



**ZONING**

**AND**

**SUBDIVISION**

**REGULATIONS**

**OLD SAYBROOK**  
**CONNECTICUT**

*Beth Caverly*



ZONING and SUBDIVISION  
REGULATIONS

Rules of Procedure

September, 1972

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ARTICLE I. ZONES: ZONE BOUNDARIES and DEFINITIONS

Section 1. Purpose of this Ordinance:

For the purpose of promoting the health, comfort, safety, and general welfare of the community, including highway development and vehicular transportation;

To regulate and restrict unsightly or detrimental development, obstructions and constructions tending to depreciate the value of property and hinder progressive improvements;

To lessen, eliminate and regulate distracting hazards to safe motor vehicle operation and general traffic upon the highways;

To lessen congestion in the streets;

To secure safety from fire, panic, and other dangers;

To provide adequate light and air;

To prevent overcrowding of land and avoid undue concentration of population;

To facilitate adequate provision for transportation, water supply facilities, sewerage, schools, parks and other public requirements;

To conserve the value of buildings and encourage the most appropriate use of land throughout the Town;

To regulate and restrict the location of trades and industries and the location of buildings designed for specified uses;

To regulate and restrict the location, the height, number of stories and size of buildings and other structures, the percentage of the area of the lot which may be occupied, the size of yards, courts, and other open space, and the location and use of buildings, structures and land for trade, industry, residence or other purpose within the limits of such town and in pursuance of authority conferred by Chapter 43 of the General Statutes, Revision of 1949 as amended and supplemented by Public Act 418 of the Acts of 1947, the zoning ordinance of the Town of Old Saybrook is hereby amended and supplemented to read, with the inclusion of this section as follows:

Section 2. Zones: There will be twelve (12) classes of zones. \*

- |                               |                        |
|-------------------------------|------------------------|
| 1. AA Residence (Modified AA) | * 12. Condominium Zone |
| 2. A Residence                | SEE AMENDMENT          |
| 3. B Residence                |                        |
| 4. Central Business           |                        |
| 5. Local Business             |                        |
| 6. Industrial                 |                        |
| 7. Flood Plain                |                        |
| 8. Marine Commercial          |                        |
| 9. Marine Commercial Limited  |                        |
| 10. Open Area                 |                        |

\* 5A. Restricted Business Zone - SEE AMENDMENT

### Section 3. Zone Boundaries:

The boundaries of these zones are established as shown on a map entitled "Building Zone Map of Old Saybrook, Conn." dated June 22, 1935, and amended, which together with any amendments and explanatory matter is made a part of this ordinance.

The "Central Business Zone is that part of the business zone as marked on said map which borders Main Street".

In cases of uncertainty, the Zoning Commission shall determine the location of the boundary.

Where a zone boundary line divides a lot recorded or filed with the Town Clerk at the time such boundary line is established, the regulations of the less restricted zone of such lot may apply to not more than 30 feet in the more restricted portion provided the lot has frontage on a street in the less restricted zone.

### Section 4. Definitions:

- a) Words used in the present tense include the future;  
The singular and plural number are used interchangeably;  
The word "lot" includes "plot";  
"building" includes "structure";  
"occupied and used" includes "designed, arranged, or intended to be occupied or used".
- b) A "lot" is any parcel of land occupied by one building or one unit group of buildings and its accessory buildings and uses, including such open spaces as are provided or as are required by this ordinance.
- c) The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.
- d) A "street line" is the dividing line between a street and a lot.
- e) Height of a building is the vertical distance measured from the ground level to the deck line for mansard roofs, the mean height between eaves and ridge for gable, hip and gambrel roofs, and the highest point of any other type of roof.
- f) An attic is the space between the ceiling of the top story and a pitched roof. A ground story or first story is the lowest story entirely above the ground level.
- g) A "rear lot line" is the lot line opposite to the street line. In the case of a corner lot, the rear lot line may be elected by the owner, provided that it be indicated on the application for permit to build.
- h) The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The width of a lot is its mean width measured at right angles to its depth.

- i) A "front yard" is an open unoccupied space within and extending the full width of the lot, between the street line and the parts of the building nearest to such street line.
- j) A "side yard" is an open space extending from front yard to rear yard or its equivalent between the side lot line and the parts of the building nearest thereto.
- k) A "rear yard" is an open space the full width of the lot between the rear lot line and the parts of the building nearest thereto. In the case of a triangular or irregular lot, the rear lot line shall be a line entirely within the lot not less than 10 feet long and parallel to and most distant from the front lot line.
- l) The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line.
- m) Non-conforming building or use of buildings or land is one legally existing at the time of the adoption of this ordinance and amendments but which does not conform to the regulations of the zone in which it is located.
- n) Accessory building or use is a building or use subordinate and incidental to and on the same lot with the principal building or use. Garages attached to the principal building by a roof or wall, or having a wall in common with the principal building, are not accessory buildings.
- o) Lot frontage is the distance between the side lines of a lot measured along the front lot line. Where the front lot line is an arc or where the side lines converge toward the front lot line, the distance of the frontage may be measured along a line approximately parallel to the front lot line and not more than 25 feet therefrom.
- p) Structural alteration is any change in or addition to the structure or supporting members of a building, such as walls, columns, beams or girders.
- q) Rooming house is a dwelling in which rooms for living purposes are rented for compensation to seven or more persons other than members of the family of the proprietor.
- r) Boarding house is a dwelling in which meals or rooms and meals are provided for compensation to seven or more persons other than members of the family of the proprietor.
- s) Two family house is a dwelling in which there are kitchen and bathroom facilities and sleeping accommodations for two families.
- t) Boat landing and dock is a facility or structure to accommodate no more than two boats.

## ARTICLE II. GENERAL REGULATIONS

### Section 1. Uses and Buildings Not Governed by these Regulations:

Streets and other lands of the County, State, and Federal Government used for public purposes are not governed by these regulations, provided that, if the buildings and uses above specified are abandoned, no building shall be used and no alteration of any buildings or no use of land shall be permitted until the land or buildings so changed in use have been zoned by the Zoning Commission.

## Section 2. Every Building and Use Affected:

Except as specified above in Article II, Section 1, no building or land shall hereafter be used and no building or part thereof shall be erected or altered except in conformity with the regulations which apply to the zone in which such land or building is located. The erection of a single family house shall not, however, be prohibited on lots filed or recorded in the office of the Town Clerk on or before June 1st, 1948, which are smaller than required by these regulations, provided the owner of any smaller lot did not own sufficient adjoining land at the time of the adoption of these regulations to conform thereto.

Three foot side lines on lots up to 40 feet in width; four foot side lines on lots 40 feet to 50 feet; six foot side lines on 50 feet to 60 feet; ten foot side lines on lots 60 feet and wider.

## Section 3. Non-conforming Buildings and Uses:

Non-conforming buildings and non-conforming uses of buildings and land are permitted subject to the following conditions:

1. A non-conforming use of a building may not be changed to another non-conforming use which by these regulations is placed in a lower zoning classification or which is more detrimental to the neighborhood.
2. A non-conforming use of a building shall not be enlarged or extended so that an enlargement of the building shall be required.
3. Where a non-conforming use of a building or land has been discontinued for a period of one year or more or has been changed to a conforming use, the non-conforming use shall not again be permitted unless approved by the Board of Appeals in accordance with their general statutory powers and the powers granted them under Article IV, Section 5, of these regulations.
4. A non-conforming use of land not involving a building, or a non-conforming use of land involving buildings or improvements which have an assessed value less than \$1,000.00 shall be discontinued within three years from the adoption of these regulations, and any such use which becomes non-conforming by reason of a subsequent change in these regulations or in the zone boundaries shall be discontinued within three years from the date of such change.
5. Where a building in which there is a non-conforming use is accidentally or criminally damaged or destroyed, it may be restored and the non-conforming use resumed, provided the restored building covers no greater area or has no greater cubicle content.



#### Section 4. Unsafe Buildings:

Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by the Zoning Enforcement Officer.

#### Section 5. Reducing Lot Area:

No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this ordinance for the district in which it is located.

#### Section 6. Adjoining Zones:

Along and within 50 feet of any boundary line between two different classes of zones, any side yard or rear yard required in the less restricted zones, shall be increased in minimum width and depth to equal the required minimum widths and depths for such yards in the more restricted zones.

In any business zone adjoining a residence zone, any building within 50 feet of the boundary line shall be set back from the street line a distance equal to at least one-half of the setback required for ground story parts of a principal building on the adjoining lot in the residence zone.

#### Section 7. Access for Fire Apparatus:

No building to be occupied in any part for residential purposes shall be constructed on any lot or part of a lot, unless such lot or part of a lot has a frontage of not less than 20 feet in its least width on a public street or on an open and unoccupied private way leading to a public street.

#### Section 8. Location of Automobile Services:

No public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station; or any of their appurtenances or accessory uses, shall hereafter be erected or placed within 500 feet of any residence district.

No such public garage, automobile repair shop, greasing station, storage battery service station, or gasoline filling station; or any of their appurtenances or accessory uses, shall 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, library, church, playground or institution for sick, dependent or for children under sixteen years of age.

#### Section 9. Height Exemption:

The provision of this ordinance governing height of buildings in all districts shall not apply to cupolas, belfries, chimneys, flag or radio poles, gasholders, grain elevators, water towers, nor to bulkheads, hose towers, elevator enclosures, water tanks, scenery lofts or scenery towers, nor to churches, town or institutional buildings.

#### Section 10. Corner Visibility:

On a corner lot there shall be no building, structure, or planting such as to obstruct traffic visibility, within the triangular space

bounded by the two intersecting 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.

#### Section 11. Projections and Encroachments in Yards:

Except for accessory buildings and as herein specified, yards required by this ordinance shall be open and unobstructed to the sky. Cornices, leaders, belt courses, sills, and similar ornamental features may project six inches over any yard.

#### Section 12. Fences:

#### Section 13. Conversion of Single Family Houses:

The Board of Appeals may after public notices and hearings and subject to appropriate safeguards in harmony with the general purpose of this ordinance as expressed in Article I, permit the conversion of single family houses into two family houses subject to the following conditions:

1. The lot shall have an area of at least 25,000 square feet in locations served by public water supply, or one (1) acre where public water supply is not available.
2. In making changes in the exterior of the building, the appearance and character of a single family house shall be preserved, and no structural changes shall be made other than to provide desirable means of egress from each residential unit.
3. Stairways leading to the second and any higher floor shall be within the walls of the building.
4. Sanitation sewage disposal, to comply with the Connecticut Public Health Code under the direction of the local Director of Health.

#### Section 14. Excavation:

Unless otherwise provided in this section, there shall be no removal from the premises in any district of earth, sand, gravel, clay, or quarry stone, except as surplus material resulting from a bonafide construction, landscape, or agricultural operation being executed on the premises, and provided that no permanent damage is done to the landscape.

- 14.1 In any district, top soil or loam may be removed from the area covered by a building or other construction operation provided that no less than six inches of topsoil or loam remains and provided that the entire area disturbed is seeded with a suitable cover crop or is put to cultivation.
- 14.2 Except in an industrial district, no stone crusher or other machinery not required for actual removal of the material shall be used.
  - a) No gravel pit operation shall take place before 7:00 A.M. and after 6:00 P.M. on regular working days.

14.3 The Zoning Commission may, after public hearing, and after receiving the recommendation of the Planning Commission, permit the removal of sand, gravel, clay, peat moss, or quarry stone, under the following conditions:

- a) The applicant shall submit a plan showing existing grades in the area from which the above material is to be removed together with the finished grades at the conclusion of the operation. In the event that the applicant shall be unable to comply with his original plans by reason of encountering ledge, water or other material, he shall cease operations and resubmit his application to the Zoning Commission with corrected grading plans.
- b) The plan shall provide for proper drainage of the area during the operation and after completion. No finished bank shall exceed a slope of one foot of vertical rise in two feet of horizontal distance. No removal shall take place within 20 feet of any property line.
- c) At the conclusion of the operation, or of any substantial portion thereof, the whole area where removal takes place shall be covered with a suitable cover crop, as stipulated in Section 14.1.
- d) Before a permit is granted under this section, the Commission shall require the applicant to post a bond with the Treasurer of the Town of Old Saybrook in an amount approved by the Commission as sufficient to guarantee conformity with the provisions of the permit issued hereunder.
- e) In passing on such applications, the Commissions shall consider the effect of such removal on surrounding property.
- f) The Commissions shall also consider the future usefulness of the premises when the operation is completed.
- g) Such permits shall be issued for a period not exceeding one year and shall be renewable, with or without a Public Hearing at the discretion of the Zoning Commission, providing the applicant complies with the conditions of the original permit.
- h) All existing gravel pit owners will, on or before March 1, 1965, make application to the Zoning Commission for a new permit under these regulations. In passing on such application, all provisions of this section must be complied with with the exception of sub-section 14.3 e).
- i) The purpose and intent of these regulations as expressed in Article I, Section I, shall be adhered to.

14.4 A final approved plan of each new operation shall be filed by the owner or owners with the Zoning Commission or its agent prior to the commencement of the said operation.

#### Section 15. Outdoor Signs:

1. The following signs are permitted in a AA Residence Zone:

- a) Signs not over 12 square feet in area advertising the sale

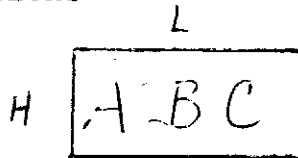
or rental of the premise on which they are maintained and not referring to other premises.

2. The following signs are permitted in A and B Residence Zones:

- a) Any signs permitted in Residence AA Zone;
- b) Announcement or professional signs not over three square feet in area;
- c) Signs advertising customary home occupations carried on by a resident occupant with the assistance of not more than two regular employees, in accordance with the provisions of Article III, Section 2, Paragraph 5, of these regulations, which signs shall not exceed three square feet in area.

3. The following signs are permitted in a Central Business Zone:

- a) Any signs permitted in Residence A and B Zones;
- b) Outdoor advertising signs located on the premises of the business advertised, the total square footage of which may not exceed three square feet in area for each foot of frontage actually occupied by the building using the sign in which the business advertised is housed, subject to the following conditions:



That no sign shall protrude above the height of the building.

That signs paralleling the building line shall not project more than 12 inches from the front of the building, and shall not project beyond the side of the building.

That hanging signs, suspended from buildings, be limited in area to 1/2 square foot for each front foot of building occupied by the business advertised and that there be a clearance of at least 10 feet from the grade to sign, and shall not protrude more than 8 feet from the building.

A separate detached sign will be allowed in this zone and shall not exceed 12 square feet.

4. The following signs are permitted in a Local Business Zone:

- a) Any signs permitted in the Central Business Zone;
- b) A detached sign will be permitted to the following extent:  
They be limited in total area to 1/2 square foot for each front foot of building occupied by the business advertised, and that it shall be no higher than the building housing the business advertised.
- c) With written approval after public hearing of the Zoning Board of Appeals, more than one sign may be erected in the local business zone for filling stations, service stations, and public garages if they, in the Board's opinion, do not create a traffic hazard.

5. The following signs are premitted in the Industrial Zone:

All signs permitted in the Local Business Zone except that the parallel sign on the building may extend to not more than six feet above the roof line.

6. The following signs shall be permitted in the Marine Commercial Limited and the Marine Commercial Zone:

All signs as permitted in the Industrial Zone.

7. Exterior signs with an area of not more than 32 square feet may be erected parallel to the front of a non-conforming building, used for business or industrial purposes only.

8. All signs shall be located on the premises of the business advertised, except that two directional signs, painted white and bearing only the name of the business advertised in black and that they are no longer than 48 inches nor wider than 8 inches, will be permitted if erected in a business or industrial zone outside the edge of the state or town highway.

\* Section 16 - See Amendment

### ARTICLE III. REGULATIONS FOR ZONES

#### Section 1. AA Residence Zone Use Regulations:

The following uses are permitted and all others are expressly excluded:

1. Detached one-family houses for one housekeeping unit only.
2. Churches and other places of worship including parish houses and Sunday School buildings.
3. Schools, colleges, libraries and museums.
4. Farms and truck gardens, green houses and nurseries, provided that any building used for a commercial purpose shall be at least 20 feet from any lot line and provided that any commercial slaughtering, fertilizer manufacture or any commercial reduction of animal matter shall not be permitted.
5. Private garages or stables, provided that no business service or industry connected directly or indirectly with motor vehicles is carried on and provided that they shall not contain space for more than one motor vehicle for each 2,500 square feet of lot area, nor for more than six horses or six vehicles in any case, except that two vehicles or two horses shall be permitted in any case. Not more than two such vehicles shall be commercial vehicles and of not more than one-half ton weight each. These provisions shall not apply to farm vehicles and horses.
6. Accessory uses and structures customarily incident to any use permitted herein, provided that such accessory uses shall not include any activity commonly conducted for gain, or any private way, drive or walk giving access to such activity except as required to carry on a permitted use which use is located entirely within the boundaries of this zone; or any billboard or advertising sign, signboard or poster, except for announcement signs not over two square feet in area. Such accessory buildings may be erected on a then vacant lot if so placed as not to interfere

with the eventful practicable and conforming location of a principal building.

7. Boat landings, docks and structures accessory thereto which are not conducted for profit.
- \* 8. Tourist accommodations and the renting of rooms, but in neither case shall more than three rooms be rented and to not more than six persons. SEE AMENDMENT
9. The following uses only when authorized by the Zoning Commission after public hearing. The decision of the Zoning Commission shall be in accordance with the requirements as indicated in each case, and in harmony with the intent of these regulations as expressed in Article I. Fences may be required at the discretion of the Zoning Commission.

All applications for such uses and hearings in connection therewith, shall be accompanied by a certified check payable to the Town of Old Saybrook, or in cash, in the amount of \$20.00 to defray the expenses of such hearing. Not more than one use shall be requested in any one application.

- a) Membership clubs, golf courses and other grounds for games and sports but not including enterprises carried on or customarily carried on for gain.
- b) Dormitories, hospitals or sanitariums not primarily for contagious diseases nor for the care of epileptics or drug or liquor patients; charitable institutions which are not correctional institutions, and provided that all buildings specified in this paragraph are located not less than 100 feet from any lot line.
- c) Cemeteries.
- d) Telephone exchanges, transmission towers and lines and static transformer stations; provided there is no service or storage yard in conjunction therewith.
- e) Quarries, gravel pits and sand pits subject to conditions as stated in Article II, Section 14.
- f) Roadside stands for the display and sale of natural products grown or processed on the premises under requirements of location, design parking space and other conditions which the Zoning Commission may deem necessary to carry out the purpose expressed in Article I.
- g) Airports, private landing fields and hangars for aircraft.

#### 10. Height and Area Regulations:

Height: No buildings shall be erected to a height of more than two stories and attic or 35 feet.

Lot Frontage and Area: No lot shall have less than one acre per family except in Modified AA, where one-half acre per family is permitted provided public water supply is available. Lots in AA acre zone shall have a minimum frontage of 125 feet. Lots in Modified AA Zone shall have a minimum frontage of 100 feet.

Side Yards: There shall be a side yard along each side lot line not less than 20 feet wide.

Front Yard: Every lot shall have a front yard 35 feet in depth in A and Modified AA Zones.

Rear Yard: There shall be a rear yard on every lot not less than 50 feet in depth.

Accessory Buildings may be located in side yards and rear yards, but shall not occupy more than 4% of any yard and shall be at least 20 feet from side and rear lot line.

Not more than 20% of total lot area may be used for a house.

## Section 2. A Residence Zone Use Regulations:

The following uses are permitted and all other uses are expressly prohibited:

1. All uses permitted in AA Zone except as modified in this section.
2. Private garages or stables, provided that no business service or industry connected directly or indirectly with motor vehicles is carried on and provided that they shall not contain space for more than one vehicle for each 2500 square feet of lot area, nor for more than three horses or three motor vehicles in any case.

Not more than two vehicles shall be commercial vehicles of not more than  $1\frac{1}{2}$  tons weight each, except for motor vehicles primarily used on the premises.

3. Accessory uses and structures customarily incident to any use permitted herein, but with the same limitations as specified in AA Zones.
4. Customary home occupations carried on by a resident occupant with the assistance of not more than 2 regular employees provided that not more than the equivalent of the floor area of one story is devoted to such use, and provided that there is no display of products.

Height and Area Regulations: No building shall be erected to a height of more than two stories and attic or 35 feet.

Lot Frontage and Area: No lot shall have a frontage of less than 100 feet and no lot shall have an area of less than 12,500 square feet where public water supply is available or less than one (1) acre if water supply is to be developed on the lot.

Front Yards: Every lot shall have a front yard of at least 25 feet in depth.

Side Yard: There shall be a side yard along each lot line at least 15 feet wide.

Rear Yard: There shall be a rear yard on each lot of at least 50 feet in depth. Accessory buildings may be located in side and rear yards and shall occupy not more than 4% of total lot area, but in no case shall be nearer than 15 feet to side or rear lot lines. Not more than 20% of the total lot area may be used for a house.

### Section 3. B Residence Zone. Use Regulations:

1. All uses permitted in AA and A Zones except as modified in this section.
2. Two family houses.
3. Private garages or stables, provided that no business or industry connected with motor vehicles is carried on therein, and provided that they shall not contain space for more than one motor vehicle or one horse and one horse drawn vehicle for each 1,250 square feet of lot area or for more than six vehicles in any case. Not more than 2 such vehicles shall be commercial vehicles of not more than 1½ tons weight each except for commercial vehicles used primarily on the premises.
4. Accessory uses and structures customarily incident to any use permitted herein but with the same limitations as in A Zone.

Height and Area Regulations: As in Residence Zone A.

Lot Frontage and Area: No lot shall have a frontage of less than 100 feet and no lot shall have an area of less than 12,500 square feet where public water supply is available or less than one (1) acre if water supply is to be developed on the lot.

Side and Rear Yards: As in Residence Zone A.

### Section 4. Central Business Zone and Retail District:

1. The following uses are permitted and all other uses are expressly excluded:
  - a) Any use permitted in B Residence Zones except as modified in this section.
  - b) Retail stores and personal service establishments, shops for making articles incident to the conduct of a retail business and primarily to be sold on the premises, if not more than three employees are engaged in the manufacturing process.
  - c) Package store, bank, office, studio.
  - d) Newspaper and job printing.
  - e) Mortuary or undertaking rooms.
  - f) Restaurant, tavern, grill, hotel, theater. Self service laundry only where sufficient area is provided for adequate waste disposal, and an equal reserve area for this purpose is available if the original disposal system clogs and fails. The disposal area requirement shall be determined in each case by the Director of Health or his representative, after consideration of the proposed use, type of soil and topography. Laundries shall not be permitted in areas dependent on individual water supply.
  - g) Accessory uses, including private garages and parking spaces, but excluding any business as an accessory use which is not permitted as a principal use.



2. The following uses shall not be regarded as retail establishments and are excluded:

- a) Used car lots for the storage or sale of motor vehicles.
- b) Filling stations and service stations for servicing of motor vehicles.
- c) Public garages or groups of public garages with capacity for storing more than 5 motor vehicles.
- d) Coal, coke, oil, lumber and wood yards.
- e) Building material storage yards.
- f) Building or yard for storage of baling of scrap paper, iron, bottles, rags, or junk.
- g) Stone yards and monument works.
- h) Any other business or service similar to those specified in a) through g) above.

Height and Area Regulations:

Height: No building shall be erected to a height of more than  $2\frac{1}{2}$  stories or 35 feet.

Lot Frontage and Area: Lots used for residence shall conform to the requirements of B Residence Zone.

Front Yard: Each and every building or structure erected on any plot of land shall be placed ten feet from nearest street line and parallel to said boundary line.

Side and Rear Yard: Lots used for residence shall conform to the requirements of B Residence Zone and lots used for business shall have a rear yard at least 10 feet in depth provided the total sq. ft. area of all buildings and facilities shall not cover more than 75% of the sq. ft. area of the site, less that area within 10 ft. of any street line.

Section 5. Local Business Zone. Use Regulations:

The following uses are permitted and all other uses are expressly excluded:

- 1. All uses permitted in Central Business Zone.
- 2. Filling stations, service stations, public garages, garages, and new and used car sales and service establishments, with such outside storage as is necessary and customary in connection with the carrying out of new and used car sales, except no repair work shall be permitted outside the buildings except emergency repair.

Height and Area Regulations:

Height: Same provisions as in Central Business Zone

Lot Frontage and Area: Same provisions as in Central Business Zone.

Front Yard: There shall be a front yard on every lot of at least 25 feet in depth, parallel to street line.

Side and Rear Yards: Lots used for residence shall conform to the requirements of B Residence Zone and lots used for business shall have a rear yard at least 10 feet in depth provided the total square foot area of all buildings and facilities shall not cover more than 60% of the square foot area of the site, less that area within 25 feet of any street line.

3. Bowling centers, miniature golf, and accessory uses and structure customarily incident thereto.
4. Motor hotels, motor inns, motel lodges, motels and/or hotels, together with appropriate restaurant, lounges and other accessory uses, and facilities; and in conjunction therewith, a motor vehicle filling station and/or service station, but no storage (other than temporary) or repair work shall be permitted except minor operating or emergency repairs; provided however (1) the total square foot area of all buildings and facilities shall not cover more than 40% of the total square foot area of the entire site, (2) such facility shall include and contain ample on-site proper parking facilities and/or areas, and (3) an area suitable for sewage disposal of at least 1,000 square feet per room shall be provided. On-site laundry and food service facilities must comply with Article III, Section 4, Paragraph 1.f) and be provided with separate disposal systems.

\* Section 5A - Restricted Business Zone - SEE AMENDMENTS

Section 6. Industrial Zone. Use Regulations:

The following uses are permitted and all other uses are expressly excluded:

1. All uses permitted in the Local Business Zone.
2. Research laboratories, professional and business offices and publishing plants.
3. The manufacture of optical goods, precision instruments, clocks and watches.
4. The manufacture, compounding, processing, packaging or treatment of beverages, dairy products, food (other than meats or fish), candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or refining of fats and oils.
5. The manufacture, assembly or treatment of articles from the following previously prepared materials: cellophane, cork fiberglass, hair, horn, leather, paper, plastics, precious metals or stone, shell, textiles, wood, and yarns.
6. Printing, photo-engraving, photographic processing and bookbinding.
7. Carpentry, woodworking and upholstery manufacture.
8. The assembling of electrical appliances and equipment, including the manufacture of small parts.
9. The manufacture of drawing instruments and drafting equipment and artist's supplies.
10. Metal finishing, plating and stamping.
11. Sheet and light metal fabrication.
12. Light tool and die manufacture.

13. Manufacture of ceramic products, vitreous ware, pottery and porcelain from previously pulverized clay and using kilns fired by electricity or other odorless and smokeless fuel.
14. Manufacture of jewelry, silverware, toys, sporting goods, musical instruments.
15. Lumber and building material storage and sales.
16. Buildings of a public utility company, and electric generating station, excluding gas manufacturing or storage plant.
17. Any industry, business or trade which presents no hazards or is not offensive or detrimental to the neighborhood because of odor, fumes, dust, smoke, waste, vibration, noise, electrical interference, atomic radiation, or other objectionable characteristics.
- \* 18. See Amendment

RESTRICTIONS:

1. Smoke Control

The emission of smoke or particulate matter from any source, of opacity greater than Ringleman #2 for more than 5 minutes in any 12 hour period shall be prohibited.

2. Liquid Wastes

All liquid wastes, except clean water from cooling or similar equipment, shall be disposed of by an adequate sub-surface system.

3. Buffer Strips

Where an industrial district abuts a residential district or along a road the opposite side of which is in a residential district, a buffer strip shall be provided on the industrial property of the width prescribed in Paragraph 6 and measured from the boundary of the industrial district. This buffer strip shall be suitably landscaped and maintained by the Owner of Record of said industrial property, and shall not be used for parking, storage, or any other use otherwise permitted in the industrial district, except for the residence of a proprietor or caretaker as herein permitted. Driveways, as permitted by Paragraph 4, may be allowed for office personnel and visitors only.

4. Access

All industrial lots with building shall have a strip not less than 5 feet wide along their front lot lines. This strip shall be landscaped or fenced to prevent access except at permitted driveways. Each lot shall have not more than two driveways plus an additional driveway for each 200 feet of frontage above 400 feet. Driveways shall not exceed 50 feet in width at the front lot line.

5. Off-Street Parking and Loading Space

All lots developed for industrial purposes shall have adequate parking facilities off the street or highway right-of-way to accommodate the motor vehicles of all occupants, employees, customers, and other persons normally visiting the premises at any one time and for all loading and unloading of trucks.

Such parking space shall be at least 250 square feet for every two persons normally employed at one time and truck loading space

shall be equivalent to 400 square feet for each 15,000 square feet of floor area or fraction thereof less than 30,000 square feet and 400 square feet for each 30,000 square feet of floor area or fraction thereof in excess of 30,000 square feet.

6. Required Lot Area, Width, Yards, Building Coverage, Buffer Strips, and Height
- a. Minimum Lot Area: One half ( $\frac{1}{2}$ ) acre.
  - b. Minimum Lot Width: 100 linear feet.
  - c. Minimum Front Yard Excluding any Buffer Strip: 50 linear feet.
  - d. Minimum Side and Rear Yards: Side and rear yards shall be at least twice the distance as the height of the building is from grade to eaves, but in no case less than 20 linear feet unless there is a railroad right-of-way abutting an industrial property, in which case there need not be any side or rear yard where it abuts said railroad right-of-way.
  - e. Maximum Building Coverage: All structures shall be limited to 40% coverage of the lot.
  - f. Buffer Strips: There shall be a buffer strip of at least 100 linear feet in depth where required.
  - g. Maximum Building Height: The building heights limit shall be limited to a rise of one foot to every two feet from the side and rear lot lines excluding any buffer strips, not to exceed 60 feet. Chimneys, tanks and similar features occupying an aggregate of not more than 10 percent of the building area and not used for human occupancy may be erected to a reasonable and necessary height.

Section 7. Prohibited Uses:

- 1. Overnight cabins for the accommodation of tourists.
- 2. Quonset huts for purpose of residence.
- 3. Outdoor advertising signs and devices however created or displayed except as specifically permitted in Article II, Section 15.
- \* 4. Trailers, ~~except for special permit by the Zoning Commission.~~  
SEE AMENDMENT
- 5. The following industrial uses:
  - a. Commercial slaughter house.
  - b. Acetylene gas manufacture.
  - c. Ammonia, chlorine or bleaching powder manufacture.
  - d. Animal black, lamp black or bone black manufacture.
  - e. Asphalt manufacture or refining.
  - f. Celluloid manufacture.
  - g. Coal tar products manufacture, except in the manufacture of gas.
  - h. Creosote treatment or manufacture.
  - i. Distillation of coal, wood, or bones, except in the manufacture of gas.
  - j. Explosives or fireworks manufacture or storage.
  - k. Fat rendering.
  - l. Fertilizer manufacture or potash refining.
  - m. Glue or size manufacture or processing involving recovery from fish or animal offal.
  - n. Gypsum, cement, plaster or plaster of paris manufacture.

- o. Incineration, reduction of or dumping or disposal of offal, sewerage, garbage, or waste material or refuse on a commercial basis, except where owned, maintained and operated, directly or indirectly, by the Town.
  - p. Linoleum manufacture.
  - q. Petroleum refining.
  - r. Sewage disposal plant, except where owned, maintained, and operated, directly or indirectly, by the Town.
  - s. Sulphureous, sulphuric, nitric or hydrochloric acid manufacture.
  - t. Tar roofing manufacture.
6. Carousels, roller coasters, whirligigs, merry-go-rounds, ferris wheels, or other similar amusement devices, other than for charitable or benevolent groups or associations, such as local fire department, Knights of Columbus, Grange, Lions, etc., and then for six day usage only.
7. No building or parts of buildings, used elsewhere for residential purposes or otherwise, shall be brought into the Town of Old Saybrook for re-erection for residential use or otherwise, without special permit by the Zoning Commission after Public Hearing. The decision of the Zoning Commission shall be in harmony with the intent of these regulations as expressed in Article I and shall reflect due regard for the area in which any such building or part of building, will be so re-erected and the effect of any such re-erection upon the surrounding properties. The Zoning Commission is authorized to impose reasonable conditions precedent to the issuance of any such permit, including a Bond of Performance of completion according to plans submitted to and approved by said Zoning Commission.
- Deleted per effs*

#### Section 8. Flood Plain Zone:

The Flood Plain Zone shall consist of all tidal marshes in the Town of Old Saybrook as approximately plotted on the Zoning Map.

The exact limits shall be determined by the Enforcement Officer to the best of his ability by on-site inspection. Any appeals from his decision shall be taken before the Zoning Board of Appeals as a reversal of the Zoning Enforcement Officer's order and shall show proof by survey that he is in error.

#### Permitted Uses:

1. Recreational facilities and wildlife sanctuaries, operated by governmental units or non-profit organizations chartered by the State of Connecticut.
2. Farming, truck and nursery gardening.
3. Filling of Flood Plain except as in Paragraph 1. and 4. is prohibited. The construction of bulkheads, docks, catwalks, and landings will be permitted but not more than two registered boats will be allowed for each lot in any case.
4. In cases of overlapping of the Flood Plain Zones with that of Business, Industrial, and Marine Commercial Zones; these uses, subject to the following restrictions:
  - a. That such use in no way relates to living quarters of any sort.
  - b. That adequate protection from tidal and storm flooding consisting of the placing of fill of an approved material to an

elevation of 8.5 feet above O.O.U.S.C.G.S.D. after all muck has been removed. If deemed necessary, the insistance of a sea wall or stone rip rap may be called for, depending on the location.

- c. That adequate provision for sewage disposal be made. The invert of any leeching field shall not be below elevation 7.0 above O.O. U.S.C.G.S.D., and any fill used in the sewage disposal area to attain this objective shall meet the Connecticut State Highway Department Specification M.02.07 for Gravel Fill. Such fill shall be placed in compacted layers approximately one foot in thickness after all underlying muck and vegetation has been removed. No part of any sewage disposal system shall extend within 25 feet of the top edge of the slope at the end of any filled area. Any such filling shall not obstruct proper drainage of adjacent property.
  - d. That the intent of the provisions of Article I, Section 1, of these regulations is adhered to.
5. Special exceptions for living purposes may be granted only by approval of the Planning Commission after Public Hearing and subject to the following restrictions:
- a. That the living floor level of any building be at least 12 feet above O.O.U.S.C.G.S.D.
  - b. That public water supply is available.
  - c. That adequate provision be made as required in 4 b. and 4 c. above.
  - d. That the design of any buildings make it impractical to have a population density of more than one person to 2,500 square feet of land area.
  - e. That site requirements be the same as adjoining residence zone.
  - f. Prior to being issued a permit to fill in meadowland, the applicant must submit a plan prepared by a Connecticut registered engineer showing the proposed method of filling and ultimate use of the land together with the following information:
    - 1) Soil analysis of the underlying material;
    - 2) Depth of deposit of material to firm bottom;
    - 3) Strength characteristics of the material.The plan will be submitted to the Planning Commission with application.
  - g. That the intent of the provisions of Article I, Section 1, of these regulations is adhered to.

#### Section 9. Marine Commercial Limited:

##### Uses Permitted:

- 1. A dock, wharf, slip basin or similar landing for pleasure boats only.
- 2. A yard for making minor repairs and servicing of boats.
- 3. A sail loft or ship chandlery; including the sale of marine equipment, engines, and supplies, including ice and provisions for boats.
- 4. Accessory uses customarily incidental to a permitted use including the dispensing of fuels and lubricants at retail.
- 5. Single family dwellings.
- 6. All parking incident to a Marine Commercial Zone use shall be off street.

Required Lot Areas, Width, Yards, Coverage, Height:

<u>Min. Lot Area</u>	<u>Min. Lot Width*</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max. Bldg. Covg.</u>	<u>Max. Bldg. Height</u>
20,000 sq.ft.	100 ft.	40 ft.	20 ft.	30 ft.	50%	30 ft.

In case of lots in Marine Commercial Limited District Zones fronting on navigable waters, the front yard shall be the portion of the lot adjacent to the street, and no rear yard shall be required on the water side of the lot.

Section 10. Marine Commercial:\*

Uses Permitted:

1. All uses permitted in Marine Commercial Limited District Zone.
2. A dock, wharf, slip, basin, or similar landing for pleasure boats or for vessels engaged in fishery or shell fishery, excluding the processing of junk fish.
3. A fish market handling primarily local catches.
4. A yard for building, storing, repairing or servicing boats.
5. Accessory uses customarily incidental to a permitted use, including the dispensing of fuels and lubricants at retail. Bulk storage of fuel and/or oil is specifically prohibited.
6. All parking incident to a Marine Commercial use shall be off-street.
- \* 7. See Amendment

Required Lot Areas, Width, Yards, Coverage, Height:

<u>Min. Lot Area</u>	<u>Min. Lot Width**</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Max. Bldg. Covg.</u>	<u>Max. Bldg. Height</u>
20,000 sq. ft.	100 ft.	40 ft.	20 ft.	30 ft.	50%	30 ft.

Minimum Lot Area per family unit: 10,000 square feet.

In case of lots in Marine Commercial District Zone fronting on navigable waters, the front yard shall be the portion of the lot adjacent to the street, and no rear yard shall be required on the water side of the lot.

\*

\*\* Lots used for residence shall conform to regulations in a Residence B Zone.

Section 11. Open Area Zone:

In an open area zone no building shall be erected or used for residential, business or industrial use except that after public notice and hearing, the Zoning Commission may grant permits subject to appropriate safeguards in harmony with the general purpose of this ordinance as expressed in Article I, Section 1.

ARTICLE IV. ADMINISTRATION and ENFORCEMENT

Section 1. Interpretation:

The provisions of this revised ordinance shall be held to be the minimum

requirements adopted for the promotion of public health, safety, convenience and general welfare. When this revised ordinance imposes greater restrictions upon the use of buildings or land or upon the height of buildings or requires larger yards or other open space than are imposed or required by existing provisions of bylaws or revised ordinances or by any regulations, permits, restrictions, easements, covenants, or agreements, the provisions of this revised ordinance shall control.

Nothing herein contained shall require any change in the plans, construction or designated use of a building for which a building permit has been heretofore issued or for which plans are on file with the Zoning Commission at the time of enactment of the revised ordinance, provided the entire building shall be completed within one year from the date of enactment of this ordinance, in accordance with such plans.

#### Section 2. Enforcement:

- a. This ordinance shall be enforced by an Enforcement Officer appointed by the Board of Selectmen, who is empowered to cause any building or land to be inspected and to order in writing the remedying of any conditions found to exist in violation of this ordinance.
- b. The Enforcement Officer shall be paid for his services a salary to be fixed by the Zoning Commission, the salary at a rate of not less than \$600.00 per year.
- c. No building shall be constructed, moved, altered or used, nor shall any land be used until a permit has been granted by the Enforcement Officer, who may require of the applicant for the permit such information as may be necessary to perform his duties properly. The Enforcement Officer shall refuse to grant any permit for buildings or use which is in violation of the provisions of this ordinance.
- d. Permit fees shall be included in the building code fees.
- e. The minutes and other records of the Zoning Commission shall be kept in the Town Clerk's Office.

#### Section 3. Certificate of Occupancy:

It shall be unlawful to use or permit the use of any land or of any building or part thereof hereafter erected or enlarged or changed to a different use until a certificate of occupancy shall have been issued to the owner by the Enforcement Officer stating that the land or building complies with all the provisions of this ordinance.

A temporary certificate of occupancy for a part of a building may be issued.

There shall be no charge for a temporary or permanent certificate of occupancy.

#### Section 4. Penalties:

Violations of this ordinance shall be punished in accordance with the provisions of Section 846 of the 1949 Revisions of the General Statutes, which reads as follows:



#### Section 846. Procedure when regulations are violated:

If any building or structure shall have been erected, constructed, altered, converted, or maintained, or any building, structure of land shall have been used, in violation of any provisions of this chapter or of any bylaw, ordinance, rule or regulation made under authority conferred hereby, any official having jurisdiction, in addition to other remedies, may institute an action or proceeding to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to restrain, correct, or abate such violation, or to prevent the occupancy of such building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises. Such regulations shall be enforced by the officer or official board or authority designated therein, who shall be authorized to cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereon in violation of any provision of the regulations made under authority of the provisions of this chapter.

The owner or agent of any building or premises where a violation of any provision of such regulations shall have been committed or shall exist, or the lessee or tenant of an entire premises where such violations shall have been committed or shall exist, or the owner, agent, lessee or tenant of any part of the building or premises in which such violation shall have been committed or shall exist, or the agent, architect, builder, contractor or any other person who shall commit, take part, or assist in any such violation or who shall maintain any building or premises in which any such violation shall exist shall be fined not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250) for each day that such violation shall continue; but if the offense be willful, the person convicted thereof shall be fined not less than one hundred (\$100) dollars nor more than two hundred and fifty dollars (\$250) for each day that such violation shall continue, or imprisoned not more than ten (10) days for each day such violation shall continue or both; and the local police court or other similar criminal courts shall have jurisdiction of all such offenses, subject to appeal as in other cases.

Any person who, having been served with an order to discontinue any violation, fails to comply with such order within ten (10) days after service, or continues to violate any provisions of the regulations made under authority of the provisions of this chapter specified in such order, shall be subject to a civil penalty of two hundred and fifty dollars (\$250), payable to the Treasurer of the municipality.

#### Section 5. Board of Appeals:

There shall be a Board of Appeals established in accordance with Public Act 418 of the Acts of 1947 with the following powers:

- a. To hear and decide appeals where it is alleged there is any error in any order, requirements or decision made by the Zoning Enforcement Officer in the enforcement of this ordinance.
- b. To hear and decide all matters upon which it is required to pass by the specific terms of this ordinance.

- c. To determine or vary the application of this ordinance in harmony with its purpose and intent as expressed in Article I with respect to a specific parcel of land or to a specific building where, owing to conditions especially affecting such parcel of such building, but not affecting generally the district in which such land or building is situated, a literal enforcement would result in exceptional difficulty or unusual hardship, provided relief can be granted without substantial detriment to the public welfare, and to the neighborhood in which the land or building is located.
- d. To adopt the rules of procedure.

Section 6. Validity:

The invalidity of any section of this ordinance shall not invalidate any other section or provision thereof.

So much of any section of the present ordinance and former votes of the Town as is inconsistent herewith is hereby repealed.

Section 7. Effective Date:

These regulations, and the changes and amendments thereto shall take effect from and after their promulgation in accordance with law.

Section 8. Amendments:

This ordinance may be amended in the manner provided by law.

## RULES FOR SUBMITTING PETITIONS TO THE ZONING COMMISSION \*

### General Information:

Any person, firm, or corporation desiring an amendment or change in the Zoning Map, Zoning Districts, land use, or Zoning Regulations in the Town of Old Saybrook, and having, in the opinion of the Zoning Commission, a bonafide interest in such change, may submit a petition proposing the change to the Zoning Commission of the Town of Old Saybrook.

Before the Commission shall consider any such petition, however, the following requirements shall be met:

### Section 1. Petitions for Change in Zoning Map

#### 1. The Petition:

- a. Petitions shall be submitted to the Zoning Commission in triplicate, and shall be signed by the petitioner, his attorney, or properly authorized agent. The petitioner shall give the existing and proposed zones, and a metes and bounds description of the land to be included in the change.

The petition may also state appropriate reasons for the change and the specific use anticipated.

- b. The petition shall include a statement giving the name of the "Record Owner", or "Owners", if more than one. If the petitioner is not the "Record Owner", he shall state his property interest, if any, in the area of the proposed change.

#### 2. Fees:

A minimum fee of \$20.00 shall accompany each petition, subject to an additional charge sufficient to cover any cost of advertising above \$20.00.

#### 3. Maps

Three copies of a map shall accompany the petition. The map shall show:

1. All existing property lines, lots, and streets;
2. The existing zones in the standard key of the Zoning Map;
3. The proposed zoning in appropriate colors or markings;
4. And wherever the proposed change includes an elevation variance of 50 feet or more, the map shall show contours based on Town data, at contour intervals of 4 feet, and the North Point.

The map shall show the total area to be included in the petition.

A list of all land owners within 500 feet of the area shown on the map, as indicated by CURRENT TOWN RECORDS shall be included with the

\* Adopted by the Zoning Commission of the Town of Old Saybrook, May 3, 1956

map, along with such other information as may be pertinent or helpful.

When it is necessary to make a new map, the map scale shall be 40 feet to the inch, unless the area covered exceeds 1,000 feet, in which case a scale of 100 feet to the inch may be used.

Copies of maps already recorded in the Land Records, however, will be accepted.

New maps may be based on the property line maps of the Town Assessor's Office, and such contour maps as are available.

4. Additional Information:

The Commission may require such other information as it deems necessary.

Section 2. Petitions for Change in Regulations

1. Petitions:

- a. Petitions shall be submitted in triplicate, in the general manner indicated by Section I, Paragraph 1.
- b. Each petition shall be accompanied by six copies of the appropriate part of the existing text of the Zoning Regulations, as compared with the text proposed by the petition. The proposed changes shall be clearly indicated.

2. Fees:

A minimum fee of \$20.00 shall accompany each petition, subject to an additional charge sufficient to cover any cost of advertising above \$20.00

3. Additional Information:

The Commission may require such additional information as it deems necessary.

BYLAWS OF THE  
OLD SAYBROOK PLANNING COMMISSION  
For the Transaction of Business  
=====

ARTICLE I

Section 1: The Officers of the Planning Commission shall consist of a Chairman, Vice Chairman, and a Secretary.

Section 2: The Chairman shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3: The Chairman shall be one of the members of the Commission. He shall have the privilege of discussing all matters before the Commission and to vote thereon.

Section 4: The Vice Chairman shall act for the Chairman in his absence or inability, and, when so acting, shall have the same powers, duties, and privileges as the Chairman. He shall be a member of the Commission.

Section 5: The Secretary or the Executive Officer appointed by the Commission shall keep the minutes and records of the Commission, prepare the agenda of regular and special meetings with the Chairman, provide notice of meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and other such duties as are normally carried out by a Secretary. The Secretary shall be a member of the Commission.

ARTICLE II

Election of Officers

Section 1: Election of Officers shall take place at the annual organization meeting, which shall be held at the first regular meeting in December of each year.

Section 2: A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his successor shall take office.

Section 3: Vacancies in office shall be filled as soon as convenient by election.

ARTICLE III

Meetings

Section 1: Regular meetings shall be held on the first Wednesday of every month at the Town Hall of Old Saybrook, and interim meetings as often as the Commission shall decide.

Section 2: Special meetings shall be called by the Chairman, or upon the request of a majority of the members of the Commission filed with the Chairman.

Section 3: The Secretary or Clerk shall notify all members of the Commission of the time, place, and purpose of any meeting, orally or by mail. Such notice shall be given to members not later than twenty-four hours in advance of the meeting.

Section 4: Any three members of the Commission shall constitute a quorum. The number of votes necessary to transact business shall be a majority of the entire authorized membership of the Commission. Power to vote shall be vested only in the members of the Commission. Voting shall be by roll call. A record of the voting results shall be kept as part of the minutes.

Section 5: All Commission meetings shall be open to the public. In cases of confidential deliberations, Executive Sessions may be called by a majority vote of the Commission membership, at which public and press will be excluded.

Section 6: At all meetings of the Commission, other than Hearings, the following order of business shall be observed so far as consistent with the purposes of the meeting, viz:

1. Call of Roll;
2. Introduction of guests;
3. Reading of minutes of preceding meeting and action thereon;
4. Report of Committees and Officers;
5. Unfinished business; and
6. New business.

#### ARTICLE IV

##### Committees

Section 1: Committees for specific studies relating to the business of the Commission shall be appointed by the Commission. Wherever possible, the Chairman of such Committees shall be members of the Commission.

Section 2: Membership in the Committees need not be confined to the members of the Commission.

#### ARTICLE V

##### Employees

Section 1: The Commission may engage such employees as are necessary for its work and make contracts with professional consultants. The Commission may accept gifts, but all of its expenditures, exclusive of such gifts, shall be within the amounts appropriated for its purposes.

#### ARTICLE VI

##### Hearings

Section 1: In addition to those required by law, the Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.

Section 2: Notice of such hearings, stating time, place and purpose shall be published in a newspaper of general circulation in the Town of Old Saybrook at least seven days before the time of the hearing;

and, in the case of hearings on Applications for Subdivisions, by sending in addition a copy of such notice by Registered or Certified Mail to the applicant at his last known address.

Section 3: A record shall be kept of those speaking before the Commission and the substance of their remarks.

Section 4: No public vote shall be taken at such hearings.

## ARTICLE VII

### Responsibility

Section 1: No member of the Planning Commission has any authority of decision except at regular meetings of the Commission or when discharging an official Commission assignment.

## ARTICLE VIII

Section 1: No member of the Commission shall appear for or represent any person, firm, or corporation, or other entity in any matter pending before the Planning or Zoning Commission or the Zoning Board of Appeals or agency exercising the powers of any such Commission or Board in the Town of Old Saybrook, whether or not he is a member of the Commission hearing such matter.

Section 2: In the event of such disqualification, such fact shall be entered on the records of the Commission, and its remaining members shall choose an elector of the Town of Old Saybrook to act as a member of such Commission in the hearing and determination of the particular matter in which the disqualification arose.

Section 3: No member of the Planning Commission shall participate in a hearing or decision upon any matter in which he, or any member of his immediate family, is directly, or indirectly, interested in either a personal or a financial sense. In the event of disqualification, such fact shall be entered on the records of the Commission, and the Chairman shall designate an Alternate Member to act in the place of the member in the hearing and determination of the particular matter in which the disqualification arose, choosing Alternates in rotation so that they shall act as nearly equal a number of times as possible.

## ARTICLE IX

### Alternate Members

Section 1: If a regular member is absent, he may designate, in writing, an Alternate Member to act in his place. If he fails to make such designation, the Chairman of the Commission shall designate an Alternate Member to act in his place, choosing Alternates in rotation so that they shall act as nearly equal a number of times as possible. If any Alternate is not available in accordance with such rotation, such fact will be reported in the minutes of the meeting.

## ARTICLE X

### Amendments

Section 1: These Bylaws may be amended at any time, without notice, by a majority vote of the entire membership.

## SUBDIVISION REGULATIONS

Adopted By

Old Saybrook Planning Commission

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Pursuant to the provisions of Title 8 of the General Statutes of the State of Connecticut, Revision of 1958, as amended, the Town Planning Commission of the Town of Old Saybrook hereby adopts the following regulations for the subdivision of land.

### Section 1: Definitions

- 1.1 "Commission" shall mean the Town Planning Commission of the Town of Old Saybrook.
- 1.2 "Subdivision" as defined in Title 8 of the General Statutes of Connecticut, Revision of 1958, as amended, means the "division of a tract or parcel of land into three or more lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for agricultural purposes, and shall include re-subdivision".
- 1.3 "Re-subdivision" as defined in Title 8 of the General Statutes of Connecticut, Revision of 1958, as amended, means a "change in a map of an approved or recorded subdivision or re-subdivision if such change (a) affects any street layout shown on such map, or (b) affects any area reserved thereon for public use, or (c) diminishes the size of any lot shown thereon, if any of the lots shown thereon have been conveyed after the approval or recording of such map".
- 1.4 "Street" shall include any road, highway, boulevard, parkway, avenue or lane accepted by the Town or other governmental unit as a highway, together with any private street giving access to a lot, provided such private street conforms to the requirements of these regulations set forth in Section 8, and any other way exclusive of private driveway located on a single lot.
- 1.5 "Subdivider" shall mean the owner of record of land to be subdivided at the time of the filing of an application for approval or of tentative approval of a plan of subdivision therefore and shall include any subsequent owner of record making any subdivision of such land or of any part thereof in accordance with such plan.
- 1.6 "Width of Street" shall mean the width of the right-of-way.
- 1.7 "Monument" and/or "Merestone" shall mean stone or reinforced concrete at least six inches square by thirty inches long or ledge outcroppings having a brass or copper plug, steel rod, drilled hole, or cross marking the survey point. Monuments shall be set flush with proposed grade.
- 1.8 "Marker" shall mean approved surveyors steel stake at least thirty-six inches in length and not less than one inch diameter. Markers shall be set flush with proposed grade.



- 1.9 "Traffic Control Devices" shall mean those devices used to warn of unusual road or traffic conditions and to furnish information about road use, such as signs and markings, directional signing, and illuminations.
- 1.10 "Right-of-Way" shall mean a strip of land, other than a street, which is no less than twenty feet wide and to which one or more persons other than its owner or owners have the right of access.

## Section 2: General Requirements for the Subdivision of Land

- 2.1 No subdivision of land shall be made and no land in any subdivision shall be sold or leased or offered for sale or lease until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Commission and has been filed in the office of the Town Clerk.
- 2.2 All land to be subdivided shall be of such character that it can be used for building purposes without danger to health and safety. Land subject to greater than normal flooding, or with inadequate means of sanitary sewerage disposal, shall not be subdivided for residential purposes.
- 2.3 Each lot in a subdivision shall conform to a Planning Commission Master Plan as adopted and on file in the office of the Town Clerk, and shall have a minimum width, area, and street frontage as required by the Zoning Regulations. To the extent consistent with public safety, the Planning Commission may permit a subdivision involving no more than four lots to have frontage on a right-of-way rather than on a street.
- 2.4 All lots in a subdivision shall be capable of supplying adequate potable water and of properly disposing of sanitary sewage. New streets shall have all improvements and utilities required by these regulations and shall make adequate provision for the disposal of surface and storm water.
- 2.5 In the case of subdivisions to which water, sewers, or electric street lighting are to be furnished from a public source, all necessary mains, branch off-sets to each lot, fire hydrants and street lighting equipment shall be installed, as approved by the Selectmen, and without cost to the Town.
- 2.6 The Commission may require larger lots than required by the Zoning Regulations where it deems necessary because of special conditions affecting drainage, sanitary sewage disposal or water supply.
- 2.7 The plan of subdivision of any tract of land for residential purposes containing fifteen (15) acres or more at the time of the adoption of these regulations shall reserve for park or playground use open space at the rate of not less than one acre for every fifty families. Such open space shall be accessible to all lots from public ways and, if required by the Commission, shall be in combination with open spaces of adjacent or neighboring subdivisions. The Commission may require such parks or playgrounds in subdivisions of less than fifteen acres. The Commission may provide open spaces for parks and playgrounds when and in places deemed proper by the Planning Commission. All open spaces or parks and play-

grounds shall be required on the subdivision plan.

- 2.8 No privately owned reserved strip shall be permitted which controls access to any part of the subdivision or to adjacent land from any street or open space reserved for dedication for any public use.
- 2.9 In the planning of any subdivision, due regard shall be given to the preservation and potential enhancement of existing natural features, large trees, scenic points and other assets of a community nature.
- 2.10 Where a subdivision, in the opinion of the Commission, requires undue expenditures by the Town to improve existing Town streets to conform to minimum requirements as set forth in Section 8, the Commission may disapprove such subdivision until the Board of Selectmen and Board of Finance have recommended and approved such expenditures, and such expenditures are approved by Town Meeting. The plan of subdivision shall show any work required for Town streets to meet the minimum standards as defined in Section 8, together with a statement of the proposed method of meeting the cost of such work. If any existing Town street is less in width than as shown on the Plan of Development, the plan of subdivision shall provide not less than one-half, or all, of the added width required by such Plan of Development. Where the future width of streets is not otherwise indicated on the Plan of Development it shall be deemed to be fifty feet.
- 2.11 A completion date will be required on all subdivisions.

### Section 3: Procedure, Application

Application for approval of a plan for subdivision shall be made by the owner of record, or by his authorized agent, in writing, on a form furnished by the Commission and filed at a regular meeting of the Planning Commission. The date of that meeting shall be considered to be the submission date of the application. The application shall be accompanied by a fee of two dollars (\$2.00) for each lot within the originally proposed subdivision for which final approval is requested. In any event, a minimum fee of twenty-five dollars (\$25.00) is required for each application. The application shall also be accompanied by a preliminary plan as provided in Section 4 or by a final plan of subdivision as provided in Section 5 at the option of the subdivider, but no final approval of a subdivision shall be given except on the final plan. If a preliminary plan is submitted, the Commission may give it tentative approval, valid for a period to be determined by the Commission, but not exceeding one year.

The final plan of subdivision may cover only a portion of the subdivision, if the preliminary plan for the whole subdivision has been given tentative approval by the Commission.

### Section 4: Preliminary Plan

- 4.1 Prior to filing a Plan of Subdivision, the owner may submit in duplicate a preliminary plan which may be drawn in pencil, containing all of the information required for the subdivision plan, except that bearings, angles, and curve data may be omitted, dimensions may be approximate, and layout of proposed streets and lots may be tentative. Road profiles and road construction plans may be tentative and preliminary. Contours, location of waterways, and drainage data shall be sufficiently accurate to make the proposed plan clear.

## Section 5: Final Plan of Subdivision

- 5.1 No plan of subdivision shall be approved unless; it is on a cloth copy not larger than 25" x 37" and to a scale approved by the Commission, not exceeding one hundred (100) feet to one inch. At the time of filing the final plan of subdivision with the Commission, the owner shall file the original and four (4) copies reproduced by black and white print or similar process. The plan shall contain the following statement:

"The Subdivision Regulations of the Old Saybrook Planning Commission are a part of this plan, and approval of this plan is contingent" upon compliance with "all the requirements of said Subdivision Regulations, excepting only any variance or modifications made in writing by the Planning Commission of Old Saybrook and attached hereto."

- 5.2 The Plan of Subdivision shall contain the following data:

- a. Name of record owner of land.
- b. Name of subdivision, if any, and subdivider.
- c. Certificate of registered professional engineer or land surveyor.
- d. North point, scale of map, and date.
- e. Boundary lines of subdivision with accurate distances and bearings.
- f. Names of abutting property owners.
- g. Layout of lots, showing accurate dimensions, areas of lots, angles, building lines, and zoning districts.
- h. Accurate location and description of monuments to be installed at street intersections, points of curvature and tangency of curved streets, and at angles of lots.
- i. Layout of existing streets and proposed new streets, easements, rights-of-way, including those for utilities, sewers, and drainage, either on or off a site, open spaces reserved for parks, playgrounds, or other common or public uses, with accurate dimensions, bearings, angles and curve data.
- j. Names of all proposed streets as approved by the Commission, which names shall not duplicate or resemble the names of any existing street in the Town.

- 5.3 In addition to the above, the following information shall be furnished either in the plan of subdivision or as separate data:

- a. Proposed future subdivisions, statement of condition of land as to suitability for building purposes.
- b. A report on seepage tests made by a qualified sanitarian or registered professional engineer, in accordance with the procedure recommended by the State Health Department, will be required in areas served by subsurface sewage disposal systems. At least one test pit per acre, or more if there appears to be considerable

- variation in subsurface conditions, shall be dug to determine soil conditions for storm and surface drainage and sanitary sewage disposal.
- c. The location of all existing and proposed improvements and utilities.
  - d. Methods of proposed disposal of sanitary and storm sewage and methods of supplying water.
  - e. Methods of dedication of proposed easements, rights-of-way, and open spaces, which may be required in Section 2 above. A written acknowledgement of the applicant's responsibility for maintenance, and the assumption by him of liability for injuries and damages that may occur on any streets or land to be dedicated for public use, until such streets or land have been legally accepted by the Town.
  - f. Road profiles, showing accurate existing and finished grades, together with construction plans, including details of any drainage structures, banks, and other such information as the Commission may require.
  - g. Contours, in sufficient detail to show general topography, water courses and drains. In general, contours shall be shown at not less than ten foot intervals, but in the case of relatively level land, the Commission may require contours at two foot intervals and/or spot elevations. Contours shall be based upon United States Coast and Geodetic Survey Datum. If grading of lots is to be carried out by the applicant, finished grades shall be shown.
  - h. A report on test borings showing the nature of fill and subsoil, if the subdivision is filled in whole or in part.

## Section 6: Public Hearing

- 6.1 The Commission shall hold a public hearing regarding any subdivision proposal involving ten or more lots or any proposal of resubdivision, and may hold a public hearing on any other subdivision proposal, if, in its judgment, the specific circumstances require such action, and such hearing may be held on the preliminary plan. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town and shall be sent to the applicant by registered or certified mail not less than seven (7) days before the hearing. A copy of the plan of subdivision or of the preliminary plan shall be on file at the office of the Town Clerk not less than seven (7) days before the hearing.
- 6.2 The Commission shall approve, modify and approve, or disapprove any subdivision application or maps and plans submitted therewith within sixty (60) days after the **submission date** (See Section 3). If the Commission shall disapprove the plan, it shall state the grounds for such disapproval in its minutes. The applicant shall be notified by Certified Mail.
- 6.3 The Commission shall endorse a certificate of approval on any plan of subdivision approved by the Commission, provided that the subdivider shall have filed with the Commission any bond required hereunder.

- 6.4 Failure of the Commission to act on a plan of subdivision within sixty (60) days after the date of the submission thereof, or within **such** longer time as may have been agreed to by the applicant, shall constitute an approval of the plan and a certificate of approval shall be endorsed thereon by the Secretary of the Commission upon written demand.

#### Section 7: Filing in the Office of the Town Clerk

All plans of subdivision shall, upon final approval, be filed or recorded by the subdivider and at his expense, in the office of the Town Clerk, and any plan not so filed or recorded within ninety (90) days following its approval by the Commission or within ninety (90) days of the date upon which such plan of subdivision is taken as approved by reason of the failure of the Commission to act shall become null and void. No such plan of subdivision may be recorded or filed by the Town Clerk until its approval has been endorsed thereon, and the filing or recording of a plan of subdivision without such approval shall be void.

#### Section 8: Design and Construction of Improvements

- 8.1 Proposed streets shall be in harmony with existing or proposed principal thoroughfares as shown on the Plan of Development, especially in regard to safe intersections with such thoroughfares. As far as practicable, streets shall follow natural contours. Where the land to be subdivided does not abut an accepted Town street or State road, the subdivider shall provide and construct a street from the subdivision to such a Town or State road to be built in compliance with requirements and specifications applying to the construction of streets within the subdivision. Streets indicated as principal thoroughfares on the Plan of Development shall be of such width as is shown on such plan. All such streets shall be not less than fifty (50) feet wide. Streets designed to accommodate presently or at any future time traffic other than that of the immediate neighborhood shall be indicated as secondary thoroughfares and if required by the Commission shall be not less than sixty (60) feet wide. At intersections of streets, lot corners shall be turned with a curve having a minimum radius of fifteen (15) feet.
- 8.2 Streets and/or Roadways:
- a. Streets and/or roadways must be surfaced with a sub-base equivalent to Connecticut State Highway Department specifications 909 to a depth of not less than 8" and treated with an application of bituminous concrete of a minimum of 2" after compaction.
  - b. All shoulders of streets and/or roadways shall be cleared of large rocks and/or boulders and felled trees, stumps, etc.
  - c. The Commission may require a guard fence where necessary for the protection of the public.
  - d. Provision must be made for surface drainage in accordance with Section 9.

8.3 The Commission may require provisions for future extensions of streets to the boundary of the subdivision as it deems desirable.

8.4 All dead-end streets shall terminate in a paved circle not less than one hundred (100) feet in outside diameter.

The Planning Commission shall retain the right to limit the permissible length of dead-end streets in the interest of public safety. If a dead-end street is capable of future extension, the circle at the end of the initial construction may be designated to be temporary, and the segments thereof outside the limits of the road when extended may be designated to revert to the owners of adjacent lots. This requirement may be modified or varied due to geographical necessity.

8.5 Existing roads heretofore used as public roads previously not deeded to the Town, may be approved by the Commission in such width and on such conditions as in the judgment of the Commission seems proper.

8.6 Traffic control devices may be required by the Commission where it deems necessary.

#### Section 9: Storm Drainage

9.1 In all subdivisions adequate provision shall be made for storm drainage into existing watercourses. Catch-basins, storm sewers and other appurtenances shall be installed as required by the Commission. No additional storm water shall be permitted to run into existing streets without the approval of the Commission.

9.2 Any easements required for ditches or storm sewers shall be dedicated to the Town, including any necessary easements outside the subdivision. No watercourse may be obstructed and no pond or swamp may be filled in such a manner as to alter the storm water run-off without the approval of the Commission.

#### Section 10: Monuments

Monuments and/or Markers shall be installed at control points. Street intersections, points of curvature and tangency of curved streets, angle points in street lines, and angles of lots shall be considered control points and shall be shown on the final plan. Where it is impracticable to install monuments or markers at the mentioned control points, the monuments or markers may be off-set and referenced to the point being identified on the final plan.

Markers may be used predominantly in a subdivision providing a sufficient number of monuments are installed, or existing monuments referred to, to insure proper horizontal control. Horizontal control may also be established by using triangulation nets, State Coordinates or other schemes acceptable to the Commission.

A plan of subdivision in which monuments or markers are not installed at control points may be accepted on the following basis:

- a) The plan must be a mathematical subdivision showing all dimensions, bearings, angles, and curve data of the lots and streets.
- b) The source of horizontal control to which the calculations of the subdivision are tied must exist in the form of monumented exterior boundaries, State Highway monuments, Government control points, State Coordinates, triangulation systems or other means acceptable to the Commission.
- c) The plan shall contain the following statement:

"Unmarked control points to be marked as required by the sale of parcels within the subdivision in accordance with the distances, bearings, angles, and curve data shown on this plan and individual plot plans, referenced to this plan, and indicating the installation of monuments or markers shall be submitted to the Planning Commission."

#### Section 11: Sidewalks

Sidewalks may be required by the Planning Commission. If sidewalks are required, they shall conform to Typical Sidewalk Sections.

#### Section 12: Requirements for Improvements

No approval of a plan of subdivision will be given by the Commission until the construction of all street improvements, drainage structures, water mains, sewers and other utilities, and the installation of monuments, as required by such plan, have been completed, except that such completion will not be required prior to the approval by the Commission provided that a detailed estimate of the cost of such street, drainage structures or utilities installation is submitted with the final map and provided that:

- a. A surety bond is filed with the Commission, in an amount and with surety and conditions satisfactory to it, securing the completion of the improvements within one year, or
- b. In lieu of a surety bond, there is deposited with the Treasurer of the Town of Old Saybrook, cash in the amount sufficient, in the opinion of the Commission, to guarantee the completion of the improvements.
- c. The surety bond and/or financial security described in subsections 12 a) and 12 b) shall not be released, and final approval by the Planning Commission of a plan of subdivision will not be given, until all requirements of the Commission relating to such plan have been satisfied.
- d. Water Mains: All water mains, hydrants, gate valves, and curb boxes must be installed prior to the installation of the gravel road bed of new roads. Where it is necessary for the 'water company' to disturb existing improvements, the 'water company' shall be responsible for the complete restoration of roads, sidewalks, and other affected installations for a period of one year after completion.

- e. In the case of electric lines or other utilities to be installed by a public utility corporation or municipal department, a statement from such public utility corporation or municipal department that the improvements will be completed within a reasonable time, not to exceed one year, and at no expense to the Town of Old Saybrook will be accepted in lieu of the requirements of Paragraphs a) and b) above.





