

**OLD SAYBROOK ZONING REGULATIONS**

Revised Modifications for Inclusion of Gateway Standards &amp; Coastal Management Area

Text (Clean Copy)

**ADOPTED: August 7, 2005** **EFFECTIVE DATE: August 28, 2006**

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## SECTION 4

# Zones & Districts

### 4.2 ZONES

The following floating or overlay *zones* are additional classes of *districts* in addition to and overlapping one or more of the other *districts*

<b>ZONE</b>	<b>MAP CODE</b>
Flood Plain Zone	FP
Planned Residential Development Zone	PRD
Aquifer Protection Zone	AP
Gateway Conservation Zone	GC
Coastal Area Management Zone	CAM

4.2.1 **Flood Plain (FP) Zone.** The Flood Plain Zone has a map code "FP". The boundaries of the FP and the special requirements applicable are as specified in Section 54.

4.2.2 **Planned Residential Development (PRD) Zone.** The Planned Residential Development District has a map code "PRD". The special requirements applicable are as established in accordance with Section 55.

4.2.3 **Aquifer Protection (AP) Zone.** The Aquifer Protection Zone has a map code "AP." Special requirements applicable in the AP Zone are as specified in Section 57.

[Delete Paragraph 4.3, replace with:]

4.2.4 **Gateway Conservation (GC) Zone.** The Lower Connecticut River *Gateway Conservation Zone*, referred to as the "*Gateway Conservation Zone*", has a map code "GC." The boundaries of the *Gateway Conservation Zone* are defined in Section 25-102c of the Connecticut General Statutes and are shown on the Zoning Map for the Town of Old Saybrook. Special requirements applicable to the GC Zone are as specified in Section 58.

4.2.5 **Coastal Area Management Zone.** The Coastal Area Management Zone has a map code "CAM". Special requirements applicable in the CAM Zone are as specified in Section 59.

[Delete Paragraph 4.3.]

4.3 [Reserved.]

[Relocate Paragraph 4.4 to new Section 59 Coastal Area Management Zone.]

4.4 [Reserved.]

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## SECTION 6

# Permitted Uses

[Relocate Paragraphs 6.1.4 and 6.1.5 to new Section 58 Gateway Conservation Zone.]

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## SECTION 7

# Area, Location & 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* or other *structures* in each *district* under Articles II, III and IV. Additional regulations relating to area, location and bulk standards apply to lots within special floating or overlay zones, as prescribed in Article V.

### 7.3 RESERVED.

7.3.1 [Reserved.]

7.3.2 [Reserved.]

7.3.3 [Reserved.]

7.4.9 [Reserved.]

7.5.2 [Reserved.]

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## SECTION 8

# Additional Standards

[Delete Paragraph 8.2.3.]

8.2.3 [Reserved.]

[Delete Paragraph 8.21]

8.21 [Reserved.]

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[De-number:]

## SECTION 9

# Definitions

### DEFINITIONS

[Modify or Add:]

**Connecticut River Gateway Conservation Zone.** The Connecticut River *Gateway Conservation Zone*, herein referred to as the *Gateway 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.

**Commercial tree cutting.** See *Tree cutting, Commercial*.

**Cupola.** A small, uninhabited, roof tower, usually rising from the roof ridge.

**Developed area (Gateway Conservation Zone).** Any portion of a *riparian area* that is: 1) covered by or armored by a bulkhead, (b) rip-rap or (c) other structural stabilization methods or materials; or 2) cleared or developed in such a manner as to make impractical, infeasible or undesirable the conservation or restoration of native, non-invasive vegetation within the *riparian buffer area*. A *developed area* includes, but is not limited to, paving. A *developed area* does not include existing lawns or landscaping.

**Gateway Conservation Zone.** See *Lower Connecticut River Gateway Conservation Zone*.

**High tide line.** A line or mark left upon tide flats, beaches, or along shore objects that indicates the intersection of the land with the water's surface at the maximum *height* reached by a rising tide. The mark may be determined by (1) a line of oil or scum along shore objects, (2) a more or less continuous deposit of fine shell or debris on the foreshore or berm, (3) physical markings or characteristics, vegetation lines, tidal gauge, or (4) by any other suitable means delineating the general *height* reached by a rising tide. The term includes spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm. C.G.S. 22a-359(c).

**Height.** In measuring a *building/structure*, or part thereof 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, such 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. This limitation will not apply to the following: ornamental *cupolas*, weathervanes, belfries, chimneys, flag or radio poles, silos, bulkheads, water tanks or towers, hose towers, scenery lofts or towers, churches, municipal *buildings* or *structures*, tanks, elevator shafts, nor heating, ventilating, air conditioning, *non-commercial communications equipment* 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.

**Height (Gateway Conservation Zone).** The vertical distance between a horizontal plane through the highest point of a *building/structure*, excluding chimneys, and lowest point of a *building/structure*, that is visible above existing natural grade prior to site grading. The *height* of any retaining wall constructed to create a site platform, and of any backfill along the foundation in excess of the existing natural grade, will be included as part of the measured *height*.

**Non-commercial Communications Equipment.** Antennas, equipment or towers intended for non-commercial communication purposes, including television antennas, HAM radio towers and satellite dishes.

**Non-commercial tree cutting.** See *Tree cutting, Non-commercial*.

**Riparian.** A right to access the water.

**Riparian area.** A location immediately landward of the *high tide line* of Long Island Sound, the Connecticut River, its tributaries or *wetlands* from which an owner of waterfront property rightfully accesses the water.

**Riparian buffer area.** A strip of land extending one hundred feet (100') in horizontal distance inland from the *high tide line* of Long Island Sound, the Connecticut River, its tributaries or *wetlands* for conservation or restoration of native, non-invasive vegetation.

**Shoreline Flood & Erosion Control Structure.** Any *structure* for which the purpose or effect is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls or the placement of concrete, rocks, or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline.

**Gross floor area (Gateway Conservation Zone).** The gross floor area in a *building* or *structure*, measured from the exterior faces of exterior walls. *Total floor area (Gateway Conservation Zone)* includes any area that is capable of being used for human occupancy, including garage or attic space, whether finished or not, provided the area has structural headroom of at least six feet (6'). A basement or first floor that is located entirely below ground surface is not included in *total floor area (Gateway Conservation Zone)* calculations.

**Tree cutting, Commercial.** Any cutting or removal of ~~forest~~ tree species that is not covered under the definition of *Tree Cutting, Non-Commercial*, including the sale of cordwood or other incidental forest products.

**Tree cutting, Non-commercial (visible from the Connecticut River).** The cutting or removal of tree species visible from the Connecticut River on a *lot* or *parcel* for the purpose of preparing a site for the construction of a *building* or *structure*, or for customary maintenance or improvement of a lot, excluding the sale of cordwood or other incidental forest products.

**Water-related use.** Uses that derive significant benefit from a waterfront location but that are not functionally dependent on such locations.

**Zone.** A class of *district* overlaying another *district*, and applying standards, requirements and procedures that relate to the particular nature and purpose of that *zone*, such as groundwater protection, coastal area management, flood hazard protection, or protection of the aesthetic and environmental qualities of the Connecticut River valley. Compare to *District*.

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## SECTION 37

# Saybrook Point SP Districts

### PURPOSE

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. 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 developed and used in an integrated and harmonious manner for Town park, *open space* or historic site preservation, for *water-dependent uses* or for water-related *uses*, which enable community enjoyment of the assets of the Point, or for *uses* consistent with preservation of adjacent residential neighborhoods, some of which are also of historic significance. The Saybrook Point area is divided into three *districts* within which the Commission permits particular *uses* applicable to promote a design unit, in accordance with studies prepared by the Town, necessary to conserve and make the best of the special resources of the area.

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## SECTION 51

### Site Plans

#### 51.6.4 Contents of Site Plan Submission

- B. 2. i. (6) Riparian Access Plan for accessing the waterfront;
- (7) **Non-Commercial Tree Cutting Plan.** For any *lot* in the *Gateway Conservation Zone*, a plan showing the existing mix of tree species, their approximate *height*, age and density; a description of the cutting or removal activities to be undertaken; and any other information necessary and reasonably required.
- (8) Any other information the Commission deems necessary to determine conformity with the intent of these regulations.
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## SECTION 52

### Special Exceptions (Zoning Commission)

[Relocate Paragraph 52.7.8 to new Section 58 Gateway Conservation Zone.]

52.7.8 [Reserved.]

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## SECTION 53

# Special Standards for Specific Uses

**NON-COMMERCIAL COMMUNICATION EQUIPMENT.** *Antennas* and their support *structures* in residence *districts* intended for *non-commercial communication* purposes, including television *antenna*, HAM radio towers and satellite dishes, may be considered customary *accessory uses* subject to the following standards.

- 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 one (1) foot of *height* of the *structure*. *Antenna* will be maintained from all property lines to provide an adequate fall zone. If mounted on a *building*, then the Commission measures the *height* from the point of attachment to the *building* for determining *setback*.
- 8.21.4 No such *structure* or *antenna* will be located in the front yard.

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[New:]

## SECTION 58

# Gateway Conservation Zone

### PURPOSE

To preserve the unique scenic, ecological, scientific or historic values that the lower Connecticut River possesses; to prevent deterioration of the scenic quality of the lower Connecticut River valley for the enjoyment of present and future generations of Connecticut citizens; and to encourage development and use of property within the Gateway Conservation Zone that is consistent with this purpose.

### 58.1 GENERAL

The Lower Connecticut River *Gateway Conservation Zone* is a class of *zone* in addition to and overlapping one or more of the other *districts*. The boundaries of the “*Gateway*

*Conservation Zone*” encompass all areas adjacent to the Connecticut River as shown on the Zoning Map of the Town of Old Saybrook. In the event that any lot or parcel is partially within the *Gateway Conservation Zone*, then the Commission considers the entire lot or parcel as within the Zone. The requirements of this Section are in addition to all other requirements of these Regulations and do not substitute for any permits or obligations, such as requirements for setbacks, or the need to obtain Special Exception approval for specific *uses* within each *district*. Any *use*, activity, *building*, *structure* or improvement, including those allowed by a floating *zone* eligible to be established and approved in the underlying District, is bound by the prevailing standards of the Gateway Conservation District.

## 58.2 RIPARIAN BUFFER AREA

Within the *Gateway Conservation Zone*, the Commission establishes a *riparian buffer area* of one hundred feet (100') measured in a horizontal plane, from any point of the mean high water line of the Connecticut River, its tributaries or its associated *wetlands*.

Within the *riparian buffer area*, the Commission prohibits removal, cutting, or destruction of trees, shrubs, or other native, non-invasive vegetation except in conjunction with a non-commercial tree-cutting plan; the destruction of wildlife or its habitat; the application of pesticides or herbicides; or any other activity or *use* that is or has the potential for being detrimental to drainage, flood control, water quality, erosion control, soil conservation, wildlife or the land and water areas in their natural condition.

Before commencement of site work on any property in the *Gateway Conservation Zone* that contains or is adjacent to a *riparian buffer area*, the property owner arranges for a licensed Land Surveyor to locate the boundaries of the *riparian buffer area* with oak stakes, labeled "Riparian Buffer Area" with waterproof ink and tied with red flags at each change of boundary direction and at every one hundred foot (100') interval on straight-aways. The stakes remain in place until after completion of construction when the property owner installs permanent markers in the same manner.

58.2.1 No person will clear land within the *riparian buffer area* for development, including but not limited to: surface re-grading, stormwater drainage *structures*, construction of retention walls, construction of principal or accessory *structures*, driveway construction, sewage disposal areas, lawns or gardens.

58.2.2 No person will create clear-cut openings, and owners of property will maintain a well-distributed stand of trees or other vegetation, including existing ground cover. Cleared openings legally in existence on the effective date of these regulations may be maintained but not enlarged; fields, which have reverted primarily to shrubs, trees or other woody vegetation, are regulated under the provisions of this section. No person will remove existing understory vegetation less than four feet (4') from the natural elevation of the ground nor disturb the treed canopy higher than twenty feet (20') from the natural elevation of the ground except to provide for a footpath or other permitted *uses*.

- 58.2.3 There will be no tree cutting except to remove safety hazards from diseased, storm-damaged, unsafe or dead trees without approval by the Enforcement Officer or Tree Warden or by a written report of a public or consulting forester stating an official determination as to the necessity to remove trees due to a deteriorated condition. Any resulting openings will be replanted with native tree species unless there exists natural "new tree" growth.
- 58.2.4 A footpath not to exceed five feet (5') in width is permitted so long as it does not create a cleared line-of-sight from the water through the *riparian buffer area*.
- 58.2.5 Stairs or similar *structures* may be allowed with a permit from the enforcement officer to provide shoreline access in areas of steep slopes or unstable soils, provided that the *structure* is limited to a maximum of five feet (5') in width and does not extend below or over the *high tide line* of the Connecticut River or its tributaries or the upland edge of a wetlands, and the applicant demonstrates that no reasonable access alternative exists on the property.

### 58.3 DEVELOPED AREAS

Within the *Gateway Conservation Zone*, the Applicant will depict on a site plan where *developed areas* exist on a site for the purposes of determining where to conserve a *riparian buffer area*. The Commission considers the *developed area* as any development, including paving, bulkheads, rip-rap or other structural stabilization methods or materials, clearing or construction activities, that makes the retention or replacement of vegetation within *riparian buffer area* impractical, infeasible or undesirable. If part of the *riparian buffer area* is developed, then the Commission considers the remainder as undeveloped.

In the *developed areas*, property owners must maintain trees or shrubs immediately adjacent to the water to avoid erosion and to enhance the scenic quality of the river scene. An existing lawn is not a *developed area*. The Commission considers every portion of the *riparian buffer area* on its own merits even within the confines of a single lot or parcel.

### 58.4 PERMITTED USES & ACTIVITIES

The *uses* or improvements permitted in an underlying *district* remain permitted within the *Gateway Conservation Zone*.

- 58.4.1 **Non-commercial tree cutting (visible from Connecticut River).** The Commission does not require a permit to cut trees that are not visible from the Connecticut River. For trees visible from the Connecticut River, the Commission designates the Tree Warden to issue permits for the cutting of trees, and no *commercial tree cutting* occurs in the absence of the issuance of a permit. In the event of the unavailability of the Tree Warden, the Enforcement Officer acts as the authority for the issuance of this permit. Either agent of the Commission grants a permit upon approval of a *Non-Commercial Tree Cutting Plan*.

[A. through E. relocated to 58.2]

## 58.5 SPECIAL EXCEPTION USES

The *uses* or improvements permitted in an underlying *district* remain permitted within the *Gateway Conservation Zone*. The construction, reconstruction, enlargement or structural alteration of all principal or accessory *structures* relating to any of the following *uses* require a Special Exception:

58.5.1 **Single detached dwelling for one (1) family** in excess of thirty-five hundred square feet (3,500 s.f.) of combined *Total Floor Area* (*Gateway Conservation Zone*).

58.5.2 **Dwelling containing two (2) dwelling units** in excess of thirty-five hundred square feet (3,500 s.f.) of combined *Total Floor Area* (*Gateway Conservation Zone*).

58.5.3 **Shoreline flood & erosion control structure.**

**Exemption.** The Commission does not require a Special Exception permit for residential *structures* over thirty-five hundred square feet (3,500 s.f.) in total area under this section if the applicant demonstrates that the proposed *structure* or *structures* will not be visible from the Connecticut River. Demonstration that a *structure* will not be visible from the Connecticut River consists of an area topographic map showing that there is intervening ground at an elevation at least thirty-five feet (35') above ground elevation of the proposed *structure*.

## 58.6 SETBACK (GATEWAY CONSERVATION ZONE)

Within the *Gateway Conservation Zone*, the Commission prohibits construction or alteration of any *building* within less than one hundred feet (100'), measured in a horizontal plane, from any point of the mean high tide line of the Connecticut River or any of its tributaries or its associated *wetlands*.

58.6.1 **Exception.** The Commission may permit by Special Exception the following *uses*, other than for human occupancy or *non-commercial communication equipment*, within the setback for the Gateway Conservation Zone:

- A. *Shoreline flood & erosion control structure*, if the Commission finds consistency with the policies and standards of the Connecticut Coastal Management Act.
- B. 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.
- C. A dock, wharf, slip basin, or similar landing facility 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.

- D. 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 bulk storage of fuel.
- E. A sail loft or ship chandlery, including the retail sale of marine equipment, engines, and provisions for boats.
- F. Public walkways, parks, and fishing piers.
- G. Storage of boats when accessory and subordinate to a permitted *use*.

## 58.7 HEIGHT (GATEWAY CONSERVATION ZONE)

Within the *Gateway Conservation Zone*, no *building* or other *structure* will be constructed, reconstructed, enlarged, extended, moved or structurally altered in a manner as to exceed a maximum *height* of thirty-five feet (35') as calculated by the definition of *Height (Gateway Conservation Zone)* or any Special Exception approval regarding calculation of maximum *height* from a new finished grade. The Commission will make a specific finding as to how it calculates *height* for the purposes of a particular Special Exception.

Any architectural feature exceeding thirty-five feet (35') is prohibited in this zone, except when in connection with the granting of a Special Exception, the Commission may approve also the construction, reconstruction, enlargement, extension, movement or structural alteration of a spire, *cupola*, weathervane, tower, flagpole or other similar architectural feature, occupying not more than ten percent (10%) of the *building* footprint and not designed for human occupancy, to a reasonable or necessary *height*. The Commission will make a specific finding that the architectural feature will not have a significant visual impact on the natural and traditional riverway scene.

## 58.8 CONSIDERATIONS FOR DECISION

Within the *Gateway Conservation Zone*, the Commission or its agent approves a *use*, activity, *building*, *structure* or improvement only upon demonstration by the applicant that it meets the following general standards:

- 58.8.1 The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the riverway scene.
- 58.8.2 Site development maintains the essential natural characteristics of the site, such as major landforms, natural vegetative or wildlife communities, hydrologic features, scenic qualities, or open space, that contribute to the sense of place along the Connecticut River, its tributaries or wetlands.
- 58.8.3 *Structures* adapt to the existing terrain rather than the earth altered to create a platformed development site.
- 58.8.4 Minimized disturbance to existing topographic forms and grading or excavation does not result in soil erosion or silting of lower slopes.

- 58.8.5 *Structures* facing the Connecticut River located below the crest of hillsides to maintain a clear sense of the hillside brow in its natural coordination as seen from the River.
  - 58.8.6 Vertical elements of *structures* do not disrupt the natural silhouette of the hillside (e.g. sloped angle of a roof pitch at or below the angle of the natural hillside or manufactured slope).
  - 58.8.7 Mass of *building* forms broken apart, varied or scaled to the actual environmental setting to avoid excessive forms that fail to enhance the hillside character (e.g. large roof areas broken up to approximate natural slopes).
  - 58.8.8 Dark-colored roof treatments, which reduce visual impact of the *structure* on the landscape, and rooftop treatment designed to avoid monotony of materials, forms or colors.
  - 58.8.9 Preservation of the existing natural vegetation where possible and new landscaping that is compatible with the existing natural vegetation to maintain or enhance the scenic character of the visual buffering between all development and the Connecticut River, its tributaries or *wetlands*.
  - 58.8.10 Cut or fill slopes with curved configurations to reflect the forms or shapes of surrounding topography as closely as possible. Avoidance of abrupt angular intersections of manufactured and natural slopes faces.
  - 58.8.11 *Shoreline flood & erosion control structures* minimized to the greatest extent possible.
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[Delete Section 72.3.2, and renumber in this new section:]

## SECTION 59

# Coastal Area Management Zone

### 59.1 GENERAL

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.

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 fifty feet (50') 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 Planning Commission, as specified, for Special Exceptions for Open Space Subdivision.

The Act *assigns* to the 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 Planning Commission as specified for Special Exceptions for Open Space Subdivisions.

## 59.2 EXEMPTIONS

The following exemptions from coastal site plan review requirements may apply to:

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 in accordance with Section 8-2 of the Connecticut General Statutes of these regulations.
3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with Section 8-6(3) of the Connecticut General Statutes and 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.

Gardening, grazing and the harvesting of crops are exempt from Coastal Site Plan review requirements under the authority of Section 22a-109(b) of the Connecticut General Statutes, and the Commission exempts the following additional *uses*:

- 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 one hundred feet (100') 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;
- 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;

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## SECTION 65

# Excavation & Grading

65.2.1 Necessary excavation, removal, grading or dumping of earth in connection with activities on any *lot* solely for farming or landscaping purposes, such as the construction of ponds, improvements of watercourses, burying of stones or refuse, regrading of difficult contours or the excavation of earth for *use* on the *lot* and not for sale. The Property owner will submit written notice to the Enforcement Officer and, if applicable, a certified *Soil Erosion & Sediment Control Plan* in advance of commencement of the operation. In the *Gateway Conservation Zone*, no more than three hundred (300) cubic yards of material may be removed from any lot;

65.2.2 Excavation, removal, grading or dumping of less than one hundred (100) cubic yards of earth on any *lot* in any calendar year and, if applicable, a certified *Soil Erosion & Sediment Control Plan* in advance of commencement of the operation. In the *Gateway Conservation Zone*, no material may be removed from a *lot*.