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AMENDMENT APPROVED SEPTEMBER 15, 2003

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## SECTION 4

### Districts

#### 4.1 Districts

For the purpose of these Regulations, the Zoning Commission hereby divides the Town of Old Saybrook into the following classes of *districts*:

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

*The Petition adds to the Old Saybrook Zoning Regulations as follows (all new language):*

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## SECTION 27

### Residence C Conservation District

#### 27.0 Purpose

To cluster residential development amid open spaces at a density and in configurations suitable to preserve natural and cultural resources.

#### 27.1 Permitted Uses

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

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

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

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

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

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

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

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

27.1.9 Signs, as provided in Section 64.

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

## 27.2 Special Exception Uses

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

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

27.2.3 Intentionally omitted.

27.2.4 The following uses when conducted by a non-profit corporation and not as a business for profit: Schools.

27.2.5 Buildings, uses, and facilities of the Town of Old Saybrook other than uses specified in Paragraph 27.1.7.

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

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

27.2.8 Livery and boarding, and riding academies.

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

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

27.2.11 Radio Towers for Standard Broadcasting Radio Stations.

27.2.12 Bed and breakfast transient lodging

27.2.13 Private country clubs, in accordance with the standards and criteria of Section 52.7.16.

27.2.14 Accessory uses customary with and incidental to any previously mentioned

SPECIAL EXCEPTION use, except where specifically prohibited.

### 27.3 Lot Area, Shape, and Frontage

#### 27.3.1 Minimum Lot Area

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

#### 27.3.2 Minimum dimension of Square

- |    |                                   |          |
|----|-----------------------------------|----------|
| a. | Served by public water supply     | 150 feet |
| b. | Not served by public water supply | 200 feet |

#### 27.3.3 Minimum Frontage 20 feet

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

See Section 27.11 for mandatory clustering of lots in subdivisions.

### 27.4 Height

#### 27.4.1 Maximum number of stories 2½ stories

#### 27.4.2 Maximum Height 35 feet

### 27.5 Setbacks

#### 27.5.1 From Street Line 50 feet

#### 27.5.2 From Rear Property Line 20 feet

#### 27.5.3 From Other Property Line 20 feet

#### 27.5.4 Projection into Setback Area 3 feet

#### 27.5.5 Minor Accessory Buildings and Structures

- |    |  |         |
|----|--|---------|
| A. | From Longest Street Line of Corner Lot | 50 feet |
| B. | From Rear Property Line                | 20 feet |
| C. | From Other Property Line               | 20 feet |

## **27.6 Building Bulk and Coverage**

27.6.1 Maximum Building/Structure Coverage 10%

27.6.2 Maximum Gross Floor Area 20%

## **27.7 Plot Plan**

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

## **27.8 Site Plan**

Prior to approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted under paragraphs 27.1.7 SITE PLAN shall be submitted to and approved by the Zoning Commission in accordance with the provisions of Sections 8 and 51.

## **27.9 Special Exception**

Prior to the approval of any APPLICATION FOR CERTIFICATE OF ZONING COMPLIANCE for a use permitted by Special Exception under Paragraph 27.2.1 through 27.2.14, a SPECIAL EXCEPTION application shall be submitted to and approved by the Zoning Commission in accordance with Sections 8, 51 and 52.

## **27.10 Planned Residential Development (PRD).**

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

## **27.11 Mandatory Clustering of Lots of Subdivisions**

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

## SECTION 55

# Planned Residential Development [District] Zone

### 55.1 General (Effective 4/13/95; Amended effective 8/16/99.)

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

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

### 55.2 Definitions

Planned Residential Development. a) One (1) or more dwelling, each containing [not less than four (4) nor] **not more than eight (8) dwelling units**, or b) One or more clusters of [up to six(6)] single detached dwellings [per cluster] for one family, c)

areas reserved for such other uses as may be allowed in the Planned Residential Development in accordance with Section 55.6.9 under these Regulations, and otherwise as defined and permitted pursuant to the [Unit Ownership Act, Chapter 825] **Common Interest Ownership Act, Chapter 828**, of the General Statutes of the State of Connecticut, as the same may be amended from time to time, and fulfilling all requirements and provisions thereof, together with the parking, recreation and accessory uses customary with and incidental thereto which are limited to the *use* of the residents of the dwelling units. **A PRD may be located on a lot in an Open Space subdivision, and shall be so designated on the subdivision maps and plans. Open space areas in the PRD lot, however, may be available for use by other than residents of the dwelling units in the PRD, if approved or required by the Commission.**

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

### 55.3 Application

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

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

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

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

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

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

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

In accordance with §8-25a of the Connecticut General Statutes, as amended by Public Act 84-330, any development providing water by means of a "water company", as that term is defined in Connecticut

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

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

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

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

55.3.[5] 7 Management. Each PRD will be established by means of a legal entity organized and existing under applicable sections of the Connecticut General Statutes that provide for ownership and management of common properties and facilities, for open space, and for utility, sewage, and water systems, **unless provided by a public entity, (e.g. Connecticut Water Company)** and will include provisions for financing and maintenance of the property, facilities, and systems, so as to **ensure continuing compliance with the standards and criteria of Section 55.3.3 through 55.3.6** and [will] to meet the standards and criteria for approval set forth in [55.6.7, 55.6.8 and 55.6.9] in Sections 8, 51, and 52 of these Regulations [for Special Exception approval]. All legal documentation for the entity will be subject to review and approval by the Commission before the approval of any PRD [Special Exception].

#### 55.4 Procedure

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

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

[Unless specifically requested by] The Zoning Commission will hold a public hearing on the Application, will decide thereon and give notice of its decision as required by law. The Applicant may consent in writing to one or more extensions of the time for public hearing and action on the Application as provided by law.

No subdivision application for land within a proposed PRD shall be filed with the Planning Commission until the PRD is approved by the Zoning Commission.

#### 55.5 Approval

After the public hearing, the Zoning Commission may approve [a Special Exception for a] the Planned Residential Development (PRD) if it will find that the

development will conform to the standards hereinafter specified. The approval is subject to conditions as follows:

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

55.5.2 Timing and Staging. Approval [of a Special Exception will constitute approval] **may be** conditioned upon completion of the Planned Residential Development (PRD), in accordance with plans as approved, within a period of [three (3)] **five (5)** years after the effective date of the **Approval of the Planned Residential Development** [Special Exception] as specified by the Commission, provided that:

a) Extensions of the period may be granted by the Zoning Commission for good cause,

[ (b) No Application For Certificate of Zoning Compliance will be approved at any one time for more than the number of *dwelling* units allowed according to the attached table and approved by the Commission and no further Application For Certificate of Zoning Compliance will be approved until at least twenty-five percent (25%) of the *dwelling* units authorized by any prior Application have been completed and conveyed to individual owners, and

Total # Units	100%	fifty percent (50%)	33 1/3%
25	twenty-five percent (25%)		
50	Permitted		
75		Permitted	
100			Permitted
			Permitted

]

b) The Zoning Commission may require certain infrastructure improvements to be completed prior to the occupancy of dwelling units served by such infrastructure improvements. The Commission may also require that the PRD be developed in phases which are limited in terms of time frame (minimum or maximum periods of completion), number of dwelling units, or completion of specified infrastructure improvements prior to occupancy of a phase.

c) Documents for Organization, Ownership, and Management will be approved as provided in 55.3.7.

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

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

## 55.6 Standards

The proposed Planned Residential Development (PRD) will conform to all of the requirements of these Regulations and will conform to the General Standards [specified for Special Exceptions under Paragraph 52.6] **Section 8, 51 and 52 of these Regulations** and to the following Special Standards

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

**55.6.2 Dwelling Units.** The dwellings will be located on suitable building land on the lot. The total number of bedrooms in dwelling units on the *lot* in that portion of the SP-3 and Residence A Districts as designated in Paragraph 55.1 c) will not exceed forty-eight (48) bedrooms per each 69,700 square feet of land area, and in the areas designated in sub-paragraphs a), exclusive of the area known as the "Cornfield Point Association", and b) of Paragraph 55.1 will not exceed eight (8) per acre, or fraction thereof, [of land having the average seepage rate of one (1) inch in 10 minutes or less specified in Paragraph 55.6.1 and] exclusive of tidal and inland wetlands and water courses.

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

55.6.3 Dwelling Unit Specifications. In dwellings [containing from four to eight dwelling units] **with more than one dwelling unit**, each one-bedroom dwelling unit will contain not less than 800 square feet of enclosed floor space, and each dwelling unit having two (2) or more bedrooms will contain not less than 1,200 square feet of enclosed floor space. Each single detached dwelling for one (1) family will contain not less than 900 square feet of the enclosed floor space on the ground floor. No separate dwelling unit will be located above any other dwelling unit.

55.6.4 Setbacks. In any Planned Residential Development (PRD), no building or structure, will extend within less than seventy-five (75) feet of any **existing** street line or property line of **property not owned by the applicant**. [No dwelling containing from four to eight dwelling units will extend within less than 35 feet of any other dwellings; no single detached dwelling for one family will extend within less than fifteen (15) feet of any other the (sic) single detached dwelling. When one (1) or more single detached dwellings are built in a cluster, each cluster will be separated by at least seventy (70) feet.] **Residential buildings shall be clustered to create a sense of neighborhood, while maintaining adequate separating distance to provide privacy. The size of clusters and the setback between buildings will be evaluated based on the size, height, and number of dwelling units in the building.** No parking spaces or access aisles in connection therewith will extend within less than twenty-five (25) feet of any **existing** street line or within less than fifteen (15) feet of any property line of **property not owned by the applicant**. No dwelling containing more than one dwelling unit will extend within five hundred (500) feet of any other Town. **Setbacks from other streets and property lines, and separation distances between dwellings and clusters of dwellings may be required by the Commission to meet the Site Plan Objectives of Section 51 and the General Standards of Section 52.**

55.6.5 Utilities. All electric and telephone utility lines will be located underground. Each dwelling unit will be served by public water supply and by a sewage disposal system approved in accordance with Sections 55.3.5 and 55.3.6 of these Regulations.

[Each dwelling unit will be served by public water supply Each dwelling unit will be served by a sewage disposal system, located on the lot, as follows

- a. Seepage tests and deep test pits will be made in accordance with the specifications of the Connecticut Public Health Code, and there will be at least one (1) test hole for each two (2) dwelling units, which test holes will be located within the limits of the proposed sewage disposal field; and there will also be at least one (1) test hole for each four (4) dwelling units, which test holes will be located within the limits of the area proposed to be reserved for future sewage disposal fields.

- b. Sewage disposal fields will be located upon suitable virgin soil that a) is at least four (4) feet above bedrock and at least two (2) feet above seasonal high water table and b) has a slope of less than fifteen percent (15%).
- c. The design, construction and program for operation of sewage disposal systems will be in accordance with applicable State and Town codes and regulations and will be approved by the State Health Department and the State Department of Environmental Protection.]

55.6.6 Paving and Sidewalks. All paved areas, curbing, and sidewalks will be installed in conformity with the standards of the Subdivision Regulations of the Town of Old Saybrook. The placement size, arrangement, and use of access driveways to public or private *streets* will be adequate to serve residents of the dwellings and will not hinder safety on existing or proposed streets. Access driveways serving more than two dwellings will be at least twenty (20) [24 feet] in width at the driveway intersection with a public or private street, and will remain as private driveways. The Commission may require sidewalks along public or private streets in accordance with the standards of the Subdivision Regulations. In areas where the proposed streets system does not conform to the anticipated pattern of pedestrian circulation, particularly in the area of existing or proposed parks, playgrounds, open spaces, or non-residential facilities approved pursuant to section 55.6.9, the Commission may require the dedication and construction of separate pedestrian walkways or bikeways on public easements no less than fifteen (15') feet in width. Such walkways or bikeways may be in lieu of, or in addition to, sidewalks along streets. Bonding will be as specified In Paragraph [8.2.1 and] 55.5.4.

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

55.6.8 Open Space. [Covenants and Restrictions will be imposed upon open space areas intended for preservation, and will be subject to approval by the Commission.] Not less than 50% of the PRD lot area will be set aside as

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

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

- a. Churches and places of worship
- b. General retail uses, personal service uses, banks and other financial institutions, professional offices, provided the gross floor area of any single use in any PRD development shall not exceed 1500 square feet, and the aggregate gross floor area of all such uses in any PRD development shall not exceed 4500 square feet
- c. Buildings or facilities of the Town of Old Saybrook, which may include an accessory apartment of not less than 750 square feet nor more than 900 square feet of gross floor area. At least one occupant shall be a person who is employed by or performs services on behalf of the Town of Old Saybrook.

## SECTION 56

# Open Space Subdivisions

### 56.1 General

The Planning Commission may grant a Special Exception, **or may require an application for a Special Exception**, simultaneous with the **application for or** approval of a subdivision plan under the Subdivision Regulations of the Town of Old Saybrook, to permit **or require** the establishment of an Open Space Subdivision in the Residence AA-1 District, involving permanent reservation of land for open space purposes concurrent with reduction of lot area and shape requirements applicable to such District. **In accordance with Section 27.10 of these Regulations, no subdivision shall be approved in the Residence C Conservation District other than as an Open Space Subdivision under this Section; provided, however, that the Planning Commission may waive this requirement where the size, shape, or character of the property makes it unsuitable for Open Space Subdivision treatment.** The Planning Commission will follow the procedures herein specified, and before granting a Special Exception, will find that the standards and conditions herein specified have been met and that the Special Exception will accomplish the open space purpose set forth in Paragraph 56.2 and will be in harmony with the purpose and intent of the Zoning Regulations.

### 56.2 Purpose

The Open Space Subdivision Plan will result in permanent reservation of land for providing or supporting one or more of the following:

56.2.1 Public parks, playgrounds or other outdoor recreation areas;

56.2.2 Protection of natural streams, ponds or water supply;

56.2.3 Conservation of soils, wetlands, beaches or tidal marshes;

56.2.4 Protection of natural drainage systems, or assurance of safety from flooding;

56.2.5 Preservation of sites or areas of scenic beauty or historic interest; or

56.2.6 Conservation of forest, wildlife, agricultural and other natural resources.

### 56.3 Application

Application for a Special Exception for an Open Space Subdivision Plan will be submitted in writing to the Zoning Enforcement Officer [, will be accompanied by an, Application for Certificate of Zoning Compliance] and will also be accompanied by the following

**56.3.1 Conceptual Standard Plan.** A [standard subdivision plan, meeting the requirements for a site development plan under the Subdivision Regulations of the Town of Old Saybrook in conforming to all the regular provision of those (sic) Regulations and the Subdivision Regulations;] conceptual subdivision plan showing lots, roadways and infrastructure improvements meeting the area, shape, bulk and other requirements under the Zoning and Subdivision Regulations of the Town of Old Saybrook and conforming to all of the regular provisions of those Regulations. The plan shall be prepared by and shall bear the name, seal and original signature of a land surveyor or engineer, or both, as required by law and licensed as such by the State Board of Registration for Professional Engineers and Land Surveyors of the State of Connecticut. The plan shall contain the following detail:

- A. A Key Map as required under Section 4.3.1 of the Old Saybrook Subdivision Regulations.
- B. A Boundary Survey Map as required under Section 4.3.2 of the Old Saybrook Subdivision Regulations.
- C. Layout Maps at a scale of not greater than 1" = 100', which Layout Maps shall show the following information to the extent that the information occurs in or is applicable to the particular property:
  - 1. Date, scale, visual scale, north point, town and state.
  - 2. Existing grading contours at an interval not exceeding five feet, based on field or aerial survey, based on official town, state or US benchmarks.
  - 3. Existing significant features including, but not limited to, buildings, structures, existing trails, stone walls, fences and dams.
  - 4. Location of all known significant archeological, historic and natural features. Existing wetlands and water courses which shall be confirmed by soils tests and field survey.
  - 5. The areas subject to frequent, periodic or potential flooding; the boundaries of any Special Flood Hazard Areas and

floodways and the base flood elevation data therefore; the location of the proposed development in relation to local basins and local watershed boundaries.

6. Boundary and classification codes of soil types under the National Cooperative Soil Survey of the U.S.D.A. Soil Conservation Service.
7. Perimeter boundary of the property, with dimensions consistent with the Boundary Survey Map, with the approximate location of existing property lines for a distance of 200 feet from the property.
8. Approximate street right of way lines of any street abutting or within 200 feet of the property.
9. The survey relationship of the property to nearby monumented town streets or state highways, where practical.
10. Street layout with road lengths and spot elevations to demonstrate compliance with road grade requirements.
11. Conceptual proposed lots and lot numbers, and the approximate square footage or acreage of each lot with dimensions and areas demonstrating the capacity to meet the bulk and area requirements under the zoning and subdivision regulations of the Town of Old Saybrook, including the MABL requirements of the Zoning and Subdivision Regulations, except as herein modified.. Said demonstration may be based upon soils type analysis, slope analysis and potential site grading and filling, but shall not require the detailed soils testing and soils characteristics for individual lots as provided for under Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f).5 of the Old Saybrook Subdivision Regulations.

56.3.2 For a more efficient presentation, any information required under Section 56.3.1 may be combined on plan sheets, provided that the information is presented in a clear and understandable manner, or may be presented in graphic or text form, where appropriate. Six (6) copies of the foregoing required materials will be submitted. The Commission may require additional copies of plan and materials.

56.3.3 Preliminary **Open Space Plan**. A preliminary **Open Space** subdivision plan, meeting the requirements [for a Site Development Plan under the Subdivision Regulations of the Town of Old Saybrook] of **Section 56.3.1 A through 56.3.1 C 1-10 inclusive**, showing the proposed development of the land under an Open Space Subdivision Plan; six (6) copies of the foregoing required materials will be submitted. The Commission may require additional copies of plan and materials.

56.3.4 **Statement.** Six (6) copies of a written statement describing the following:

- A. The open space resources of the lot and the specific open space purposes of Paragraph 56.2 to be accomplished;
- B. The proposed method of preservation, disposition, ownership and maintenance of the open space land; and
- C. The proposed method of providing water supply and sewage disposal.

#### 56.4 **Initial Procedure**

Upon receipt, the Zoning Enforcement Officer will transmit the Application and accompanying plans and documents to the Planning Commission; he will also transmit a copy thereof to the Zoning Commission. The Planning Commission may request the Applicant to submit the additional information that the Commission deems necessary to make a reasonable decision on the Application. The Planning Commission will review the **Conceptual Standard Plan** submitted under Paragraph 56.3.1 and by resolution determine the number of *lots* that constitute a reasonable subdivision of the land conforming to these Regulations and the Subdivision Regulations (hereafter "total lots"). **The Total Lots so determined shall constitute the maximum number of lots within the land proposed for open space subdivision. In the event any lot or lots within the land proposed for open space subdivision are proposed for development under Section 55 Planned Residential Development (PRD) of these Regulations, the Total Lots shall be the maximum number of Dwelling units within the land proposed for subdivision, including the land included within any PRD.** The Planning Commission will hold a public hearing on the Application, will decide thereon and give notice of its decision as required by law. The Applicant may consent in writing to any extension of the time for public hearing and action on the Application. The Planning Commission may approve the Application, approve it subject to modifications, or disapprove the Application. The Planning Commission may approve the Application only if the Commission finds that the purposes specified in Paragraph 56.2 will be accomplished, that the standards specified in Paragraph 56.6 will be met and that the Open Space Subdivision Plan will not be detrimental to the public health and safety and property values. Approval of the Application under this Paragraph will constitute preliminary approval and will authorize the Applicant to submit a final Open Space Subdivision Plan as provided in Paragraph 56.5.

#### 56.5 **Approval**

Within six (6) months after preliminary approval of the Application by the Planning Commission under Paragraph 56.4, the Applicant will submit to the Planning Commission final plans for the Open Space Subdivision Plan in the same manner as

required for formal approval of a subdivision under the Subdivision Regulations of the Town of Old Saybrook. The final plans will conform to the preliminary approval granted under Paragraph 56.4 and will conform to the standards specified in Paragraph 56.6. The Planning Commission will act on the final plans in the same manner as required for action on subdivision Applications under the Subdivision Regulations. No Application for Certificate of Zoning Compliance in the Open Space Subdivision Plan area will be approved by the Zoning Enforcement Officer and no Certificate will be issued by him until the final plans have been approved by the Planning Commission and the final map has been recorded in the office of the Old Saybrook Town Clerk.

## 56.6 Standards

The Open Space Subdivision Plan will conform to the Subdivision Regulations:

**56.6.1 Acreage.** The area covered by the Application excluding existing streets will consist of not less than twenty-five (25) acres. The acreage, however, may be less, as approved by the Planning Commission, if the Application covers adjoining land for which an Open Space Subdivision Plan has been approved under this Section or if the open space proposed in the Application consists of fifty percent (50%) of the area of the lot or is an adjunct to existing permanent open space land adjoining the area covered by the Application.

**56.6.2 Number of Lots.** The number of lots and dwelling units shown on the final subdivision map specified in Paragraph 56.5 will not exceed the [Plan] **Total Lots** [accepted] **approved** by the Commission under Paragraph 56.4. [in determining the number of lots which can reasonably be created on the Standard Plan, there will be excluded from the total any lots which in their natural state are unsuitable for building or for on-site sewage disposal systems.] **Any lot that is proposed for PRD development shall be so designated on the subdivision maps and plans and shall specify the maximum number of dwelling units to be located thereon.**

**56.6.3 Lot Area, Shape and Frontage; Building Bulk and Coverage.** Each single family building lot shall [have an area of not less than 24,000 square feet, will be of such shape that a square with 120 feet on each side will fit on the lot and shall have a minimum width along the building line of 100 feet. Each lot shall have a frontage of not less than 20 feet on a street.] **meet the following requirements:**

## Lot Area, Shape, and Frontage

### Minimum Lot Area.

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

### Minimum Dimension of Square.

- |    |                                   |          |
|----|-----------------------------------|----------|
| a. | Served by public water supply     | 100 feet |
| b. | Not served by public water supply | 150 feet |

Minimum Frontage.	20 feet
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Minimum Width along Building Line.	100 feet
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## Height

Maximum Number of Stories	2 ½ stories
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Maximum Height	35 feet
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## Setbacks

From Street Line.	20 feet
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From Rear Property Line.	15 feet
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From Other Property Line.	15 feet
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Projection Into Setback Area.	3 feet
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## Minor Accessory Buildings and Structures.

- |    |  |         |
|----|--|---------|
| a. | From Longest Street Line of corner lot | 35 feet |
| b. | From Rear Property Line                | 10 feet |
| c. | From Other Property Line               | 10 feet |

## Building Bulk and Coverage.

Maximum Building/Storage Coverage.	20%
a. Within Gateway Conservation Zone	15%
Maximum Gross Floor Area.	40%

56.6.4 Water Supply and Sewage Disposal Plans. Each [building] lot in the AA-1 District [will] shall be served by public water supply. Each lot in the Residence C Conservation District less than 60,000 square feet in area or containing more than one dwelling unit as authorized by Section 55, PRD, shall be served by a public water supply .

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

If the applicant proposes to utilize a community sewerage system, as defined in Connecticut General Statutes §7-245, a report from the said Water Pollution Control Authority indicating that all requirements of Connecticut General Statutes §7-246f have been satisfied shall be provided. Where a Community sewage disposal system is proposed, no detailed soils testing and soils characteristics for individual lots provided for under Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f) of the Old Saybrook Subdivision regulations will be required. If individual sewage disposal systems are proposed, written evidence shall be submitted that the subsurface sewage disposal system proposal is approved by the Old Saybrook Director of Health or his authorized agent, and compliance with Section 7.2.1e of the Old Saybrook Zoning Regulations and Section 5.2.1(f) of the Old Saybrook Subdivision regulations will be required.

56.6.5 Area of Open Space Land. For Open Space subdivisions in the AA-1 District, the area of open space land shown on the final subdivision approval map shall not be less than 16,000 square feet times the number of total lots shown on the conceptual standard plan accepted by the Planning Commission under Par. 56.4. For Open Space Subdivisions in the Residence C District, the area of open space land shown on the final subdivision approval map shall not be less than fifty (50%) of the total acreage of the subdivision. In

calculating the area of open space land, areas of a lot, including a PRD lot, dedicated to or available for non-municipal active recreational uses shall be excluded. Such non-municipal active recreational uses include, but are not limited to, golf courses, tennis clubs, pool clubs, equestrian facilities, and similar facilities, plus all parking, driveways, and accessory facilities and areas

56.6.6 **Open Space Land.** Each Open Space Subdivision Plan will result in permanent preservation of land for one or more purposes specified in Paragraph 56.2. The provision for open space land will conform to the following standards:

- A. The specific purpose or purposes for which *open space* land is retained and preserved will be subject to the approval of the Planning Commission.
- B. The open space land will have boundaries, access, shape, dimension, character, location, and topography suitable to support the purpose intended as approved by the Planning Commission.
- C. The open space land will be shown on the subdivision map and will be labeled in a [planner] manner approved by the Planning Commission, specifying the approved general open space purpose, and indicating that the land is subject to the Special Exception, will not be further subdivided and is permanently reserved for open space purposes.
- D. Provision will be made for retention and preservation of the land by means of ownership, operation, and maintenance suitable to support the open space purpose approved by the Planning Commission. The means will be subject to the approval of the Planning Commission and will include a) recording in the office of the Old Saybrook Town Clerk of restrictive covenants that support the open space purpose and b) conveyance of the land to the Town of Old Saybrook, if accepted by the Town, or to a land conservation trust, if accepted by the trust, or to the other entity that is organized and empowered to own, operate and maintain land for the open space purpose approved by the Planning Commission.
- E. The Commission may require that any open space shall be accessible, in whole or in part, to the public. The Commission may permit the open space to be located on a parcel which is not contiguous to the Open Space Subdivision, provided that at least one (1) of the following criteria are met:
  - 1. The open space parcel and the subdivision lots are located in the same drainage watershed;

2. The open space parcel and the subdivision lots are located so as to be accessible by the same arterial highway as indicated on the Plan of Conservation and Development; and/or
3. The open space parcel and the subdivision lots are located such that preservation of the open space shall provide a benefit to the future residents of the subdivision in terms of recreational opportunities, density reductions on the open space parcel which balance the increased density within the subdivision.

F. In evaluating compliance with the intended purposes of the open space plan, the Commission may take into consideration whether the plan meets one or more of the following criteria, as the same may be applicable:

1. Protects and preserves all floodplains, wetlands, and steep slopes from clearing, grading, filling, or construction (except as may be approved by the Commission for essential infrastructure or active or passive recreation amenities).
2. Preserves and maintains mature woodlands, existing fields, pastures, meadows, orchards, and wildlife corridors, and creates sufficient buffer areas to minimize conflicts between residential and agricultural uses.
3. Minimizes disturbance of prime agricultural soils.
4. Maintains or creates an upland buffer of natural native species vegetation adjacent to wetlands and watercourses.
5. Designs around existing hedgerows and treelines between fields or meadows, and minimizes impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat, or those not degraded by invasive vines.
6. Leaves scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares.
7. Avoids setting new construction on prominent hilltops or ridges, by taking advantage of lower topographic features.
8. Protects wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U. S. Environmental

Protection Agency and/or by the Connecticut Department of Environmental Protection.

9. Designs around and preserves sites of historic, archeological, or cultural value, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks, and burial grounds.
10. Protects rural roadside character and improves public safety and vehicular carrying capacity by avoiding development fronting directly onto existing public roads.
11. Landscapes common areas (such as community greens), cul-de-sac islands, and both sides of new streets with native species shade trees and flowering shrubs with high wildlife conservation value.
12. Provides active recreational areas in suitable locations that offer convenient access by residents and adequate screening from nearby house lots.
13. Includes a pedestrian circulation system designed to assure that pedestrians can walk safely and easily on the site, between properties and activities or special features within the neighborhood open space system.
14. Provides open space that is reasonably contiguous.

56.6.7 **Permitted Uses.** Each building *lot* shown on an approved Open Space Subdivision Plan will be used for one or more of the uses listed in Paragraph 22.1.1, 22.1.2, 22.1.3, 22.1.4, 22.1.7 and 22.1.8, [and no other]; and in the Residence C Conservation District, for one or more of the uses listed in Paragraph 27.1.1 through 27.1.10, 27.2.1 through 27.2.14 and for a Planned Residential Development (PRD) if approved under Section 55, and no other, except as provided in Section 55.6.9 in a PRD. The open space land preserved under an Open Space Subdivision Plan will be used only for the purposes set forth under Paragraph 56.2 and approved by the Planning Commission, and no building, structure, will be established in connection with the purposes unless a Special Exception therefor is secured from the Zoning Commission, in accordance with the provisions of Section 52, as consistent with and in support of the approved open space purpose.

56.6.8 **Sections.** The area covered by an Open Space Subdivision Plan may be submitted for final approval in Sections, if any land to be reserved for open

space is so reserved in the first Section.

**56.6.9 Conflicting Provisions.** In the event of any conflict between the provisions of Section 56 and any other provisions of these regulations, the provisions of Section 56 shall control.

## **56.7 Amendments**

Any approved Open Space Subdivision Plan may be amended in accordance with the same procedures and standards required in this Section for the initial Application.

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## MISCELLANEOUS AMENDMENTS RESULTING FROM THE ADOPTION OF THE FOREGOING AMENDMENTS

### Under Section 9 Definitions

**Planned Residential Development (PRD).** a) One (1) or more *dwelling*s, each containing [not less than four (4) nor] **not** more than eight (8) *dwelling units*, or b) One or more clusters of [up to six (6)] single detached *dwelling*s [per cluster] for one family, c) **Areas reserved for such other uses as may be allowed in the Planned Residential Development in accordance with Section 55.6.9 under these Regulations**, and otherwise as defined and permitted pursuant to the [Unit Ownership Act, Chapter 825], **Common Interest Ownership Act, Chapter 828**, of the General Statutes of the State of Connecticut, as amended from time to time, and fulfilling all requirements and provisions thereof, together with the parking, recreation and *accessory uses* customary with and incidental thereto that are limited to the *use* of the residents of the *dwelling* units. **Open space areas in the PRD lot, however, may be available for use by other than residents of the dwelling units in the PRD, if approved or required by the Commission.**

**Private Country Club.** A private business charging a fee for initiation, membership, and services that provides a variety of recreational and social facilities, including, but not limited to, the following: eighteen (18) hole golf course with a driving range, with practice and training facilities **and a driving range**; clubhouse with appropriate locker rooms, office facilities, including meeting rooms; health and fitness facilities; golf professional shop; restaurants and snack bars with the sale of alcoholic beverages; maintenance, operations and storage facilities, including golf cart maintenance and storage facilities; swimming pools; tennis courts; and parking areas.

Under Section 52.7.16b.

vii. Golf practice facilities, including golf training facilities, practice **and driving** ranges, putting greens, and school facilities;

Under Adoption and Amendments Section, add:

# AMENDMENTS

## 2003

Effective Date	Section	Regulation Text
	3.1	List Residence C District.
	9	Revised Definition of Planned Residential Development to conform to definition in Section 55.
	27	Add Residence C District regulations.
	55	Various amendments to standards and procedures; clarification that Planned Residence Development is an overlay district and not a Special Exception.
	56	Various amendments to standards and procedures.
Effective Date	Map & Lot	District Map
		AAA and AA-1 → C