance Old Saybrook, and to include appropriate and related accessory uses:

- A. **Principal Use.** A golf course of at least eighteen (18) holes and being at least six thousand two hundred (6,200) yards in length measured from the furthest back tee areas and shall be made in a manner customary for calculating golf course length by the United States Golf Association.
- B. **Accessory Uses.** Private Country Club may only include, in addition to at least one (1) golf course as described above:
  1. Restaurants, banquet and ballroom facilities, and snack bars with related kitchen and food preparation and storage facilities with or without the sale of alcoholic beverages;
  2. Retail shops with the sales of items associated with the recreational activities of the Private Country Club;
  3. Appropriate office space and meeting rooms for the management of the facility;
  4. No more than two (2) swimming pools, plus one (1) pool not greater than thirty-six inches (36") in depth at the deepest point for use by children;
  5. No more than eight (8) tennis courts and no more than four (4) other courts for outdoor paddle sports;
  6. Health facilities, for use only by Private Country Club patrons, that may include health, therapy programs, cardiovascular and strength training equipment, and sports conditioning equipment and appropriate locker room facilities;
  7. Golf practice facilities, including golf training facilities, practice ranges, putting greens, and school facilities;

8. Maintenance, operations and storage buildings, including secure containment areas for chemicals necessary to establish and maintain the golf course and storage and maintenance facilities for golf carts;
9. One (1) apartment for a full-time employee:
  - (a) Must be located on the Private Country Club lot and must be part of clubhouse complex; and
  - (b) Must be set back a minimum of 50 feet from any street;
10. No more than four (4) guest cottages meeting the following criteria:
  - (a) Use is limited to the operator of the Private Country Club, Private Country Club members and their guests;
  - (b) Guest stays shall not exceed one (1) week;
  - (c) Under no circumstances shall the use of the guest cottages be offered to any members of the general public for a fee;
  - (d) Guest cottages shall be located on the Private Country Club lot and be within 1,000 feet of the main building;
  - (d) Guest cottages shall not contain more than 1,000 square feet, or more than two (2) bedrooms. The interior of the guest cottages may be arranged so that the bedrooms may be used independently;
  - (e) Guest cottages shall not have kitchen or housekeeping facilities, but may have a compact refrigerator and/or microwave oven for incidental use; and
  - (f) Guest Cottages are to be landscaped so as to be buffered from any single family dwelling;
11. Nightclub and cabaret uses are prohibited.

C. **Land Requirements.** The Private Country Club shall comply with the following requirements:

2. The minimum contiguous acreage of a Private Country Club shall be two hundred (200) acres. The acreage shall be considered to be contiguous if separated by a street. Accessory uses shall be located on the Private Country Club lot;

3. Clearing for a Private Country Club, including all golf course greens, fairways, tees, practice facilities, driveway and parking areas shall not exceed 65 percent of the total land area of the Private Country Club lot;
4. Total impervious surfaces shall not exceed six (6) percent of the total land area of the Private Country Club lot. Golf cart paths shall be paved where the grade of the path exceeds five (5) percent or where the land or slope conditions are such that the Zoning Commission determines that the cart path should be paved;
5. No building or structure, except open shelters for golfers or identification and/or directional signage, shall be constructed within fifty (50) feet of a boundary of the Private Country Club lot or of a street. The Zoning Commission may reduce this requirement if the applicant demonstrates that no acceptable and workable alternate locations for a particular building or structure exists on the site;
6. A minimum buffer of one hundred (100) feet of undisturbed vegetation and/or planted area shall be provided along all property lines where the adjacent property is zoned for residential use and where the Private Country Club developer does not own the adjacent property at the time of the approval of the Private Country Club, subject to the standards of Section C.7 unless the Zoning Commission determines that a buffer is not required or may be reduced. Such determinations shall be made on a lot by lot basis;
7. A minimum buffer of fifty (50) feet of undisturbed vegetation and/or planted area shall be provided along all other property boundary lines, all streets, and at the entrances to the main building; and
8. Where the Zoning Commission deems the natural vegetation within any buffer area inadequate, a landscape area shall be designed and planted as approved by the Zoning Commission. The Zoning Commission may determine that a buffer is not required. Such determinations shall be made on a lot-by-lot basis. All boundary buffer areas are to be maintained by the Private Country Club owners.

**D. Roadways and Parking Lots.** All roadways and parking lots within the Private Country Club, are to meet the following standards:

1. All driveways and parking lots are to be owned by the Private Country Club and are to be maintained by the Private Country Club;
2. All driveways and parking areas are to meet the standards of Section 62 Off-Street Parking and Loading, Access, and Circulation and Section 63 Landscaping, Screening and Buffer Areas; and

3. The Commission shall evaluate the number of parking spaces provided and shall determine the number of spaces that need to be paved and the number of spaces that are to be left unpaved. The Commission shall base its determination upon on a recommendation from its engineer or Town Planner.
- E. **Lighting.** Lighting for all of the facilities of the Private Country Club, including roadways, driveways, and all buildings shall be the minimum required for safety and access purposes as determined by the Zoning Commission. Tennis courts and other courts for outdoor paddle sports shall be illuminated no later than 11:00 P.M. The golf course itself and the practice area shall not be illuminated.
- F. **Hours of Operation.** Hours of operation shall not exceed the following:
1. Golf course and practice area – 6:30 A.M. to 9:00 P.M.;
  2. Maintenance operations – 5:30 A.M. to 7:30 P.M. When the golf course abuts a residential structure, maintenance activities within five hundred (500) feet of such residential structures shall not begin before 7:30 A.M.; and
  3. Tennis courts and other courts for outdoor paddle sports – no later than 11:00 P.M.
- G. **Site Plan and Application**
1. **Site Plan** – The Special Exception shall meet all the standards of Sections 7, 8 and 52 of the Zoning Regulations and shall be accompanied by an Environmental Management Report (EMR) that shall be submitted as part of the application and at the same time as the application. This report shall address the Private Country Club property and surrounding property upon which the development will have an impact and the surrounding properties that will have an impact on the golf course property. This report shall describe the planning and design process, construction methods, and future management of the Private Country Club facilities. The EMR shall be prepared, signed and sealed by both a Landscape Architect and a Civil Engineer licensed to practice in the a State of Connecticut where appropriate. In the event, there may be any conflict between these provisions and the provisions of other sections of the Regulations, the provisions of this section shall be deemed to control. The EMR shall be in three (3) volumes: Volume 1 shall contain a Site Assessment, Volume 2 shall contain the Site Development Plan, and Volume 3 shall contain a Site Management Plan;

2. **Site Assessment Plan** – At a minimum, the following information for not only the site itself, but for all of the interrelated natural and manmade systems. The following materials shall be presented in both graphic and/or written format, as determined by the Zoning Commission, and shall be referred to the Conservation Commission and the Connecticut River Estuary Regional Planning Agency (CRRERPA) for review and comment:
  - (a) Slope Analysis;
  - (b) Soils Analysis;
  - (c) Vegetation Inventory;
  - (d) Wildlife and Habitat Inventory;
  - (e) Wetlands and Watercourse Resources;
  - (f) Public and Private Utilities;
  - (g) Cultural and Historic Resources;
  - (h) Special Site Features such as prominent ledge outcroppings and stands of trees;
  - (i) Views and Vistas; and
  - (j) Traffic Impact Analysis;
3. **Site Development Plan** – shall include at a minimum the following information (a key map shall be provided):
  - (a) **Unbuilt Environment Plan** – that includes a map or aerial photograph of the Private Country Club property showing its pre-development conditions at a sufficient scale (1"=40') to reveal significant features such as existing structures, foundations, stone walls, prominent trees, ledge outcroppings, watercourses, water bodies, roads and trails. Both existing and proposed property boundary lines and infrastructure shall be shown on this plan;
  - (b) **Overall Development Master Plan** – at a scale of 1" = 40' that defines all phases and future intentions for expansion or new construction proposed for the Private Country Club property. This plan shall show the proposed golf course development and specifically delineate where and how prominent features identified in the Unbuilt Environment Plan will be incorporated into the development or altered;



- (c) **Phasing Plan** – which describes the various phasing of the development of the Private Country Club;
- (d) **Construction Sequencing Plan** – that includes a timeline for the entire construction process;
- (e) **Building Floor Plans and Elevations** – for all structures to be built on the site;
- (f) **Manufacturers Specifications** – for illumination systems, maintenance/storage facilities, and all hazardous materials handling equipment. The Commission may require product literature or other explanatory materials to be submitted at or prior to the public hearing on the application;
- (g) **Golf Course Construction Details** – for the construction of the golf course and other recreation facilities to be included as part of the Private Country Club;
- (h) **Stormwater Management Plan** – for the entire Private Country Club development site;
- (i) **Wastewater Disposal Plan** – for all permanent and temporary buildings and structures to be referred to the Water Pollution Control Authority for review and comment;
- (j) **Integrated Turf Management Plan** – which includes an Integrated Pest Management Plan, for all golf course and grounds maintenance that emphasizes the minimum use of pesticides, herbicides, fungicides and fertilizers;
- (k) **Water Use Plan** – for all golf course and facilities uses;
- (l) **Soil Erosion and Sedimentation Control Plan** – for the entire Private Country Club property, including any phasing of controls to properly manage the site during construction and site stabilization;
- (m) **Re-vegetation/Landscaping Plan** – for the entire Private Country Club property, including the phasing of revegetation/landscaping necessary to properly manage the site during construction and site stabilization; and
- (n) **Open Space Conservation Plan** – for any portions of the Private Country Club that connect to and are to be permanently reserved as open space;

4. **Site Management Plan** – shall include the following information at a minimum:
- (a) **Groundwater Quality Monitoring Plan** – shall show locations of proposed monitoring wells, the testing frequency and protocol for testing and including the names of the state approved laboratories conducting the testing. This Plan shall include the names of all of the specific chemicals for which testing will be undertaken.
  - (b) **Surface Water Quality Monitoring Plan** – shall show the locations of all testing stations, the specific tests to be conducted at each location, the levels of water quality and water levels at all wetlands and watercourses down gradient of the golf course itself and grounds maintenance activities described in the Integrated Turf Management Plan.
  - (c) **Habitat/Vegetation Enhancement Monitoring Plan** – shall describe how the Private Country Club shall monitor the revegetation of the site in accordance with the approved Site Development Plan.
  - (d) **Solid Waste Management Plan** – shall propose the specific measures that the applicant shall install and operate to recycle and dispose of toxic and other solid wastes from all activities on the site.
  - (e) **Golf Course Operations Plan** – shall propose the specific hours of operations and the periods of the year that each activity of the site will be in operation for members or the public.



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## SECTION 53

# Special Exceptions (Board of Appeals)

### 53.1 GENERAL

In accordance with the procedures, standards, and conditions hereinafter specified, the Board of Appeals may approve a Special Exception for a) conversion of *dwelling*s to contain two (2) *dwelling units* or b) automotive uses under Paragraph 32.2.1 and 34.2.1, in a *district* uses are listed as special exception uses. All requirements of this Section are in addition to other requirements applicable in the *district* in which the Special Exception *use* is to be located.

### 53.2 PURPOSE

Uses permitted an Special Exception uses subject to the approval of the Board of Appeals are deemed to be permitted uses in their respective *districts*, subject to the satisfaction of the requirements and standards of this Section. Special Exception uses that may be permitted In a *district* are unusual uses that under favorable circumstances will be appropriate, harmonious and desirable uses in the *district* but that possess the special characteristics that each *use* should be considered as an individual case.

### 53.3 APPLICATION

Application for a Special Exception will be submitted in writing to the Enforcement Officer, will be accompanied by an Application for Certificate of Zoning Compliance and except for conversion of a *dwelling* will also be accompanied by the following:

- 53.3.1 **Statement of Use.** A written statement describing the proposed *use* in sufficient detail to determine compliance with the *use* provisions of these Regulations and the performance standards of 61; four (4) copies will be submitted.
- 53.3.2 **Site Plan.** Four (4) copies of a site plan, in accordance with the provisions of Section 8.
- 53.3.3 **Architectural Plan.** Four (4) copies of architectural plans, which may be in preliminary form, in accordance with the provisions of Section 8.
- 53.3.4 **Modification of Submission.** (Amended 2/22/80) The Board of Appeals, upon written request by the Applicant, may by, resolution a) determine that the required submission of all or part of the information required under Paragraph 53.3.2 and 53.3.3 is not necessary to decide on the Application and need not be submitted, or b) determine that the information is deferred for submission and decision at a later date.

### 53.4 PROCEDURE

Upon receipt, the Enforcement Officer will transmit the Application and accompanying plans and documents to the Board of Appeals; he will also transmit a copy thereof to the Planning Commission. A copy of any site plan and Soil Erosion and Sediment Control Plan accompanying an Application for an automotive *use* may be transmitted by the Enforcement Officer to the Middlesex County Soil and Water Conservation District with a request for its technical review and advisory opinion, and for certification in accordance with Section 67; a copy of any the site plan and Control Plan pertaining to a *lot* in a Conservation Zone will be so transmitted tot he District for the review and opinion. Within 45 days after receipt of a copy of the Application, plans, and documents, the Planning Commission will report its recommendations to the Board of Appeals, stating the reasons therefor. The Board of Appeals will hold a public hearing on the Application, will decide thereon, and give notice of its decision as required by law. The Applicant may consent in writing to any extension of the time for public hearing and action on the Application. (Amended 6/26/75, Amended 7/1/85.)

### 53.5 APPROVAL

After the public hearing, the Board of Appeals may approve a Special Exception if finds that the proposed *use* and the proposed buildings and *structures* will conform to the standards hereinafter specified. Approval of an Application under this Section will constitute approval conditioned upon completion of the proposed development, in accordance with plans as approved, within a period of two (2) years after the date of approval of the Application for Certificate of Zoning Compliance. One extension of the period for an additional period not to exceed one (1) year may be granted by the Board of Appeals for good cause. All Special Exceptions may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

### 53.6 STANDARDS

The proposed *use* and the proposed buildings and *structures* will conform to the General Standards specified for Special Exceptions under Paragraph 52.6 and to the following Special Standards.

**53.6.1 Conversion of Dwellings.** The *dwelling* to be converted to contain two (2) families will be a single detached *dwelling* for one (1) family and will conform to the following Special Standards

- A. Such *dwelling* will have been in existence on January 1, 1944, will contain not less than 2,000 square feet of enclosed floor space, and, upon conversion, neither of the two (2) *dwelling* units will contain less than 800 square feet of enclosed floor space.

- B. The *dwelling* will be located on a *lot* having a minimum area of 25,000 square feet if served by public water supply or having a minimum area of 40,000 square feet if not so served.
- C. In making changes to the exterior of the dwelling, the appearance and character of a single family house will be preserved, and no structural changes will be made other than to provide necessary means of egress for each *dwelling* unit.
- D. Stairways leading to the second and any higher floor will be located within the walls of the dwelling.
- E. Sewage disposal facilities will be designed and constructed in accordance with applicable State and Town codes and regulations.

53.6.2 **Automotive Uses.** (Amended effective 12/16/74.) Motor vehicle service stations, and the additional automotive uses specified under Paragraph 34.2.1 and 32.2.2 will conform to the following Special Standards:

- A. No building, *structure*, used for a motor vehicle service station or other automotive use, and no land used for the purposes, will extend within less than 100 feet of a Residence District boundary line. In addition, no motor vehicle service station or other automotive uses will have at the *street line* any entrance, or exit for motor vehicles within a radius of 500 feet of any entrance or exit at the *street line* of any public or private school, round library, church or other place of worship, park, playground or institution for sick or dependent or for children under 16 years of age.
- B. No pump or other fuel filling devices for the retail sale of gasoline or other motor vehicle fuel on any *lot* will be located within less than 25 feet of any *street line* or property line or within a radius of 1,000 feet of any the pump or device on any other lot.
- C. There will be no repair work, except of a minor or emergency nature, performed out-of-doors.
- D. Except with respect to automotive uses specified under Paragraphs 32.2.1 and 32.2.2, in Business B-2 Districts, no more than five (5) undamaged motor vehicles awaiting repair will be stored or parked out-of-doors, except that additional vehicles, including damaged vehicles, may be stored or parked outdoors if located in an *outside storage* area enclosed, except for necessary access drives, by buildings or fences, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any street. (Amended effective 12/16/74.)



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## SECTION 54

# Flood Plain Zone

### 54.1 BOUNDARIES AND ELEVATIONS (Text added 6/29/78)

The Flood Plain Zone consists of the "special flood hazard areas", namely Zone A, Zone A1-A30 and Zone V1-V30, which are delineated on map entitled "Flood Insurance Rate Map; Town of Old Saybrook, Connecticut, Middlesex County, Community Panel Number 090069-0001-A", Page 1 of 1, effective July 3, 1978, prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, and as the *Zones* may be amended from time to time by the Administration, which map is hereby made a part of these Regulations and is hereinafter referred to as "Flood Insurance Rate Map". The "special flood hazard areas" are areas of the Town where there is a one percent chance of flooding in any given year. This Flood Insurance Rate Map also identifies base flood elevations above mean sea level for Zone A1-A30 and Zone V1-V30.

### 54.2 REQUIREMENT

The following requirements are applicable in the Flood Plain Zone and are in addition to requirements of these Regulations applicable in the underlying District:

54.2.1 Within the Flood Plain Zone, no building, *structure*, will be constructed, moved or substantially improved unless a Flood Hazard Area Permit therefor is obtained from the Town Engineer in accordance with a certain ordinance entitled "Flood Plain Management ordinance, Town of Old Saybrook, Connecticut". For the purpose of this requirement, "substantial improvement" means any repair, reconstruction or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building either a) before the improvement or repair is started, or b) if the building has been damaged and is being restored, before the damage occurred. "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the building. The term does not, however, include either a) any project for improvement of a building to comply with existing State or Town health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or b) any alteration of a building listed on the National Register of Historic Places or the Connecticut State inventory of Historic Places.

54.2.2 Within the Flood Plain Zone, there will be no paving, other than normal Maintenance and repair of roads and *driveways*, and there will be no excavation or removal from any *lot* or grading or dumping on any *lot* of earth materials, other than bona fide farming and landscaping on a *lot* in accordance with Paragraph 65.2.2, unless the Flood Hazard Area Permit therefore is obtained from the Town Engineer.



54.2.3 (Amended effective 4/13/95.) The maps and plans, including plot plans and site plans, required under these Regulations to be submitted in connection with an Application for a Certificate of Zoning Compliance or a Plot Plan, Site Plan or a Special Exception and pertaining to a *lot* any portion of which is located in a Flood Plain Zone, will show the following additional information:

- A. Boundaries of the Flood Plain Zone;
- B. Base flood elevations above mean sea level; and
- C. Lowest floor elevation, including basement, above mean sea level for any existing or proposed building.

54.2.4 In Business, Marine Commercial, and Industrial Districts, no *outside storage* areas will be located in the Flood Plain Zone unless adequate provision is made to prevent flotation of materials and equipment and to minimize flood damage within the Flood Plain Zone.

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## SECTION 55

# Planned Residential Development District

55.1 **GENERAL** (Effective 4/13/95; Amended effective 8/16/99; Comprehensive Amendments effective 9/26/03.)

The Planned Residential Development (PRD) District is a class of zone in addition to and overlapping such portion or portions of the following Districts as may be established and approved under Section 55.3 of these Regulations.

- A. The Residence A District delineated on the Zoning Map, except for that area known as the "Cornfield Point Association" as follows: Northerly by Maple Avenue and Summerfield Road; Northwesterly by Lot No. 57; Westerly by Lot Nos. 58, 59, 60, and a portion of Indianola Drive; Lot Nos. 13, 11-1, 11-2, and a portion of Sea Breeze Road, and Lot No. 8; Northwesterly by Lot Nos. 8 and 1, and a portion of the Town Beach road; Westerly again by a portion of Town Beach Road and a portion of Lot No. 150; Northerly again by Lot No. 150; Westerly again by Long Island Sound; Southwesterly by Long Island Sound; Southeasterly by Long Island Sound; and Southerly by Long Island Sound (Effective 4/13/95); and
- B. That portion of the Residence AA-2 District delineated on the Zoning Map as follows: Easterly by the Connecticut River, Northwesterly and Northerly by the Penn Central Railroad, Westerly by existing I-1 and A Districts, Southwesterly by existing MC District and North Cove (Effective 8/23/99); and
- C. That portion of the SP-3 and Residence A Districts delineated on Lot 55 on the Zoning Map of the Town of Old Saybrook, Connecticut, Supplementary Map No. 2, (Saybrook Point) Old Saybrook Zoning Commission, October 15, 1982, as referred to in Section 5.1.2 of the Old Saybrook Zoning Regulations (Effective 3/10/00).
- D. The Residence C Conservation District (Effective 9/26/03).

## 55.2 DEFINITIONS

### Planned Residential Development.

- A. One (1) or more dwelling, each containing not more than eight (8) dwelling units, or
- B. One or more clusters of single detached dwellings for one family, c) areas reserved for such other uses as may be allowed in the Planned Residential Development in accordance with Section 55.6.9 under these Regulations, and otherwise as defined and permitted pursuant to the Common Interest Ownership Act, Chapter 828, of the General Statutes of the State of Connecticut, as the same may be amended from time to time, and fulfilling all requirements and provisions thereof, together with the

parking, recreation and accessory uses customary with and incidental thereto which are limited to the use of the residents of the dwelling units.

A PRD may be located on a lot in an Open Space subdivision, and shall be so designated on the subdivision maps and plans. Open space areas in the PRD lot, however, may be available for use by other than residents of the dwelling units in the PRD, if approved or required by the Commission.

**Age Restricted Development.** A type of Planned Residential Development, where at least one occupant of each dwelling unit is 55 years of age or older, and there is no occupant of any dwelling unit under the age of 21 years, residing there permanently.

**Bedroom.** Any room designed, intended, furnished, or occupied for sleeping quarters, and any room other than a living room, dining room, kitchen, bathroom, or a utility or storage room having an area of less than fifty (50) square feet, will be considered a bedroom.

**Den.** A room, contained in a dwelling unit which is part of an Age Restricted Development, which is not a living room, dining room, kitchen, bathroom, or a utility storage room having an area of less than fifty (50) square feet,; which is not intended to be, nor may it be, occupied as sleeping quarters.

### 55.3 APPLICATION

Application for a [Planned Residential Development (PRD)] will be submitted in writing to the Enforcement Officer and if made in connection with an Open Space subdivision, a copy of the application and accompanying documentation will also be submitted to the Planning Commission with the subdivision application. The Planned Residential Development Application will also be accompanied by the following:

- 55.3.1 **Survey Map.** Six (6) copies of a Class A-2 survey map of the *lot* covered by the Application, prepared by a land surveyor licensed to practice in the State of Connecticut, showing the boundaries of the lot, existing contours at an interval of not exceeding two (2) feet based on Mean Sea Level (National Geodetic. Vertical Datum of 1929), the boundary of any tidal wetlands and inland wetlands and any watercourses.
- 55.3.2 **Site Plan.** Six (6) Copies of a site plan, in accordance with the provisions of Sections 8, 51 and 52. (Adopted effective: 4/13/95.)
- 55.3.3 **Architectural Plans.** Six (6) copies of architectural plans and narrative describing and illustrating the architectural elements, character and design standards to be applicable to such dwellings for buildings, including single family dwellings; landscaping plans; site improvement plans. All of the preceding plans, narrative, and other documentation shall, as a minimum, shall be in accordance with the provisions of Section 51 of these regulations.

55.3.4 **Soil Erosion and Sediment Control Plan.** Six (6) copies of a *Soil Erosion & Sediment Control Plan*, in accordance with the provisions of Section 67. (Adopted effective 7/1/85.)

55.3.5 **Water and Sewage Disposal Plans.** A Water and Sewage Disposal Plan, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the PRD. The engineer shall certify that the proposed water supply and method of sewage disposal comply with all applicable sanitary codes, rules and regulations.

Where connection to an on-site or off-site central sanitary sewer system is proposed, such system and the connection thereto shall meet all the technical and administrative requirements of the Old Saybrook Water Pollution Control Authority, the Director of Health of the Town of Old Saybrook and the State of Connecticut. In addition, the applicant shall provide evidence from the Old Saybrook Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site.

When the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes §7-245, a report from the said Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes §7-246f have been satisfied shall be provided. In the event any portion of the community sewerage system, or its facilities, are located off-site of the proposed PRD lot, such off-site area shall be in the same Zoning District as the PRD, and the use of such system or any of its facilities shall be limited to such land, lots and buildings as shall be specifically approved by the Old Saybrook Zoning Commission. When individual sewage disposal systems are proposed, written evidence shall be submitted that the subsurface sewage disposal system proposal is approved by the Old Saybrook Director of Health or his authorized agent.

The applicant shall submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply system for the PRD. The engineer shall certify that the proposed water supply complies with all applicable sanitary codes, rules and regulations. If a public water supply is to be used for the PRD, the applicant shall submit written evidence of agreement by the Water Company to provide a safe and adequate public water supply. Such water supply system and connection shall meet all the technical and administrative requirements of the Director of Health of the Town of Old Saybrook and the State of Connecticut.

In accordance with §8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a “water company”, as that term is defined in Connecticut General Statutes §16-262m (a) shall provide to the Commission a certified copy of a Certificate of Public Convenience and Necessity issued for the development by the Connecticut Department of Public Utility Control. No application for a PRD involving such a water company shall be deemed completed without said Certificate, unless the applicant shall provide a resolution of the Old Saybrook Board of Selectmen waiving said Certificate and agreeing to be responsible for the operation of the subject water company in the event that the company is at any time unable or unwilling to provide adequate service to its consumers.

55.3.6 **Protection of Surface and Ground Water Supply.** Pursuant to Connecticut General Statutes §8-2 as amended by Public Act 85-279, every application for PRD shall include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation shall contain, at a minimum:

- A. A statement describing the nature of the use of any buildings or areas of the site and their method of sewage and waste disposal.
- B. The nature of any discharges anticipated.
- C. The nature of any materials to be stored, processed, or otherwise present on the site, and the period of time for which, and conditions under which, such materials shall be present on the site.
- D. The nature of the ground or surface waters on and around the site, including any public or private domestic users of such waters, their classification, as designated by the Connecticut Department of Environmental Protection's Groundwater Classification System, and the depth to any groundwater, the nature of the soils surrounding such groundwater, and the like.
- E. Measures to be taken by the applicant to control any potential adverse impact on surface and ground drinking water supplies.
- F. Other information which might assist the Commission/Board in determining that such waters will be protected from potential adverse impacts created or increased by the proposed development. Any such evaluation shall be prepared by a qualified geohydrologist or other professional who provides evidence satisfactory to the Commission that he/she is qualified to prepare such evaluations. The Commission may refer such evaluations to any governmental agency for review and comment.

The information described in subsections (d), (e) and (f) need only be provided when the information set forth in paragraphs (a), (b) and (c) indicates the presence of materials or processes which have the potential to adversely impact groundwater.

55.3.7 **Management.** Each PRD will be established by means of a legal entity organized and existing under applicable sections of the Connecticut General Statutes that provide for ownership and management of common properties and facilities, for open space, and for utility, sewage, and water systems, unless provided by a public entity, (*e.g., Connecticut Water Company*) and will include provisions for financing and maintenance of the property, facilities, and systems, so as to ensure continuing compliance with the standards and criteria of Section 55.3.3 through 55.3.6 and to meet the standards and criteria for approval set forth in Sections 8, 51, and 52 of these Regulations. All legal documentation for the entity will be subject to review and approval by the Commission before the approval of any PRD.

## 55.4 PROCEDURE

Upon receipt, the Enforcement Officer will transmit the Application and accompanying plans and documents to the Zoning Commission; he will also transmit a copy thereof to the Planning Commission. Within 45 days after receipt of copy of the Application, plans, and documents, the Planning Commission will report its recommendations to the Zoning Commission, stating the reasons therefor. The Zoning Commission may request the Applicant to submit:

- A. Additional copies of maps, plans and documents for review by other agencies; and
- B. Such additional information that it deems necessary to decide on the Application.

The Zoning Commission will hold a public hearing on the Application, will decide thereon and give notice of its decision as required by law. The Applicant may consent in writing to one or more extensions of the time for public hearing and action on the Application as provided by law. No subdivision application for land within a proposed PRD shall be filed with the Planning Commission until the PRD is approved by the Zoning Commission.

## 55.5 APPROVAL

After the public hearing, the Zoning Commission may approve the Planned Residential Development (PRD) if it will find that the development will conform to the standards hereinafter specified. The approval is subject to conditions as follows:

55.5.1 **Details and Specifications.** Approval may be conditioned upon submission of detailed plans and specification for particular elements of the Planned Residential Development (PRD) for approval by the Zoning Commission. Approval will become effective when the detailed plans and specifications have been approved.

55.5.2 **Timing and Staging.** Approval may be conditioned upon completion of the Planned Residential Development (PRD), in accordance with plans as approved, within a period of five (5) years after the effective date of the Approval of the Planned Residential Development as specified by the Commission, provided that:

- A. Extensions of the period may be granted by the Zoning Commission for good cause.
- B. The Zoning Commission may require certain infrastructure improvements to be completed prior to the occupancy of dwelling units served by such infrastructure improvements. The Commission may also require that the PRD be developed in phases which are limited in terms of time frame (minimum or maximum periods of completion), number of dwelling units, or completion of specified infrastructure improvements prior to occupancy of a phase.
- C. Documents for Organization, Ownership, and Management will be approved as provided in 55.3.7.

55.5.3 **Safeguards.** All Planned Residential Developments (PRD) may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare, and property values in the neighborhood.

55.5.4 **Bond.** The Zoning Commission will require the posting of a bond with sufficient surety in favor of the Town to Insure completion of any site work, including landscaping, approved under the Planned Residential Development (PRD).

## 55.6 STANDARDS

The proposed Planned Residential Development (PRD) will conform to all of the requirements of these Regulations and will conform to the General Standards Section 8, 51 and 52 of these Regulations and to the following Special Standards

55.6.1 **Lot Area.** The Planned Residential Development (PRD) will be located on a lot having a minimum square footage of sixty-nine thousand seven hundred (69,700) square feet if located in that portion of the SP-3 and Residence A Districts (excluding that area known as the “Cornfield Point Association” specified in Section 55.1c), and a minimum area of five (5) acres (if within the Residence A District) or seven (7) acres (if within the designated portion of the Residence AA-2 District), or fifteen (15) acres in the Residence C Conservation District, exclusive of any tidal and inland wetlands and water courses. For the purposes of this PRD regulation, a lot may be separated by open space, or by a public or private street, as part of an integrated open space subdivision plan or other PRD development submitted under this Section.

55.6.2 **Dwelling Units.** The dwellings will be located on suitable building land on the lot. The total number of bedrooms in dwelling units on the *lot* in that portion of the SP-3 and Residence A Districts as designated in Paragraph 55.1 c) will not exceed forty-eight (48) bedrooms per each 69,700 square feet of land area, and in the areas designated in sub-paragraphs a), exclusive of the area known as the “Cornfield Point Association”, and b) of Paragraph 55.1 will not exceed eight (8) per acre, or fraction thereof, exclusive of tidal and inland wetlands and water courses.

In the Residence C Conservation District, The *dwellings* will be located on suitable building land on the lot. The total number of bedrooms in dwelling units on the lot will not exceed 8 per acre, or fraction thereof, of the lot area exclusive of tidal and inland wetlands and water courses.

In an *Age Restricted Development*, the Commission, in addition to the 8 bedrooms per acre permitted in a PRD may permit up to four (4) Dens per acre, or fraction thereof, of the lot area exclusive of tidal and inland wetlands and watercourses. In an Age Restricted Development, the following additional standards shall apply:

- 55.6.2.1 No *dwelling* unit shall contain more than two (2) *bedrooms* and one (1) Den.
- 55.6.2.2 At least one of the bedrooms shall be located on the first *floor*.
- 55.6.2.3 In calculating the number of dwelling units which may be permitted in the Age Restricted Development, the rooms permitted to be used as Dens, shall not be considered to increase the number of dwelling units permitted per acre.
- 55.6.3 **Dwelling Unit Specifications.** In dwellings with more than one dwelling unit, each one-bedroom dwelling unit will contain not less than 800 square feet of enclosed floor space, and each dwelling unit having two (2) or more bedrooms will contain not less than 1,200 square feet of enclosed floor space. Each single detached dwelling for one (1) family will contain not less than 900 square feet of the enclosed floor space on the ground floor. No separate dwelling unit will be located above any other dwelling unit.
- 55.6.4 **Setbacks.** In any Planned Residential Development (PRD), no building or structure, will extend within less than seventy-five (75) feet of any existing street line or property line of property not owned by the applicant, except that for an *Age Restricted Development* within the Residence A District, a dwelling containing not more than two (2) dwelling units may extend within not less than twenty five (25) feet of an existing street line and not less than fifteen (15) feet of any property line of property not owned by the applicant. Residential buildings shall be clustered to create a sense of neighborhood, while maintaining adequate separating distance to provide privacy. The size of clusters and the setback between buildings will be evaluated based on the size, height, and number of dwelling units in the building. No parking spaces or access aisles in connection therewith will extend within less than twenty-five (25) feet of any existing street line or within less than fifteen (15) feet of any property line of property not owned by the applicant. No dwelling containing more than one dwelling unit will extend within five hundred (500) feet of any other Town. Setbacks from other streets and property lines, and separation distances between dwellings and clusters of dwellings may be required by the Commission to meet the Site Plan Objectives of Section 51 and the General Standards of Section 52.
- 55.6.5 **Coverage, Buildings and Structures: In the Gateway Conservation Zone.** If any portion of the property is in the Gateway Conservation Zone, that portion shall be governed by the Land Coverage Standard for Residential Districts, established by the Connecticut River Gateway Commission, in accordance with the provisions of Section 25-102D of the Connecticut General Statutes, or 20%, whichever is less.
- 55.6.6 **Utilities.** All electric and telephone utility lines will be located underground. Each dwelling unit will be served by public water supply and by a sewage disposal system approved in accordance with Sections 55.3.5 and 55.3.6 of these Regulations.
- 55.6.7 **Paving and Sidewalks.** All paved areas, curbing, and sidewalks will be installed in conformity with the standards of the Subdivision Regulations of the Town of Old Saybrook. The placement size, arrangement, and use of access driveways to public



or private *streets* will be adequate to serve residents of the dwellings and will not hinder safety on existing or proposed streets. Access driveways serving more than two dwellings will be at least twenty (20) in width at the driveway intersection with a public or private street and will remain as private driveways. The Commission may require sidewalks along public or private streets in accordance with the standards of the Subdivision Regulations. In areas where the proposed streets system does not conform to the anticipated pattern of pedestrian circulation, particularly in the area of existing or proposed parks, playgrounds, open spaces, or non-residential facilities approved pursuant to section 55.6.9, the Commission may require the dedication and construction of separate pedestrian walkways or bikeways on public easements no less than fifteen (15') feet in width. Such walkways or bikeways may be in lieu of, or in addition to, sidewalks along streets. Bonding will be as specified In Paragraph 55.5.4.

55.6.8 **Method of Ownership.** Dwelling units may be for sale or rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the Commission at the time of filing of the Application. All open space and supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing and rights of access and use by residents of the PRD acceptable to the Commission. Required open spaces shall be dedicated in the manner and under the procedures provided for in Section 5.8 and 6.13 of the Old Saybrook Subdivision Regulations.

55.6.9 **Open Space.**

55.6.9.1 Not less than fifty percent (50%) of the PRD lot area will be set aside as open space permanently dedicated for preservation, the location and configuration of which will be subject to approval by the Commission. In calculating the area of said preservation open space land, areas of a PRD Lot dedicated to or available for non-municipal active recreational uses shall be excluded. Such non-municipal active recreational uses include, but are not limited to, golf courses, tennis clubs, pool clubs, equestrian facilities, and similar facilities, plus all parking, driveways, and accessory facilities and areas. Pedestrian trails may be included within the open space, and shall not be excluded from the said calculation. When the PRD lot is proposed as a lot within an Open Space subdivision pursuant to Section 56 of these Regulations, such preservation open space contained within the PRD shall be included in the open space calculations applicable to said subdivision.

55.6.9.2 In Residence A, Residence AA-2 and SP 3 Zones, the Commission may determine an appropriate set aside for open space, not to exceed 50% of the non wetlands portion (inland wetlands or tidal wetlands) of the parcel . In lieu of open space, the Commission may accept a fee to be paid by the applicant. Said fee to be calculated and administered in accordance with Section 8-25 of the Connecticut General Statutes.

55.6.10 **Supporting Services.** Where there is common property, systems and facilities located in the PRD, such as roads, driveways, sewage disposal systems, recreational facilities and open spaces, provision will be made for ownership, operation, maintenance and financing by the ownership association on a private basis. Where the size and design of the PRD make it desirable, the Commission may also permit additional non-residential uses which provide for the convenient spiritual, retail, institutional, financial and municipal needs of the occupants, including the following:

- A. Churches and places of worship
- B. General retail uses, personal service uses, banks and other financial institutions, professional offices, provided the gross floor area of any single use in any PRD development shall not exceed fifteen hundred (1,500) square feet, and the aggregate gross floor area of all such uses in any PRD development shall not exceed forty-five hundred (4,500) square feet
- C. Buildings or facilities of the Town of Old Saybrook, which may include an accessory apartment of not less than seven hundred fifty (750) square feet nor more than nine hundred (900) square feet of gross floor area. At least one occupant shall be a person who is employed by or performs services on behalf of the Town of Old Saybrook.

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## SECTION 56

# Open Space Subdivisions

### 56.1 **GENERAL** (Comprehensive Amendments effective 9/26/03)

The Planning Commission may grant a Special Exception, or may require an application for a Special Exception, simultaneous with the application for or approval of a subdivision plan under the Subdivision Regulations of the Town of Old Saybrook, to permit or require the establishment of an Open Space Subdivision in the Residence AA-1 District, involving permanent reservation of land for open space purposes concurrent with reduction of lot area and shape requirements applicable to such District. In accordance with Section 27.10 of these Regulations, no subdivision shall be approved in the Residence C Conservation District other than as an Open Space Subdivision under this Section; provided, however, that the Planning Commission may waive this requirement where the size, shape, or character of the property makes it unsuitable for Open Space Subdivision treatment. The Planning Commission will follow the procedures herein specified, and before granting a Special Exception, will find that the standards and conditions herein specified have been met and that the Special Exception will accomplish the open space purpose set forth in Paragraph 56.2 and will be in harmony with the purpose and intent of the Zoning Regulations.

### 56.2 **PURPOSE**

The Open Space Subdivision Plan will result in permanent reservation of land for providing or supporting one or more of the following:

- 56.2.1 Public parks, playgrounds, or other outdoor recreation areas;
- 56.2.2 Protection of natural streams, ponds, or water supply;
- 56.2.3 Conservation of soils, wetlands, beaches, or tidal marshes;
- 56.2.4 Protection of natural drainage systems, or assurance of safety from flooding;
- 56.2.5 Preservation of sites or areas of scenic beauty or historic interest; or
- 56.2.6 Conservation of forest, wildlife, agricultural and other natural resources.

### 56.3 **APPLICATION**

Application for a Special Exception for an Open Space Subdivision Plan will be submitted in writing to the Enforcement Officer and will also be accompanied by the following

- 56.3.1 **Conceptual Standard Plan.** A conceptual subdivision plan showing lots, roadways and infrastructure improvements meeting the area, shape, bulk and other

requirements under the Zoning and Subdivision Regulations of the Town of Old Saybrook and conforming to all of the regular provisions of those Regulations. The plan shall be prepared by and shall bear the name, seal and original signature of a land surveyor or engineer, or both, as required by law and licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. The plan shall contain the following detail:

- A. A Key Map as required under Section 4.3.1 of the Old Saybrook Subdivision Regulations.
- B. A Boundary Survey Map as required under Section 4.3.2 of the Old Saybrook Subdivision Regulations.
- C. Layout Maps at a scale of not greater than 1" = 100', which Layout Maps shall show the following information to the extent that the information occurs in or is applicable to the particular property:
  - 1. Date, scale, visual scale, north point, town, and state.
  - 2. Existing grading contours at an interval not exceeding five feet, based on field or aerial survey, based on official town, state, or US benchmarks.
  - 3. Existing significant features including, but not limited to, buildings, structures, existing trails, stonewalls, fences and dams.
  - 4. Location of all known significant archeological, historic, and natural features. Existing wetlands and watercourses, which shall be confirmed by soil tests and field survey.
  - 5. The areas subject to frequent, periodic or potential flooding; the boundaries of any Special Flood Hazard Areas and floodways and the base flood elevation data therefore; the location of the proposed development in relation to local basins and local watershed boundaries.
  - 6. Boundary and classification codes of soil types under the National Cooperative Soil Survey of the U.S.D.A. Soil Conservation Service.
  - 7. Perimeter boundary of the property, with dimensions consistent with the Boundary Survey Map, with the approximate location of existing property lines for a distance of 200 feet from the property.
  - 8. Approximate street right of way lines of any street abutting or within two hundred feet (200') of the property.

9. The survey relationship of the property to nearby monumented town streets or state highways, where practical.
10. Street layout with road lengths and spot elevations to demonstrate compliance with road grade requirements.
11. Conceptual proposed lots and lot numbers, and the approximate square footage or acreage of each lot with dimensions and areas demonstrating the capacity to meet the bulk and area requirements under the zoning and subdivision regulations of the Town of Old Saybrook, including the MABL requirements of the Zoning and Subdivision Regulations, except as herein modified. Said demonstration may be based upon soils type analysis, slope analysis and potential site grading and filling, but shall not require the detailed soils testing and soils characteristics for individual lots as provided for under Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f). 5 of the Old Saybrook Subdivision Regulations.

56.3.2 For a more efficient presentation, any information required under Section 56.3.1 may be combined on plan sheets, provided that the information is presented in a clear and understandable manner, or may be presented in graphic or text form, where appropriate. Six (6) copies of the foregoing required materials will be submitted. The Commission may require additional copies of plan and materials.

56.3.3 **Preliminary Open Space Plan.** A preliminary Open Space subdivision plan, meeting the requirements of Section 56.3.1 A through 56.3.1 C 1-10 inclusive, showing the proposed development of the land under an Open Space Subdivision Plan; six (6) copies of the foregoing required materials will be submitted. The Commission may require additional copies of plan and materials.

56.3.4 **Statement.** Six (6) copies of a written statement describing the following:

- A. The open space resources of the lot and the specific open space purposes of Paragraph 56.2 to be accomplished;
- B. The proposed method of preservation, disposition, ownership and maintenance of the open space land; and
- C. The proposed method of providing water supply and sewage disposal.

## 56.4 INITIAL PROCEDURE

Upon receipt, the Enforcement Officer will transmit the Application and accompanying plans and documents to the Planning Commission; he will also transmit a copy thereof to the Zoning Commission. The Planning Commission may request the Applicant to submit the additional information that the Commission deems necessary to make a reasonable decision on the Application. The Planning Commission will review the Conceptual Standard

Plan submitted under Paragraph 56.3.1 and by resolution determine the number of *lots* that constitute a reasonable subdivision of the land conforming to these Regulations and the Subdivision Regulations (hereafter “total lots”). The Total Lots so determined shall constitute the maximum number of lots within the land proposed for open space subdivision. In the event any lot or lots within the land proposed for open space subdivision are proposed for development under Section 55 Planned Residential Development (PRD) of these Regulations, the Total Lots shall be the maximum number of Dwelling units within the land proposed for subdivision, including the land included within any PRD. The Planning Commission will hold a public hearing on the Application, will decide thereon and give notice of its decision as required by law. The Applicant may consent in writing to any extension of the time for public hearing and action on the Application. The Planning Commission may approve the Application, approve it subject to modifications, or disapprove the Application. The Planning Commission may approve the Application only if the Commission finds that the purposes specified in Paragraph 56.2 will be accomplished, that the standards specified in Paragraph 56.6 will be met and that the Open Space Subdivision Plan will not be detrimental to the public health and safety and property values. Approval of the Application under this Paragraph will constitute preliminary approval and will authorize the Applicant to submit a final Open Space Subdivision Plan as provided in Paragraph 56.5.

#### 56.5 **APPROVAL**

Within six (6) months after preliminary approval of the Application by the Planning Commission under Paragraph 56.4, the Applicant will submit to the Planning Commission final plans for the Open Space Subdivision Plan in the same manner as required for formal approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook. The final plans will conform to the preliminary approval granted under Paragraph 56.4 and will conform to the standards specified in Paragraph 56.6. The Planning Commission will act on the final plans in the same manner as required for action on subdivision Applications under the Subdivision Regulations. No Application for Certificate of Zoning Compliance in the Open Space Subdivision Plan area will be approved by the Enforcement Officer and no Certificate will be issued by him until the final plans have been approved by the Planning Commission and the final map has been recorded in the office of the Old Saybrook Town Clerk.

#### 56.6. **STANDARDS**

The Open Space Subdivision Plan will conform to the Subdivision Regulations:

- 56.6.1 **Acreage.** The area covered by the Application excluding existing streets will consist of not less than twenty-five (25) acres. The acreage, however, may be less, as approved by the Planning Commission, if the Application covers adjoining land for which an Open Space Subdivision Plan has been approved under this Section or if the open space proposed in the Application consists of fifty percent (50%) of the area of the lot or is an adjunct to existing permanent open space land adjoining the area covered by the Application.

56.6.2 **Number of Lots.** The number of lots and dwelling units shown on the final subdivision map specified in Paragraph 56.5 will not exceed the Total Lots approved by the Commission under Paragraph 56.4. Any lot that is proposed for PRD development shall be so designated on the subdivision maps and plans and shall specify the maximum number of dwelling units to be located thereon.

56.6.3 **Lot Area, Shape, and Frontage.** Each single family building lot shall meet the following requirements: (amended April 19, 2004, effective: May 17, 2004)

**MINIMUM LOT AREA**

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 15,000 square feet |
| B. | Not served by public water supply | 20,000 square feet |

**MINIMUM DIMENSION OF SQUARE**

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 75 feet  |
| B. | Not served by public water supply | 100 feet |

**MINIMUM FRONTAGE.** 20 feet

**MINIMUM WIDTH ALONG BUILDING LINE.** 75 feet

**HEIGHT**

- |    |                           |             |
|----|---------------------------|-------------|
| A. | Maximum Number of Stories | 2 ½ stories |
| B. | Maximum Height            | 35 feet     |

**SETBACKS**

- |    |                           |         |
|----|---------------------------|---------|
| A. | From Street Line.         | 20 feet |
| B. | From Rear Property Line.  | 15 feet |
| C. | From Other Property Line. | 15 feet |

**PROJECTION INTO SETBACK AREA.** 3 feet

**MINOR ACCESSORY BUILDINGS AND STRUCTURES.**

- |    |  |         |
|----|--|---------|
| A. | From Longest Street Line of corner lot | 35 feet |
| B. | From Rear Property Line                | 10 feet |
| C. | From Other Property Line               | 10 feet |

**BUILDING BULK AND COVERAGE.**

- A. Maximum Building/Storage Coverage. 20%
- B. Within Gateway Conservation Zone 15%

**MAXIMUM GROSS FLOOR AREA. 40%**

56.6.3 **Water Supply and Sewage Disposal Plans.** Each lot in the AA-1 District shall be served by public water supply. Each lot in the Residence C Conservation District less than 60,000 square feet in area or containing more than one dwelling unit as authorized by Section 55, PRD, shall be served by a public water supply.

Where connection to an on-site or off-site central sanitary sewer system is proposed, such system and the connection thereto shall meet all the technical and administrative requirements of the Old Saybrook Water Pollution Control Authority, the Director of Health of the Town of Old Saybrook and the State of Connecticut. In addition, the applicant shall provide evidence from the Old Saybrook Water Pollution Control Authority that it is capable of providing sanitary sewer service to the subject site.

If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes §7-245, a report from the said Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes §7-246f have been satisfied shall be provided. Where a Community sewage disposal system is proposed, no detailed soils testing and soils characteristics for individual lots provided for under Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f) of the Old Saybrook Subdivision regulations will be required. If individual sewage disposal systems are proposed, written evidence shall be submitted that the subsurface sewage disposal system proposal is approved by the Old Saybrook Director of Health or his authorized agent, and compliance with Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f) of the Old Saybrook Subdivision regulations will be required.

56.6.4 **Area of Open Space Land.** For Open Space subdivisions in the AA-1 District, the area of open space land shown on the final subdivision approval map shall not be less than 16,000 square feet times the number of total lots shown on the conceptual standard plan accepted by the Planning Commission under Par. 56.4. For Open Space Subdivisions in the Residence C District, the area of open space land shown on the final subdivision approval map shall not be less than fifty (50%) of the total acreage of the subdivision. In calculating the area of open space land, areas of a lot, including a PRD lot, dedicated to or available for non-municipal active recreational uses shall be excluded. Such non-municipal active recreational uses include, but are not limited to, golf courses, tennis clubs, pool clubs, equestrian facilities, and similar facilities, plus all parking, driveways, and accessory facilities and areas



56.6.6 **Open Space Land.** Each Open Space Subdivision Plan will result in permanent preservation of land for one or more purposes specified in Paragraph 56.2. The provision for open space land will conform to the following standards:

- A. The specific purpose or purposes for which *open space* land is retained and preserved will be subject to the approval of the Planning Commission.
- B. The open space land will have boundaries, access, shape, dimension, character, location, and topography suitable to support the purpose intended as approved by the Planning Commission.
- C. The open space land will be shown on the subdivision map and will be labeled in a manner approved by the Planning Commission, specifying the approved general open space purpose, and indicating that the land is subject to the Special Exception, will not be further subdivided and is permanently reserved for open space purposes.
- D. Provision will be made for retention and preservation of the land by means of ownership, operation, and maintenance suitable to support the open space purpose approved by the Planning Commission. The means will be subject to the approval of the Planning Commission and will include:
  - 1. Recording in the office of the Old Saybrook Town Clerk of restrictive covenants that support the open space purpose and
  - 2. Conveyance of the land to the Town of Old Saybrook, if accepted by the Town, or to a land conservation trust, if accepted by the trust, or to the other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Planning Commission.
- E. The Commission may require that any open space shall be accessible, in whole or in part, to the public. The Commission may permit the open space to be located on a parcel that is not contiguous to the Open Space Subdivision, if at least one (1) of the following criteria are met:
  - 1. The open space parcel and the subdivision lots are located in the same drainage watershed;
  - 2. The open space parcel and the subdivision lots are located so as to be accessible by the same arterial highway as indicated on the Plan of Conservation and Development; and/or
  - 3. The open space parcel and the subdivision lots are located such that preservation of the open space shall provide a benefit to the future residents of the subdivision in terms of recreational opportunities, density reductions on the open space parcel which balance the increased density within the subdivision.

- F. In evaluating compliance with the intended purposes of the open space plan, the Commission may take into consideration whether the plan meets one or more of the following criteria, as the same may be applicable:
1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Commission for essential infrastructure or active or passive recreation amenities).
  2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and wildlife corridors, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
  3. Minimizes disturbance of prime agricultural soils.
  4. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and watercourses.
  5. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines.
  6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
  7. Avoids setting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
  8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U. S. Environmental Protection Agency and/or by the Connecticut Department of Environmental Protection.
  9. Designs around and preserves sites of historic, archeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
  10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
  11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees

and flowering shrubs with high wildlife conservation value.

12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.
14. Provides open space that is reasonably contiguous.

56.6.7 **Permitted Uses.** Each building *lot* shown on an approved Open Space Subdivision Plan will be used for one or more of the uses listed in Paragraph 22.1.1, 22.1.2, 22.1.3, 22.1.4, 22.1.7 and 22.1.8; and in the Residence C Conservation District, for one or more of the uses listed in Paragraph 27.1.1 through 27.1.10, 27.2.1 through 27.2.14 and for a Planned Residential Development (PRD) if approved under Section 55, and no other, except as provided in Section 55.6.9 in a PRD. The open space land preserved under an Open Space Subdivision Plan will be used only for the purposes set forth under Paragraph 56.2 and approved by the Planning Commission, and no building, structure, will be established in connection with the purposes unless a Special Exception therefor is secured from the Zoning Commission, in accordance with the provisions of Section 52, as consistent with and in support of the approved open space purpose.

56.6.8 **Sections.** The area covered by an Open Space Subdivision Plan may be submitted for final approval in Sections, if any land to be reserved for open space is so reserved in the first Section.

56.6.9 **Conflicting Provisions.** In the event of any conflict between the provisions of Section 56 and any other provisions of these regulations, the provisions of Section 56 shall control.

## 56.7 AMENDMENTS

Any approved Open Space Subdivision Plan may be amended in accordance with the same procedures and standards required in this Section for the initial Application.



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## SECTION 57

# Aquifer Protection Zone

### 57.1 GENERAL

The Aquifer Protection Zone is a class of *district* in addition to and overlapping one or more of the other *districts*. The boundaries of the Aquifer Protection Zone encompass all of the area drained by surface waters that cross the "primary recharge" and "secondary recharge" areas of stratified drift "*aquifers*" that are existing or designated as potential and important sources of public water supply, based on data established by the US Geological Survey. The purpose of the Aquifer Protection Zone is to assure that the *use* of land, buildings and other *structures* and site development within the Zone are conducted in a manner that protects the public health and the usability of the groundwater supply resource and avoids degradation of the quality of the groundwater.

57.1.1 **Aquifer Protection Zone.** Supplementary Map No. Six delineates the vicinity of Bokum Road and Middlesex Turnpike, encompasses an existing public water supply well field and is further identified on maps entitled "CRERPA Recharge Area Maps; Connecticut Areawide Waste Treatment Management Planning Board", Sheet 99 - Essex Quadrangle, Oct. 1979 and Sheet 100 - Old Lyme Quadrangle, Oct. 1979.

### 57.2 SPECIAL DEFINITIONS

Certain words in this Section are defined as follows:

57.2.1 **Aquifer.** A geologic unit consisting of surficial deposits of glacial till and stratified drift (sand and gravel) capable of yielding usable amounts of water.

57.2.2 **Primary recharge area.** That area immediately overlying the stratified drift *aquifer* as well as adjacent areas of stratified drift that may not have sufficient thickness to be part of the *aquifer*, the boundary, of the *primary recharge area* is the contact between the stratified drift and adjacent till or bedrock.

57.2.3 **Secondary recharge area.** Land adjacent to the *primary recharge area* from which groundwater moves down gradient into the *aquifer*.

### 57.3 PERMITTED USES

Within the Aquifer Protection Zone, land, buildings, and other *structures* may be used for one or more of the uses permitted in the underlying district, but the following uses are specifically prohibited:

57.3.1 Disposal of solid wastes to the ground in sanitary landfills or dumps.

57.3.2 Septage lagoons and the disposal or spreading of septage on the ground.

- 57.3.3 Disposal of toxic or hazardous materials, as defined in Paragraph 51.6.4 to the ground, including surface and groundwater.
- 57.3.4 On the primary and secondary recharge areas, any community sewage disposal system that discharges to the ground.
- 57.3.5 On the primary and *secondary recharge areas*, any *use* which involves as a *principal activity* the manufacture, use, generation, storage, transportation, or disposal of toxic or hazardous materials, as defined in Paragraph 51.6.4 in quantities greater than for normal household *use* or for on site heating or intermittent stationary power production.

## 57.4 ADDITIONAL REQUIREMENTS

The following are additional requirements pertaining to the *use* of land, *buildings*, *structures*, and site development in the Aquifer Protection Zone:

- 57.4.1 **Salt.** Any road salt storage will be covered with a roof or otherwise covered so that rainwater does not leach the salt. The storage will also be located on an impervious surface from which runoff is collected in an evaporative detention basin or is discharged to a surface watercourse with sufficient year round flow to dilute the runoff.
- 57.4.2 **Change in Occupancy.** In addition to the requirements of these Regulations concerning change in use, each change in nonresidential occupancy of a premises may be made only after a new Statement of Use has been submitted to the Enforcement Officer under Paragraph 51.6.4 and a new Certificate of Zoning Compliance therefor has been issued concerning compliance with the requirements of this Section and, Par 51.6.5.A5.
- 57.4.3 **Sewage Disposal.** Sanitary wastewater disposal to on-site septic systems on any *lot* will not average more than 350 gallons per acre per day nor more than, 5,000 gallons total discharge per day, provided however that any system which exceeds the amounts is permitted in accordance with the following:
- A. At least fifteen (15) days prior to approval or an Application for Certificate of Zoning Compliance for a *use* equaling or exceeding the discharges, notice that Application and proposed discharge are pending will be sent by Certified Mail by the Enforcement Officer to the owner of each *lot* abutting the *lot* where the discharge is to occur and to any public utility water supply company having surface or well water supply facilities in the Aquifer Protection Zone; and
  - B. The Connecticut Department of Environmental Protection will approve the system as consistent with maintenance of the quality of groundwater in the Aquifer Protection Zone.

- 57.4.4 **Fuel Storage.** Concerning nonresidential uses, underground fuel storage tanks and piping will be designed in conformance with the Rules and Regulations of the State Fire Marshal as authorized under §29-62 through §29-66 of the Connecticut General Statutes provision will be made for containment and cleanup of spills at the point of delivery to and from storage. No the storage will be backfilled until inspected by the Building Inspector.
- 57.4.5 **Runoff.** Any nonresidential *use* that is subject to submission and approval of a Site Plan or Special Permit will conform to the following in addition to other requirements of these Regulations:
- A. The site plan will identify all drains and drainage facilities and will demonstrate how oil, grease, cleaning materials, and other contaminants will be contained and not discharged to the *aquifer*.
  - B. The *total lot coverage* by *buildings, structures, outside storage*, and paving on any *lot* will not exceed thirty percent (30%) of the area of the *lot*. Storm drainage will be discharged to vegetated surfaces unless measures and a maintenance program are provided for, control of contaminant runoff to the *aquifer* from parking and other *paved areas*.
  - C. On the primary and *secondary recharge area*, excavation and regrading for site development and under Section 64 will be designed either with a finished elevation at least five (5) feet above the water table or with no reduction in elevation if already less than five (5) feet.





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# ARTICLE VI

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# SECTION 61

## Performance Standards

### 61.1 GENERAL

The *use* of land, buildings, and other *structures*, wherever located, will be established and conducted to conform to the performance standards hereinafter specified. The performance standards establish certain nuisance factors which if committed or exceeded in the *use* of land, buildings and other *structures* will be detrimental to the use, enjoyment and value of other land, buildings and *structures*, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Enforcement Officer is authorized to make surveys and take measurements to determine compliance. No Application for Certificate of Zoning Compliance will be approved by the Enforcement Officer and no Certificate of Zoning Compliance will be issued by him until he has made a determination that the proposed *use* of land, building and other *structures* will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive. The performance standards hereinafter specified will be of continuing Application.

### 61.2 SMOKE, GASES, AND FUMES

No dust, dirt, fly ash, smoke, gas or fumes will be emitted into the air from any *lot* so as to endanger the public health and safety, to impair safety on or the value and reasonable *use* of any other lot, or to constitute a critical source of air pollution. In addition, no the smoke or particulate matter will be so emitted to have opacity greater than Ringleman #2 for more than five (5) minutes in any 12-hour period.

### 61.3 NOISE

With the exception of time signals and noise necessarily involved in the construction or demolition of buildings and other *structures*, no noise will be transmitted outside the *lot* where it originates when noise has a decibel level, octave band, intermittence or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable *use* of any other lot.

### 61.4 VIBRATION

With the exception of vibration necessarily involved in tile construction or demolition of buildings, no vibration will be transmitted outside the *lot* where it originates.

### 61.5 ODORS

No offensive odors will be emitted into the air from any *lot* so as to impair the value and reasonable *use* of any other lot.

**61.6 GLARE AND HEAT**

No light will be transmitted outside the *lot* where it originates so as to endanger the public health or safety, including the public safety on any *street* or highway, or to impair tile value and reasonable *use* of any other lot. In Residence Districts the source of any lighting located out-of-doors on any *lot* will not be visible from any other lot; in other than Residence Districts the source of any lighting located out-of-doors and within 200 feet of a Residence District boundary line will not be visible at the boundary line.

**61.7 REFUSE AND POLLUTION**

No refuse or other waste materials will be dumped on any *lot* except with the approval of the Director of Health of the Town of Old Saybrook. No refuse or other waste materials and no liquids will be dumped on any *lot* or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.

**61.8 DANGER**

No material which is dangerous due to explosion, extreme fire hazard or radioactivity will be used, stored, manufactured, processed or assembled except in accordance with applicable codes, ordinances and regulations of the Town of Old Saybrook, State of Connecticut and Federal Government.

**61.9 RADIO INTERFERENCE**

No *use* on any *lot* will cause interference with radio and television reception on any other lot, and any *use* will conform to the regulations of the Federal Communications Commission concerning electromagnetic radiation and interference.

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## SECTION 62

# Off-Street Parking & Loading, Access, and Circulation

### 62.1 OBLIGATION

Off-street parking and loading will be provided for any *use* of land, buildings, or other *structures* in accordance with the standards of the Section. Off-street parking and loading will be permanently maintained and kept available for occupancy in connection with and for the full duration of the *use* of land, buildings or other *structures* for which the spaces are required. (New section revised 1/1/95)

62.1.1 **Existing Uses.** A *use* existing at the time of the adoption of these regulations will be maintained in conformance with these parking standards to the extent that it conforms at the time of adoption of this Section. If any existing *use* of land, buildings,, *structure*, is changed to a *use* requiring additional off-street parking and loading under these regulations, additional required spaces would be provided for the new *use* in accordance with the standards herein. An existing *use* which does not conform to the standards of this Section will not be changed to a *use* which would require additional off-street parking and loading spaces to conform, unless off-street parking and loading spaces are provided for the new *use* as required herein. Any extension or enlargement of a non-conforming building or *use* will require compliance with this Section.

### 62.2 PARKING SPACE AND LOADING DIMENSIONS

62.2.1 **Parking Spaces.** Every parking space will have suitable access and slope to accommodate an automobile, and will have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of not less than 7'6", except as follows:

- A. Spaces reserved for *use* by physically handicapped persons will have a minimum width of 15 feet and a minimum length of 18 feet, except that the width may be reduced to 12.5 feet when the space is at the end of a row of spaces or is one of two or more reserved spaces side by side In a row.
- B. Spaces located parallel to an access or circulation *driveway* will have a minimum width of eight (8) feet and a minimum length of twenty-two (22) feet.

- C. **Compact Automobiles** – Where a *use* is under single proprietorship and the total number of off-street parking spaces required by the *use* is greater than one hundred (100), the Zoning Commission may authorize a portion of the required number of parking spaces not to exceed ten percent, with a minimum width of eight (8) feet and a minimum length of fifteen (15) feet, to accommodate smaller automobiles.

62.2.2 **Loading Spaces.** Every loading space will have suitable access and slope to accommodate a truck forty (40) feet in length, and will have the shape as to contain a rectangle not less than twelve (12) feet in width and forty (40) feet in length, with a vertical clearance of not less than sixteen feet, six inches (16'6"). The Zoning Commission may require a space of greater dimensions if necessary for the type of truck serving uses proposed under site plan submissions. Loading spaces will be designed in accordance with Section 62.5.

### 62.3 OFF-STREET PARKING REQUIREMENTS

The following off-street parking standards are minimum requirements. The Zoning Commission may require additional parking spaces where the nature of development, its location, or other unique features requires the additional parking. In determining the appropriate parking standards to be applied to a specific use, the decision of the Zoning Commission will be final. For *lots* fronting on Main Street between Route One and Pennywise Lane, on-street parking spaces located directly in front of the *lot* may be credited toward the total number of parking spaces required for a particular use. Where fractional spaces result from calculation of parking space requirements, total parking spaces required will be the next highest whole number. These parking standards are in addition to space, which is required for storage of trucks or other vehicles used in connection with a commercial or industrial use.

#### 62.3.1 Residential uses.

- A. One and two family *dwelling*s 2 spaces for each *dwelling unit*; *driveways* may be included as required space.
- B. **Multi-family dwellings** – One and one-half (1.5) spaces for each efficiency or one bedroom unit and 2 spaces for each unit of 2 *bedrooms* or more.
- C. **Elderly housing** – One (1) space for each efficiency or one (1) *bedroom* unit, and one and one-half (1.5) spaces for each two-bedroom unit (Text added 9/18/79).
- D. **Professional offices and home occupations in a dwelling unit** – Two (2) spaces, in addition to spaces required for the *dwelling unit*.
- E. **Renting of rooms** – One (1) space per boarder, in addition to spaces required for the *dwelling unit*.

62.3.2 Non-Residential Uses.

- A. **Business offices** – One (1) space per two hundred (200) square feet of *gross floor area* for buildings under ten thousand (10,000) square feet in area, and one space per one hundred seventy five (175) square feet of *gross floor area* for buildings ten thousand (10,000) square feet and over in area.
- B. **Personal Service-Establishments** – Generally, one (1) space per one hundred fifty (150) square feet *gross floor area*, except for the uses listed below.
  - 1. **Undertaker's establishments** – One (1) space per seventy-five (75) square feet of parlor or chapel area, or one (1) space per each four (4) seats.
  - 2. **Medical and dental offices and clinics** – One (1) space per two hundred (200) square feet of *gross floor area*.
  - 3. **Repair shops (not including automotive repairs** – One (1) space per two hundred (200) square feet of *gross floor area*, with a minimum of three (3) spaces.
- C. **Financial Institutions** – One (1) space for every two hundred fifty (250) square feet of *gross floor area* or four (4) spaces per teller window, whichever is greater, and two (2) additional spaces per automated teller machine.
- D. **Retail stores** – Generally, one (1) space for every one hundred seventy-five (175) square feet of *gross floor area*, except for the uses listed below.
  - 1. **Supermarkets** – One (1) space for every two hundred (200) square feet of *gross floor area*
  - 2. **Convenience Stores** – One (1) space per one hundred (100) square feet of *gross floor area*, with a minimum of five (5) spaces
  - 3. **Furniture, appliance, carpet, or hardware stores** – (requiring significant display areas for large merchandise items) - 1 space per 400 square feet of *gross floor area*
  - 4. **Lumber and building materials** – one (1) space per five hundred (500) square feet of *gross floor area* and outside display area
  - 5. **Bowling Alley** – Four (4) spaces for each lane

6. **Shopping Centers** – For purposes of establishing off-street parking requirements, a shopping center is defined to be a group of no less than four (4) business establishments which may include retail stores, personal services, theaters, and restaurants, with a public vehicle parking area shared in common. A shopping center *lot* must contain no less than two (2) acres of land and have not less than twenty thousand (20,000) square feet of *gross floor area*. Parking for shopping centers will be provided at a ratio of one parking space for each one hundred seventy-five (175) square feet of *gross floor area* in the shopping center, with a minimum of one hundred twenty-five (125) spaces. This requirement is instead of other individual parking ratio requirements of Section 62.3.

E. **Motor Vehicle Services**

1. **Gasoline Station (no repair facilities)** – One (1) space per fuel nozzle plus one space per fifty (50) square feet of useable *gross floor area*.
2. **Automotive Service Station (limited repairs)** – Two (2) spaces per service bay; in addition, space will be provided for an additional three (3) vehicles per bay stored on the premises for servicing. The vehicle storage space need not meet the dimensional. Requirements for aisles, and storage parking space dimensions may be reduced to not less than eight feet (8') by fifteen feet (15'). Storage space must meet buffer requirements.
3. **Automotive Repair Shop** – Two (2) spaces per service bay; in addition, space will be provided on the *lot* for an additional four (4) vehicles per bay stored on the premises for servicing. The vehicle storage space need not meet the dimensional requirements for aisles, and storage parking space dimensions may be reduced to not less than eight feet (8') by fifteen feet (15'). Storage space must meet buffer requirements.
4. **Motor Vehicle Sales** – One (1) space per five hundred (500) square feet of enclosed *gross floor area* and one (1) space per (3,000) square feet of outdoor display area.

F. **Restaurants** – One (1) space for every three (3) seats, with a minimum of ten (10) spaces for each restaurant, except for the uses listed below.

1. **Fast Food Restaurant** – One (1) space per fifty (50) square feet of *gross floor areas*, with a minimum of ten (10) spaces.



2. **Restaurant with Takeout Window** – In addition to restaurant parking that is otherwise required, ten spaces for each take out window. If the window provides drive through service, the spaces will be arranged so as not to impede pedestrian or vehicular circulation of the site or on any abutting street.
3. **Nightclub, Bar, Pub** – One (1) space for every fifty (50) square feet of area open to the public.

G. **Educational Institutions**

1. **Elementary and Junior High Schools** – Two (2) spaces per classroom plus one (1) space for every four (4) seats in the auditorium, gymnasium or other place of public assembly
2. **High School** – Six (6) spaces per classroom plus one (1) space for every four seats in the auditorium, gymnasium, cafeteria or other place of public assembly
3. **Day care centers and nursery schools** – One (1) space per every five (5) children of licensed capacity, plus one off-street passenger loading place for every six (6) children of licensed capacity

H. **Churches and Synagogues** – One (1) space per every three (3) seats in the main assembly hall, plus parking as required for any other related uses.

I. **Residential Life Care Facility** – One-third (0.33) parking spaces will be provided for each *assisted living unit*. There will also be one (1) space for each peak hour employee. An additional twenty percent (20%) reserved parking area is also required. (Replaced effective 1/30/89.)

J. **Convalescent Center or Nursing Home** – Two (2) spaces per every three (3) patients of maximum licensed capacity

K. **Hospital** – One and one-half (1.5) spaces per bed, plus one (1) additional space for every one hundred fifty (150) square feet of *gross floor area* dedicated to outpatient services (text amended 7/1/86).

L. **Theaters, auditoriums, and other places of assembly having fixed seats** – One (1) space for every four (4) seats, with a minimum of twenty (20) spaces.

M. **Other places of public assembly or public recreation, including libraries, museums and art galleries** – One (1) space for every four (4) legal occupants under the State Fire Safety Code.

- N. **Marinas** – Three quarters (0.75) of a space for each boat slip or rental boat, and three quarters (0.75) of a space for each commercial mooring, with separate space provided for parking of boat trailers and storage of dinghies. (Text added 9/21/83)
- O. **Manufacturing and Industrial Plants** – One (1) space for each eight hundred (800) square feet.
- P. **Research and Development Facilities** – One (1) space per each three hundred (300) square feet of *gross floor area*.
- Q. **Warehousing and Other Enclosed Storage Uses** – One (1) space for each one thousand two-hundred (1,200) square feet of *gross floor area*.
- R. **Hotels, Motels, Boarding and Lodging Houses and Similar Buildings** – One and one-quarter (1.25) spaces for each room, plus spaces as required for other related uses including restaurants and places of public assembly (Text amended 7/1/86).
- S. **Private Clubs, Country Clubs, Yacht Clubs and Commercial Recreation Facilities** – One (1) space per each two and one-half (2.5) users who could be utilizing the premises at any one time, plus one (1) space for each seats provided for spectator observance. If a restaurant or a place for public assembly is included in the facility, additional parking will be provided in accordance with the requirements for the related uses.
- T. **Private Country Clubs** – A minimum of four (4) parking spaces for each golf course hole. Additional parking spaces shall be provided in accordance with the requirements for each related accessory use applied for in accordance with the requirements of Sections 62.3.3 and 62.3.4 of these Regulations. The Zoning Commission may reduce the total number of parking spaces required if the applicant provides information that demonstrates that not all of the uses will be in operation during the same time periods. The Zoning Commission may permit the use of Reserve Parking Spaces, although the property upon which the Private Country Club is being developed is zoned for residential uses, as a means of reducing impervious surfaces. The Zoning Commission may increase the percentage of required parking spaces characterized as Reserve Parking Spaces if it finds that environmental conditions warrant such an increase in the percentage of “reserved spaces.” (Adopted effective 2/18/00.)

62.3.3 **Mixed Uses.** In buildings or *lots* containing mixed uses the Zoning Commission will apply the appropriate standard to each the use, and will aggregate the total parking spaces required.

62.3.4 **Parking Space Requirements.** For uses not specifically listed in this Section will be determined by the Commission based on parking requirements for a listed *use* of similar characteristics, or upon reference to recent parking standards of the institute of Traffic Engineers or other recognized source.

62.3.5 **Parking Spaces for Physically Handicapped.** Spaces for physically handicapped persons will be provided for in accordance with the provisions of Connecticut General Statutes and the Basic Building Code of the State of Connecticut. For the purposes of this Section, required handicapped parking spaces will be considered part of the number of parking spaces required under these Regulations and not in addition thereto. Location and arrangement of parking spaces for the physically handicapped will be provided in accordance with the Basic Building Code of the State of Connecticut.

## 62.4 **MODIFICATION OF STANDARDS**

62.4.1 **Reserve Parking Alternative.** In Commercial and Industrial Districts, where the *gross floor area* on a site exceeds twenty thousand (20,000) square feet, the Zoning Commission may approve the substitution of a reserve parking area in lieu of up to twenty percent (20%) of the required number of marked spaces. The reserve parking area must be suitable for parking development and will be designed as an integral part of the overall parking layout and designated as “reserve spaces” on the site plan. The reserve parking area will be reasonably flat and well drained, and suitable for overflow parking. The reserve area will be suitably grassed, landscaped, and maintained, will be kept free of obstructions, will be accessible from the marked parking area and have reasonable direct access to building entrances, and will be available for overflow parking during peak traffic periods. If the Enforcement Officer finds that the number of marked parking spaces is inadequate for actual use, or if the condition of the reserve parking area is the as to create a public nuisance, the Enforcement Officer will report the findings to the Zoning Commission. The Commission, at its discretion, may notify the owner of the property that the reserve area must be properly maintained, or may require full development of the reserve parking area within six months of notification. Failure of the owner to comply with this requirement may be grounds for revocation of the certificate of zoning compliance and render the property in violation of zoning regulations.

## 62.5 **OFF-STREET LOADING REQUIREMENTS**

In the case of industrial, commercial or other uses served by regular truck traffic, space will be provided for the loading and unloading of trucks at a rate of one space for each 15,000 square feet of *gross floor area* or fraction thereof. the truck loading areas will be located adjacent to the area or doors that will be used for the loading and unloading of goods and supplies. Track loading areas will be located to minimize the visibility of trucks from the public street, and will be located to not interrupt the flow of vehicles on access drives or interior aisles. The foregoing loading requirement is a minimum, and the Zoning Commission may require additional loading spaces where the nature of the development, its

location, and any unique feature of development or the surrounding area requires additional loading space.

## 62.6 LOCATION OF REQUIRED PARKING

Required parking facilities will be located on the same *lot* as the building or *use* for which they are required, except as noted below:

**62.6.1 Joint Use of off-Street Parking Spaces.** The Zoning Commission may authorize a reduction in the number of spaces required in 62.3 when shared parking is approved by the Commission. The use of this provision is solely at the discretion of the Commission, subject to the requirements stated hereafter.

- A. Where, in a mixed-*use* development, there are two or more uses that have differences in their principal operating hours, thereby allowing the utilization of the same parking spaces.
- B. Where uses in a mixed-*use* development, although having similar operating hours, will provide for the same users, thus reducing the demand for parking spaces.
- C. Where a *use* is located near another *use* *the* as a church or other place of assembly that is not in operation during the same hours or days as the first use, and where the church or place of assembly is willing to make its parking available to the first *use* through written agreement.

**62.6.2 Combined Parking Lots.** The Zoning Commission may authorize abutting landowners to utilize one common parking area, provided that the common parking area will contain the minimum number of spaces required by these regulations for each *use* collectively, and provided that each property owner will sign cross-easements which will run with the land, binding present and future owners to permit common *use* of said parking area and requiring said owners to a portion of the costs of maintenance of said the common parking areas.

**62.6.3 Off-site parking for municipal uses.** The Commission may permit off-street parking for any *use* of the Town of Old Saybrook located in the Business B-1 District and Residence A District at an alternate site in any other Zoning District on any Town or State-owned property or under license agreement to the Town from a private property owner (hereafter, “alternate parking lot”) within one thousand (1,000’) of the *lot* on which is located the permitted *principal use*. No more than fifty percent (50%) of the required parking shall be located at such alternate parking lot and all handicapped parking must be located on the *lot* where the *use* is located. If any of the parking spaces required to support the *use* is more than one thousand feet (1,000’) from the *use* then shuttle transportation will be required. In addition, the Town shall demonstrate that there is a safe pedestrian travel route between the *lot* on which the municipal *use* is located and the parking on the alternate parking lot. The

route shall be safely passable in all weather for pedestrians, including wheelchairs, strollers, and similar devices that are customarily used on public sidewalks.

The Commission may permit an alternate parking lot located more than 1000' away in any other Zoning District for special events on the condition that the Town arranges for shuttle transportation from such alternate parking lot to the *lot* on which the special event is to occur, and on the further condition that use of such alternate parking lot does not interfere with traffic flow or any other activities already occurring at the alternate parking lot. Temporary handicapped parking may be permitted on the alternate parking lot in accordance with State regulations to accommodate such special events.

The Town shall apply for a one time site plan approval from the Zoning Commission for each alternate parking lot site, which site plan approval shall be valid for one (1) year and then shall be renewed for subsequent years unless denied as provided below. The Commission may by resolution delegate such renewals to the Zoning Enforcement Officer. The site plan must designate shuttle drop off /pick up areas located in areas that provide safe movement for pedestrian traffic. This site plan approval will allow for the utilization of the alternate parking lot site for any special event proposed in the future. The Town must provide a list of the events to the Zoning Commission on January 2<sup>nd</sup> of each year in addition to an approval letter from the Police Department and written consent from the owner or lessee in possession<sup>1</sup> of the alternate parking lot site. Additional events may be added to this list if submitted thirty (30) days prior to the event. The thirty (30) day requirement may be waived by the Zoning Commission under extenuating circumstances. If it is found that the alternate parking lot arrangement is not operating in accordance with the provisions of this Section, the Commission may deny the request for annual renewal.

## 62.7 **Parking Design and Layout within the Site** (Text modified 6/15/77, 7/1/86).

All off-street parking areas will be provided with parking spaces of suitable angle, width, and length, and with access aisles of sufficient width and suitable alignment to the spaces to allow safe and convenient *use* of each required parking space. Provision will also be made for safe and convenient access into, circulation within, and exit from parking as follows:

62.7.1 **Circulation Driveways.** *Driveways* will be provided giving access to parking aisles and spaces. Wherever possible, traffic to and from parking areas and aisles will be directed toward perimeter *driveways*, away from the primary flow of pedestrian traffic between parking spaces and building entrances.

62.7.2 **Aisles.** Parking areas will include clear and visible travelways between parking spaces. The access aisles will be not less than twenty-four (24) feet wide for two-way

ninety-degree (90°) angle parking, but may be reduced to not less than sixteen (16) feet for one-way, angled parking.

- A. Parking spaces will be located to not obstruct the view of vehicles turning into and out of aisles.

62.7.3 **Designation of Employee Parking Areas.** For retail and service establishments, and for other uses with a frequent exchange of customers or patrons, employee parking will be designated in parking spaces remote from entrances so as to retain closer spaces for customers or clients.

62.7.4 **Stacking Space.** Where traffic lights, stop *signs*, intersections, pick up areas or drive-in windows may create conditions where motor vehicles will line up one behind another adequate stacking space will be provided. Stacking spaces will be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting street.

62.7.5 **Pedestrian Safety.** Off-street parking will be separated from the building served in a way as to assure safe movement of pedestrian traffic to all major entrances of the building. A concrete walk or combination of walk and landscaping will be provided adjacent to the building and will be protected from vehicles by wheel stops or other suitable devices. In parking *lots* containing 100 spaces or more, parking is prohibited adjacent to the front of the building unless a minimum 15-foot wide landscaped area is provided in addition to the concrete walk. All pedestrian walkways will be constructed of concrete and will be at least 5 feet wide.

- A. Where topographic and other conditions permit, provision will be made for pedestrian walkways to adjoining *lots* with similar existing or potential uses.

62.7.6 **Fire Lanes.** No parking will be permitted in areas designated as fire lanes on any site plans approved under these regulations or established by the Fire Marshal of the Town.

## 62.8 ACCESS TO AND FROM THE SITE

Provisions will be made for safe and convenient vehicular and pedestrian access to every developed lot.

62.8.1 All new parking and loading areas will be designed so that any vehicle entering from or exiting the parking area onto a public *street* will be traveling in a forward motion.

62.8.2 There will be no more than one *driveway* connection from any *lot* to any *street* except that separate entrance and exit *drivenays* may be provided where necessary to safeguard against hazards and to avoid congestion; additional *driveway* connections may be provided, particularly for but not limited to large tracts and uses of extensive scope if traffic flow in the *street* will be facilitated by the additional connection.

- 62.8.3 All *driveways* providing connection between any non-residential parking or loading area and any public *street* will have suitable alignment and grade not exceeding ten percent (10%), as well as transition grades and site distances for safe, convenient and efficient access and will meet the *street line* and travelway of the *street* in the a manner as to conform to the established cross Section for the *street* as may be specified by the Town or by the State of Connecticut. the *driveways* will be finished with bituminous concrete for a minimum distance of twenty (20) feet from the edge of *street* pavement (Text amended 6/15/78).
- 62.8.4 All access *driveways* and curb cuts will be planned and located to provide as much sight distance as possible at intersections with the connecting public street. Visibility at the intersections will be sufficient to allow a stopped vehicle at the intersection to see and be seen from a vehicle approaching from either direction along the intersected roads at a distance of not less them two hundred (200) feet, or greater distance based on design speed of the intersecting road. A sight line demonstration plan may be required as part of a site plan.
- 62.8.5 The entrances and exits to all parking areas will be clearly marked. Access drives will have a minimum width of fourteen (14) feet where one-way traffic is anticipated and a minimum width of twenty-four (24) feet where two-way traffic is anticipated. *Driveways* in commercial and industrial *districts* will not be more than thirty (30) feet wide at the right-of-way line and fifty-five (55) feet wide at the curb line. Greater widths may be permitted where, in the opinion of the Zoning Commission, the width is necessary to accommodate traffic volumes or traffic movements, public safety requirements, or larger vehicles.
- 62.8.6 Where a *lot* has *frontage* on two or more *streets*, the access to the *lot* will be provided across the *frontage* to the *street* where there is lesser potential for traffic congestion and for hazards to vehicular and pedestrian traffic.
- 62.8.7 The *street* giving access to the site will have a traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. Where the Commission determines that the condition of the existing public *street* is the that the approval of the site development plan could result in a potential safety hazard, the Commission may require that the Applicant make improvements to the existing *street* to assure safety of traffic to and from the site.
- A. Where necessary to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion, provision will be made for turning lanes, traffic directional islands, *frontage* road, *driveways*, and traffic controls within the street.
- 62.8.8 A permit from the Connecticut State Department of Transportation (CONNDOT) to connect to a State road will not prohibit or preempt the Zoning Commission from imposing more restrictive requirements in accordance with this Section.
- 62.8.9 Where topographic and other conditions permit, provisions will be made for circulation *driveway* connections to adjoining *lots* of similar existing or potential uses

when the *driveway* connections will facilitate fire protection services or when the *driveways* will enable the public to travel between two uses open to the public without need to travel on a public street.

**62.8.10 Provision for Sidewalks.** The Zoning Commission may require the installation of sidewalks along public *streets* in places deemed proper by the Commission for public necessity and safety; or, in lieu of construction, the Commission may require that adequate space and grading be established for future sidewalks along public *streets*. When sidewalk construction is required as part of site plan approval, construction drawings for the sidewalks will be provided, and sidewalks will be designed and constructed to conform to the Design and Construction Specifications of the Town of Old Saybrook, adopted pursuant to Town Ordinance 46, as may be amended from time to time.

## **62.9 DRAINAGE**

Parking areas will be graded and drained to dispose of all surface water in accordance with all drainage standards established by these regulations or by Town Ordinance. No drainage will be allowed to cross any sidewalk areas. Proposed surfacing and drainage plans will be submitted to and approved by the Zoning Commission or Enforcement Officer, whichever has responsibility for site plan review.

62.9.1 The Commission may from time to time, by Resolution, adopt technical standards for drainage design to reflect new technologies for controlling the rate, volume, and quality of stormwater runoff from developed areas.

## **62.10 LIGHTING**

Adequate lighting will be provided for all parking areas of more than 20 spaces, except where the Commission may determine that the parking areas are unlikely to ever be used at night. Required lighting will be arranged and installed to minimize glare on adjacent property and adjacent *streets*. The lighting will conform to all lighting standards established by these Zoning Regulations.

## **62.11 LANDSCAPING**

Landscaping will be provided in accordance with Section 63 of these Regulations.

## **62.12 CONSTRUCTION OF PARKING AND LOADING AREA**

**62.12.1 Marking.** All required parking spaces and fire lanes, except those approved as part of a reserve parking area will be marked by painted lines maintained in good condition, or by curbs or other means to indicate individual spaces. *Signs* or markers painted or provided and maintained in good condition will also be used as necessary to insure efficient traffic flow within all parking *lots* and between any the *lot* and the public *street* serving the lot.



62.12.2 **Surface of Parking Areas.** Except for parking for single-family residential *dwelling*s and accessory uses thereto or as otherwise noted in these Regulations, all off-street parking areas will be surfaced and maintained with durable and dustless all weather material approved by the Zoning Commission. Any parking *lot* that serves more than 20 cars will be surfaced with bituminous concrete unless otherwise approved under Section 62.

- A. **Use of Pervious Surfaces** – On sites where little traffic is anticipated, the Zoning Commission may approve the *use* of pervious, surface materials for all or part of a parking area when the paving is part of an overall drainage design that minimizes concentration of stormwater runoff.

62.12.3 **Curbing.** Appropriate provisions will be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials.

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## SECTION 63

# Landscaping, Screening, and Buffer Areas

### 63.1 PURPOSE

The landscaping provisions of these Regulations preserve and enhance the character, appearance, and beauty of the community, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to control *erosion* of the *soil* and excessive run-off of storm water, and avoid depletion and pollution of water resources. (Added effective 1/1/95.)

### 63.2 MINIMUM LANDSCAPE AREA REQUIREMENT (MLA)

For all non-residential uses, and for residential uses with more than three *dwelling units* per lot, the area of the *lot* devoted to pervious landscaping will be not less than the following percentages of MLA in each District (Text amended 1/29/83, 9/21/83).

DISTRICT	MLA
All Residence Districts	50%
Central Business B-1 District	10%
Shopping Center Business B-2 District	15%
Restricted Business B-3 District	15%
Gateway Business B-4 District	25%
Marine Commercial MC District	15%
Marine Commercial Limited MCL District	20%
Saybrook Point District	20%
Industrial I-1 District	25%
Industrial I-2 District	25%

For purposes of this Section, pervious landscaping will consist of any of the following or combination thereof: grass, groundcover, vines, shrubs, hedges and trees. With the approval of the Zoning Commission, existing natural vegetation, and unique site features the as existing stone walls, large boulders or rock outcroppings may be included in the area used to satisfy this requirement.

### 63.3 GENERAL REQUIREMENTS

The following requirements will apply to all uses for which a site development plan is required:

63.3.1 Any portion of a developed *lot* which is not used for the location of buildings, *structures*, accessory uses, *outside storage* areas, off-street parking and loading areas, sidewalks or other *paved areas*, will be landscaped in accordance with a landscaping plan. Any area of the *lot* that will not be disturbed by filling, grading, excavation or

other construction activity may be left as natural terrain when having a location, size and shape that supports the landscaping plan for the *lot* in the a manner as to minimize storm water runoff, sedimentation and *erosion*.

- 63.3.2 Landscaping, trees and plants required by these regulations will be planted in a growing condition according to accepted horticultural practices and will be maintained in a healthy growing condition. Any landscaping, trees and plants which in a condition that does not fulfill the intent of these regulations will be replaced by the property owner during the next planting season for the particular plant material.
- 63.3.3 Any screening fence or wall required by these regulations will be maintained by the property owner in good condition throughout the period of the *use* on the lot.
- 63.3.4 All landscaping, trees and planting material located adjacent to parking areas, loading areas, or *driveways* will be properly protected from damage by vehicles by barriers, curbs, or other means.
- 63.3.5 To the maximum extent possible, existing trees, vegetation, and unique site features the as stone walls, large boulders or rock outcroppings will be retained and protected. Existing healthy mature plant materials, especially trees, if properly located, will be fully credited against the requirements of these regulations.
- 63.3.6 For all new landscaping, an ample variety and quantity of ornamental plants will be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color, and size at maturity. The *use* of native plant species indigenous to the region is encouraged.
- 63.3.7 Landscaping will serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.
- 63.3.8 Landscape composition will be complimentary to scale and style of existing and proposed buildings.

#### **63.4 FRONT LANDSCAPED AREAS**

Each *lot* will be provided with a landscaped area extending the length of the *street frontage* along the interior side of the front *lot* line, except where *driveway* exits and entrances are located. The width of the front landscaped area will be no less than 10 feet in the B-1 District, no less than 15 feet in the SP-2 Districts and 25 feet or more in other *districts* (Text added 1/29/83). The area of the front landscaped buffer may be included in calculations for the minimum landscaped area required in Section 63.2. The front landscaped area will be covered with grass or other ground cover and will include appropriate trees and shrubs. At a minimum, one *street* shade tree having a caliper of at least 3 inches and a *height* of at least 6

feet at time of planting will be planted for each 50 feet or fraction thereof of *lot frontage*. The purpose of the landscaping is to enhance the appearance of the *use* of the lot, but not to screen the *use* from view.

63.4.1 In cases where the edge of the pavement within a public right-of-way does not coincide with the *lot front lot line*, the property owner will landscape and maintain the area between the front *lot line* and the edge of the *street* pavement. A front sidewalk, where existing or where required, may be considered part of the landscaped area.

63.4.2 Where *lot* size and shape or existing *structures* make it infeasible to comply with the requirements for a front landscaped area or other requirements of Section 63, the Zoning Commission may allow the substitution of planters, plant boxes or pots containing trees, or flowers to comply with the intent of these regulations.

- A. For *lots* fronting on Main Street between Route 1 and Pennywise Lane, landscaping will be consistent with any comprehensive landscape design established by cooperative efforts of civic, business and governmental organizations and agencies, subject to approval of the Zoning Commission.

## 63.5 PERIMETER BUFFERS

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto other *lots*. A perimeter buffer will be provided along all *lot* lines other than the front *lot line*, except where *driveways* or pedestrian walkways connect to Section for each lot, notwithstanding any buffers on adjacent property. Except for single-family residential uses, the perimeter buffer will not be used for parking. The area of the perimeter buffer may be included in calculations for the minimum landscaped area required in Section 63.2.

63.5.1 **Buffer Width.** The minimum width of perimeter buffers will be as follows:

- A. For residential uses, the side and rear yard *setback* areas will be considered perimeter buffers.
- B. For non-residential uses abutting property within a District that allows residential uses 20 feet
- C. For uses within commercial *districts* 10 feet
- D. For uses within industrial *districts* 20 feet
- E. Where *lot* size and shape or existing *structures* make it infeasible to comply with the minimum widths required above, the Zoning Commission may modify the width requirements provided the perimeter buffer area meets the intent of these Regulations.

63.5.2 **Required Landscaping for Buffers.** For single-family residential uses, there is no specific requirement for landscaping the buffer area. For multi-family and non-residential uses, the buffer area will be maintained with lawn, shrubs and trees, including evergreen planting of the type, *height*, spacing and arrangement as, in the judgment of the Zoning Commission, will effectively screen the activity on the *lot* from the neighboring residential area. At a minimum, the planting will consist of evergreen trees 6 feet in *height* planted at intervals of 10 feet on center, unless otherwise approved by the Commission. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

- A. An earthen berm, wall, or fence of location, *height*, design and materials approved by the Zoning Commission may be substituted for any portion of the required planting or buffer area strip; the substituted berm, wall or fence will not be used to meet the minimum required landscape area of Section 63.2.
- B. Where the existing topography or landscaping provides adequate screening, the Zoning Commission may modify the planting or buffer area requirements.

## 63.6 INTERIOR PARKING LOT LANDSCAPING

In addition, to front landscaped area and buffer area requirements, parking areas will comply with the following minimum standards.

63.6.1 All uses required to provide 20 or more off-street parking spaces will have at least 20 square feet of interior landscaping within the paved portion of the parking area for each parking space. Islands will be provided to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate major access ways through the parking area from parking aisles. Each separate landscaped area will contain a minimum of one hundred (100) square feet, will have a minimum dimension of at least eight (8) feet, will be planted with grass or shrubs, and will include at least one deciduous tree of not less than three (3) inch caliper, at least six (6) feet in *height*. Interior landscaping will be positioned to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one island for every ten parking spaces should be used for design purposes. No more than fifteen (15) spaces in a row or four rows across will be permitted without an intervening interior landscape area.

63.6.2 A landscaped area will be provided along the perimeter of any parking area except where the parking area is functionally integrated with an adjoining parking area on an abutting lot. The landscaped area will have a minimum dimension of five (5) feet, will be planted with grass or shrubs, and will include at least one deciduous tree of not less than three (3) inch caliper, at least six (6) feet in *height* for every fifty (50) feet along the perimeter of the parking area. Where appropriately located, the required front landscaped areas and perimeter buffers may be used to satisfy this requirement.

### 63.7 VISUAL CLEARANCE

No landscape materials will be located to create a visual hazard for vehicular and pedestrian traffic either within a site or at the intersection of the site access with the public street.

### 63.8 SUBMISSION OF A LANDSCAPE PLAN

As part of or in conjunction with a required site plan, the following formation will be provided concerning site landscaping:

- A. Location and description of existing vegetation on site and any proposals to protect and preserve existing vegetation during and after construction.
- B. Location and description of existing natural features, including large boulders, rock outcroppings, and water features to be incorporated into proposed site design.
- C. Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.
- D. A list of plant materials to be used, including size in diameter and *height* at installation and at maturity; a planting schedule for all plant materials.
- E. Proposed treatment of ground surfaces.
- F. Methods of protecting landscaping from vehicles.

### 63.9 REQUIREMENT FOR SURETY

The Zoning Commission may require a separate bond or other surety against completion of the requirements of this Section.



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# SECTION 64

## Signs

### 64.1 GENERAL

Unless otherwise provided in this Section, no *sign* will be established, constructed, reconstructed, enlarged, extended, moved, or structurally altered until an Application for Certificate of Zoning Compliance therefor has been approved by the Enforcement Officer. It is the purpose and intent of this Section to accommodate the establishment of *signs* necessary for identification; direction and reasonable commercial promotion while avoiding *signs* of a character, as well as a proliferation and extension of *signs*, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All *signs* will conform to the provisions hereinafter specified and to any additional conditions or limitations that may be imposed by the Zoning Commission or Board of Appeals concerning the approval of a Site Plan or Special Exception.

### 64.2 DEFINITIONS

The term "sign" will include every sign, billboard, illustration, insignia, lettering, picture, display, banner, pennant, flag or other device, however made, displayed, painted, supported or attached, intended for *use* for the purpose of advertisement, identification, publicity or notice, when visible from any *street* or from any *lot* other than the *lot* on which the *sign* is located and either 1) located out-of-doors or 2) located indoors and intended to be viewed from outside the building. The term "sign", however, will not include any flag, pennant or insignia of any governmental unit or nonprofit organization, any traffic or directional *sign* located within the right-of-way of a *street* when authorized by the Town of Old Saybrook or State of Connecticut nor any illustrations, insignia or lettering which are an integral and permanent part of the architecture of a building approved under a Site Plan or Special Exception.

### 64.3 STANDARDS

*Signs* in all Districts will conform to the following standards:

64.3.1 **Purpose.** All *signs*, except as hereinafter provided, will advertise, identify or give publicity or notice only with respect to a *use* of land, buildings or other *structures* actually in being on the *lot* where the *sign* is located. When the *use* will have been discontinued for a continuous period of six (6) months, all *signs* pertaining thereto will be removed or otherwise eliminated.

- A. **Exception** – Notwithstanding the provisions of Paragraph 64.3.1, an existing, commercial enterprise may establish two (2) directional *signs* on another *lot* or *lots*, provided that the directional *signs* are no longer than forty-eight (48) inches nor wider than eight (8) inches, are painted white with the



name only of the enterprise painted in black, are located in a Business or Industrial District and are not located within the right-of-way of any street.

64.3.2 **Location.** No *sign* will be located within or hang over the right-of-way of any street, except that a *sign* attached to the wall of a building may project 15 inches into the right-of-way.

64.3.3 **Projecting and Hanging Signs.** No *sign* will project over or hang over any sidewalk, driveway, walkway, roadway or accessway, except that *signs* attached to the wall of a building may thus project not more than 15 inches therefrom, provided that the projection does not occur within 10 feet vertical clearance of the ground.

64.3.4 **Obstructions.** No *sign* will be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.

64.3.5 **Light and Motion.** No flashing *signs* and no revolving, waving or other moving *signs* are permitted.

## 64.4 RESIDENCE DISTRICTS

In addition to the standards specified in Paragraph 64.3, all *signs* in Residence Districts will conform to the following standards:

64.4.1 **Purpose.** The following *signs* are permitted, and no other:

- A. On any lot, one (1) identification *sign* not exceeding three (3) square feet in area, giving only the name of the premises or of the occupant, or announcing a *home occupation* or professional office on the premises; to permit for non-profit *use* only, on property owned by the Town of Old Saybrook, one additional non-illuminated sign, not to exceed ten (10) square feet, which may contain interchangeable letters for events taking place on the lot. Any other *signs* with interchangeable letters are prohibited in all residential *districts*. (Amended effective 11/16/98.)
- B. On a *lot* where the premises are for sale or for rent, one (1) real estate *sign* not exceeding twelve (12) square feet in area and not referring to any other premises;
- C. On a tract of land for which a subdivision map has been approved by the Planning Commission, one (1) real estate *sign* not exceeding thirty-two (32) square feet in area for a period of one (1) year, subject to renewal annually and only the development of the tract:
- D. Building contractors' and designers' *signs* pertaining to buildings under construction; the total area of the *signs* will not exceed thirty-two (32) square

feet, and the *sign* will be removed within thirty (30) days after completion of the project;

- E. On any *lot* containing a farm or related activity or a Special Exception use, one (1) *sign* not exceeding sixteen (16) square feet in area;
- F. Private warning and traffic *signs*, with no advertising thereon, each not exceeding two (2) square feet in area;

No Application for Certificate of Zoning Compliance is required for *signs* permitted under Subparagraphs 64.4.1(a), 64.4.1(b), and 64.4.1(f).

**64.4.2 Location and Height.** *Signs* permitted under Paragraph 64.4.1(c), 64.4.1(d) and 64.4.1(e) will not extend within less than ten (10) feet of any property line or *street* line; other *signs* may extend to the property line or *street* line. No *sign* will be located on any roof, and no *sign* attached to a building will project above the top of the wall of the building. *Signs* attached to buildings may project into the area required for *setback* if the *sign* does not project more than fifteen (15) inches from the wall of the building. No *sign* attached to the ground will exceed a *height* of eight (8) feet.

## 64.5 STANDARDS

Other Districts *Signs* permitted under Paragraph 64.4 are permitted in all other Districts. In addition to the standards specified in Paragraph 64.3, all other *signs* in Business, Marine, and Industrial Districts will conform to the following standards.

**64.5.1 Setbacks.** Except as hereinafter provided, *signs* will observe all *setbacks* required for buildings and other *structures*, but *signs* attached to buildings may project into the area required for *setbacks* provided that the *sign* does not project more than 15 inches from the wall of the building.

### 64.5.2 Central Business B-1 District.

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed twelve (12) square feet in area nor a *height* of ten feet (10') but may extend to the *street* line;
- B. *Signs* attached to buildings will not extend above the top of the wall of the building and will not project more than fifteen inches (15") from the wall of the building, except that *signs* not exceeding twelve (12) square feet in area may project up to four (4) feet from the wall provided that there be a clearance of not less than ten feet (10') feet from the ground level to the sign.
- C. One *sign*, including a projecting *sign* may be attached to one (1) wall of a building, including projecting *signs*, may have a total area of as much as twenty percent (20%) of the area of the wall measured to a *height* of 12 feet above ground level. One *sign* may be attached to any a second wall of a

*building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of 12 feet above ground level or 40 square feet, whichever is less. There shall be no more than one sign mounted to one wall of a building for use by the same tenant/occupant and will give only the name of the enterprise or occupant of the premises. No occupant or tenant shall mount signs to more than two (2) walls of a *building*.

In the event a building has more than one tenant/occupant multiple signs will be allowed with a maximum of one (1) sign per wall, per tenant/occupant with a maximum of two (2) signs (not on the same wall) per tenant/occupant. Only (2) sides of any building shall be permitted to have signage. Any additional walls shall remain vacant. This will be determined on a first come, first serve basis. Property owners will be encouraged to provide sign plans for properties proposing multiple tenants during the application process for any Special Exception or Site Plan review by the Zoning Commission.

- D. No *sign* will be painted on the wall of the building (Amended 6/15/77).

#### 64.5.3 Shopping Center Business B-2 and Gateway Business B-4 Districts.

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed 50 square feet in area nor a *height* of 20 feet, but may extend to within 10 feet of a *street* line, except that any *sign* may be increased in area by 20 square feet for each full 100 feet of *frontage* of the *lot* on a State Highway in excess of 200 feet provided that the total area of the *sign* will not exceed 150 square feet;
- B. *Signs* attached to buildings will not extend above the top of the wall of the building but way, in the case of buildings having a pitched roof, extend not more than three (3) feet above the top of the wall;
- C. *Signs* attached to buildings will not project more than 15 inches from the wall of the building, except that *signs* not exceeding 24 square feet in area may project up to eight (8) feet from the wall provided that there be a clearance of not less than 10 feet from the ground level to the sign; and
- D. One *sign*, including a projecting *sign* may be attached to one (1) wall of a building, including projecting *signs*, may have a total area of as much as twenty percent (20%) of the area of the wall measured to a *height* of 12 feet above ground level.

One *sign* may be attached to any a second wall of a *building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of 12 feet above ground level or 40 square feet, whichever is less. There shall be no more than one sign mounted to one wall of a building for use by the same tenant/occupant and will give only the name of the enterprise or

occupant of the premises. No occupant or tenant shall mount signs to more than two (2) walls of a *building*.

In the event a building has more than one tenant/occupant multiple signs will be allowed with a maximum of one (1) sign per wall, per tenant/occupant with a maximum of two (2) signs (not on the same wall) per tenant/occupant. Only (2) sides of any building shall be permitted to have signage. Any additional walls shall remain vacant. This will be determined on a first come, first serve basis. Property owners will be encouraged to provide sign plans for properties proposing multiple tenants during the application process for any Special Exception or Site Plan review by the Zoning Commission.

- E. No *sign* will be painted on the wall of the building.

#### 64.5.4 **Restricted Business B-3 District.**

- A. An any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed twelve (12) square feet in area nor a *height* of ten feet (10') but may extend to within ten feet (10') of the *street* line;
- B. *Signs* attached to buildings will not extend above the top of the wall of the *building* and will not project more than fifteen (15) inches from the wall of the *building*, except that *signs* not exceeding twelve (12) square feet in area may project up to four (4) feet from the wall provided that there is a clearance of not less than ten (10) feet from the ground level to the *sign*;
- C. *Signs* will be attached to only one (1) wall of a building, and the total area of *signs*, including projecting *signs*, will not exceed five percent (5%) of the area of the wall measured to a *height* of twelve feet (12') above ground level; and
- D. No *sign* will be painted on the wall of a building and all lighting of *signs* will be indirect with the source of illumination not visible from any *street* or from any *lot* other than the *lot* on which the *sign* is located.

#### 64.5.5 **Marine Commercial Limited MCL District.**

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* area will not exceed one square foot per linear foot of actual building *frontage* or fifty (50) square feet, whichever is less, nor a *height* of twenty feet (20'), but may extend to within ten feet (10') of a *street* line.
- B. *Signs* attached to buildings will not extend above the top of the wall of the building and will not project more than fifteen inches (15") from the wall of the building, except that *signs* not exceeding twelve (12) square feet in area may project up to four (4) feet from the wall provided that there be a clearance of not less than ten feet (10') from the ground level to the sign;

- C. One *sign* may be attached to one (1) wall of a building, including projecting *signs*, may have a total area of as much as ten percent (10%) of the area of the wall measured to a *height* of twelve feet (12') above ground level. One *sign* may be attached to a second wall of a *building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of twelve feet (12') above ground level or forty (40) square feet, whichever is less and will give only the name of the enterprise or occupant of the premises. There shall be no more than one sign mounted to one wall of a building for the use by the same tenant/occupant. No occupant or tenant shall mount signs to more than two (2) walls of a *building* and no sign shall face any *street* unless the premises have direct vehicular access from such *street*.

In the event a building has more than one tenant/occupant multiple signs will be allowed with a maximum of one (1) sign per wall, per tenant/occupant with a maximum of two signs (not on the same wall) per tenant/occupant. Only two (2) sides of any building shall be permitted to have signage. Any additional walls shall remain vacant. This will be determined at a first come, first serve basis. Property owners will be encouraged to provide sign plans for properties proposing multiple tenants during the application process for any Special Exception or Site Plan Review by the Zoning Commission.

- D. No *sign* will be painted on the wall of the building.

#### 64.5.6 Saybrook Point SP District

- A. *Signs* in SP-1 and SP-3 Districts will conform to the requirements for *signs* in Residence Districts.
- B. *Signs* in the SP-2 District will conform to the requirements for *signs* in Marine Districts.
- C. Illumination of *signs* in the SP-2 District will be limited to either floodlighted *signs* or floodlighted background silhouette *signs* with opaque letters.

#### 64.5.7 Industrial I District

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed one hundred (100) square feet in area nor a *height* of ten feet (10');
- B. *Signs* attached to buildings will not extend above the top of the wall of the building but may, in the case of buildings having a pitched roof, extend not more than three feet (3') above the top of the wall;
- C. *Signs* attached to buildings will not project more than fifteen inches (15") from the wall of the building, except that *signs* not exceeding twelve (12) square feet in area may project up to four feet (4') from the wall provided

that there be a clearance of not less than 10 feet from the ground level to the sign; and

- D. *Signs* will be attached to only one (1) wall of a building, and the total area of *signs*, including projecting *signs*, will not exceed ten percent (10%) of the area of the wall measured to a *height* of twelve feet (12') above ground level.

#### 64.6 MEASUREMENTS

Any *sign* may be double facing, and when a *sign* is attached to the ground, only one face will be counted in determining conformity to *sign* area limitations. All dimensions for *signs* will be based on measurements to the outside edge of the *sign* excluding any *structure* necessary to support the sign. The area of any *sign* will be the entire area encompassed by the perimeter of the sign, which perimeter will be the polygon formed by connecting all the outermost edges or points of the sign.

#### 64.7 SPECIAL EVENTS

Notwithstanding the provisions of this Section, the Zoning Commission may, upon written Application made to it and by resolution, authorize the establishment of temporary *signs* for periods not exceeding fifteen (15) consecutive days, and totaling more than forty-five (45) days in any calendar year, for the purpose of announcing special events. In a Residence District, any the *sign* will pertain only to a *use* permitted in the District.

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## SECTION 65

# Excavation and Grading

### 65.1 GENERAL

No earth, including loam, sand, gravel, clay, peat or quarry stone, will be excavated and removed from any lot, or graded or dumped on any lot, except as authorized under Paragraph 65.2 or as authorized under an Application for a Temporary Special Exception granted by the Zoning Commission under the provisions of this Section.

### 65.2 EXEMPTIONS

The provisions of this Section and the requirements to obtain a Temporary Special Exception will not apply to the following cases:

- 65.2.1 Necessary excavation and removal, or grading or dumping of earth in direct connection with the lawful construction, on the lot, of buildings, foundations, roads, *driveways*, parking areas, storm drainage, utility services, fences, walls, swimming pools or other bona fide construction projects, and for which any required Application for a Certificate of Zoning Compliance has been approved;
- 65.2.2 Necessary excavation and removal, or grading or dumping of earth in connection with improvements on the *lot* solely for farming or landscaping purposes, the as the construction of ponds, improvement of water courses, burying of stones or refuse, regrading of difficult contours and the excavation of earth for *use* on the *lot* and not for sale, and when written notice in advance of commencement of the operation has been given to the Enforcement Officer and, if applicable, a certified *Soil Erosion & Sediment Control Plan* is in effect in accordance with Section 67, except that in a Conservation Zone no more than 300 cubic yards of material may be removed lot; (Adopted effective 7/1/85.) and;
- 65.2.3 Excavation and removal, or grading or dumping of less than 100 cubic yards of material on any *lot* in any calendar year and, if applicable, a certified *Soil Erosion & Sediment Control Plan* is in effect in accordance with Section 67, except that no material may be removed from a *lot* in a Conservation Zone (Adopted effective 7/1/85.);
- 65.2.4 Provided that the excavation and removal, or grading or dumping, a) authorized under Paragraph 65.2.2 and 65.2.3 will not occur in *tidal wetlands* and b) authorized under Paragraph 65.2.1 and 65.2.2 will be deemed to permit the excavation and removal, or grading or dumping of only the quantity of material which is necessary to make the *lot* more suitable for the proposed use, and provided further that excavation, grading or removal authorized under further that excavation, grading or removal authorized under Paragraph 65.2.1 and 65.2.2 in connection with a project for which an Application for a Certificate of Zoning Compliance has been approved

will be contingent upon completion of the project within two (2) years after commencement, and in the event of failure to complete the project, as evidenced by failure to obtain a Certificate of Zoning Compliance for the project, then the excavation and removal, or grading or dumping will be deemed a violation of these Regulations unless a Temporary Special Exception therefor has been secured from the Zoning Commission in accordance with this Section.

### 65.3 APPLICATION

Application for a Temporary Special Exception under this Section will be submitted in writing to the Enforcement Officer, will be accompanied by an Application for a Certificate of Zoning Compliance and will be accompanied by the following:

65.3.1 **Statement.** A written statement specifying the hours and days of the week when the operation is to be conducted and estimating the number and kind of trucks and other equipment to be used:

65.3.2 **Maps and Plans.** Four (4) copies of maps and plan prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut, showing all of the following information as applicable to the particular Application:

- A. Property lines and *streets* adjoining the *lot* and the names of owners of property adjoining the lot;
- B. The location and exterior limits of the area to be excavated, graded, or filled;
- C. Existing contour lines on the lot, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet;
- D. Proposed contour lines within the area to be excavated, graded or filled, drawn to a scale of not less than 100 feet to the inch and with a contour interval not exceeding five (5) feet;
- E. Existing and proposed drainage on the *lot* and existing rivers, streams, water courses, ponds, swamps and *tidal wetlands* on or within 200 feet of the lot;
- F. Proposed vehicular access to the *lot* and any proposed work roadways;
- G. The location on the *lot* of any wooded areas, rock outcrops and existing and proposed buildings, *structures* and processing equipment;
- H. An estimate of the number of cubic yards of material to be excavated, graded or dumped; and
- I. Provisions for *soil erosion* and *sediment* control in accordance with Section 67, unless a separate *Soil Erosion & Sediment Control Plan* is submitted as specified in Section 67. (Adopted effective 7/1/85.)



65.3.3 **Other.** The Zoning Commission may request the submission of the additional information that it deems necessary to decide on the Application.

65.3.4 **Application Fee.**

## 65.4 **PROCEDURE**

Upon receipt, the Enforcement Officer will transmit the Application and accompanying maps, plans and documents to the Zoning Commission; he will also transmit a copy to the Old Saybrook Planning Commission, within sixty-five (65) days after receipt of a completed Temporary Special Exception Application meeting the requirements of Paragraph 65.3, the Zoning Commission will hold a public hearing on the Application. Notice of the public hearing will be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than 15, nor less than 10 days, and the last not less than two (2) days before the public hearing. After the public hearing, the Commission will approve, modify and approve, or disapprove the Temporary Special Exception Application. The Applicant may consent in writing to any extension of the time of public hearing and action on the Application. The grounds for disapproval of an Application will be stated in the records of the Commission under Paragraph 65-3.3, within the period for action on the Application, will be grounds for disapproval of the Application.

## 65.5 **PLANNING COMMISSION**

Within thirty (30) days after receipt of a copy of the Application, maps, plan and documents, the Old Saybrook Planning Commission will report its recommendations to the Zoning Commission, stating the reasons therefor.

## 65.6 **APPROVAL**

After the public hearing, the Zoning Commission may grant a Temporary Special Exception to permit the excavation and removal, or grading or dumping if it will find that the following standards and conditions will be met:

65.6.1 The excavation, grading or removal will be carried out in accordance with the maps and plan as approved by the Zoning Commission and within the exterior limits shown thereon;

65.6.2 The excavation, grading or removal will not result in sharp declivities, pits, or depressions or *soil erosion*, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the *lot* for purposes permitted under these Regulations in the District where the *lot* is located;

65.6.3 At all stages of the work, proper drainage will be provided to avoid stagnant water, *soil erosion* problems, excessive run-off, silting of streams and damage to public property, *streets* or drainage facilities;

- 65.6.4 Truck access to the *lot* and the work area will be so arranged as to minimize traffic hazards in *streets* and to avoid nuisance to residents of the neighborhood;
- 65.6.5 No excavation and removal, or grading, which is below the elevation of any abutting *street* or property line will occur within 100 feet of the line, except that excavation and removal or grading within the distance and below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Zoning Commission;
- 65.6.6 There will be no processing of material, the as screening, sifting, washing or crushing, except in an Industrial District;
- 65.6.7 No building, *structure*, will be erected on the *lot* except as may be otherwise permitted in the District or, as approved by the Zoning Commission, as a temporary shelter for equipment and field office;
- 65.6.8 The work will be limited to the hours from 7:00 A.M. to 6:00 P.M. and on regular working days, or to the lesser hours and days specified by the Zoning Commission;
- 65.6.9 Proper measures will be taken to minimize nuisance from noise, dust, vibration and flying debris, and suitable fences or other barricades will be provided around the excavation to protect pedestrian and vehicles to the satisfaction of the Zoning Commission.
- 65.6.10 Upon completion of the work authorized, the area of excavated or otherwise disturbed ground will be prepared or restored as follows:
- A. Such area will be evenly graded to slopes not exceeding one (1) foot of rise for each three (3) feet of horizontal distance or to the lesser slope necessary for *soil* stability, safety and reasonable reuse and development of the lot; in addition, the area will be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;
  - B. Adequate drainways of gradual slope will be provided to assure drainage;
  - C. There will be no excavation, grading or removal below an elevation of six (6) feet above any ledge;
  - D. All debris and all loose boulders will be buried or removed from the lot; and
  - E. The top layer of any arable soil, to a depth of not less than six (6) inches, will be retained in the *lot* and spread over the entire *disturbed area* with any large stones removed, and the area will then be seeded with a perennial grass and maintained until the ground will be completely stabilized with a dense cover of grass and there exists no danger of *erosion*, but this provision will not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.

65.6.11 The Applicant will file with the Zoning Commission a cash, saving account or surety bond, in a form acceptable to the Commission, in the amount as the Commission deems sufficient to insure the faithful performance of the work in accordance with the provisions of this Section; and

65.6.12 The Zoning Commission and Enforcement Officer, or their authorized agents, will at all times, have reasonable access to the *lot* for the purpose of *inspection* and determination of compliance with this Section; the Zoning Commission may require the Applicant to submit periodic reports, prepared and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

65.6.13 The *lot* for which a Temporary Special Exception is granted will not be located in a Conservation Zone (Amended 6/26/75).

## **65.7 TIME LIMIT**

Each Temporary Special Exception granted under this Section will be valid for a period of one year or for the shorter period as may be requested by the Applicant or fixed by the Zoning Commission; the Commission may by resolution renew the Temporary Special Exception annually when the Applicant presents copies of the approved maps and plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation and removal, or grading or dumping of earth is progressing as approved.

## **65.8 INSPECTION FEE**

At the time of issuance of a Certificate of Zoning Compliance authorized by a Temporary Special Exception granted under this Section, the Applicant will pay an Inspection fee in accordance with Paragraph 72.4. Adopted/Effective 10/1/91

## **65.9 EXISTING OPERATIONS**

Any lawful existing operation, involving the excavation and removal, or grading or dumping of earth, authorized under the Zoning Regulations in effect prior to the effective date of this Section, may be continued under the terms and conditions of the authorization.

## **65.10 RETURN OF BOND**

Upon completion of the operation in accordance with the terms of a Temporary Special Exception and after any area of the *lot* required to be seeded has grown in a second growing season a dense cover of grass as required under this Section, the Applicant may apply to the Zoning Commission for return of the bond filed as provided in this Section, and if the Zoning Commission is satisfied that the work has been completed as required, the bond will be returned to the Applicant, otherwise the bond will remain in full force and effect.



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# SECTION 66

## Trailers

### 66.1 PURPOSE

The provision of these regulations is to allow for the *use of trailers and boats* and of storage, construction/office and *commercial trailers* while addressing problems typically associated with their storage and use. Unless otherwise provided in this Section, no "trailer and boat", "storage", "construction/office" or "commercial trailer" as defined herein will be placed on any *lot* until an Application for Certificate of Zoning Compliance therefore has been approved by the Enforcement Officer or a Site Plan has been approved by the Zoning Commission. (Amended effective 5/30/95.)

### 66.2 DEFINITIONS

For the purposes of Section 66, trailers are defined as follows:

66.2.1 **Trailers and boats.** The term *trailers and boats*, including camping and recreational equipment, boats with or without hauling trailers, *utility trailers* and mobile homes, is defined as follows:

- A. **Travel trailer.** Any camper, camp trailer, furnished van, or any of trailer, designed for human habitation.
- B. **Pick-up coach or pick-up camper.** A *structure* designed primarily to be mounted on a pick-up or truck chassis and with equipment to render it suitable for *use* as a temporary *dwelling* for travel camping, recreational and vacation uses only, and which will be eligible to be licensed/registered and insured for highway use.
- C. **Motorized camper.** A portable *dwelling* designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary *dwelling* for travel, camping, recreational and vacation *use* and which will be eligible to be licensed/registered and insured for highway use.
- D. **Mobile Home.** A movable or portable *dwelling* built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy.
- E. **Tent Trailer.** A canvas, folding structure, mounted on wheels to be used as a temporary *dwelling* for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.
- F. **Boat with or without hauling trailer.** Any vessel more than 15 feet with or without a hauling trailer.

- G. **Utility trailer.** A small box, horse or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of 15 feet in length.
- H. **Mobile Home and Mobile Manufactured Home.** These terms are used interchangeably to refer to a "*mobile manufactured home*", defined in Section 21-64 of the Connecticut General Statutes, as follows:
- I. **Mobile manufactured home.** A detached residential unit having three dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with Federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems;

Any *mobile manufactured home* having as its narrowest dimension twenty-two feet (22') or more will be subject to the same standards and conditions as any other single family detached *dwelling unit*. Any *mobile manufactured home* pre-existing the adoption of the Old Saybrook Zoning Regulations on July 8, 1948, which does not meet these standards and conditions, is a legal pre-existing non-conformity.

66.2.2 **Storage, Construction/Office and Commercial Trailers.** The terms "*storage trailer*", "construction/office trailer" and "commercial trailer" used for construction and business-related purposes are defined as follows:

- A. **Storage Trailer** - the trailer portion of a tractor-trailer vehicle, storage container or box, portable warehouse or similar moveable roofed enclosures placed on a *lot* for the purpose of storing equipment or other goods and having a *total lot coverage* exceeding fifty (50) square feet.
- B. **Construction/office Trailer** - a trailer or trailers used for equipment or supply storage or as a construction office concerning a bonafide construction project for which appropriate building permits have been acquired.
- C. **Commercial Trailer** - a trailer or trailers used in conjunction with permitted commercial and industrial establishments the as trucking terminals, building contractor's businesses and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods and marine transportation.

### 66.3 Standards

No *trailers and boats, storage and construction/office trailers* or *commercial trailers* will be permitted on any *lot* except in accordance with the standards and provisions of this Section.

**66.3.1 Trailers and Boats.** The parking and storage of "*trailers and boats*" as defined in Section 66.2.1 will comply the following special standards:

- A. No more than one trailer or one boat will be stored at any time on a *lot* in a Residential District or on any *lot* containing a legal, pre-existing nonconforming residence;
- B. Any "trailer and boat" that is not parked or stored within a garage, *structure*, will meet all *setback* and maximum *building/structure coverage* requirements for buildings or other *structures* for the *district* within which the "trailer and boat" is parked or stored and will be located no closer than 10 feet to any building or other structure.
- C. A "trailer and boat" that is not parked or stored within a garage, *structure*, will be located to the rear of a principal building or other major building or *structure* in a neat and orderly manner or in the most inconspicuous location practicable. The parked or stored "trailer and boat" will be screened with fencing, landscaping or other measures to satisfaction of the Enforcement Officer so as to be generally not visible from any *street* or adjacent property.
- D. In the event that a "trailer and boat" is parked or stored on a vacant lot, the "trailer and boat" will be located in the most inconspicuous location practicable and will be screened with fencing, landscaping or other measures to satisfaction of the Enforcement Officer so as to be generally not visible from any *street* or adjacent property.
- E. At no time will the parked or stored "trailer and boat" be occupied or used for living, sleeping, or housekeeping purposes. There will be no connections to any utility service, including electric, heat, water, and sewerage disposal service.
- F. In event of non-compliance, the Enforcement Officer will require the removal, relocation, or screening of the parked or stored "trailer and boat".

**66.3.2 Placement of Storage and Construction/Office Trailers.** The parking, storage, and *use of storage and construction/office trailers* as defined in Section 66.2.2 a. and b. will comply with the following special standards:

- A. **Construction/Office Trailer or Trailers** – will be located on the same *lot* as, and in connection with, a bonafide construction project for a duration of no more than six (6) months unless extended at the discretion of the Enforcement Officer to coincide with an additional period when the construction project is in progress. The trailer or trailers will not be placed at said construction site before two (2) weeks before start of construction and will be removed within two (2) weeks of final completion of the project.
- B. **Storage and Construction/Office Trailers** – will meet all *setback* requirements for buildings or other *structures* for the *district* within which the trailer or trailers are parked or stored and will be located no closer than 10 feet to any buildings or other *structures*.
- C. **Trailers Parked or Stored** – for the purpose of storage in connection with an approved business or industrial *use* will be located so as not to occupy or obstruct parking or loading spaces required for other uses on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.
- D. **Storage, Construction/office and Commercial Trailers** – will be required to be screened from view from a *street* or any adjacent property with fences, landscaping or other measures to the satisfaction of the Zoning Commission or their designated agent.
- E. In event of non-compliance, the Zoning Commission or their designated agent will require the removal, relocation or screening or the parked or stored storage and construction/office trailer or trailers.

66.3.3 **Placement of Commercial Trailers.** The parking of *commercial trailers* as defined in Section 66.2.2 c. will comply with the following special standards:

- A. *Commercial trailers* are permitted on a *lot* concerning an approved business if the *commercial trailers* are used only for the purposes of transportation. At no time are the trailer or trailers to be used for storage except in conformance with these regulations.
- B. *Commercial trailers* will conform to all *setback* requirements for buildings and other *structures* for the *district* within which they are located and will be located so as not to occupy or obstruct parking or loading spaces required for other uses on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.

## 66.4 AUTHORIZED USE OF TRAILERS AND BOATS

No "trailer and boat" as defined in Paragraph 66.2.1 will be used for any purpose on any *lot* without the approval of the Zoning Commission and the approval will be limited to a period of six (6) months, extendible for an additional period or periods of six (6) months. The



approval may be granted only in cases of extenuating circumstances, such as a request to live in a mobile home while the residence is being repaired or rebuilt after a fire or other casualty. In the case of Special Events approved by the Zoning Commission, "*trailers and boats*" as defined in Paragraph 66.2.1 that are customarily used for temporary living purposes may be occupied for the duration of the approved Special Event only. Said vehicles will be parked so as to meet all applicable parking regulations and standards. Where said "*trailers and boats*" are to be occupied, sanitary facilities will have written approval of the Director of Health of the Town of Old Saybrook at the time of the approval by the Zoning Commission, and it may be occupied by only one (1) family, at least one member of which will be either the owner of the *lot* or related by blood, marriage, or legal adoption, to the owner of the lot. No the "trailer and boat" will be located in a Flood Plain Zone, and additional restrictions may be made a part of the conditions of approval by the Zoning Commission (Text added 6/29/78, 7/1/86).

#### **66.5 SALES AND RENTALS**

Where authorized as a permitted *use* in a District, the parking and storage of *trailers and boats* as defined in Paragraph 66.2.1 for the of sales and rental will conform to the requirements for *outside storage* areas specified in Section 8.18.

#### **66.6 PLOT PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a "trailer and boat" is a permitted under Paragraph 66.3.1 and Section 66.4, a Plot Plan will be submitted to and approved by the Enforcement Officer in accordance with the provisions of Sections 8 and 66.

#### **66.7 SITE PLAN**

Prior to approval of any Application for Certificate of Zoning Compliance for a storage and construction/office trailer as permitted under Paragraphs 66.3.2 and 66.3.3 and Section 66.5, a Site Plan will be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 66. (Amended effective 5/30/95.)



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# SECTION 67

## Soil Erosion & Sediment Control

### 67.1 GENERAL

When any use, building, *structure*, or site development that is subject to these Regulations involves a "disturbed area" of one-half (1/2) acre or more, or otherwise when provision for *soil erosion* and *sediment* control is required by these Regulations, a certified *Soil Erosion & Sediment Control Plan* in connection therewith will be in effect prior to, during and upon completion of construction. The Control Plan may be integrated with plot plans, Site Plans, other maps and plans and Statements of *use* required by these Regulations and will cover all construction, clearing, grading and site development locations that constitute a "disturbed area". A Control Plan certified by the Planning Commission in connection with approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook and in effect for the *lot* where the "disturbed area" is located, may constitute the Control Plan required by these Regulations.

### 67.2 SPECIAL DEFINITIONS

Certain words used in this Section are defined as follows:

- 67.2.1 **Disturbed Area.** An area where the cover is destroyed or removed leaving the land subject to accelerated *erosion*.
- 67.2.2 **Erosion.** The detachment and movement of *soil* or rock fragments by water, wind, ice and gravity.
- 67.2.3 **Inspection.** The periodic review of *sediment* and *erosion* control measures shown on the certified Control Plan.
- 67.2.4 **Soil Erosion & Sediment Control Plan.** A plan for minimizing *soil erosion* and sedimentation, consisting of no less than a map and narrative as follows:
- A. A narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any *erosion* and *sediment* control facilities that are installed; and
  - B. A map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning *erosion* and *sediment* measures and facilities.
- 67.2.5 **Sediment.** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by *erosion*.
- 67.2.6 **Soil.** Any unconsolidated mineral and organic material of any origin.

### 67.3 CONTROL PLAN

To be eligible for certification, a *Soil Erosion & Sediment Control Plan* will contain proper provision adequate to control accelerated *erosion* and sedimentation and reduce the danger from storm water runoff on the *lot* based on the best available technology. The principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, published by The Connecticut Council on Soil and Water Conservation. Alternative principles, methods, and practices may be used with prior approval of the Enforcement Officer. The Control Plan will contain the following to the extent applicable to the particular use, building, *structure*, and site development.

67.3.1 **Narrative.** A narrative describing elements the as the following:

- A. The use, building, *structure*, and site development;
- B. The schedule for grading and construction activities including:
  - 1. Start and completion dates;
  - 2. Sequence of grading and construction activities;
  - 3. Sequence for installation or Application of *soil erosion* and *sediment* control measures; and
  - 4. Sequence for final stabilization of the project site;
- C. The design criteria for proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- D. The construction details for proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- E. The installation or Application procedures for proposed *soil erosion* and *sediment* control measures and storm water management facilities; and
- F. The operations and maintenance program for proposed *soil erosion* and *sediment* control measures and storm water management facilities.

67.3.2 **Map.** A site plan map at a sufficient scale to show the following:

- A. The location of the proposed use, building, *structure*, and site development and adjacent properties;
- B. The existing and proposed topography including *soil* types, *wetlands*, watercourses, and water bodies;

- C. The existing *structures* on the lot, if any;
- D. The proposed area alterations including cleared, excavated, filled or graded areas and proposed buildings, *structures*, utilities, roads and, if applicable, new property lines;
- E. The location of and design details for all proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- F. The sequence of grading and construction activities;
- G. The sequence for installation or Application of *soil erosion* and *sediment* control measures;
- H. The sequence for final stabilization of the development site, and
- I. The name address and telephone number of the person designated by Applicant for the use, building, other *structure* or site development to be responsible for supervision of installation and completion of the Control Plan. Any other information deemed necessary and appropriate by the Applicant or requested by the Enforcement Officer may be made part of the Control Plan.

67.4 **MINIMUM STANDARDS.** (Adopted effective 7/1/86.) The following are minimum standards applicable to *Soil Erosion & Sediment Control Plans* required by these Regulations, and the preparor of the Control Plan will certify that the Plan complies with the minimum standards:

- 67.4.1 Plans for *soil erosion* and *sediment* control will be developed using the principles as outlined in Chapters 3 and 4 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985) as amended. The *Soil Erosion & Sediment Control Plan* will result in a development that minimizes *erosion* and sedimentation during construction, is stabilized and protected from *erosion* when completed, and does not cause off-site *erosion* or sedimentation.
- 67.4.2 The minimum standards for individual measures will be those in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. The Enforcement Officer or the Middlesex County Soil and Water Conservation District may approve alternate standards when requested by the Applicant if technically sound reasons are presented.
- 67.4.3 The appropriate method from Chapter 9 of the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended, will be used in determining peak flow rates and volumes of runoff unless an alternative method is approved by the Enforcement Officer.

## 67.5 CERTIFICATION

The *Soil Erosion & Sediment Control Plan* will in effect when certified as follows:

- 67.5.1 The Enforcement Officer, or the Middlesex County Soil and Water Conservation District if so requested, will certify that the *Soil Erosion & Sediment Control Plan*, as filed, complies with the requirements and criteria of this Section or will deny certification when the Control Plan does not comply. Certification may be incorporated in the approval of a Site Plan, approval of a Special Exception or other action by the Zoning Commission, Planning Commission or Board of Appeals and otherwise will be incorporated in the approval of an Application for Certificate of Zoning Compliance by the Enforcement Officer.
- 67.5.2 The Enforcement Officer will coordinate certification of the Control Plan with related actions of other agencies, the as the Board of Selectmen, Planning Commission and the Old Saybrook Inland Wetlands Commission.

## 67.6 CONDITIONS

The *Soil Erosion & Sediment Control Plan* will be certified subject to the following conditions and requirements:

- 67.6.1 The estimated cost of measures and facilities to control *erosion* and sedimentation will be guaranteed by a cash or savings account bond in form acceptable to and in amount deemed sufficient by the Zoning Commission, Planning Commission or Board of Appeals in connection with their actions under these Regulations or otherwise acceptable to and deemed sufficient by the Enforcement Officer. It is not intended, however, that the bond duplicate similar bonds required by other agencies.
- 67.6.2 No site development will commence unless the *Soil Erosion & Sediment Control Plan* is certified, the bond has been posted and the control measures and facilities in the Plan, scheduled for installation prior to site work, have been installed and are functional.
- 67.6.3 Planned *soil erosion* and *sediment* control measures and facilities will be installed as scheduled according to the certified Control Plan.
- 67.6.4 All control measures and facilities will be maintained in effective condition to ensure compliance with the certified Control Plan.

## 67.7 INSPECTION AND ORDERS

Soil Erosion and Sediment control measures of the certified Control Plan are subject to *inspection* as provided in Paragraph 72.8 and Orders as provided in Paragraph 72.9. The Enforcement Officer may require the Applicant under these Regulations to verify through progress reports that *soil erosion* and *sediment* control measures and facilities have been

performed or installed in accordance with the certified Control Plan and are being operated and maintained.





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# SECTION 68

## Telecommunication Facilities

### 68.1 PURPOSE

The intent of this Section is to make provisions, with due consideration given to the Telecommunication Act of 1996, to permit the location of wireless communication towers, *antennas* and in the Town of Old Saybrook while protecting neighborhoods as well as ecological, scenic, historical and recreational resources; minimizing conflicts with adjacent areas; and ensuring protection of public health. (Added effective 12/10/97.) Specific objectives are as follows:

1. To accommodate the need for communication towers and *antennas* while regulating their location and number;
2. To minimize adverse visual effects of towers, *antenna* and facilities through careful design, siting and vegetative screening;
3. To encourage shared or joint *use* of towers and facilities;
4. To reduce the number of *antennas* or towers needed in the future.

### 68.2 APPLICATION PROCEDURES AND PERMITTED ZONES

Notwithstanding the provisions of Sections 21, 22, 33, 34, 41 and 42, *telecommunication facilities* used for commercial purposes will be allowed in the AAA, AA-1, B-3, B-4, I-1 and I-2 *districts* as a Special Exception Use subject to the procedures, standards and conditions of Section 52 and the specific provisions cited herein. Location in the Conservation Zone will be prohibited. Applications involving *co-located telecommunication facilities* as defined in Section 9 are exempt from the need for a Special Exception and will only be subject to Site Plan approval in accord with Section 5 1. In all cases, the special standards of Section 68.3, and Application requirements of Section 68.4 will apply.

### 68.3 SPECIAL STANDARDS

#### 68.3.1 Towers

- A. No new tower will be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Commission that no existing tower or *structure* can or will accommodate the Applicant's proposed *antenna*. Evidence submitted to demonstrate that no existing tower or *structure* can accommodate the Applicant's proposed *antenna* consist of any of the following:

1. No existing towers or *structures* are located within the geographic area required to meet the Applicant's engineering requirements;
  2. Existing towers or *structures* are not of sufficient *height* to
  3. Existing towers or *structures* do not have sufficient structural strength to support the Applicant's proposed *antenna* and related equipment;
  4. The Applicant's proposed *antenna* would cause electromagnetic interference with the *antenna* on the existing towers or *structures*, or the *antenna* on the existing towers or *structures* would cause interference with the Applicant's proposed *antenna*.
- B. No tower, *antenna* or other accessory *structures* or equipment will exceed the *height* requirement of the *district* unless the Applicant can demonstrate to the satisfaction of the Commission that the service can only be provided at the location and at the *height* requested, but in no event will the total *height* exceed one hundred seventy-five (175) feet.
- C. Any proposed tower exceeding one hundred (100) feet, if required by the Commission, will be designed to accommodate up to three sets of *antennas* at three different elevations.
- D. Towers will be *setback* at least two hundred (200) feet from a property line. Waivers of this *setback* may be granted by the Commission, upon request, if the proposed tower is designed to incorporate a pre-designed breakpoint to protect adjoining properties or significant natural resources on the property. Wires will meet minimum building line *setback* requirements for the district.
- E. All towers will be of a monopole design unless otherwise approved by the Commission. Monopoles may be required to incorporate a pre-designed breakpoint upon a finding that the design is necessary to protect public safety or significant natural resources on the property.
- F. Towers not requiring FAA painting/markings will have a non-reflective galvanized finish or be painted a color approved by the Commission.
- G. No *signs* will be permitted on any tower or *antenna* other than for safety or security purposes directly involving the operation.
- H. No lights or illumination will be permitted unless required by the FCC or FAA.
- I. There will be not more than one (1) *telecommunication tower* allowed per *lot* in the *districts* where they are permitted.

**68.3.2 Antennas**

- A. *Antennas* will be attached to a building or *structure* or to a tower that has been constructed in accordance with these regulations for the purpose.
- B. Satellite and microwave dishes attached to towers may be permitted only when the Applicant can demonstrate to the satisfaction of the Commission that the placement will not have an adverse visual, environmental or operational effect on the neighborhood. In no instance will any the dish exceed three (3) feet in diameter. Not more than three (3) dishes will be allowed on a tower.
- C. Panel *antennas* will not exceed six (6) feet in any dimension.

**68.3.3 Telecommunication Equipment Buildings**

- A. All equipment for towers located in the residential *districts* will be enclosed in a building.
- B. No the equipment building will exceed seven hundred fifty (750) square feet for each *antenna* served.
- C. All the equipment buildings will comply with all *setback* and buffer requirements for the *district* in which they are located.
- D. All the equipment buildings will be designed to be compatible with other buildings in the area.
- E. Multiple equipment buildings for a shared facility will be attached *structures* or will be clustered around the facility.
- F. An equipment building located on the roof of a building will not occupy more than fifteen percent (15%) of the roof area and will be designed to blend with the color and design of the building it is located upon to the extent possible.

**68.3.4 Telecommunication Facilities.**

- A. *Telecommunication facilities* will be placed in locations on the *lots* where the existing topography, vegetation, buildings, or other *structures* provide adequate screening as determined by the Commission. Additional screening may be required if deemed necessary.
- B. Each tower site must be served by a *driveway* with parking for at least one vehicle.

- C. The facility will be surrounded by a fence not higher than eight (8) feet. No barbed wire or razor wire fencing is permitted in residential *districts* unless approved by the Commission due to the facility's remote location.
- D. All towers and *antennas* will comply with the provisions of Section 61.9 of these Regulations and no location, or co-location for a shared tower, will exceed interference levels established by the FCC.
- E. All utilities serving the facilities will be underground unless otherwise approved by the Commission.

## 68.4 APPLICATION REQUIREMENTS

68.4.1 The following Site Plan requirements are in addition to the requirements of Section 51 and will apply to all Applications for *telecommunication facilities* where applicable:

- A. A plan showing where and how the proposed *antenna* will be affixed to a particular building or structure.
- B. Details of proposed *antenna* and mounting equipment including size and color.
- C. Elevations of all proposed and existing screening and details of materials including color.
- D. An elevation of all proposed equipment buildings or boxes. Details of all proposed fencing including color.
- E. A preliminary design drawing including cross-Sections and elevations of the proposed tower. A description of the tower's capacity including the number and type of *antennas* it can accommodate as well as the proposed location of all mounting positions for *co-located antennas* and the minimum separation distances between *antennas*.
- F. The fall *zone* of the proposed tower will be indicated on the site plan. Fall *zone* will be defined as the area of impact if the tower were to fall.
- G. A report from a licensed engineer indicating that the proposed telecommunication site will comply with the emission standards found in Section 61.9 of this regulation. The report will also certify that the installation of the site will not interfere with public safety communications.
- H. Any additional information required by the Commission including, but not limited to:
  - 1. Environmental assessment of facility site or access road

2. Radio frequency power density modeling or testing data
3. Structural analysis of tower capacity

68.4.2 Applications requiring a Special Exception will submit the following information in addition to the requirements of Section 52:

- A. All information required under Section 68.4.1.
- B. Documentation regarding the availability of any existing or approved *telecommunication tower structure* within the search area ring (1/4 mile radius) that meets the needs of the Applicant with particular regard to evidence required in Section 68.3.1a.
- C. A map depicting the extent of the provider's planned coverage within the Town of Old Saybrook and the service area of the proposed facility.
- D. Upon request of the Commission, the Applicant will provide a simulation of the proposed *telecommunication facility* to help the Commission ascertain the visual impacts associated with the proposal. If required, public notice of the time and place of such balloon elevation and an alternate date in the case of unfavorable weather conditions, will be published in the form of a legal advertisement appearing in a newspaper having a substantial circulation in Old Saybrook at least seven (7) days before the elevation of the balloon.

## 68.5 CONDITIONS OF APPROVAL

- 68.5.1 Prior to issuance of a certificate of zoning compliance, the Applicant will submit a structural analysis of the tower certified by a registered professional engineer demonstrating the adequacy of the design to support the required load and indicate any additional capacity provided for *co-located antennas*. If a pre-designed breakpoint has been incorporated, an illustration of how the tower will collapse will be provided as well.
- 68.5.2 The permit holder will exercise good faith in allowing other providers to co-locate on the tower, if the shared *use* does not impair the technical level or quality of service. In the event that a dispute arises as to whether the permit holder has exercised good faith in accommodating other users, the Town may require a third party technical study at the expense of either or both the permit holder and the Applicant.
- 68.5.3 The permit holder will be required to remove all towers, *antennas*, and ancillary equipment within six (6) months of the date of cessation of *use* of the equipment for transmission purposes. Upon removal of the equipment, and within three (3) months of said removal, the site will be restored to the condition as has been approved by the Commission. Each Application will include a plan for the facility

removal and site restoration for approval by the Commission as part of the Special Exception.

#### **68.6 REQUIREMENT FOR SURETY**

The Zoning Commission may require a cash bond, to be administered by the Town Treasurer, against the restoration plan and any special landscaping or *erosion* control required as a condition of approval.

#### **68.7 EXPIRATION OF PERMIT**

All site plan and special exception permits issued under this Section will require renewal every five (5) years. A letter requesting the will be submitted to the Enforcement Officer and presented to the Zoning Commission for their approval. Current FCC license and lessee of the facility will be provided as well as verification that the facility/*antenna* is still in use. (Adopted effective 12/10/97.)

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# ARTICLE VII

## ADMINISTRATION and ENFORCEMENT

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- 71.1 Authority
- 71.2 Powers and Duties
- 71.3 Flood Plain Zone

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**POLICIES**

No. 1 **Petitions**

No. 2 **Fees**



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# SECTION 71

## Board of Appeals

### 71.1 AUTHORITY

The Board of Appeals has all of the powers and duties prescribed by these Regulations and the General Statutes of the State of Connecticut, and the Board may adopt rules and procedures necessary to exercise its authority.

### 71.2 POWERS AND DUTIES

The powers and duties of the Board of Appeals include the following:

- 71.2.1 To hear and decide appeals where it is alleged that there is an error in any Order, requirement or decision made by the Enforcement Officer;
- 71.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these Regulations or of the General Statutes of the State of Connecticut; and
- 71.2.3 To determine and vary the Application of these Regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values, solely with respect to a *parcel* of land where, owing to conditions especially affecting the *parcel*, but not affecting generally the *district* in which it is situated, a literal enforcement of these Regulations would result in exceptional difficulty or unusual Hardship, so that substantial justice will be done and the public safety and welfare secured.

### 71.3 FLOOD PLAIN ZONE

These Regulations impose special requirements applicable in the Flood Plain Zone and under Section 54, incorporate requirements of the "Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut". The Board of Appeals will hear and decide appeals and requests for variances from the Flood Plain Zone requirements and the Ordinance. the Board will have the following duties (Text added 6/29/78):

- 71.3.1 To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Engineer in the enforcement and administration of the Ordinance;
- 71.3.2 To issue variances from the standards of Section 54 and the Ordinance, under the general considerations set forth in Paragraph 5.2 and the conditions for variance specified in Paragraph 5.3 of the Ordinance.
- 71.3.3 To issue variances for the reconstruction, rehabilitation, or restoration of *structures* listed on the National Register of Historic Places and the Connecticut State

Inventory of Historic Places without regard to the consideration and condition of Paragraphs 5.2 and 5.3 of the Ordinance.

- 71.3.4 Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals acting under this Paragraph 71.3, or any person owning land which abuts or is within a radius of one hundred feet (100') of any portion of the land involved in any decision of said Board, or any Officer, board or commission of the Town of Old Saybrook, having jurisdiction or responsibility over flood hazards in the Town, may take an appeal to the Superior Court of the county or judicial *district* in which the municipality is located in the same manner as provided under the provisions of §8-8 of the General Statutes of the State of Connecticut.

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## SECTION 72

# Administration

### 72.1 ENFORCEMENT OFFICER

The Commission will appoint a Enforcement Officer who will have the responsibility and authority to enforce the provisions of these Regulations. The Commission may appoint deputy Officers to assist and act for the Enforcement Officer.

### 72.2 APPLICATIONS

All Applications for Certificate of Zoning Compliance will be submitted to the Enforcement Officer and will be accompanied by three (3) copies of a Plot Plan in accordance with the provisions of Section 8 (adopted/effective: 4/13/95), and showing the following:

- 72.2.1 Area of the lot, and the dimensions and angles or bearing of all *lot* lines;
- 72.2.2 The *height*, dimensions, *use*, *gross floor area*, *building/structure coverage*, and location of all *buildings* and other *structures*, whether existing or proposed;
- 72.2.3 The location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to the spaces;
- 72.2.4 The location of any existing or proposed wells and private sewage disposal system;
- 72.2.5 The location, area and dimensions of any *signs*, *outside storage* areas, site development and landscaping that are subject to the provisions of these Regulations;
- 72.2.6 In the Flood Plain Zone, flood plain boundary and elevation data as specified in Paragraph 54.2.3 (Text added 6/29/78);
- 72.2.7 Within one hundred feet (100') of any *wetlands*, water body or related embayments and in all other cases that involve a *disturbed area* of one half (1/2) acre or more, all construction, including *dwelling*s, will make provision for *soil erosion* and *sediment* control in accordance with Section 66, unless a separate *Soil Erosion & Sediment Control Plan* is submitted as specified in Section 66. (Text amended 9/21/3, 7/1/85.)

72.2.8 Such additional information as may be necessary to determine compliance with the provisions of these Regulations. In addition, other plans, drawings, data, and statements necessary to determine compliance with the provisions of these Regulations will accompany the Application. For proposed construction involving only interior alterations, or exterior alterations with no enlargement or extension of the building or structure, the Enforcement Officer may waive the required submission of a plan drawing. A land surveyor or engineer, licensed to practice in the State of Connecticut, will prepare and certify Applications that pertain to nonconforming buildings or other *structures* or a nonconforming lot. (Text renumbered 9/21/83)

### 72.3 ADDITIONAL APPLICATION REQUIREMENTS

The Application for Certificate of Zoning Compliance will also be accompanied by the following when applicable:

72.3.1 **Article V and Section 65.** When required by the provisions of Article V and Section 65, the Application will be accompanied by the additional Applications and related statements of use, site plans, architectural plans and other plans and drawings specified therein. the plans and drawings if incorporating all of the information required for a plan drawing under Paragraph 72.2, may be substituted for the plan drawing.

72.3.2 **Coastal Management Act.** In accordance with the provisions of Sections 22a-105 through 22a-109 of the Connecticut General Statutes, any Application pertaining, to a proposed building, other structure, use, site development, excavation or grading that is subject to these Regulations and located fully or partially within the "Coastal Boundary" as defined by Section 22a-94 of the Connecticut General Statutes and as delineated on the Coastal Boundary map for the Town of Old Saybrook, will be accompanied by a "Coastal Site Plan" as specified in the Act. Information required by the Act concerning a Coastal Site Plan is in addition to and may be combined with the Application submission requirements of these Regulations. Coastal site plans will be drawn at a scale of not less than 50 feet to the inch. the Act *assigns* to the Zoning Commission the responsibility to approve, modify, condition or deny the Coastal Site Plan under the criteria of the Act, provided however that the responsibility rests with the Board of Appeals or Planning Commission as specified for Applications under Sections 53, 56 and 71 of these Regulations. Under the authority of Section 22a-109(b) of the Connecticut General Statutes, gardening, grazing and the harvesting of crops are exempt from Coastal Site Plan review requirements; and the following are exempt (Text added 2/22/80):

- A. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- B. Construction of a single detached *dwelling* for one (1) family when conforming in all respects to these Regulations and when located 100 feet or

more from *tidal wetlands*, coastal bluffs and escarpments and beaches and dunes;

- C. On any lot, the construction of new or modification of existing fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, *signs* permitted in Residence Districts and the other minor *structures* as will not substantially alter the natural character of coastal resources or restrict access along the public beach;
- D. Construction of new or modification of existing *structures* incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, *driveways*, swimming pools, tennis courts, docks and detached accessory buildings; and
- E. Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds, when the additions or modifications on any *lot* have a *building/structure coverage* of not more than five hundred (500) square feet, which maximum area is accumulated from the date of adoption of this paragraph.
- F. Interior modifications to buildings;
- G. Minor changes in *use* of a building, structure, or property, except those changes occurring on property adjacent to or abutting coastal waters, may also be exempted;
- H. The foregoing exemptions from coastal site plan review requirements may apply to the following site plans, plans and Applications:
  - 1. Site plans submitted to the Zoning Commission in accordance with Section 22a-109 of the Connecticut General Statutes.
  - 2. Applications for a special exception submitted to the Planning Commission or Zoning Board of Appeals in accordance with Section 8-2 of the Connecticut General Statutes and Sections 52 and 53 of these regulations.
  - 3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of Section 8-6 of the Connecticut General Statutes and Section 71 of these regulations; except that a *use* variance will not be exempt from coastal site plan review.
  - 4. A referral of a proposed municipal project to the Planning Commission in accordance with Section 8-24 of the Connecticut General Statutes.

## 72.4 FEES

Each Application For Certificate of Zoning Compliance, and related additional Applications, requests for certification and provision for *inspection* under these Regulations will be accompanied by fees as set forth in An Ordinance Concerning the Adoption of a Schedule of Fees for the Processing of Land Use Applications, adopted by the Town of Old Saybrook and as the same may be amended from time to time. (Amended/Effective: 10/1/91.)

## 72.5 STAKING

The Enforcement Officer for any new construction will approve no Application for Certificate of Zoning Compliance until the Applicant has accurately placed stakes or markers on the *lot* indicating the location of proposed construction. The Enforcement Officer may require the Applicant to place stakes or markers on the *lot* indicating the location of *lot* lines. The Enforcement Officer may require the placement of stakes or markers, certified by either a land surveyor or engineer, licensed to practice in the State of Connecticut.

## 72.6 REFERRAL

The following referrals, made by the Enforcement Officer, are applicable to particular Applications for Certificate of Zoning Compliance:

- 72.6.1 When any the Application may be approved only after approval of a Site Plan, approval of a Special Exception or other action by the Zoning Commission, Planning Commission or Board of Appeals as specified in these Regulations, the Application will be referred to the Commission or Board upon receipt. (Amended/Effective: 7/1/85.)
- 72.6.2 A copy of any site plan or plot plan, received in connection with an Application for approval of an Application For Certificate of Zoning Compliance, A Site Plan or approval of a Special Exception and pertaining to a *lot* in a Conservation Zone, will upon receipt be transmitted to the Middlesex Soil and Water Conservation District with a request for its technical review and advisory opinion. (Amended/Effective: 4/13/95.)
- 72.6.3 A copy of any *Soil Erosion & Sediment Control Plan* may be referred to the Middlesex County Soil and Water Conservation District for its technical review and advisory opinion and for certification in accordance with Section 67.

## 72.7 APPROVAL AND ISSUANCE

The Enforcement Officer will approve an Application for Certificate of Zoning Compliance and will issue a Certificate of Zoning Compliance when he determines that all of the requirements of these Regulations have been met. No Application will be considered approved and no Certificate will be considered issued unless signed by the Enforcement Officer or her/his Deputy. Within 10 days after notification by the Applicant that the premises are ready for occupancy, or within 10 days after receipt of the certified measurements if required, the Enforcement Officer will issue or deny a Certificate. One (1) copy of the plan drawing or drawings will be returned by the Enforcement Officer to the Applicant. The following additional requirements will apply to the approval of Applications and issuance of Certificates. (Amended 7/1/86.)

- 72.7.1 **Sanitation.** Where a proposed *use* or a proposed building, *structure*, involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no Application For Certificate of Zoning Compliance will be approved until plans for the system have been approved by the Director of Health or her/his authorized agent; no Certificate of Zoning Compliance will be issued until the system has been completed and approved by the Director of Health or her/his authorized agent or until the *use* or building or *structure* has been provided with connections to a public sanitary sewer or public water supply system.
- 72.7.2 **Conditions.** Any maps, plans, documents, statements, and stipulations submitted to and approved by the Zoning Commission, Planning Commission or Board of Appeals in connection with any action of the Commission or Board, and any conditions of approval attached by the Commission or Board, will be conditions for approval of an Application for Certificate of Zoning Compliance by the Enforcement Officer and issuance by him of a Certificate.
- 72.7.3 **Temporary Certificate.** Upon certification by the Applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Enforcement Officer may issue a Temporary Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary *use* of land, buildings and other *structures* in the process of improvement and completion in accordance with an approved Application.
- 72.7.4 **Other Permits.** Approval of an Application or issuance of a Certificate will not be construed to constitute compliance with any other regulation, ordinance or law nor to relieve the Applicant from responsibility to obtain any permit thereunder. The Enforcement Officer may withhold, at her/his discretion, approval of an Application or issuance of Certificate until any the permit has been approved and obtained by the Applicant.

72.7.5 **Soil Erosion and Sediment Control.** When a proposed use, building, *structure*, or site development involves a *disturbed area* of one half (1/2) acre or more, or otherwise when provision for *soil erosion* and *sediment* control is required by these Regulations, no Application for Certificate of Zoning Compliance will be approved until a *Soil Erosion & Sediment Control Plan* in connection therewith has been certified in accordance with Section 67 and no Certificate of Zoning Compliance will be issued until the *soil erosion* and *sediment* control measures have been completed in accordance with the certified plan. (Amended/Effective: 7/1/85.)

72.7.6 **Measurements and Certifications.** Prior to issuance of a Certificate of Zoning Compliance, the Applicant will furnish to the Enforcement Officer a plot plan, or a Site Development Plan if applicable, certified by a land surveyor licensed to practice in the State of Connecticut, allowing the location and *setback* distances for buildings and *structures* on the *lot* as built. While the certified plan is not required for subsequent minor additions, alterations and outbuildings, the Enforcement Officer, if deemed necessary to determine compliance with these Regulations, may require the Applicant to furnish measurements of any construction features that are subject to these Regulations, which measurements will be prepared and certified by a land surveyor licensed to practice in the State of Connecticut. (Amended 9/18/85, 7/1/86.)

72.7.7 **Special Flood Hazard Areas.** Where a proposed *building/structure* involves activity within a FEMA designated A , A1-A30 or V1-V30 zone on the Flood Insurance Rate Map for the Town of Old Saybrook published from time to time by the Federal Emergency Management Agency (FEMA), no Application for Certificate of Zoning Compliance will be approved until plans for the *building/structure* have been approved by the designated Town Flood Engineer or his/her designated agent for compliance with Flood Plain Management Ordinance of the Town of Old Saybrook Connecticut effective at the date of application; and no Certificate of Zoning Compliance will be issued until the *building/structure* has been completed and approved by the designated Town Flood Engineer or his/her authorized agent for compliance with Flood Plain Management Ordinance of the Town of Old Saybrook Connecticut effective at the date of application. Applications for Certificates of Zoning Compliance and Certificates of Zoning Compliance for Buildings/Structures that are listed as exempt in the Flood Plain Management Ordinance of the Town of Old Saybrook Connecticut effective at the date of application can be issued by the Enforcement Officer.

## 72.8 INSPECTIONS

The Enforcement Officer is authorized to inspect or cause to be inspected any land, building, *structure*, to determine compliance with these Regulations. No Certificate of Zoning Compliance will be issued until the Enforcement Officer has inspected the land, building, *structure*, involved to determine that the *use* or the buildings or other *structures* conform to these Regulations.

## 72.9 ORDERS



The Enforcement Officer is authorized to issue a Work Order if in her/his judgment the *use* of land, buildings and other *structures* or the construction, reconstruction, enlargement, extension, moving or *structural alteration* of a building, *structure*, are not being carried out in compliance with these Regulations; he will withdraw the Order when he determines that there is compliance with these Regulations. The Enforcement Officer is authorized to Order in writing the remedying of any condition found to be in violation of these Regulations.

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## SECTION 73

# Penalties and Remedies

### 73.1 PENALTIES

Any person, firm, or corporation who will violate any provision of these Regulations will be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.

### 73.2 REMEDIES

The proper authorities of the Town of Old Saybrook, or any person, firm, or corporation, may institute any appropriate action or proceedings to enforce the provisions of these Regulations or to prevent, restrain, enjoin, correct or abate any violation of these Regulations, as may be authorized by law.



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## SECTION 74

# Amendments

### 74.1 PETITIONS

These Regulations, including the Zoning Map which is a part hereof, may be amended by the Zoning Commission on its own initiative or when initiated by a written Petition. The Commission may adopt any amendment only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut. Any Petition for amendment will be prepared and submitted in accordance with any rules for submission of Petitions adopted by resolution of the Zoning Commission.

### 74.2 POLICIES

Administrative Policy No. 1, effective October 15, 1973, sets forth the procedures for Petitioning amendments of the Zoning Regulations or Zoning Map (Text added 6/15/77).



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## SECTION 75

# Validity

### 75.1 USE

If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of the decision will be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these Regulations will continue to be valid and fully effective.

### 75.2 BUILDING, STRUCTURE, OR LOT

If any provision of these Regulations is adjudged by a court of competent jurisdiction to be invalid as the provision applies to a particular building, other *structure* or lot, the affect of the decision will be limited to the particular building, other *structure* or lot, and the general Application of the provision to other buildings, *structures* or *lots* will not be affected.



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## SECTION 76

# Repeal and Effective Date

### 76.1 REPEAL

The Zoning Regulations of the Town of Old Saybrook, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these Regulations. The repeal of the above Regulations, and all amendments thereto, will not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time the repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been affected.

### 76.2 EFFECTIVE DATE

These Regulations, and any amendment or change hereto, will be in full force and effect from the date established by the Commission in accordance with the General Statutes of the State of Connecticut.





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# ADMINISTRATIVE POLICY

## No. 1

### A. GENERAL

Any Petition for amendment of the Zoning Regulations or Map will include the following:

1. **Petition.** The Petitioner will submit three (3) copies of a Petition, signed by the Petitioner or her/his authorized agent, that includes a statement setting forth the specific proposal requested to be granted a public hearing under the provisions of the Connecticut General Statutes and that may include a statement of the Petitioner's interest in the land for which the change is proposed and an identification of reasons for the change and the specific *use* anticipated.
2. **Text.** For Petitions concerning the Zoning Regulations, the Petitioner will submit three (3) copies of the precise wording of both the existing and the proposed text of the Zoning Regulation.
3. **Map.** For Petitions concerning the Zoning Map, the Petitioner will submit three (3) copies of:
  - a. A map, drawn to a scale not less than 200 feet to the inch, covering the, area of the proposed change and all area in the Town of Old Saybrook within 500 feet of the proposed change, and showing for the area the existing and proposed zoning boundary lines, the existing property lines, and an outline sketch of all buildings within the properties abutting the proposed District change. The map will show contours based on Town datum, at contour intervals not less than ten (10) feet, and a north point whenever the proposed change includes an elevation variance of fifty (50) feet or more; and
  - b. A metes and bounds description of the area proposed to be changed.
4. **Fee.** The Petitioner will submit a minimum fee of \$200.
5. **Adjacent Property Owners.** The Petitioner will submit a list of names and current, proper mailing addresses of property owners as indicated in the Old Saybrook Assessor's records, within five hundred (500) feet of the proposed District boundary change.

### B. ADDITIONAL INFORMATION

The Commission will schedule for public hearing Petitions submitted in accordance with these rules as required by law. The Commission may require additional information as it deems necessary, to be submitted by the Petitioner, before or at the public hearing, as the Commission may determine. (Adopted/Effective: 10/15/73.)

## **No. 2**

The Zoning Commission/Board may require additional technical assistance in evaluating an Application if the Commission/Board finds that the nature and intensity of the development may have a significant impact on the site and its surrounding areas, and the Commission's/Board's staff will not be able to complete a technical review of an Application in the time period prescribed by State statute.

The Commission/Board will estimate the expense of the additional technical assistance based on a preliminary estimate prepared by a qualified party or expert. The Applicant will pay the estimated cost of reviewing Application, times one hundred-fifty percent (150%), and the Applicant will deposit the fee with the Commission/Board or its designated agent before review of the Application or submission.

Upon completion of the technical review and final action by the Commission on the Application, the Commission/Board will determine the costs incurred for the review and refund the excess moneys to the Applicant. Applicants will not be responsible for costs incurred for technical assistance that exceeds one hundred-fifty percent (150%) of the estimate. (Adopted/Effective: 10/7/96.)

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# ADOPTION

## 1973

### EFFECTIVE DATE

October 15, 1973	Administrative Policy #1	text added re: Rules for Submission of petition
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# AMENDMENTS

## 1974

### EFFECTIVE DATE SECTION

### REGULATION TEXT

December 16, 1974	32.2.2	text added re: automotive uses in Shopping Center B-2 District
	32.3.2	text added re: automotive uses in Shopping Center B-2 District
	53.6.2	text added re: automotive uses in Shopping Center B-2 District
	53.6.2 d.	text added re: automotive uses in Shopping Center B-2 District

### EFFECTIVE DATE MAP & LOT

### DISTRICT MAP

February 25, 1974	Map 49 / Lot 4	MCL → A
December 2, 1974	Map 57 / Lot 32-1	B-3 → B-2

## 1975

### EFFECTIVE DATE SECTION

### REGULATION TEXT

January 31, 1975	51.9	text added re: subsurface sewage disposal systems
June 26, 1975	4.3	Connecticut River Gateway Conservation Zone
	6.1.4	Connecticut River Gateway Conservation Zone
	7.3	Connecticut River Gateway Conservation Zone
	7.3.1	Connecticut River Gateway Conservation Zone
	7.4.9	Connecticut River Gateway Conservation Zone
	7.5.2	Connecticut River Gateway Conservation Zone

8.2.1	Connecticut River Gateway Conservation Zone
8.2.3	Connecticut River Gateway Conservation Zone
9.31	Connecticut River Gateway Conservation Zone
22.6.3 a.	Connecticut River Gateway Conservation Zone
23.6.2 a.	Connecticut River Gateway Conservation Zone
24.6.2 a.	Connecticut River Gateway Conservation Zone
25.6.2 a.	Connecticut River Gateway Conservation Zone
41	Connecticut River Gateway Conservation Zone
4	Connecticut River Gateway Conservation Zone
1 a.	Connecticut River Gateway Conservation Zone
41.4.2 a.	Connecticut River Gateway Conservation Zone
41.6.2 a.	Connecticut River Gateway Conservation Zone
51.3	Connecticut River Gateway Conservation Zone
51.16	Connecticut River Gateway Conservation Zone
52.4	Connecticut River Gateway Conservation Zone
52.7.8	Connecticut River Gateway Conservation Zone
53.4	Connecticut River Gateway Conservation Zone
65.2.2	Connecticut River Gateway Conservation Zone
65.2.3	Connecticut River Gateway Conservation Zone
65.6.13	Connecticut River Gateway Conservation Zone

**EFFECTIVE DATE MAP & LOT**

**DISTRICT MAP**

June 26, 1975

B-3 → AAA Middlesex Turnpike at Rt. 9

# 1976

**EFFECTIVE DATE SECTION**

**REGULATION TEXT**

March 1, 1976	72.4	text revised
	72.4.1	text [deleted]
	72.4.2	text [deleted]
	72.4.3	text [deleted]
	72.4.4	text [deleted]
	72.4.5	text [deleted]
	64.8	text change re: inspection fee
May 1, 1976	55.2	text change re: definitions
	55.6.2	text change re: definitions
	55.6.3	text change re: definitions
	55.6.4	text change re: definitions
June 15, 1976	8.2.1	text change re: definitions
	8.12	text added re: minimum building size
	34.1.4	text deleted number reserved re: indoor restaurants

34.2.2	text added re: indoor restaurants and other indoor food service establishments
51.2.5	text added re: Modification of Submission
55.5 b	text change re:

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
September 23, 1976	Map 28 / Lot 28	I-1 → A
	Map 28 / 29	I-1 → A
	Map 28 / 30	I-1 → A

## 1977

EFFECTIVE DATE	SECTION	REGULATION TEXT
June 15, 1977	7.4.8	text deleted
	8.13	text amended
	10.6.2	text deleted
	31.1.14	text deleted
	32.3.1	text added re: convalescent homes, hospitals, and sanitarium
	51.2.2	change in text re: number of copies of plans required changed from four (4) to three (3)
	51.2.3	change in text re: number of copies of plans required changed from four (4) to three (3)
	51.12.3	text change re: conforming to the requirements of Section 62
	52.3.2	text added re: Section 51
	53.6.2 d	text deleted re: including damaged vehicles
	55.5	text change re: condominium development
	55.6.3	text change re: dwelling unit specifications
	55.6.4	text added re: setbacks
	55.6.6	text added re: bonding
	62.7.4	section added re: parking setbacks
	63.5.3 e	text added re: no sign painted on the wall of the building
	72.4.6	text deleted
	74.2	text added re: Administrative Policy #1

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
August 9, 1977	Map	B-4 → A

# 1978

EFFECTIVE DATE	SECTION	REGULATION TEXT
June 15, 1978	6.1.5	text added re: Conservation Zone and commercial removal of trees
	7.4.10	text added re: Special Setbacks from Wetlands
	8.6	text added re: home application and application for permit
	8.12	text added re: minimum building size
	9.9	text added re: lot area and shape
	9.33	new text added
	32.2.3	text added re: heliports
	34.2.3	text added re: heliports
	35.2.8	text added re: special exception uses and renumbered
	41.2	text added re: Special Exception Uses
	42.2	text added re: Special Exception Uses
	51.10	text added re: Wetlands
	52.7.9	text added re: heliports
	62.7.4	text added re: Parking Setbacks
	63.7.1	text revised re: periods of time for special events
June 29, 1978	4.2	text added: Flood Plain Management
	4.2.1	text added: Flood Plain Management
	4.2.2	text added: Flood Plain Management
	8.2.1	text revised re: Site Plan
	8.11	text revised re: minimum floor elevation
	54	text added Flood Plain Management
	65.4	text added re: Flood Plain Management and mobile home location
	71.3	text added re: Flood Plain Management and the Board of Appeals
	72.2.6	text added re: Flood Plain Zone

# 1979

EFFECTIVE DATE	SECTION	REGULATION TEXT
July 10, 1979	8.3	text added re: indoor restaurants
	31.1.4	text deleted
	31.2	text added re: Special Exception Uses
	31.2.1	text added re: indoor restaurants/Special Exception Uses
	31.3	section renumbered

	31.4	section renumbered
	31.5	section renumbered
	31.6	section renumbered
	31.7	section renumbered
	31.8	section renumbered
	32.1.4	text deleted
	32.2.4	new text re: indoor restaurants, food/beverage establishments
	34.1.4	text deleted
	34.2.2	text rev. re: indoor restaurants, food/beverage establishments
	41.1.6	text [deleted]
	41.2.2	text added re: indoor restaurants
September 18, 1979	8.12.1	text revised: dwellings for elderly or handicapped persons
	24.2.5	text revised: dwellings for elderly or handicapped persons
	62.3.1	text revised: dwellings for elderly or handicapped persons
	52.7.10	text added re: Dwellings for Elderly or Handicapped Persons
October 2, 1979	8.2.1	text re: site plan revised
	51.16	text revised re: Soil Erosion and Sediment Control
	55.2.2	text added re: condominium district
	55.3.1	text revised re: number of Class-A survey map
	55.3.2	text revised re: number of site plans
	55.3.3	text revised re: Architectural plans
	55.4	text revised regarding Procedure
	55.5	text revised re: Approval
	55.6.1	text revised re: Open Space
	55.6.2	text revised re: Open Space
	55.6.3	text revised re: Open Space
	55.6.4	text revised re: Open Space

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
June 12, 1979	Map 35 / Lot 8	I-1 ➔ AA-1
August 14, 1979	Map 29 / Lot 17	A ➔ B-2
	Map 29 / Lot 35	A ➔ B-2

## 1980

EFFECTIVE DATE	SECTION	REGULATION TEXT
January 29, 1980	35.2.3	text added re: Marine research laboratories
	35.2.4	renumbered
	35.2.5	renumbered
	35.2.6	renumbered
	35.2.7	renumbered
	35.2.8	renumbered
	35.2.9	renumbered



	35.2.10	renumbered
	36.2.2	text added re: Marine research laboratories
	36.2.3	renumbered
	36.2.4	renumbered
	36.2.5	renumbered
	36.2.6	renumbered
	36.2.7	renumbered
	36.2.8	renumbered
	52.7.11	new text re: Marine research laboratories
February 22, 1980	7.4.10	text re: Special Setbacks from Wetlands
	24.3.1	revised text re: minimum lot area
	24.3.2	revised text re: minimum lot area
	24.3.4	revised text re: minimum lot area
	35.1.8	revised text re: signs as provided in Section 63
	36.1.7	revised text re: repair/servicing of boats
	51.2.4	revised text re: Soil Erosion and Sediment Control Plan
	52.3.4	revised text re: Modification of Submission
	53.3.4	revised text re: Modification of Submission
	72.3	revised text re: Coastal Harbor Management Act
	72.3.2	new text re: Coastal Harbor Management Act
	72.2.6	new text re: Flood Plain Zone
	72.2.7	renumbered
March 12, 1980	7.3	text revised re: Conservation Zone
	10.6.2	text revised re: change in nonconforming use
	21.2.14	new text re: Radio towers for Standard Broadcasting Radio Stations
	21.2.15	renumbered
	52.7.12	new text re: Radio towers

## 1981

### EFFECTIVE DATE SECTION

### REGULATION TEXT

September 30, 1981	6.1.3	text revised re: amusement machines or devices
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## 1983

### EFFECTIVE DATE SECTION

### REGULATION TEXT

January 29, 1983	4.1	text revised re: Saybrook Point
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	4.4	new text re: Saybrook Point district
	5.1	text revised re: Supplementary Maps
	7.4.9	text revised re: section (b) uses permitted additional sections
	37	new text re: Saybrook Point District
	51.13	text revised re: section i. SP 2 25%
	51.18	new text re: Saybrook Point District
	63.5.6	new text re: Saybrook Point District
	6 3.5.7	renumbered
September 21, 1983	5.1	text revised re: Supplementary Maps
	7.4.9	text revised re: uses permitted under additional paragraphs
	35	text revised re: Purpose of Marine Commercial MC District
	51.5.2	text revised re: circulation
	51.8	text revised re: drainage
	51.9.A	new text re: Hazardous Materials and Waste
	51.13	text revised re: outside storage areas identified on the site plan
	51.16	text revised re: soil erosion and sediment control to be indicated on the site plan
	51.19	new text re: Marine Commercial District
	62.3.11	text revised re: other uses
	62.3.12	text revised re: Marinas
	62.3.13	renumbered
	63.5.5	text revised re: Marine Districts sign regulations
	72.2.7	text added re: 100 ft distance from wetlands
	72.2.8	text revised and renumbered
	72.3.2	text revised re: Applications for special exception

<b>EFFECTIVE DATE</b>	<b>MAP &amp; LOT</b>	<b>DISTRICT MAP</b>
January 29, 1983	Map 24 / Lot 41	➔ SP-1
	Map 24 / Lot 48	➔ SP-2
	Map 24 / 54	➔ SP-2
	Map 24 / 55 pt.	➔ SP-2
	Map 24 / 56	➔ SP-2
	Map 24 / Lot 42-1	➔ SP-3
	Map 24 / Lot 42	➔ SP-3
	Map 24 / Lot 43	➔ SP-3
	Map 24 / Lot 44	➔ SP-3
	Map 24 / Lot 45	➔ SP-3
	Map 24 / Lot 46	➔ SP-3
	Map 24 / Lot 47	➔ SP-3
	Map 32 / Lot 42-2	➔ SP-3
September 21, 1983	MCL	➔ MC
	MCL	➔ A
	A	➔ MC
	A	➔ MC-2
October 12, 1983	Map 37 / Lot 56	B-1 ➔ A

Map 37 / Lot 60	B-1	➔	A
Map 40 / Lot 61 pt.	B-1	➔	A

## 1984

EFFECTIVE DATE	SECTION	REGULATION TEXT
June 16, 1984	26	add District of Otter Cove and Watrous Point (AA-3)

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
February 6, 1984	Map 59 / Lot 67	B-2 ➔ A
February 15, 1984	Map 28 / Lot 15	A ➔ B-3
	Map 28 / Lot 15-1	A ➔ B-3
6/16/84 or 6/20/84	Map 63 / Lot 65-3	AA-1 ➔ AA-3
	Map 63 / Lot 65-4	AA-1 ➔ AA-3
	Map 63 / Lot 65-5	AA-1 ➔ AA-3
	Map 69 / Lot 1	AA-1 ➔ AA-3
November 5, 1984	Map 58 / Lot 17 pt.	B-2 ➔ AA-2

## 1985

EFFECTIVE DATE	SECTION	REGULATION TEXT
March 18, 1985	21.1.5	new text re: an apartment dwelling unit
	21.1.6	renumbered
	21.1.7	renumbered
	21.1.8	renumbered
	22.1.5	new text re: an apartment dwelling unit
	22.1.6	renumbered
	22.1.7	renumbered
	22.1.8	renumbered
	23.1.4	new text re: an apartment dwelling unit as a permitted use
	23.1.5	renumbered
	23.1.6	renumbered
	23.1.7	renumbered
	23.1.8	renumbered
	8.14	new text re: accessory apartments
	72.4.6	new text re: Measurement and Certification

	72.4.7	renumbered
April 25, 1985	34.2.4	new test re: convalescent homes
	34.3.1	text revised re: hospitals and sanatoria
	52.7.3	text revision (a) by adding: in B-4 District, the use shall be located on a lot having a minimum area of ten (10) acres, and there shall be no more than one (1) patient bed for each 2,5000 square feet of lot area
July 1, 1985	37	add text re: Aquifer Protection
	66	add text re" Soil Erosion and Sediment Control
	37.8.1	correct error in text re" Dry" storage
October 28, 1985	41.2.3	add new text re: Convalescent Homes
	41.3.1	text revised re: Convalescent Homes
	52.7.3a	text revised re: Convalescent Homes and Hospitals in AAA and AA-1 Districts

## 1986

### EFFECTIVE DATE SECTION

### REGULATION TEXT

July 1, 1986	8.2.1r	text added re: required information on site plans
	9.27	text revision re: Story ½
	10.6.2	text revised re: Conversion of seasonal residences
	51.13	text revised re: enclosure
	55.4	text revision re: public hearing
	72.7	text revision re: approval and issuance of Certificate of Zoning Compliance
	51.14	text revised re: landscaping to be provided
	51.2.1	text revised re: additional Statement of Use requirements
	51.2.5	text added re: Traffic Impact Report
	51.5	text added re: Access and Circulation
	51.7	text added re: Plan of Development
	62.3.8	text revision re: Hospitals ( as separate use)
	62.3.9	text added re: Hotels and Motels (as separate uses)
	62.7.3	text added re: additional landscaping requirements
	62.7.4	text revision re: standards re: parking setbacks added
	66.4	text revised re: minimum standards applicable to soil erosion and sediment control
	72.7	text revised re: additional requirements for approval of applications and issuance of certificates

### EFFECTIVE DATE MAP & LOT

### DISTRICT MAP

July 1, 1986      Map 53      I-1      ➔      A

## 1987

EFFECTIVE DATE	SECTION	REGULATION TEXT
April 7, 1987	51.14.3	text added re: landscaping SP-1, SP-3, Marine Commercial and Industrial districts
	62.7.4	text added re: Parking setbacks in SP-1, -2 and -3 Districts
NOVEMBER 23, 1987		8.8.2A
DECEMBER 28, 1987		9
	9.9.1	CHANGED TO "A"
	9.9.2	CHANGED TO "B"
	9.9.3	CHANGED TO "C"
		ADD "COVERAGE, BUILDINGS AND STRUCTURES"
		ADD "COVERAGE TOTAL"
	51.15	TEXT REVISED RE: TOTAL GROUND COVERAGE

## 1988

EFFECTIVE DATE	SECTION	REGULATION TEXT
March 28, 1988	55.1	text revised to include portion of AA- (Ragged Rock) and standards therefore
	55.6.1	text revised to include portion of AA- (Ragged Rock) and standards therefore
April 25, 1988	8.3	text revised re: additional standards
	33.2.3	text revised re: food service customers in motor vehicles
August 24, 1988	7.4.10	delete setback from in wetlands

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
February 15, 1988	Map 49 / Lot 12	I-1 ➔ A
March 28, 1988		AA-2 ➔ PRD
5/16/88 or 6/24/88	Map 29 / Lot 12 pt.	A ➔ B-2
	Map 29 / Lot 13	A ➔ B-2
	Map 29 / Lot 14	A ➔ B-2
	Map 29 / Lot 15	A ➔ B-2
	Map 29 / Lot 16	A ➔ B-2
	Map 29 / Lot 36 pt.	A ➔ B-2

# 1989

EFFECTIVE DATE	SECTION	REGULATION TEXT
January 30, 1989	24.2.6	renumbered to 24.2.7
	24.2.7	renumbered to 24.2.8
	24.2.8	renumbered to 24.2.9
	24.2.9	renumbered to 24.2.10
	24.2.10	renumbered to 24.2.11
	24.2.11	renumbered to 24.2.12
	24.2.12	renumbered to 24.2.13
	24.2.13	renumbered to 24.2.14
	24.2.6	text added re: Residential Life Care Facility
	52.7.1	text added re: Special Standards
April 27, 1989	62.3.1	text revised re: required number of parking spaces
	8.3	text revised re: Indoor Restaurant to permit take-out window as a Special Exception Use
	33.2.3	text revised re: permit Take-Out Window
October 2, 1989	24.6.2a	text revised re: “on lots in the Conservation Zone – 15%”
December 4, 1989	9	text revised re: Lot Area and Shape and Covering Buildings and Structures

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
May 30, 1989	Map 29 / Lot 37	A → B-2

# 1990

EFFECTIVE DATE	SECTION	REGULATION TEXT
August 21, 1990	26.3	Lot Area, Shape and Frontage Minimum Lot Area amended from 80,000 to 87,120 s.f.
October 1, 1990	8.14.2	text revised re: to allow non-profit corporation to be non-resident owners of dwelling
	9	text amended re: Definitions add “Non-Profit Corporation”
EFFECTIVE DATE	MAP & LOT	DISTRICT MAP

December 12, 1990    Map 17 / Lot 5 pt.    B-4    ➔    A

## 1991

EFFECTIVE DATE	SECTION	REGULATION TEXT
October 1, 1991	64.8 72.4 72.4.1-74.4.9 Administrative # 1	text revised re: Inspection Fee amended text revised re: fees text deleted text amended re: Fee under Rules for Submission of Policy Petitions

## 1993

EFFECTIVE DATE	SECTION	REGULATION TEXT
November 10, 1993	9.1	text added re: definition of Bed and Breakfast Transient Lodging referring to Section 52.7.14
	23.2.1	text added re: Special Exception Uses – Bed and Breakfast Transient Lodging
	24.2.1	text added re: Special Exception Uses – Bed and Breakfast Transient Lodging
	32.2.5	text added re: Special Exception Uses – Bed and Breakfast Transient Lodging
	52.7.13	text added re: Bed and Breakfast establishing the special standards for granting of a Special Exception.

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
May 28, 1993	Map 42 / Lots 30	B-4    ➔    B-3
	Map 42 / Lot 30-1	B-4    ➔    B-3

## 1995

EFFECTIVE DATE	SECTION	REGULATION TEXT
January 1, 1995	62	new text added re: establishing revised criteria for parking, loading, access and circulation of motor vehicles
	63	new text added re: establishing requirements for landscaping, screening a new buffer area

		revised text was added re: a definition of gross floor area, to be used in determining parking space ration requirements and other necessary cross references to Section 62 and Section 63 throughout the existing text
April 13, 1995	7.21	new text added re: establishing standards for minimum area of buildable land on each building lot created
	8.2.1	text revised re: requirements to establish requirements for "Plot Plan" submissions
		text added re: Business Industrial Districts permitted uses with floor area greater than a specified amount required a Special Exception Permit
	51	revised text re: requirements for Site Plan submissions
	51.2.1 a-f	sections are renumbered and relocated to Section 8
	52.2.1	new text added re: Waiver of Site Plan Requirement
	52.2.2	new text added re: Partial Waiver of Site Plan Information Requirements
May 16, 1995	9	new definitions added "Partially Nude", "Principal Activity", "Adult Personal Service business", "Adult Novelty Business", "Adult Motion Picture Theatre", "Adult Mini-Motion Picture Theatre", "Adult Bookstore", "Adult Cabaret", "Adult Entertainment Business", "Principal Activity", "Trailer Commercial", "Trailer, Construction/office", "Trailer, Storage", "Trailer, Tent", "Trailer, Travel", "Trailer Utility"
	34.2	text revised re: allowing Adult Entertainment Business by Special Exception
	52.7.15	text added re: Special Exception, establishing standards for Adult Entertainment Businesses, including procedural and informational requirements;
		revised Section 34.2 in B-4 General Business District to allow Adult Entertainment Businesses by Special Exception.
May 30, 1995	9	revised definition "Boat With or Without Hauling Trailer", "Mobile Manufacturing Home", "Motorized Camper", "Pick-up Coach or pick-up camper",
	66	text revised re: establishing new requirements for the parking and storage of trailers, including definitions, standards and administrative procedures

## 1996

### EFFECTIVE DATE SECTION

### REGULATION TEXT

October 7, 1996	Administrative requiring that expense of technical assistance for Policy # 2 evaluation of an application submitted to zoning
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commission which town staff will not be able to complete in time period prescribed by state statute will be responsibility of applicant and deposited with the commission or its designated agent before review of application and/or submission.

**EFFECTIVE DATE MAP & LOT**

**DISTRICT MAP**

2/26/96 or 2/27/96 Map 58 / Lot 38

B-2 → AA-1

## 1997

**EFFECTIVE DATE SECTION**

**REGULATION TEXT**

December 10, 1997 7

new text added re: Telecommunication Facilities and Non-Commercial Airway Communication equipment

8

new text added re: Telecommunication Facilities and Non-Commercial Airway Communication equipment

9

new text added re: Telecommunication Facilities and Non-Commercial Airway Communication equipment

67

new text added re: Telecommunication Facilities and Non-Commercial Airway Communication equipment

## 1998

**EFFECTIVE DATE SECTION**

**REGULATION TEXT**

June 15, 1998 51

text revised re: Site Plans; re: scheduling of a preliminary and informal discussion of a potential site plan application with the architectural review board prior to formal application to the zoning commission

June 30, 1998 52

additional text added re: Special Exceptions – to include referrals to the Architectural Review Board.

November 16, 1998 64.4.1

new text added re: Signs - to permit, for non-profit use only on property owned by the Town of Old Saybrook, one additional non-illuminated sign, not to exceed ten (10) square feet, which may contain interchangeable letters for events taking place on the lot.

December 30, 1998	9	Add two new definitions: “Assisted Living Unit” and “Residential Life Care Facility”
	52.7.13	delete text in paragraph re: Residential Life Care Facility, and substitute new paragraph 52.7.13, Residential Life Care Facility. 62.3.21 delete paragraph re: Residential Life Care Facility, and substitute new paragraph 62.3.21, Non-Residential Uses: Residential Life Care Facility.

## 1999

EFFECTIVE DATE	SECTION	REGULATION TEXT
August 16, 1999	9	add definitions for “Attic” and Floor Area, Height”, “Story, One-half (1/2)”, and “Story”
August 23, 1999	55.1	text revised re: Condominium District depicting portion of Residence A District known as “Cornfield Point Association” as an area in which the Condominium District may not be imposed.

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
August 23, 1999	Cornfield Point	PRD ➔ part A

## 2000

EFFECTIVE DATE	SECTION	REGULATION TEXT
January 3, 2000	Resolution 99-01	Interpretation of Definitions regarding “coverage”
February 18, 2000	9	add definition for “Private Country Club”
	21	text revised re: amend Residence AAA to provide for new use of Private Country Club
	22	text revised re: amend Residence AA-1 to provide for new use of Private Country Club
	26	text revised re: amend Residence AA-3 to provide for a new use of Private Country Clubs.
	52	text revised re: Special Exceptions (Zoning Commission) to provide for a new use of Private Country Clubs;

	62.3.2s	text revised re: Off Street Parking and Loading, Access and Circulation Non-Residential Uses to add a parking standard for Private Country Club use.
March 10, 2000	4	text revised re: Districts - Ownership of Property, the word “Condominium” was deleted and the words “Planned Residential Development” were substituted
	37	text revised re: Saybrook Point district - Ownership of Property, the word “Condominium” was deleted and the words “Planned Residential Development” were substituted
	55	text revised re: Condominium District - Ownership of Property, the word “Condominium” was deleted and the words “Planned Residential Development” were substituted
		Zoning District Boundary Line – (Saybrook Point) SP3 – Residence A. Revise Supplementary Map #2.
July 14, 2000	7.2.1	text added re: set forth requirements for a minimum area of buildable land (MABL) for every new lot created subsequent to April 13, 1995.

## 2001

EFFECTIVE DATE	SECTION	REGULATION TEXT
June 14, 2001	11	new text added re: “Billboard Prohibition”

EFFECTIVE DATE	MAP & LOT	DISTRICT MAP
May 1, 2001	Map 44 / Lot 17	I-1 ➔ B-3
	Map 44 / Lot 18	I-1 ➔ B-3
	Map 44 / Lot 19	I-1 ➔ B-3
	Map 44 / Lot 20	I-1 ➔ B-3
	Map 44 / Lot 21-1	I-1 ➔ B-3
	Map 44 / Lot 21-2	I-1 ➔ B-3
	Map 44 / Lot 21-3	I-1 ➔ B-3
	Map 44 / Lot 22	I-1 ➔ B-3
	Map 44 / Lot 23	I-1 ➔ B-3
	Map 44 / Lot 24	I-1 ➔ B-3
	Map 44 / Lot 24-1	I-1 ➔ B-3

## 2002

EFFECTIVE DATE	REGULATION	TEXT
July 26, 2002	9	add new definitions and modify “Accessory Building or Structure”, “Accessory Use”, “Building”, “Building/Structure Coverage”, “Bulk”, “Deck”, “District”, “Driveway”, “Floor Area, Gross”, “Floor Area Ratio”, “Gross Floor Area”, “Inland Wetland”, “Lot”, “Lot Coverage”, “parcel”, “Paved Area”, “Principal Use”, “Setback from Street”, “Setback from other property line”, “Street”, “Structure”, “Tidal Wetland”, “Total Lot Coverage”, “Water-Dependent Uses”, “Wetland”, “Zone”
August 1, 2002		text revised re: introductory “Purpose” sections of non-residential districts
November 13, 2002		

## 2003

EFFECTIVE DATE	SECTION	REGULATION TEXT
July 7, 2003	41.1.2	add “health and physical fitness facilities open to the general public”
September 15, 2003	4.1 27	add Residence C District add new section re: Residence C Conservation District; 27.0 Purpose, 27.1. Permitted Uses, 27.2. Special Exception Uses, 27.3. Lot Area, Shape and Frontage, 27.4. Height, 27.5. Setbacks, 27.6. Building Bulk and Coverage, 27.7 Plot Plan, 27.8 Site Plan, 27.9 Special Exception, 27.10 Planned Residential Development, 27.11 Mandatory Clustering of Lots and Subdivisions
	55.1	add text re: PRD is a “zone”, “such portion or portions of the following districts as may be established and approved under Section 55.3 of these Regulations”, “The Residence C Conservation District”

55.2	add new definitions and modify “Planned Residential Development”
55.3	add new text and modify “Application for a Planned Residential Development”
55.3.1	delete text in paragraph re: “and the location of all seepage test holes, and deep test pits”
55.3.3	add new text and modify “Architectural Plans”
55.3.5	“Management” renumbered to 55.3.7, add text for new section re: Water and Sewage Disposal Plans
55.3.6	add text for new section re: Protection of Surface and ground Water
55.4	add text re: Procedure
55.5	delete text re: Approval
55.5.2	add and modify text re: Timing and Staging
55.5.4	add text re: Bond to include Planned Residential Development (PRD)
55.6	add text re: Standards
55.6.1	add text re: Lot Area
55.6.2	add text re: Dwelling Units
55.6.4	add text re: Setbacks
55.6.5	add text re: Utilities
55.6.6	add and modify text re: Paving and Sidewalks
55.6.7	add text re: Method of Ownership
55.6.8	add and modify text re: Open Space
55.6.9	add and modify text re: Supporting Services
56.1	add text re: General
56.2	add text re: Purpose
56.3.1	add and modify text re: Conceptual
56.3.2	add text re: Providing information for a more efficient presentation
56.3.3	add and modify text re: Preliminary open space plan
56.3.4	add text re: Letter C, sewage disposal
56.4	add text re: Initial procedure
56.6.2	add and modify text re: Number of lots
56.6.3	add and modify text re: Lot area, shape and frontage; Building, bulk and coverage
56.6.4	add and modify text re: Water supply and sewage disposal plans
56.6.5	add text re: Area of open space land. For open space subdivisions in the AA-1 district
56.6.6	add text re: Open space land
56.6.7	add text re: Permitted uses
56.6.9	add section re: Conflicting Provisions

## MAP &amp; LOT

## DISTRICT MAP

AAA and A-1 → C

## 2004

EFFECTIVE DATE	SECTION	REGULATION TEXT
April 30, 2004	55.2	text change defining age restricted
	55.6.2	text change adding age restricted and changing bedrooms per acre
	55.6.3	add text regarding setbacks in age restricted development
	55.6.4	add text regarding provisions for open space in Residence A, AA-2 and SP-3 Zones
May 17, 2004	56.6.3a/b	text change reducing lot area
	56.6.3a/b	text change reducing min.dimension of square
	56.6.3	text change reducing width along building
July 7, 2004	7.4.8	text change reducing side and rear setbacks for accessory structures less than 120 s.f. by one half on non-conforming lots.
	7.4.10	add text prohibiting activities within 50' of tidal wetlands
	9	"Structure" -amend definition of reduce exemption of decks less than 30" to decks less than 6" from existing grade and exclude handicapped ramps.
		"Special Flood Hazard Area" – add definition.
	10.11	add new text allowing elevation of non-conforming structures for flood plain compliance
	21.5.5d	add text regarding height of accessory structures
	22.5.5d	add text regarding height of accessory structures
	23.5.5d	add text regarding height of accessory structures
	24.5.5d	add text regarding height of accessory structures
	25.5.5d	add text regarding height of accessory structures
	26.5.5d	add text regarding height of accessory structures
	27.5.5d	add text regarding height of accessory structures
	64.5.2c/64.5.2d/64.5.5	amend text to maintain uniformity and clarify that one sign per wall per tenant allowed
	72.7.5	add text regarding mandatory special flood hazard area review
September 7, 2004	52.7.2	text change removing five year renewal requirement for day nurseries in business zones.

<b>EFFECTIVE DATE</b>	<b>MAP &amp; LOT</b>	<b>DISTRICT MAP</b>
November 15, 2004	Map 40 / Lot 1	B-2 → B-1

## **2005**

<b>EFFECTIVE DATE</b>	<b>SECTION</b>	<b>REGULATION TEXT</b>
April 18, 2005	8.22	New text to permit drive through pharmacies and banks in B-2 and B-4 zones.
April 18, 2005	9	New definition of drive through window and drive through substation.
April 18, 2005	62.6.3	New text to permit off site parking for municipal uses.

