

# **ZONING REGULATIONS**

of the  
Town of Old Saybrook, Connecticut



Old Saybrook Zoning Commission





TOWN OF OLD SAYBROOK

**Zoning Commission**

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# **ZONING REGULATIONS**

ADOPTED EFFECTIVE: July 8, 1948

AMENDED: November 17, 2008

EFFECTIVE: December 1, 2008



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# SECTION 1

## Purpose

### 1.0 [RESERVED]

### 1.1 PURPOSE

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

*1.1.1 To lessen congestion in the streets;*

*1.1.2 To secure safety from fire, panic, flood, and other dangers;*

*1.1.3 To promote health and the general welfare;*

*1.1.4 To provide adequate light and air;*

*1.1.5 To prevent the overcrowding of land;*

*1.1.6 To avoid undue concentration of population; and*

*1.1.7 To facilitate the provision for transportation, water, sewerage, schools, parks and other public requirements.*

### 1.2 PLAN

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

## Jurisdiction

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## SECTION 2

# Jurisdiction

### 2.0 [RESERVED]

### 2.1 JURISDICTION

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

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

### 2.2 NONCONFORMITY

Any *use, building or structure* or any *lot* which existed lawfully, by variance or otherwise, on the date these regulations or any amendment became effective, and fails to conform to one or more of the provisions of these regulations or an amendment, may be continued.

## Jurisdiction

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## SECTION 3

# Certificate of Zoning Compliance

### 3.0 [RESERVED]

### 3.1 CERTIFICATE

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

### 3.2 CONFLICT WITH AMENDMENTS

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

## **Certificate of Zoning Compliance**

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## SECTION 4

# Districts & Zones

### 4.0 [RESERVED]

### 4.1 DISTRICTS

For the purpose of these regulations, the Commission 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 District         | MC       |
| Saybrook Point SP-1 District          | SP-1     |
| Saybrook Point SP-2 District          | SP-2     |
| Saybrook Point SP-3 District          | SP-3     |
| Industrial I District                 | I-1      |

### 4.2 ZONES

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

| ZONE   | MAP CODE |
|--|----------|
| Flood Plain (FP)                                       | FP       |
| Planned Residential Development (PRD) Zone             | PRD      |
| Aquifer Protection Area (Holbrook Well Field, Level A) | AP       |
| Aquifer Protection Zone (Saybrook Well Field Level B)  | APZ      |
| Gateway Conservation (GC) Zone                         | GC       |
| Coastal Area Management (CAM) Zone                     | CAM      |

**Districts & Zones**

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## SECTION 5

# Zoning Map

### 5.0 [RESERVED]

### 5.1 MAP

The Commission establishes boundaries of the *zones* or *districts* specified in Section 4 as shown on a map, entitled “Zoning Map of the Town of Old Saybrook, Connecticut”, including any special maps or boundary descriptions, any Supplementary Maps of particular sections of the Town, or any amendments thereof, which map is a part of these regulations and is referred to as the “Zoning Map”.

#### 5.1.1 Supplementary Map Number One (Route 1 Corridor).

#### 5.1.2 Supplementary Map Number Two (Saybrook Point).

#### 5.1.3 Supplementary Map Number Three (North Cove).

#### 5.1.4 Supplementary Map Number Four (Riverfront).

#### 5.1.5 Supplementary Map Number Five (Ferry Point/Hydes Creek).

### 5.2 INTERPRETATION OF MAP

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

### 5.3 EXTENSION OF USE

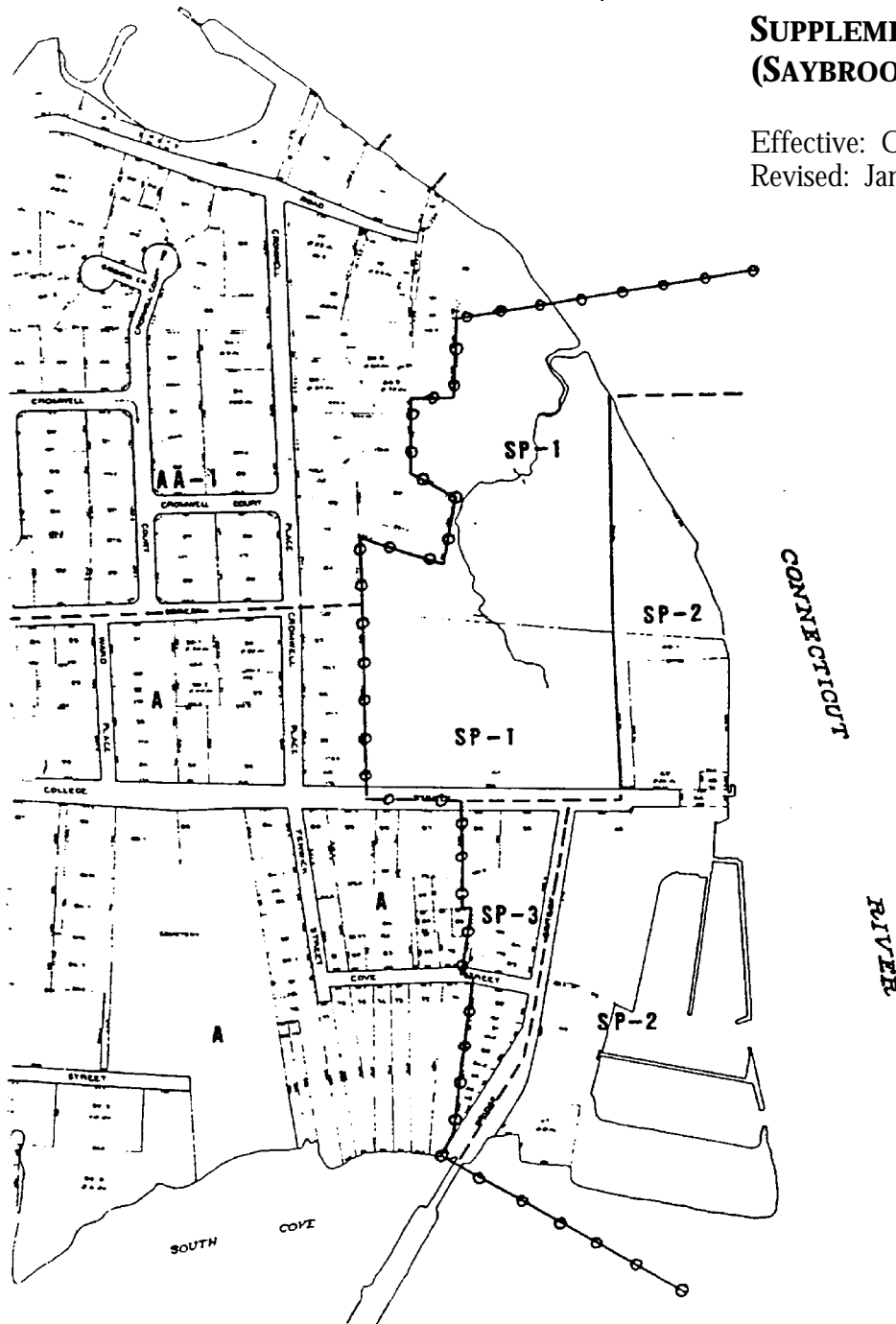
Where the boundary of a *district* divides a *lot*, the existence of which *lot* is evidenced by deed or deeds recorded in the land records of the Town of Old Saybrook on the effective date of these regulations or any amendment of these regulations establishing the boundary, the Commission, in accordance with the provisions of Section 52, may grant a Special Exception authorizing a *use* of land, *buildings* and other *structures* permitted in one *district* to be extended into the other *district* for a distance of not more than thirty feet (30’).

# Zoning Map

## SUPPLEMENTARY MAP #2 (SAYBROOK POINT)

Effective: October 15, 1982

Revised: January 29, 1983



1/83

### ZONING MAP

of the  
Town of Old Saybrook, Connecticut

**Old Saybrook Zoning Commission**

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## SECTION 6

# Permitted Uses

### 6.0 [RESERVED]

### 6.1 USES

Land, *buildings*, and other *structures* in any *district* may be used for one or more of the *uses* listed as permitted in the *district* under ARTICLES II, III, and IV. *Uses* listed as Special Exception *uses* are permitted in the *district* subject to the approval of the Commission or Board of Appeals, as specified.

To further assist in the interpretation of permitted *uses*, certain *uses* are listed as prohibited in a *district* even though the listing of *uses* prohibited is not intended to be exhaustive; any use not specified as permitted in the *district* is prohibited.

## Permitted Uses

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## SECTION 7

# Area, Location and Bulk Standards

### 7.0 [RESERVED]

### 7.1 GENERAL

The following regulations will apply to the area, shape and *frontage* of *lots* and the location and *bulk* of *buildings* or other *structures* in each *district* under Articles II, III and IV. Additional regulations relating to area, location and *bulk* standards apply to *lots* within special floating or overlay *zones*, as prescribed in Article V.

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

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

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

- A. Such MABL will include a contiguous area of not less than fifteen thousand square feet (15,000 s.f.);
- B. The MABL will be of the shape as to be capable of containing a square of not less than one hundred feet (100') on a side;
- C. The MABL will not include any land determined to be *inland wetlands* or *tidal wetlands*, as defined by the Connecticut General Statutes, nor any land delineated as a *Special Flood Hazard Area*;
- D. No more than twenty percent of the area designated as MABL will have naturally occurring topography exceeding twenty percent slope in grade as measured in forty foot (40') increments throughout the *parcel*;
- E. No land will be included in the MABL which is identified as having ground water higher than eighteen inches (18") below the naturally occurring surface, or ledge at a depth of less than four feet (4') below the natural ground surface

## Area, Location & Bulk Standards

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as observed by *soil* testing; unless an area of suitable size and location has been identified through *soil* testing which demonstrates the suitability of *soil* in that area for the sewage system placement in accordance with the requirements of the Connecticut Public Health Code in effect at the time of the testing. The *soil* testing required will be witnessed by the Town's registered sanitarian or designee, unless otherwise approved by the registered sanitarian. The Connecticut River Area Health District will determine the number and location of the tests required to demonstrate the suitability of the *soil* for sewage placement and will certify compliance of the *soil* testing requirements of these regulations. No fewer than three (3) test holes, which have been observed by the Health District, will be provided and will be conducted such that both the primary and reserve system are investigated.

- F. No more than ten percent of the MABL will be encumbered by easements, including easements for drainage, utilities or vehicular access, excluding conservation easements.
- G. Any proposed *building lot* for which the Subdivision Regulations require an application for subdivision or resubdivision of land will include a MABL that complies with this section. The Planning Commission will determine compliance with the MABL requirement for subdivision *lots*.
- H. Any division of land for *building* purposes, which does not require approval under the Subdivision Regulations, will meet the MABL requirements of this section. Prior to the division of property, a site plan meeting the requirements of Section 8 will be submitted to the Enforcement Officer for review, which demonstrates that the MABL has been met for both the proposed new *lot* and the original *lot*. No *lot* will be transferred by deed and no *building* permit will be issued for the *lot* until the approval has been obtained from the Enforcement Officer.

7.2.2 **Exceptions.** The *lot area*, shape and *frontage* requirements will not be construed to prohibit condominium ownership of a *building* or *buildings* on a *lot* meeting the requirements specified in the *district*; the *lot area*, shape and *frontage* requirements will not be construed to prohibit other forms of ownership of a portion of a *building* and its related *lot* provided that the Commission has approved a Special Exception *use* or the Planning Commission has approved a subdivision map in accordance with the standards of the Subdivision Regulations and filed in the Office of the Town Clerk.

### 7.3 [RESERVED]

### 7.4 SETBACKS

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

- 7.4.1 **Signs.** Certain permitted *signs*, as specified in Section 62, may extend within lesser distances of a property or *street line*.
- 7.4.2 **Projections.** Pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves and similar architectural features and open fire escapes may project into the area required for *setback* from a *street line*, property line or Residence District boundary line for the distance specified in the *district*.
- 7.4.3 **Additional Setbacks.** In any *district*, any portion of a *building* or other *structure*, which portion exceeds thirty-five feet (35') in *height*, will be *setback* from any *street line*, property line or Residence District boundary line by an additional two feet (2') for each foot or fraction thereof by which the portion exceeds thirty-five feet (35') in *height*, unless otherwise specified.
- 7.4.4 **Narrow Streets.** The required *setback* from a *street line* of a *street* having a width of less than fifty feet (50') will be increased by one half ( $\frac{1}{2}$ ) of the difference between fifty feet (50') and the actual width of the *street*.
- 7.4.5 **Railroads.** In Business, Marine, and Industrial Districts no *setback* is required from the right-of-way line of a railroad.
- 7.4.6 **Form of Ownership.** The *setback* requirements will not be construed to prohibit condominium ownership of a *building* or *buildings* which otherwise conform to the requirements; the *setback* requirements will not be construed to prohibit other forms of ownership of a portion of a *building* and its related *lot* provided that a Special Exception *use* has been approved by the Commission in accordance with Section 52 and a subdivision map has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations and filed in the Office of the Town Clerk.
- 7.4.7 **Fences, Walls, and Terraces.** The required *setback* distances will not apply to *fences* or walls six feet (6') or less in *height* nor to necessary retaining walls of less than six feet (6') in height that are not classified as a *shoreline flood and erosion control structure* or to unroofed terraces, but no *fence*, wall or terrace will be located within the right-of-way of any *street*.
- 7.4.8 **Accessory Buildings in Residence Districts.** In Residence Districts, unattached *accessory buildings* or *structures* which are twenty feet (20') in *height* and four hundred square feet (400 s.f.) in *gross floor area* may meet the lesser *setback* requirements for minor *accessory buildings* and *structures* as specified in the *district*.
- Minor *accessory buildings* or *structures* that are ten feet (10') in *height* or less and one hundred twenty square feet (120 s.f.) or less in *gross floor area* located on a *lot* less than twelve thousand five hundred square feet (12,500 s.f.) may reduce the rear and other property line *setback* for minor *accessory buildings* by one half ( $\frac{1}{2}$ ). Storage sheds are considered permanent minor *accessory buildings*.
- 7.4.9 **[Reserved]**

## Area, Location & Bulk Standards

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7.4.10 **Special Setbacks from Tidal Wetlands.** No building, *structure*, patio, *deck* or platform six inches (6") or more in height from existing grade or filling or grading or excavation is permitted within fifty feet (50') of a *tidal wetland*. The following exemptions to this special setback will apply:

- A. Construction, filling, grading and excavation when associated with the installation of a Health Code compliant septic system when no other suitable land is available. Fill will not exceed the absolute minimum required to meet the Health Code.
- B. The minimum amount of filling or grading permissible to meet minimum Building Code requirements for frost protection when:
  - 1. A foundation is located adjacent to the fifty (50') special setback.
  - 2. A variance is obtained to encroach within the setback.
  - 3. A *structure* is elevated to meet the Flood Plain Management Ordinance of the Town of Old Saybrook.
- C. Residential docks when constructed solely for access to the water.
- D. *Buildings* or other *structures* used in association with a permitted *use* in the Marine Commercial MC District that has been approved by the Commission as a Special Exception.
- E. Uses customary and incidental to the use and enjoyment of property that typically do not require a Certificate of Zoning Compliance and require minimal or no anchoring to the land including but not limited to bird houses, clothes lines, play equipment and mailboxes.
- F. Uses customary and incidental to public recreation and environmental protection.
- G. Maintenance of existing public roads and drainage systems.

## 7.5 BUILDING BULK AND COVERAGE

For all *stories* of all *buildings* or *structures* on any *lot*, the *building/structure coverage*, the *gross floor area*, or the *total lot coverage* will not exceed the percentage of *lot area* as specified in the *district*.

7.5.1 **Form of Ownership.** The *floor area* and *coverage* requirements will not be construed to prohibit condominium ownership of a *building* or *buildings* which otherwise conform to the requirements; the *floor area* and *coverage* requirements will not be construed to prohibit other forms of ownership of a portion of a *building* and its related *lot* provided that a Special Exception has been approved by the Commission



## **Area, Location and Bulk Regulations**

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in accordance with Section 52 and a subdivision map has been approved by the Planning Commission in accordance with the standards of the Subdivision Regulations and filed in the Office of the Town Clerk.

## **Area, Location & Bulk Standards**

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## SECTION 8

# Additional Standards

### 8.0 [RESERVED]

### 8.1 GENERAL

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

### 8.2 PLOT PLANS AND ARCHITECTURAL PLANS

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

- 8.2.1 **Plot Plans.** Submission of a Plot Plan to the Enforcement Officer is required for certain activities to demonstrate conformance with the provisions of these regulations. The Plot Plan will show all information listed in this section as applicable to a particular *lot* or activity; except that the Enforcement Officer may waive the submission of information that is not necessary to determine compliance with these regulations. The Enforcement Officer may require the additional information as necessary to determine conformance with the regulations for a specific application.
- A. **Statement of Use** – A written statement, signed by the Applicant, and by the owner if different from the Applicant, describing the nature and extent of the proposed *use* or occupancy in sufficient detail to determine compliance with the *use* provisions of these regulations.
  - B. **Maps** – All Plot Plans required under these regulations will be clearly and legibly drawn at a scale of one inch equals forty feet (1"=40') or other scale approved by the Enforcement Officer. Plot Plans will be drawn on one or more 18"x24" or 24"x36" sheets consisting of good quality polyester film or other material that will enable production of clear prints as required by these regulations. All Plot Plan maps will include the following information:
    - 1. **General Information** – including title of the project or development; name and address of Applicant or owner; north arrow, numerical and graphic scale, date of plan, and any revision dates.
    - 2. **Location Map** – showing *streets*, property lines and zoning *district* boundary lines within one hundred feet (100') of the site.

## Additional Standards

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3. **Schedule** – showing compliance with appropriate zoning standards, including the area of the *lot* (in square feet), the area of *wetlands* and *watercourses*, the amount of *floor area* by use, *building/structure coverage* and *total lot coverage* by *building* and paving, the basis of computation of required off-street parking and loading spaces and the number provided and *building* and other *setback* lines.
  4. **Property Information** – including the boundaries and existing conditions on the *lot*, the names of all abutting *lot* owners, location, width and purpose of all easements, the location of all tidal and *inland wetlands*, water bodies, high tide lines, floodway and *Special Flood Hazard Area* boundaries, location of minimum area of buildable land, *soil* type boundaries and codes from the “Soil Survey of Middlesex County, Connecticut”, USDA Natural Resource Conservation Service and the locations of any historic or archeological sites.
  5. **Existing and Proposed Development** – location of existing and proposed *buildings* or *uses*, including *buildings*, *structures*, *signs*, *fences*, walls, barriers, *outside storage* areas and screening; docks, wharves and *bulkheads*; location, design and dimensions for existing and proposed parking, aisles, loading and circulation; existing and proposed drainage, utilities and related facilities; outdoor illumination, landscaping and *open spaces*; provisions for *soil erosion* and *sediment* control; location and results of any *soil* tests performed on the site.
- C. **Other Information** – The Enforcement Officer may require, but not be limited to, the following:
1. The Plot Plan will be prepared by and bear the seal of a land surveyor, professional engineer, architect or landscape architect licensed to practice in the State of Connecticut as required by law for preparation of parts of the plan. The seal of the preparer will be impressed on all copies of the Plot Plan presented for approval.
  2. The boundaries and existing conditions of the *lot* will be shown based on a survey meeting or exceeding a “Class A-2” type survey specified in the *Code of Recommended Practice for Standards of Accuracy and Maps*, or it equivalent.
  3. Existing and proposed grading contours at an interval not exceeding two feet (2’), or equivalent ground elevations, based on Mean Sea Level, including identification of a benchmark at the site.
  4. Any other information that the Enforcement Officer may deem necessary to determine conformance with these regulations.

8.2.2 **Architectural Plans.** When required, architectural plans will include all *buildings* and *structures* proposed to be constructed, reconstructed, enlarged, extended, moved or

structurally altered; will be drawn to scale of  $\frac{1}{4}" = 1'$  or larger, and will include *signs* and outdoor illumination facilities unless otherwise provided in connection with plot plans.

8.3 **[RESERVED]**

8.4 **[RESERVED]**

8.5 **[RESERVED]**

8.6 **[RESERVED]**

8.7 **[RESERVED]**

8.8 **[RESERVED]**

8.9 **MINIMUM ACCESS**

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

8.10 **CORNER VISIBILITY**

On any *corner lot* there will be no *building, structure, fence, wall* or planting, located within a triangular space on the *lot* bounded by the two intersection *street lines* and a straight line connecting a point on one *street line* twenty-five feet (25') from the intersection with a point on the other *street line* twenty-five feet (25') from the intersection, so as to obstruct a clear line of sight anywhere across the triangle between an observer's eye at an elevation three and  $\frac{1}{2}$  feet (3.5') above one *street line* and an object one foot (1') above the other *street line*, except that any *building* may extend to within the minimum distance of a *street line* as specified in these regulations. Any *fence, wall* or planting which so obstructs the line of sight will not be considered & *nonconformity* authorized to continue under the provisions of Paragraph 2.2.

8.11 **MINIMUM FLOOR ELEVATION**

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

8.12 **MINIMUM BUILDING SIZE**

Certain *buildings* will conform to minimum size requirements as follows:

## Additional Standards

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

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

### 8.13 [RESERVED]

### 8.14 [RESERVED]

### 8.15 DRAINAGE

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

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

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

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

### 8.16 SANITATION

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

## **8.17 SETBACK AREAS**

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

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

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

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

## **8.18 [RESERVED]**

## **8.19 [RESERVED]**

## **8.20 HANDICAPPED PERSONS**

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

8.20.1 Provision of walks and ramps of suitable width and grade;

8.20.2 Inclined curb approaches or curbs cut flush with parking areas;

8.20.3 Reserved, wide parking spaces; and

8.20.4 Ground level *building* entrances.

## **8.21 [RESERVED]**

## **8.22 [RESERVED]**

## **8.23 REDUCED SETBACKS IN PEDESTRIAN NODES OF BUSINESS DISTRICTS**

The purpose of this section is to maintain or recreate, as the case may be, a streetscape in the *pedestrian node* areas of the Business Districts, which is a more pedestrian-friendly, street-oriented, mixed-use environment with movement between shopping destinations; which reflects the pattern and intimacy of traditional New England village commercial areas; which reduces the visual dominance of parking *lots* on the streetscape; and which recognizes that

## Additional Standards

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Old Saybrook's commercial corridors are characterized by "nodes" of pedestrian activity at certain identified intersections; all of which purposes should be reinforced both visually and functionally. Therefore, in the *pedestrian node* areas of the B-1, B-2, B-3 and B-4 Districts the Commission may allow, or may require, as part of the Special Exception that any non-residential use, *building* or *structure* be set back no less than ten feet (10') from the *street line*. In allowing or requiring reduced *setback*, the Commission may consider and may require one or more of the following to accomplish the purposes of this section:

- A. That the *lot coverage* of *paved areas* for parking and access to parking within the reduced *street line setback* under this section will not exceed the *building/ structure coverage* in the same reduced *setback* area.
- B. That each principal *building* and each individual *building* occupant on the *street* side of the *building* have a public entrance or shared public entrance vestibule on the *street* side of the *building*, or on the side of such *building* readily accessible by pedestrians from public sidewalks along the *street*. No *building* or individual *building* occupant should have its only public entrance located farther than three hundred feet (300') from the *street line*, measured along the route of pedestrian access from the *street* sidewalk.
- C. That any wall facing a *street* or parking area will have no more lineal feet of uninterrupted blank wall in any horizontal direction than the greatest vertical *height* of the same wall of the *building*, but not to exceed twenty feet (20') of uninterrupted blank wall in any horizontal direction. Uninterrupted means without windows, doors, changes in wall plane, surface ornamentation, or other treatments that cause *building* facades to be treated as fronts that are related to the *street* frontage. Services, such as loading docks, trash receptacles, and the like will be appropriately screened from public view with an architectural treatment. "architectural treatment" for the purposes of this section will mean walls, fencing or landscaping that is compatible with the *buildings* and the streetscape purposes of these regulations.
- D. That any parking area will be located at least ten feet (10') farther from the *street line* than that portion of the principal *building* that is closest to the *street*.
- E. That within the *pedestrian node*, there will be no parking area or access *driveway* to, or connecting parking areas located between, a non-residential *building* and the *street line*.
- F. In determining the minimum and maximum *setback* for *buildings* under this section, the Commission will consider the *setbacks* for existing or proposed *buildings* in the immediate area of the proposed development which reflect the essential and traditional character of that portion of the streetscape and with which the Commission seeks to harmonize in the *setback* distances.
- G. In applying this section to any proposed Special Exception use, *building* or *structure*, the Commission should consider each of the following:
  - 1. The recommendations of the Plan of Conservation & Development;



2. Any Town sponsored corridor study that addresses the area of the proposed development;
  3. The width of the *street* right of way;
  4. The distance between any proposed use, *building* or *structure* and the paved portion of the *street*;
  5. The location of physical features, such as existing sidewalks, trees, landscaping and above-ground utility lines; and
  6. Sight line distances.
- H. The Commission need not impose any of the requirements of this section where topography, existing *structures* or other physical features or characteristics of the site, or established patterns of development in the immediate vicinity of the site make the imposition of a requirement not conducive to achieving the stated purposes.

Other applicable *setbacks* may also be reduced, or may be required to be reduced, by the Commission, consistent with achieving the stated purposes, and in accordance with the above standards for reduction of *street line setbacks* where applicable, but no less than:

**From Rear Property Line** 10 feet

**From Other Property Line** 10 feet

**Minor Accessory Building or Structure** 10 feet

**Projections into Setbacks** 1½ feet  
(except open fire escapes)

The minimum Front Landscaped Area will be reduced to the extent occupied by *buildings* and *structures* approved under this section, but the total Landscaped Area will not be reduced.

## **Additional Standards**

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# SECTION 9

## Definitions

### 9.0 INTENT & GENERAL RULES OF CONSTRUCTION

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

Words used in the present tense will include the future tense. When the context so requires, words in the masculine, feminine or neuter gender will include any gender, and words in the singular or plural will include both singular and plural numbers. For the convenience of the reader, these regulations depict in *Italics* throughout any terms defined in this section.

### 9.1 DEFINITIONS

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

**Accessory use.** A *use*, in addition to the *principal use*, that is clearly subordinate to, and customarily incidental to, and located upon the same *lot* as, the *principal use* or on a contiguous *lot* under the same ownership.

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

**Adult cabaret.** A cabaret that features nude or *partially nude* dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers and that excludes minors by virtue of age.

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

## Definitions

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**Adult mini-motion picture theater.** An enclosed *building* having as a *principal activity* the presenting of material characterized by emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons in individual viewing booths and from which minors are excluded by virtue of age.

**Adult motion picture theater.** An enclosed *building* with a capacity of fifty (50) or more persons having as a *principal activity* displaying motion pictures characterized by their emphasis on portrayals of human genitals and pubic regions or actions of human masturbation, sexual intercourse, or sodomy for observation by patrons and from which minors are excluded by virtue of age.

**Adult novelty business.** A business that has as the *principal activity* the sale of devices of simulated human genitals or devices designed for sexual stimulation and that excludes minors by virtue of age.

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

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

**Amusement device.** An *amusement device* is any machine that accepts monetary consideration without vending a product to the consumer including but not limited to video games, billiard tables, carousels, roller coasters, whirligigs, merry-go-rounds and Ferris wheels.

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

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

**Aquifer protection area.** Any area consisting of well fields, areas of contribution and recharge areas, identified on maps approved by the commissioner of environmental protection pursuant to the Connecticut General Statutes where land uses or activities are required to comply with the Aquifer Protection Regulations of the Town of Old Saybrook.

**Assisted living unit.** A *dwelling unit* that includes a full bathroom within the unit, including, a water closet, lavatory, tub or shower bathing unit and equipment for preparation and storage of food.

**Attic.** The space between the ceiling beams of the top *story* and the roof rafters.

**Bed and breakfast transient lodging.** A room or rooms for overnight accommodation of visitors in a *dwelling* including service of breakfast to the visitors.

**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 square feet (50 s.f.).

**Billboard.** Any *sign* greater than one hundred square feet (100 s.f.) that is freestanding or mounted upon the roof or wall of a *building*. *Billboard* will expressly include any *sign* that is visible from a *street* from which the property on which the *sign* is located does not have direct vehicular access. *Billboard* will not include any *sign(s)* or approved as part of a Site Plan Review or Special Exception *use* of these regulations.

**Boat.** Any vessel more than fifteen feet (15') with or without a hauling trailer.

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

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

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

**Bulk.** The size and shape of *buildings*, *structures* and *use* areas and the physical relationships of their exterior walls or spatial limits with *lot* lines and other *buildings*, *structures* and *uses*; or with the other walls of the same *building*, or other portions of the same *structure* or *use*. *Bulk* also includes the relationship of *buildings*, *structures* and *uses* with all yards and *open spaces* required by these regulations; and also includes provisions of these regulations dealing with *floor area ratio*, *building height*, *lot area per dwelling unit*, *lot frontage*, *lot width along building lines*, required *setbacks*, courts, usable *open space*, spacing between *buildings* on a single *lot*, length of

## Definitions

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*building* in a row, and all other similar provisions of these regulations dealing with the relationship between land and the improvements or *uses* located or to be located.

**Commercial trailer.** See *Trailer, commercial*.

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

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

**Conservation District.** The *Connecticut River Coastal Conservation District* established pursuant to the Connecticut General Statutes

**Conservation Zone.** See *Gateway Conservation Zone*.

**Construction/office trailer.** See *Trailer, construction/office*.

**Coverage.** See *Building/structure coverage* or *Total lot coverage*.

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

**Daycare.** A *use* of land or buildings that offers or provides supplementary care of unrelated children or adults and does not include services administered by a public or private school system; recreational operations such as boys and girls clubs or religion related activities, scouting, camping or community youth/elder care programs; informal arrangements without compensation amongst neighbors and relatives in their own homes or drop-in supplementary care operations where relatives are on the premises for educational, recreational or medical purposes.

**Deck.** A *structure* consisting of one or more horizontal surfaces attached to and extending from the *dwelling* and used for *accessory* residential *uses*. Any roof, non-retractable awning or other fixed surface may not cover nor enclose a *deck* in any manner.

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

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

**District.** An area within which certain *uses* are permitted, certain others are prohibited, and certain others are designated as *uses* requiring approval of a Special Permit from the Commission, the Planning Commission, or the Board of Appeals; *setbacks* and other *open spaces* are required; *lot* areas, *building height* limits, and other requirements are established; all of the foregoing being identical for all property located within the area to which they apply. Compare to definition of “*zone*”.

**Disturbed area.** An area where the cover is destroyed or removed leaving the land subject to accelerated *erosion*.

**Drive-through substation.** A subsidiary or support station to a *drive-through window* that is not a primary generation or transmission facility.

**Drive-through window.** A window that allows for drop-offs, orders, pick-ups or information exchanges when sent or received from a motor vehicle in a lane established for this purpose.

**Driveway.** Any access from a *street* used, designed or intended for vehicular ingress and egress to any *building, structure, use or lot*.

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

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

**Erosion.** The detachment and movement of *soil* or rock fragments by water, wind, ice, and gravity.

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

**Fence.** A *structure* for enclosure or screening, including a wall.

**Floor area, gross.** See *Gross floor area*.

**Floor area ratio.** The *gross floor area* in square feet of all *buildings* on a *lot*, divided by the area of the *lot* in square feet.

**Floor area (attic).** The area enclosed by the roof rafters and the exterior walls at the level of the top of the ceiling below or *attic* floor joists.

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

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**Gateway Conservation Zone.** The Lower Connecticut River *Gateway Conservation Zone*, referred to as the *Gateway Conservation Zone*, is established by the Connecticut General Assembly under Public Act 73-349, and the boundaries of the Zone, which may be amended from time to time by the General Assembly, are shown on the Zoning Map for informational purposes to indicate the portion of the Town of Old Saybrook in which particular provisions of these regulations are applicable.

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

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

**Height.** In measuring a *building/structure*, or part thereof, to determine compliance with the maximum *height* provisions, measurement will be taken from the level of the highest roof ridge of the *building*, or part thereof, or highest feature of a *structure* to a "ground elevation datum" consisting of the average elevation of the existing, natural grade of the *lot* at the perimeter of the proposed *building*, or the part thereof, or *structure*. A separate ground elevation datum is applicable to each *building*, or part thereof, having a separate roof, and to each *structure* on a *lot*. When any two (2) *buildings* having different ground elevation datum are interconnected, such as by common areas, other *floor area* or other architectural features or *structures*, the ground elevation datum applicable to the interconnection feature or *structure* is the same as the *building* having the lower ground elevation datum. This limitation will not apply to the following: ornamental *cupolas*, weathervanes, belfries, chimneys, flag or radio poles, silos, *bulkheads*, water tanks or towers, hose towers, scenery lofts or towers, churches, municipal *buildings* or *structures*, tanks, elevator shafts, nor heating, ventilating, air conditioning, *non-commercial communications equipment* or similar equipment located on the roof of a *building* and not occupying more than twenty-five percent (25%) of the area of the roof.

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

**High tide line.** A line or mark left upon tide flats, beaches or along shore objects that indicates the intersection of the land with the water's surface at the maximum *height* reached



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

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

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

**Inland wetland.** Land, including submerged land, that consists of any of the *soil* types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, of the Natural Resources Conservation Service of the United States Department of Agriculture. C.G.S. §22a-38(15).

**Inspection.** Periodic review of *sediment* and *erosion* control measures shown on the certified Control Plan.

**Intensification.** Additional residential units, additional employment, additional clients or customers, additional floor space for sales or services, or additional required parking than that which existed prior to the change of use.

**Kennel.** Six or more cats, dogs or any combination of cats and dogs on a *lot*.

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

**Lot area.** The area of a horizontal plane bounded by all *lot* lines.

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

**Lot, corner.** A *lot* having *lot* lines formed by the intersection of two *streets*, whether public or private, and where the interior angle of the intersection is less than one hundred thirty-five degrees (135°). A *lot* fronting on a curved *street* is a *corner lot* if the central angle of the curve is less than one hundred thirty-five degrees (135°).

**Lot coverage.** The ratio between the *building/structure coverage* and the gross area of the *lot*.

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

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

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

**Mobile home.** A movable or portable *dwelling* built on a chassis, and that is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy.

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

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

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

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

**Nonconformity or nonconforming use, building, structure or lot.** A *use, building or structure* or any *lot* that existed lawfully, by variance or otherwise, on the date these regulations or any amendment became effective, and that fails to conform to one or more of the provisions of these regulations or any amendment.

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

**Nursing home facility.** Any nursing home or residential care home as defined by Connecticut General Statutes Section 19a-521. As of the effective date of this regulation, Connecticut General Statutes Section 19a-521 defines "nursing home facility" as including a "residential care home", which is defined as an establishment which furnishes, in single or multiple facilities, food and shelter to two or more persons unrelated to the proprietor and, in addition, provides services which meet a need beyond the basic provisions of food, shelter and laundry; additionally, the following other facilities are defined by Section 19a-521 as "nursing home facilities": any rest home with nursing supervision which provides, in addition to personal care required in a residential care home, nursing supervision under a medical director twenty-four (24) hours per day or any chronic and convalescent nursing home which provides skilled nursing care under medical supervision and direction to carry out nonsurgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases or injuries.

**Open space** (as applied to *bulk* and *setback* requirements). An unoccupied space, open to the sky, on the same *lot* as the subject *building* or *structure*.

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

**Parcel.** Any contiguous piece of land, including one or more contiguous *lots* of record, unified under the same ownership, whether or not every the piece of land was acquired at the same time; excluding, however, any *parcel* that is a *lot*, as these regulations define that term.

**Partially nude.** Having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts.

## Definitions

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

**Pedestrian node.** Any portion of land lying within the business *districts* (B-1, B-2, B-3 and B-4) and within fifteen hundred (1500') lineal feet, measured along the *street line* in all directions from any of the following intersections: Boston Post Road and Spencer Plain Road; Boston Post Road and School House Road; and any portion of land lying within the business *districts* (B-1, B-2, B-3 and B-4) and within fifteen hundred lineal feet (1,500'), measured along the *street line* in all directions from any intersection along the entire Boston Post Road from where it crosses the Oyster River to North Main Street.

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

**Planned Residential Development (PRD).** a) One (1) or more *dwellings*, each containing not less than four (4) nor more than eight (8) *dwelling units*, or b) One or more clusters of up to six (6) single detached *dwellings* per cluster for one *family*, and otherwise as defined and permitted pursuant to the Unit Ownership Act, Chapter 825, of the General Statutes of the State of Connecticut, 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*.

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

**Principal building or structure.** That single *building*, or inter-related group of *buildings*, in which is conducted the *principal use* of the *lot* on which the *building* is situated.

**Principal use.** The primary purpose or function for which one *uses*, designs or intends to *use* premises.

**Private country club.** A private business charging a fee for initiation, membership and services that provides a variety of recreational and social facilities, including, but not limited to, the following: eighteen (18) hole golf course with practice and training facilities; clubhouse with appropriate locker rooms, office facilities, including meeting rooms, health and fitness facilities, golf professional shop, *restaurant* 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.

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

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

**Restaurant, Fast Food.** The indoor retail sale of food to the general public for consumption on the premises or where a significant portion of the consumptions takes place or is designed to take place outside the confines of the building occupied by such *use*, and which is characterized by high volume of patronage, the promise of rapid service of meals or beverages resulting in a short duration of stay and rapid turnover; and possible inclusion of drive-through or curb service as an accessory use.

**Restaurant, Full Service.** The indoor retail sale of food to the general public for consumption on the premises, with food service primarily to customers seated at table or counters in an enclosed building.

**Restaurant, Take-out.** The indoor retail sale of food to the general public where a significant portion of the consumption takes place or is designed to take place outside the confines of the *building* occupied by such use.

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

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

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

**Roadside Stand.** The retail sale of agricultural products grown on the premises when accessory to a permitted use.

**Sediment.** Solid material, either mineral or organic, that is in suspension, that is transported, or that has been moved from its site of origin by *erosion*.

**Setback.** An *open space* on the same *lot* with a *building* or *structure* having those minimum dimensions prescribed by these regulations.

**Setback from street line.** A *setback* between any *principal building* or *principal structure* and the *street line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and the *street line*, or, in the case of a *corner lot*, a similar *setback* extending along all *streets*.

## Definitions

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**Setback from rear property line.** A *setback* between any *principal building* or *principal structure* and *rear property line*, extending the full width of the *lot*, measured by the minimum horizontal distance between any the *building* or *structure* and *rear property line*, or, in the case of a *corner lot*, a similar *setback* extending across the side the rear of the *lot* opposite the *street* on which the *principal building* has its *street* address, or is otherwise the designated front of the *lot*.

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

**Shopping center.** For purposes of establishing off-street parking requirements, a *shopping center* is a group of no less than four (4) business establishments that may include retail stores, personal services, theaters or *restaurants*, with a public vehicle parking area shared in common.

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

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

**Soil.** Any unconsolidated mineral and organic material of any origin.

**Soil Erosion & Sedimentation Control (SE&SC) Plan.** A plan for minimizing *soil erosion* and sedimentation, consisting of no less than a map and narrative.

**Special Flood Hazard Area (SFHA).** FEMA designated flood plain *zones* A1 – A30 and V1 – V30, which are delineated on map entitled “Flood Insurance Rate Map; Town of Old Saybrook, Middlesex County, Connecticut; Community Panel Number 090069-0001-A”, Page 1 of 1, effective July 3, 1978, prepared by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, and as the *zones* as may be amended from time to time, which map is made a part of these regulations and is referred to as

“Flood Insurance Rate Map”. The *special flood hazard areas* are areas of the Town where there is a one percent chance of flooding in any given year. The Flood Insurance Rate Map also identifies base flood elevations above mean sea level for Zone A1-A30.

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

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

See definition of *Story, Half (½)*, for when an *attic* is considered a *story*.

**Story, half (½).** For the purpose of determining the number of stories in a *building*, a one-half (½) *story* is a habitable *attic* that is the highest most *story* of the *building*, having stairway access located within the walls of the *building*, and having a *floor area* enclosed by the roof rafters and exterior walls at an elevation of five feet (5') measured vertically above the *attic* floor joists equal to not more than fifty percent (50%) of the *floor area* immediately below and under the same roof. Exterior doors and balconies are prohibited on the one-half (½) *story*. Under all circumstances, one half (½) *story* that equals more than fifty percent (50%) of the *floor area* immediately below and under the same roof is prohibited. See the attached ½-*story* diagram for the method of determining compliance with this definition.

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

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

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

**Storage trailer.** See *Trailer, storage*.

**Structure.** Anything constructed or erected which requires more or less permanent location on ground or water areas or attachment to something having permanent location on ground or water areas. A combination of materials forming an edifice or a *building* of any kind, or any production or piece of work, artificially built up or composed of parts and joined together in some definite manner, including, but not limited to, *mobile homes*, *signs*, vending machines, *fences* or walls, a wharf or dock, an above-ground tank, pools or a detached solar panel or satellite dish. A *structure* will not include the following: flagpoles;

## Definitions

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ornamental wells; tents, trailer coaches, wheeled vehicles; retaining walls not over six feet (6') high that are not considered a *shoreline flood and erosion control structure*, *fences* not over six feet (6') high; platforms or *decks* not more than six (6) inches above existing grade and not over any basement or *story* below; utility mains, lines, and underground facilities; yard and play equipment and one (1) landing per residence for the purpose of access to air and sunlight totaling not more than thirty square feet (30 s.f.) in conjunction with a minimum size *Building* Code compliant access ramp.

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

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

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

**Telecommunication equipment building.** The *building* *accessory* to a *telecommunication* tower, in which the electronic receiving and relay equipment in support of a *telecommunication facility* is housed.

**Telecommunication facility.** Tower or *antenna* and *accessory structure* and equipment used in receiving or transmitting *telecommunication* or radio signals from a mobile communication source and transmitting those signals to another wireless site, and other communication source or receiver or to a central switching computer that connects the mobile unit with land based telephone lines. The facilities will be for commercial *use* only and includes those owned and operated by public utilities.

**Tent trailer.** See *Trailer, tent*.

**Tidal wetland.** Those areas that border on or lie beneath tidal waters, such as, but not limited to, banks, bogs, salt marsh, swamps, meadows, flats or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one (1) foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the vegetation pursuant to C.G.S. §22a-29(2).



**Total lot coverage.** The horizontal impervious surface of all *buildings* and *structures*, including pools (*building/structure coverage*), plus *paved areas*, excluding pedestrian sidewalks, ornamental plazas and terraces, *signs* and landscaped islands within parking areas.

**Trailer, commercial.** A trailer or trailers used in conjunction with a permitted commercial and industrial establishment, such as trucking terminal, *building* contractor's business and storage yard, warehousing and wholesale business, manufacturing, processing and assembling of goods and marine transportation.

**Trailer, construction office.** A trailer or trailers used for equipment or supply storage or as a construction office in connection with a bonafide construction project for which appropriate *building* permits have been acquired.

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

**Trailer, tent.** A canvas, folding *structure*, mounted on wheels to be used as a temporary *dwelling* for travel, camping, recreational and vacation *uses*, and that is eligible to be licensed/registered and insured for highway use.

**Trailer, travel.** Any camper, camp trailer, furnished van or any of trailers designed for human habitation.

**Trailer, utility.** A small box, horse or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of fifteen feet (15') in length.

**Travel trailer.** See *Trailer, travel*.

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

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

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

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

## Definitions

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

**Utility trailer.** See *Trailer, utility*.

**Watercourse.** Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, that are contained within, flow through or border upon this state or any portion thereof, pursuant to C.G.S. §22a-38(16).

**Water-dependent use.** *Uses* and facilities that require direct access to, or location in, marine or tidal waters and that, therefore, cannot be located inland, including, but not limited to, marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and *boat building* facilities, water-based recreational *uses*, navigation aids, basins and channels, industrial *uses* dependent upon water-borne transportation or requiring large volumes of cooling or process water that cannot reasonably be located or operated at an inland site, and *uses* that provide general public access to marine or tidal waters, pursuant to C.G.S. §22a-93(16).

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

**Wetland.** See *Inland wetland or Tidal wetland*.

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

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# SECTION 10

## Non-Conformity

### 10.0 [RESERVED]

### 10.1 INTENT

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

### 10.2 DEFINITIONS

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

### 10.3 APPROVED APPLICATIONS AND CERTIFICATES

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

### 10.4 CHANGE IN PLANS

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

10.4.1 **Time Limit.** An approved application for Certificate of Zoning Compliance authorizing a proposed use, *building or structure* that does not conform to one or more provisions of these regulations or any amendment hereto, as described in Paragraph

## Non-Conformity

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

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

## 10.5 CASUALTY

If any nonconforming building or *structure* or any building or *structure* containing a nonconforming *use* is damaged or destroyed by fire or other casualty, the building or *structure* may be restored and the nonconforming *use* resumed to the extent that the building, *structure* or *use* existed at the time of the casualty, provided that the restoration is started within a period of one (1) year from the casualty and is diligently prosecuted to completion. In the event of failure to start the restoration, within the one (1) year period and to complete within twenty-four (24) months, or within the additional periods not exceeding six (6) months, as the Commission may grant upon written Application made to it, the right under this Paragraph to restoration of each building *or structure*, and the right to resume any the nonconforming *use* will be lost and terminated. If the *structure* is located in an area designated as a *Special Flood Hazard Area* then the first floor of the *structure* must be elevated above the base flood elevation and be built in compliance with the Flood Plain Management Ordinance of the Town of Old Saybrook. If the result of elevating the *structure* for flood compliance results in a violation of the height regulations in that specific district, then the applicant will be allowed to modify the roof height accordingly to meet the height regulations on the condition that there is no increase in overall gross floor area.

## 10.6 NONCONFORMITY - USE

The following provisions and limitations will apply to a *nonconforming use* of land, *building* or other *structure*.

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

**10.6.2 Change.** No *nonconforming use* of land, *buildings* or other *structures* will be changed to any *use* which is substantially different in nature and purpose from the former

*nonconforming use, except the uses that are permitted uses in the District in which they are to be located. No nonconforming use of land, buildings or other structures if once changed to conform or to more nearly conform to these regulations will thereafter be changed so as to be less conforming again.*

- 10.6.3 **Moving.** No *nonconforming use* of land will be moved to another part of a *lot* or outside the *lot*, and no *nonconforming use* of a *building or structure* will be moved or extended to any part of the *building or structure* not manifestly arranged and designed for the *use* at the time the *use* became *nonconforming*, and no *building or structure* containing a *nonconforming use* will be moved, unless the result of any the move is to end the *nonconformity*.
- 10.6.4 **Discontinuance.** No *nonconforming use* of land, *buildings* or other *structures* which will have been discontinued with intent to abandon the *use* will thereafter be resumed or replaced by any other *nonconforming use*. No *nonconforming use* of *buildings* or other *structures*, which will have been discontinued for a continuous period of one (1) year, will thereafter be resumed or replaced by any other *nonconforming use*. Any *nonconforming use* of land not involving a *building*, or any *nonconforming use* of land involving *buildings* or improvements which have an assessed valuation of less than \$1,000.00 on the last completed tax assessment list of the Town of Old Saybrook, will be discontinued within three (3) years from the date the *use* became *nonconforming*.
- 10.6.5 **Performance Standards.** Any *use* of land, *buildings*, *structure*, which does not conform to one or more of the performance standards will not be changed to increase the *nonconformity* but may be changed to decrease or eliminate the *nonconformity*. Any the *nonconformity* so reduced or eliminated will not be resumed.

## 10.7 NONCONFORMITY - IMPROVEMENTS

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

- 10.7.1 **Enlargement.** No *nonconforming building*, other *structure* or improvement will be enlarged, extended, reconstructed or structurally altered unless the enlargement or extension is conforming.
- 10.7.2 **Change.** No *nonconforming building*, other *structure* or improvement if once changed to conform or to conform more nearly to these regulations will thereafter be changed to be *nonconforming* or less conforming again.
- 10.7.3 **Moving.** No *nonconforming building*, other *structure* or improvement will be moved unless the result of the moving is to reduce or eliminate the *nonconformity*.
- 10.7.4 **Signs.** *Signs* of a size or type not permitted in the *district* in which they are situated, or which are improperly located or illuminated, or which are *nonconforming* in any other way, will be considered *nonconforming structures* under this section, and any

## Non-Conformity

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increase in size, illumination or flashing of the *signs* will be deemed to be an enlargement or extension constituting an increase in *nonconformity*.

10.7.5 **Off-Street Parking and Loading.** Any *lot*, use, *building or structure* which does not conform to one or more of the parking and loading provisions will continue to conform to the provisions to the extent that it conforms on the effective date of the Section. Any *use* of land, *buildings* or other *structures* which does not conform to one or more of the provisions will not be changed to a *use* which would need additional off-street parking or loading spaces to comply with the provisions unless the spaces are provided as required for the new *use*.

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

## 10.8 NONCONFORMITY - LOTS

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

10.8.1 If the *lot* fails to meet the area requirements of these regulations, the owner of the *lot* will not also be the owner of contiguous land which in combination with each *lot* that fails to conform would make a *lot* that conforms or more nearly conforms to the area requirements of these regulations pertaining to *lots*;

10.8.2 The use, *building or structure* will conform to all other requirements of these regulations;

10.8.3 If permitted in the District, the *lot* may be used for the construction of a single detached *dwelling* for one (1) *family* provided that the *lot* contains an area of not less than twelve thousand five hundred square feet (12,500 s.f.) if served by public water supply or forty thousand square feet (40,000 s.f.) if not so served and provided that the requirements of Paragraph 10.8.2 are met; and

10.8.4 If permitted in the District, an existing single detached *dwelling* for one (1) *family*, so occupied, on the *lot* may be reconstructed, enlarged, extended or structurally altered, provided that the requirements of Paragraph 10.8.2 are met.

## 10.9 TITLE

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

### 10.10 REPAIR

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

### 10.11 FLOOD PLAIN COMPLIANCE

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

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

## **Non-Conformity**

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- E. Any non-conforming *structure* proposed for elevation within a *Special Flood Hazard Area* must be elevated above the base flood elevation and will be located no more than twelve feet (12') above existing grade unless the result is non-compliance with the Town of Old Saybrook Flood Plain Management Ordinance.



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## SECTION 11

# Prohibitions

### 11.0 [RESERVED]

### 11.1 BILLBOARDS

Anything in these regulations to the contrary notwithstanding, *billboards* are prohibited throughout the Town of Old Saybrook. A *billboard* includes, but is not limited to, any *sign* greater than one hundred square feet (100 s.f.) that is freestanding or mounted upon the roof or wall of a *building*. *Billboard* expressly includes any *sign* that is visible from a *street* from which the property on which the *sign* is located does not have direct vehicular access. *Billboard* will not include any *sign(s)* or approved as part of a Site Plan Review or Special Exception *use* of these regulations.

### 11.2 A-FRAME (SANDWICH BOARD) SIGNS

A-Frame (Sandwich Board) Signs are prohibited throughout the Town of Old Saybrook.

## **Prohibitions**

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# ARTICLE II

# RESIDENCE DISTRICTS

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## **RESIDENCE DISTRICTS**

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- 27.9 **Special Exception Uses**

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## SECTION 21

# Residence AAA District

### 21.0 RESERVED

### 21.1 PERMITTED USES

21.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

21.1.2 Professional office in a *dwelling unit*

21.1.3 Home occupation in a *dwelling unit*

21.1.4 Boarding house or renting of rooms

21.1.5 Accessory apartment

21.1.6 Park, playground or *open space* land

21.1.7 Farm, including a *roadside stand*, nursery or greenhouse

21.1.8 *Signs*

21.1.9 *Accessory uses* customary with and incidental to any permitted *use*

21.1.10 Keeping of livestock or poultry

### 21.2 SPECIAL EXCEPTION USES

21.2.1 Conversion of *dwelling* to contain two (2) *dwelling units*

21.2.2 [Reserved]

21.2.3 *Daycare*

21.2.4 Convalescent home, private hospital or sanatorium

21.2.5 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; or educational, religious, philanthropic or charitable institution

21.2.6 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use

21.2.7 Summer day camp, if there is no furnishing of rooms

## AAA District

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21.2.8 Any one of the following uses when not conducted as a business or for profit:  
membership club, lodge, community house; nature preserve or wildlife sanctuary; or  
tennis, swimming, boating or similar club

21.2.9 *Kennel*, livery or boarding stable or riding academy

21.2.10 Public utility substation or telephone equipment *building* provided that there is no  
outside service yard or *outside storage* of supplies

21.2.11 Water supply reservoir, wall, tower, treatment facility or pump station

21.2.12 *Building, use* or facility of the State of Connecticut or Federal Government

21.2.13 Railroad right-of-way or passenger station, including customary *accessory* service,  
excluding switching, storage sidings, freight yard or freight terminal

21.2.14 Radio tower for standard broadcasting radio station

21.2.15 *Private country club*

21.2.16 *Accessory use* customary with and incidental to any Special Exception *use*, except where  
specifically prohibited

21.1.17 Agricultural nursery or greenhouse

21.1.18 Open Space Subdivision

### 21.3 LOT AREA, SHAPE, AND FRONTAGE

#### 21.3.1 Minimum Lot Area

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

#### 21.3.2 Minimum Dimension of Square

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

21.3.3 **Minimum Frontage** 20 feet

21.3.4 **Minimum Width along Building Line** 150 feet

### 21.4 HEIGHT

21.4.1 **Maximum Number of Stories** 2½ stories

21.4.2 **Maximum Height** 35 feet

## 21.5 **SETBACKS**

21.5.1 **From Street Line** 50 feet

21.5.2 **From Rear Property Line** 20 feet

21.5.3 **From Other Property Line** 20 feet

21.5.4 **Projection into Setback Area** 3 feet

### 21.5.5 **Minor Accessory Building or Structure**

A. From Longest Street Line of Corner Lot 50 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

## 21.6 **BUILDING BULK AND COVERAGE**

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

21.6.2 **Maximum Gross Floor Area** 20%

## 21.7 **PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

## 21.8 **SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

## 21.9 **SPECIAL EXCEPTION USES**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.





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## SECTION 22

# Residence AA-1 District

### 22.0 [RESERVED]

### 22.1 PERMITTED USES

22.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

22.1.2 Professional office in a *dwelling unit*

22.1.3 *Home occupation* in a *dwelling unit*

22.1.4 Boarding house or renting of rooms

22.1.5 Accessory apartment

22.1.6 Park, playground or *open space* land

22.1.7 Farm, including *roadside stand*

22.1.8 *Signs*

22.1.9 *Accessory uses* customary with and incidental to any permitted *use*

22.1.10 Keeping of livestock or poultry

### 22.2 SPECIAL EXCEPTION USES

22.2.1 Conversion of *dwelling* to contain two (2) *dwelling units*

22.2.2 [Reserved]

22.2.3 *Daycare*

22.2.4 Convalescent home, private hospital or sanitariums

22.2.5 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; or educational, religious, philanthropic or charitable institution

22.2.6 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use

22.2.7 Summer day camp, if there is no furnishing of rooms

## AA-1 District

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22.2.8 Any one of the following uses when not conducted as a business or for profit:  
membership club, lodge, community house; nature preserve or wildlife sanctuary; or  
tennis, swimming, boating or similar club

22.2.9 *Kennel*, livery or boarding stable or riding academy

22.2.10 Public utility substation or telephone equipment *building* provided that there is no  
outside service yard or *outside storage* of supplies

22.2.11 Water supply reservoir, wall, tower, treatment facility or pump station

22.2.12 *Building, use* or facility of the State of Connecticut or Federal Government

22.2.13 Railroad right-of-way or passenger station, including customary *accessory* service,  
excluding switching, storage sidings, freight yard or freight terminal

22.2.14 *Private country club*

22.2.15 *Accessory uses* customary with and incidental to any previously mentioned Special  
Exception *use*, except where specifically prohibited

22.2.16 Agricultural nursery or greenhouse

22.2.17 Open Space Subdivision

### 22.3 LOT AREA, SHAPE, AND FRONTAGE

#### 22.3.1 Minimum Lot Area

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

#### 22.3.2 Minimum Dimension of Square

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

22.3.3 **Minimum Frontage** 20 feet

22.3.4 **Minimum Width along Building Line** 100 feet

### 22.4 HEIGHT

22.4.1 **Maximum Number of Stories** 2½ stories

22.4.2 **Maximum Height** 35 feet

**22.5 SETBACKS**

22.5.1 **From Street Line** 35 feet

22.5.2 **From Rear Property Line** 20 feet

22.5.3 **From Other Property Line** 20 feet

22.5.4 **Projection into Setback Area** 3 feet

**22.5.5 Minor Accessory Building or Structure**

A. From Longest Street Line of Corner Lot 35 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

**22.6 BUILDING BULK AND COVERAGE**

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

A. Within *Gateway Conservation Zone* 15%

22.6.2 **Maximum Gross Floor Area** 40%

**22.7 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

**22.8 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

**22.9 SPECIAL EXCEPTION USES**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.



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## SECTION 23

# Residence AA-2 District

### 23.0 [RESERVED]

### 23.1 PERMITTED USES

23.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

23.1.2 Professional office or home occupation in a *dwelling unit*

23.1.3 Boarding house or renting of rooms

23.1.4 Accessory apartment

23.1.5 Park, playground or *open space* land

23.1.6 Farm, including *roadside stand*

23.1.7 *Signs*

23.1.8 *Accessory use* customary with and incidental to any permitted *use*

23.1.9 Keeping of livestock or poultry

### 23.2 SPECIAL EXCEPTION USES

23.2.1 Conversion of *dwelling* so as to contain two (2) *dwelling units*

23.2.2 *Bed and breakfast transient lodging*

23.2.4 *Daycare*

23.2.5 Convalescent home, private hospital or sanitarium

23.2.6 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; or educational, religious, philanthropic or charitable institution

23.2.7 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use

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

## AA-2 District

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23.2.9 Any one of the following uses when not conducted as a business or for profit:  
membership club; lodge; community house; or nature preserve or wildlife sanctuary;  
or golf, tennis, swimming, boating or similar club

23.2.10 Public utility substation or telephone equipment *building* provided that there is no  
outside service yard or *outside storage* of supplies

23.2.11 Water supply reservoir, wells, tower, treatment facility or pump station

23.2.12 *Building, use or* facility of the State of Connecticut or Federal Government

23.2.13 Railroad right-of-way or passenger station, including customary *accessory* service,  
excluding switching, storage sidings, freight yard or freight terminal

23.2.14 *Accessory use*, customary with and incidental to any Special Exception *use*

23.2.15 Agricultural nursery or greenhouse

### 23.3 LOT AREA, SHAPE, AND FRONTAGE

#### 23.3.1 Minimum Lot Area

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

#### 23.3.2 Minimum Dimension of Square

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

23.3.3 Minimum Frontage 20 feet

23.3.4 Minimum Width along Building Line 100 feet

### 23.4 HEIGHT

23.4.1 Maximum Number of Stories 2½ stories

23.4.2 Maximum Height 35 feet

### 23.5 SETBACKS

23.5.1 From Street Line 35 feet

23.5.2 From Rear Property Line 15 feet

23.5.3 **From Other Property Line** 15 feet

23.5.4 **Projection into Setback Area** 3 feet

23.5.5 **Minor Accessory Building or Structure**

A. From Longest Street Line of Corner lot 35 feet

B. From Rear Property Line 10 feet

C. From Other Property Line 10 feet

D. Maximum Height 20 feet

23.6 **BUILDING BULK AND COVERAGE**

23.6.1 **Maximum Building/Structure Coverage** 20%

A. Within *Gateway Conservation Zone* 15%

23.6.2 **Maximum Gross Floor Area** 40%

23.7 **PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

23.8 **SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

23.9 **SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.





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# SECTION 24

## Residence A District

### 24.0 [RESERVED]

### 24.1 PERMITTED USES

24.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

24.1.2 Professional offices in a *dwelling unit*

24.1.3 *Home occupation* in a *dwelling unit*

24.1.4 Boarding house or renting of rooms

24.1.5 Accessory apartment

24.1.6 Park, playground or *open space* land

24.1.7 Farm, including *roadside stand*

24.1.8 *Signs*

24.1.9 *Accessory uses* customary with and incidental to any permitted *use*

24.1.10 Keeping of livestock or poultry

### 24.2 SPECIAL EXCEPTION USES

24.2.1 Conversion of a *dwelling* so as to contain two (2) *dwelling units*

24.2.2 *Bed and breakfast transient lodging*

24.2.3 [Reserved]

24.2.4 *Daycare*

24.2.5 Convalescent home, private hospital or sanitarium

24.2.6 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; educational; religious, philanthropic or charitable institution; or dwelling for elderly or handicapped persons

24.2.7 *Residential life care facility*

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24.2.8 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use

24.2.9 Summer day camp, if there is no furnishing of rooms

24.2.10 Any one of the following uses when not conducted as a business or for profit:  
membership club; lodge; community house; or nature preserve or wildlife sanctuary;  
or golf, tennis, swimming, boating or similar club

24.2.11 Public utility substation or telephone equipment *building* provided that there is no  
outside service yard or *outside storage* of supplies

24.2.12 Water supply reservoir, wells tower, treatment facility or pump station

24.2.13 *Building, use* or facility of the State of Connecticut or Federal Government

24.2.14 Railroad right-of-way or passenger station, including customary *accessory* service,  
excluding switching, storage sidings, freight yard or freight terminal

24.2.15 *Accessory use* customary with and incidental to any Special Exception *use*

24.2.16 Agricultural nursery or greenhouse

### 24.3 LOT AREA, SHAPE, AND FRONTAGE

#### 24.3.1 Minimum Lot Area

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

#### 24.3.2 Minimum Dimension of Square

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

24.3.3 **Minimum Frontage** 50 feet

24.3.4 **Minimum Width along Building Line** 100 feet

### 24.4 HEIGHT

24.4.1 **Maximum Number of Stories** 2½ stories

24.4.2. **Maximum Height** 35 feet

**24.5 SETBACKS**

|        |  |         |
|--------|--|---------|
| 24.5.1 | <b>From Street Line</b>                      | 25 feet |
| 24.5.2 | <b>From Rear Property Line</b>               | 15 feet |
| 24.5.3 | <b>From Other Property Line</b>              | 15 feet |
| 24.5.4 | <b>Projection into Setback Area</b>          | 3 feet  |
| 24.5.5 | <b>Minor Accessory Building or Structure</b> |         |
| A.     | From Longest Street Line of Corner lot       | 35 feet |
| B.     | From Rear Property Line                      | 10 feet |
| C.     | From Other Property Line                     | 10 feet |
| D.     | Maximum Height                               | 20 feet |

**24.6 BUILDING BULK AND COVERAGE**

|        |   |     |
|--------|---|-----|
| 24.6.1 | <b>Maximum Gross Floor Area</b>             | 40% |
| 24.6.2 | <b>Maximum Building/Structure Coverage</b>  | 20% |
| A.     | Within the <i>Gateway Conservation Zone</i> | 15% |

**24.7 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

**24.8 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

**24.9 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.



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## SECTION 25

# Residence B District

### 25.0 [RESERVED]

### 25.1 PERMITTED USES

25.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

25.1.2 A *dwelling* containing two (2) *dwelling units* and not more than one (1) *dwelling* per *lot*

25.1.3 Professional office in a *dwelling unit*

25.1.4 *Home occupation* in a *dwelling unit*

25.1.5 Boarding house or renting of rooms

25.1.6 Park, playground or *open space* land

25.1.7 Farm

25.1.8 *Accessory use* customary with and incidental to any permitted *use*

25.1.9 Keeping of livestock or poultry

### 25.2 SPECIAL EXCEPTION USES

25.2.1 *Roadside stand*

25.2.2 *Daycare*

25.2.3 Convalescent home, private hospital or sanitarium

25.2.4 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; or educational, religious, philanthropic or charitable institution

25.2.5 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use

25.2.6 Summer day camp, if there is no furnishing of rooms

25.2.7 Any one of the following uses when not conducted as a business or for profit: membership club; lodge; community house; or nature preserve or wildlife sanctuary; or golf, tennis, swimming, boating or similar club

## **B District**

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25.2.8 Public utility substation or telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies

25.2.9 Water supply reservoir, wells, tower, treatment facility or pump station

25.2.10 *Building, use or* facility of the State of Connecticut or Federal Government

25.2.11 Railroad right-of-way or passenger station, including customary *accessory* service, excluding switching, storage sidings, freight yard or freight terminal

25.2.12 *Accessory use* customary with and incidental to any Special Exception *use*

25.2.13 Agricultural nursery or greenhouse

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

#### **25.3.1 Minimum Lot Area**

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

#### **25.3.2 Minimum Dimension of Square**

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

|                                |         |
|--------------------------------|---------|
| <b>25.3.3 Minimum Frontage</b> | 50 feet |
|--------------------------------|---------|

|   |          |
|---|----------|
| <b>25.3.4 Minimum Width along Building Line</b> | 100 feet |
|---|----------|

### **25.4 HEIGHT**

|   |            |
|---|------------|
| <b>25.4.1 Maximum Number of Stories</b> | 2½ stories |
|---|------------|

|                              |         |
|------------------------------|---------|
| <b>25.4.2 Maximum Height</b> | 35 feet |
|------------------------------|---------|

### **25.5 SETBACKS**

|                                |         |
|--------------------------------|---------|
| <b>25.5.1 From Street Line</b> | 25 feet |
|--------------------------------|---------|

|                                       |         |
|---------------------------------------|---------|
| <b>25.5.2 From Rear Property Line</b> | 15 feet |
|---------------------------------------|---------|

|  |         |
|--|---------|
| <b>25.5.3 From Other Property Line</b> | 15 feet |
|--|---------|

|  |        |
|--|--------|
| <b>25.5.4 Projection into Setback Area</b> | 3 feet |
|--|--------|

|        |  |         |
|--------|--|---------|
| 25.5.5 | <b>Minor Accessory Building or Structure</b> | 35 feet |
| A.     | From Longest Street Line of Corner lot       | 35 feet |
| B.     | From Rear Property Line                      | 10 feet |
| C.     | From Other Property Line                     | 10 feet |
| D.     | Maximum Height                               | 20 feet |

## **25.6 BUILDING BULK AND COVERAGE**

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

## **25.7 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

## **25.8 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

## **25.9 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.





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# SECTION 26

## Residence AA-3 District

### 26.0 [RESERVED]

### 26.1 PERMITTED USES

26.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

26.1.2 Professional office in a *dwelling unit*

26.1.3 *Home occupation* in a *dwelling unit*

26.1.4 Park, playground or *open space* land

26.1.5 Farm, including *roadside stand*

26.1.6 Signs

26.1.7 *Accessory use* customary with and incidental to any permitted *use*

26.1.8 Keeping of livestock or poultry

26.1.9 Boarding house or the renting of rooms

26.1.10 Accessory apartment

### 26.2 SPECIAL EXCEPTION USES

26.2.1 Any one of the following uses when not conducted as a business or for profit: place of worship; parish hall; school; college; university; general hospital; cemetery; or educational, religious, philanthropic or charitable institution

26.2.2 Any one of the following uses when not conducted as a business or for profit: membership club, lodge, community house; nature preserve or wildlife sanctuary; or tennis, swimming, boating or similar club

26.2.3 *Private country clubs*, golf courses.

26.2.4 *Accessory uses* customary with and incidental to any previously mentioned Special Exception *use*, except where specifically prohibited

26.2.5 Conversion of a *dwelling* to contain two (2) dwelling units

26.2.6 Building, use or facility of the Town of Old Saybrook

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26.2.7 Agricultural nursery or greenhouse

26.2.8 *Daycare*

### 26.3 LOT AREA, SHAPE, AND FRONTAGE

26.3.1 **Minimum Lot Area** 87,120 square feet

26.3.2 **Minimum Dimension of Square** 200 feet

26.3.3 **Minimum Frontage** 20 feet

26.3.4 **Minimum Width along Building Line** 200 feet

### 26.4 HEIGHT

26.4.1 **Maximum Number of Stories** 2½ stories

26.4.2 **Maximum Height** 35 feet

### 26.5 SETBACKS

26.5.1 **From Street Line** 50 feet

26.5.2 **From Rear Property Line** 20 feet

26.5.3 **From Other Property Line** 20 feet

26.5.4 **Projection into Setback Area** 3 feet

26.5.5 **Minor Accessory Building or Structure**

A. From Longest Street line of Corner lot 50 feet

B. From Rear Property Line 20 feet

C. From Other Property Line 20 feet

D. Maximum Height 20 feet

### 26.6 BUILDING BULK AND COVERAGE

26.6.1 **Maximum Building/Structure Coverage** 10%

26.6.2 **Maximum Gross Floor Area** 20%

### 26.7 PLOT PLAN

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

**26.8 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

**26.9 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.



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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 Single detached *dwelling* for one (1) *family* and not more than one (1) *dwelling* per *lot*

27.1.2 Professional office in a *dwelling* unit

27.1.3 *Home occupation* in a *dwelling* unit

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

27.1.5 Apartment *dwelling* that is *accessory* to a single attached *dwelling* for one (1) *family*

27.1.6 [Reserved]

27.1.7 Park, playground or *open space* land

27.1.8 Farm, including a *roadside stand*

27.1.9 Signs

27.1.10 *Accessory uses* customary with and incidental to any previously mentioned permitted *use*

27.1.11 Keeping of livestock or poultry

### 27.2 SPECIAL EXCEPTION USES

27.2.1 Group Day Care Home, as defined in C.G.S. §19a-77

27.2.2 Convalescent home, *dwelling* for elderly or handicapped persons, *residential life care facility*

27.2.3 [Reserved]

27.2.4 Any one of the following uses when not conducted as a business or for profit: schools.

27.2.5 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted use.

27.2.6 *Building, use* or facility of the State of Connecticut or Federal Government

27.2.7 Any one of the following uses when not conducted as a business for profit:  
membership club; lodge; community house; or nature preserve or wildlife sanctuary;  
or golf, tennis, swimming, boating or similar club

27.2.8 Livery or boarding or riding academy

27.2.9 Public utility substation or telephone equipment *building* provided that there is no  
outside service yard or *outside storage* of supplies

27.2.10 Water supply reservoir, wells, tower or treatment facility or pump station

27.2.11 Radio Tower for Standard Broadcasting Radio Station

27.2.12 *Bed and breakfast transient lodging*

27.2.13 *Private country club*

27.2.14 *Accessory use* customary with and incidental to any Special Exception *use*, except where  
specifically prohibited

27.2.15 *Daycare*

27.1.16 Agricultural nursery or greenhouse

27.1.17 Open Space Subdivision

### 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 | <b>Minimum width along <i>Building</i> Line</b>  | 150 feet   |
| 27.4   | <b>HEIGHT</b>  |            |
| 27.4.1 | <b>Maximum number of stories</b>   | 2½ stories |
| 27.4.2 | <b>Maximum Height</b>  | 35 feet    |
| 27.5   | <b>SETBACKS</b>  |            |
| 27.5.1 | <b>From Street Line</b>  | 50 feet    |
| 27.5.2 | <b>From Rear Property Line</b>   | 20 feet    |
| 27.5.3 | <b>From Other Property Line</b>  | 20 feet    |
| 27.5.4 | <b>Projection into Setback Area</b>  | 3 feet     |
| 27.5.5 | <b>Minor Accessory Building or Structure</b>   |            |
| A.     | From Longest Street Line of Corner Lot   | 50 feet    |
| B.     | From Rear Property Line  | 20 feet    |
| C.     | From Other Property Line   | 20 feet    |
| D.     | Maximum Height   | 20 feet    |
| 27.6   | <b>BUILDING BULK AND COVERAGE</b>  |            |
| 27.6.1 | <b>Maximum Building/Structure Coverage</b>   | 10%        |
| 27.6.2 | <b>Maximum Gross Floor Area</b>  | 20%        |
| 27.7   | <b>PLOT PLAN</b>   |            |
|        | Prior to approval of any application for Certificate of Zoning Compliance for a permitted <i>use</i> under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer. |            |
| 27.8   | <b>SITE PLAN</b>   |            |
|        | Prior to approval of any application for Certificate of Zoning Compliance for a permitted <i>use</i> under this Section, a Site Plan will be submitted to and approved by the Commission.          |            |
| 27.9   | <b>SPECIAL EXCEPTION</b>   |            |

## **C District**

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Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.



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# ARTICLE III

## **BUSINESS and MARINE DISTRICTS**

### **SECTION 31 Central Business B-1 District**

- 31.0 **PURPOSE**
- 31.1 **PERMITTED USES**
- 31.2 **SPECIAL EXCEPTION USES**
- 31.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 31.4 **HEIGHT**
- 31.5 **SETBACKS**
- 31.6 **BUILDING BULK AND COVERAGE**
- 31.7 **PLOT PLAN**
- 31.8 **SITE PLAN**
- 31.9 **SPECIAL EXCEPTION**

### **SECTION 32 Shopping Center Business B-2 District**

- 32.0 **PURPOSE**
- 32.1 **PERMITTED USES**
- 32.2 **SPECIAL EXCEPTION USES**
- 32.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 32.4 **HEIGHT**
- 32.5 **SETBACKS**
- 32.6 **BUILDING BULK AND COVERAGE**
- 32.7 **PLOT PLAN**
- 32.8 **SITE PLAN**
- 32.9 **SPECIAL EXCEPTION**

### **SECTION 33 Restricted Business B-3 District**

- 33.0 **PURPOSE**
- 33.1 **PERMITTED USES**
- 33.2 **SPECIAL EXCEPTION USES**
- 33.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 33.4 **HEIGHT**
- 33.5 **SETBACKS**
- 33.6 **BUILDING BULK AND COVERAGE**
- 33.7 **PLOT PLAN**
- 33.8 **SITE PLAN**
- 33.9 **SPECIAL EXCEPTION**

### **SECTION 34 Gateway Business B-4 District**

- 34.0 **PURPOSE**
- 34.1 **PERMITTED USES**

- 34.2 **SPECIAL EXCEPTION USES**
- 34.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 34.4 **HEIGHT**
- 34.5 **SETBACKS**
- 34.6 **BUILDING BULK AND COVERAGE**
- 34.7 **PLOT PLAN**
- 34.8 **SITE PLAN**
- 34.9 **SPECIAL EXCEPTION**

### **SECTION 35 Marine Commercial MC District**

- 35.0 **PURPOSE**
- 35.1 **PERMITTED USES**
- 35.2 **SPECIAL EXCEPTION USES**
- 35.3 **LOT AREA, SHAPE, AND FRONTAGE**
- 35.4 **HEIGHT**
- 35.5 **SETBACKS**
- 35.6 **BUILDING BULK AND COVERAGE**
- 35.7 **PLOT PLAN**
- 35.8 **SITE PLAN**
- 35.9 **SPECIAL EXCEPTION**

### **SECTION 36 [Reserved]**

### **SECTION 37 Saybrook Point SP District**

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

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# SECTION 31

## Central Business B-1 District

### 31.0 PURPOSE

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

### 31.1 PERMITTED USES

Any *use* listed in Section 31.1 that occupies a *gross floor area* greater than five thousand (5,000 s.f.) of total area will be a Special Exception *use*. Any non-residential *use, building or structure* in the District that is located, in whole or in part, is within a pedestrian *node*, will require approval as a Special Exception *use*.

- 31.1.1 Store or other *building or structure* where goods are sold or service is rendered primarily at retail
- 31.1.2 Business or professional office; bank or other financial institution; medical or dental clinic; newspaper or job printing
- 31.1.3 Cleaning agency or retail or self-service cleaning business; laundry agency or retail or self-service laundry business not using steam
- 31.1.4 Indoor theater and assembly hall
- 31.1.5 Manufacture, processing or assembling of goods for sale only on the premises or at retail, if there are no more than three (3) persons engaged in the manufacture, processing or assembling
- 31.1.6 Public utility substation or telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies
- 31.1.7 *Building, use* or facility of the State of Connecticut or Federal Government
- 31.1.8 Park, playground or open space land
- 31.1.9 *Signs*
- 31.1.10 *Accessory use* customary with and incidental to any previously mentioned permitted *use*

## **B-1 District**

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### **31.2 SPECIAL EXCEPTION USES**

31.2.1 Indoor restaurant or other indoor food and beverage service establishment

31.2.2 *Bed and breakfast transient lodging*

31.2.3 [Reserved]

31.2.4 Daycare

31.2.5 Off-street parking when accessory to a permitted *use*

31.2.6 Any one of the following uses when not conducted as a business or for profit: place of worship or parish hall; school, college or university; educational, religious, philanthropic or charitable institution; membership club, lodge or community house

31.2.8 Building, *use* or facility of the Town of Old Saybrook not listed as a permitted *use*

### **31.3 PROHIBITED USES**

31.3.1 *Dwelling, nursing home facility*, hospital or sanitarium

31.3.2 Motor vehicle service station, motor vehicle repair garage, including automobile, truck, trailer or farm equipment repairing, painting or upholstering; establishment for motor vehicle washing; establishment for the sale or rental new or *used* automobiles, trucks, trailers or farm equipment

31.3.3 Hotel or motel, including conference facility; veterinary hospital; bowling alley

31.3.4 Warehousing or wholesale business; *building* contractor business or storage yard; lumber or *building* materials business; freight or materials trucking terminal or business; bus terminal; commercial storage, sale or distribution of fuel

31.3.5 Research facility; manufacture, processing or assembling of goods engaging four (4) or more persons in the manufacture, process or assembly.

31.3.6 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding or machine shop

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

#### **31.4.1 Minimum Lot Area**

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

**31.4.2 Minimum Dimension of Square**

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

**31.4.3 Minimum Frontage** 50 feet**31.5 HEIGHT****31.5.1 Maximum Number of Stories** 2½ stories**31.5.2 Maximum Height** 35 feet**31.6 SETBACKS****31.6.1 From Street Line** 10 feet**31.6.2 From Rear Property Line** 10 feet**31.6.3 From Other Property Line** None.**31.6.4 From Residence District Boundary Line** 5 feet  
If the line the lot line of a PRD, then the  
Setbacks of 31.6.2 and 31.6.3 apply.**31.6.5 Projection into Setback** 3 feet**31.7 BUILDING BULK AND COVERAGE****31.7.1 Maximum Building/Structure Coverage** 75%

- |    |                                      |                    |
|----|--------------------------------------|--------------------|
| A. | Maximum each for any <i>building</i> | 18,000 square feet |
|----|--------------------------------------|--------------------|

**31.7.2 Maximum Gross Floor Area** 150%

- |    |                                      |                    |
|----|--------------------------------------|--------------------|
| A. | Maximum each for any <i>building</i> | 36,000 square feet |
|----|--------------------------------------|--------------------|

**31.7.3 Maximum Total Lot Coverage** 85%**31.8 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

**31.9 SITE PLAN**

## **B-1 District**

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Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

### **31.10 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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## SECTION 32

# Shopping Center Business B-2 District

### 32.0 PURPOSE

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

### 32.1 PERMITTED USES

Any *use* listed in Section 32.1 that occupies a *gross floor area* greater than ten thousand square feet (10,000 s.f.) of total area will be a Special Exception *use*.

32.1.1 Store or other *building or structure* where goods are sold or service is rendered primarily at retail

32.1.2 Business or professional office; bank or other financial institution; medical or dental clinic; newspaper or job printing

32.1.3 Cleaning business or retail or self-service cleaning business; laundry business or retail or self-service laundry business not using steam

32.1.4 [Reserved]

32.1.5 Indoor theater and assembly hall

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

32.1.7 [Reserved]

32.218 Public utility substation or telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies

32.1.9 [Reserved]

32.1.10 *Building, use* or facility of the State of Connecticut or Federal Government

32.1.11 Railroad right-of-way or passenger station, including customary *accessory* service, excluding switching, storage sidings, freight yard or freight terminal

## **B-2 District**

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32.1.12 Off-street parking facility whether *accessory* to a permitted *use* or not

32.1.13 Hotel or motel, including conference facility; veterinary hospital; bowling alley

32.1.14 Park, playground or open space land

32.1.15 *Signs*

32.1.16 *Accessory use* customary with and incidental to any previously mentioned permitted *use*

### **32.2 SPECIAL EXCEPTION USES**

32.2.1 [Reserved]

32.2.2 Motor vehicle service station, repair garage, including automobile, truck, trailer or farm equipment repairing, painting or upholstering; establishment for the sale or rental of new or used automobiles, trucks, trailers or farm equipment, provided each site has an area of at least four (4) acres and a depth of at least four hundred feet (400') extending from the *street line*

32.2.3 [Reserved]

32.2.4 Indoor restaurant or other indoor food and beverage service establishment

32.2.5 *Bed and breakfast transient lodging*

32.2.6 Any non-residential *use, building or structure* in the District in which it is located, in whole or in part, is within a *pedestrian node*

32.2.7 Any one of the following uses when not conducted as a business or for profit: place of worship or parish hall; school, college or university; educational, religious, philanthropic or charitable institution; membership club, lodge or community house

32.2.8 Well, tower, treatment facility or pump station

32.2.9 Building, *use* or facility of the Town of Old Saybrook not listed as a permitted *use*

### **32.3 PROHIBITED USES**

32.3.1 *Dwelling, nursing home facility*, hospital or sanitarium

32.3.2 Motor vehicle service station, except as permitted under Paragraphs 32.2.1 and 32.2.2; and establishment for motor vehicle washing

32.3.3 Warehousing and wholesale businesses; *building* contractors in businesses and storage yards; lumber and *building* materials businesses; freight and materials trucking



terminals and businesses; bus terminals; commercial storage, sale and distribution of fuel

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

32.3.5 Painting, plumbing, electrical, sheet material, carpentry, woodworking, blacksmith, welding machine shop

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

### **32.4.1 Minimum Lot Area**

A. Served by public water and supply 20,000 square feet

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

### **32.4.2 Minimum Dimension of Square**

A. Served by public water supply 100 feet

Not served by public water supply 150 feet

32.4.3 **Minimum Frontage** 50 feet

## **32.5 HEIGHT**

32.6.1 **Maximum Number of Stories** 2½ stories

32.6.2 **Maximum Height** 35 feet

## **32.6 SETBACKS**

32.6.1 **From Street Line** 25 feet

32.6.2 **From Rear Property Line** 10 feet

32.6.3 **From Other Property Line** 10 feet

32.6.4 **From Residence District Boundary Line** 25 feet

32.6.5 **Projections into Setback Area** 5 feet

## **32.7 BUILDING BULK AND COVERAGE**

32.7.1 **Maximum Building/Structure Coverage** 40%

## **B-2 District**

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### **32.7.2 Maximum Gross Floor Area** 60%

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

- 5) Minimum *open space* between *buildings* 20 feet

### **32.7.3 Maximum Total Lot Coverage** 80%

## **32.8 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

## **32.9 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

## **32.10 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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## SECTION 33

# Restricted Business B-3 District

### 33.0 PURPOSE

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

### 33.1 PERMITTED USES

Any *use* listed in Section 33.1 that occupies a *gross floor area* greater than three-thousand square feet (3,000 s.f.) of total area will require approval as a Special Exception *Use*

33.1.1 Single detached *dwelling* for one (1) *family* and not more than one (1) the *dwelling* per *lot*

33.1.2 Professional office in a *dwelling unit*

33.1.3 *Home occupation* in a *dwelling unit*

33.1.4 The renting of not more than three (3) rooms, with or without meals, in a *dwelling unit* to a total of not more than three (3) persons

33.1.5 Park, playground or open space land

33.1.6 Farm

33.1.7 *Signs*

33.1.8 *Accessory use* customary with and incidental to any previously mentioned permitted *use*

33.1.9 Keeping of livestock or poultry

### 33.2 SPECIAL EXCEPTION USES

33.2.1 Store or other *building or structure* where goods are sold or service is rendered primarily at retail

33.2.2 Business or professional office; bank or other financial institution; medical or dental clinic

## **B-3 District**

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- 33.2.3 Indoor restaurant or other indoor food and beverage service establishment, including service to customers at a service counter or in a motor vehicle at a take-out window
- 33.2.4 Manufacture, processing or assembling of goods for sale only on the premises or at retail, if there are no more than three (3) persons engaged in the manufacture, processing or assembling
- 33.2.5 [Reserved]
- 33.2.6 *Bed and breakfast transient lodging*
- 33.2.7 Daycare
- 33.2.8 *Nursing home facility*, hospital or sanitarium
- 33.2.9 Any one of the following uses when not conducted as a business or for profit: place of worship or parish hall; school, college or university; general hospital; cemetery; educational, religious, philanthropic or charitable institution
- 33.2.10 *Building, use* or facility of the Town of Old Saybrook not listed as a permitted *use*
- 33.2.11 Any one of the following uses when not conducted as a business or for profit: membership club, lodge or community house; nature preserve or wildlife sanctuary; golf, tennis, swimming, boating or similar club
- 33.2.12 Public utility substation or telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies
- 33.2.13 Water supply reservoir, wall, tower, treatment facility or pump station
- 33.2.14 *Building, use* or facility of the State of Connecticut or Federal Government
- 33.2.15 [Reserved]
- 33.2.16 *Accessory use* customary with and incidental to any previously mentioned Special Exception *use*
- 33.2.17 Any non-residential *use, building or structure* in the District in which it is located, in whole or in part, is within a pedestrian *node*
- 33.2.18 Agricultural nursery or greenhouse

## **33.3 PROHIBITED USES**

- 33.3.1 Motor vehicle service station; motor vehicle repair garage, including automobile, truck, trailer and farm equipment repairing, painting and upholstering; establishment

for motor vehicle washing; establishment for the sale of new or used automobiles, trucks, trailers or farm equipment or the rental thereof

33.3.2 Hotel or motel, including conference facility; veterinary hospital; bowling alley

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

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

33.3.5 Painting, plumbing, electrical, sheet metal, carpentry, wood- working, blacksmith, welding or machine shop

33.3.6 Roadside stand for the display and sale or rental of farm products; newspaper or job printing; cleaning or laundry business or self-service business; theater and assembly hall; day camp; and *kennels*, livery or board stables or riding academy

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

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

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

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

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

|        |                         |          |
|--------|-------------------------|----------|
| 33.4.3 | <b>Minimum Frontage</b> | 100 feet |
|--------|-------------------------|----------|

### **33.5 HEIGHT**

|        |                                  |            |
|--------|----------------------------------|------------|
| 33.5.1 | <b>Maximum Number of Stories</b> | 2½ stories |
|--------|----------------------------------|------------|

|        |                       |         |
|--------|-----------------------|---------|
| 33.3.2 | <b>Maximum Height</b> | 35 feet |
|--------|-----------------------|---------|

### **33.6 SETBACKS**

|        |                         |         |
|--------|-------------------------|---------|
| 33.6.1 | <b>From Street Line</b> | 25 feet |
|--------|-------------------------|---------|

|        |                                |         |
|--------|--------------------------------|---------|
| 33.6.2 | <b>From Rear Property Line</b> | 15 feet |
|--------|--------------------------------|---------|

## **B-3 District**

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33.6.3 **From Other Property Line** 15 feet

33.6.4 **Projection into Setback Area** 3 feet

33.6.5 **Minor Accessory Building or Structure**

A. From Longest Street Line of corner *lot* 25 feet

B. From near Property Line 10 feet

C. From other Property Line 10 feet

### **33.7 BUILDING BULK AND COVERAGE**

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

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

33.7.2 **Maximum Gross Floor Area** 80%

A. Maximum each for any *building* 6,000 square feet

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

33.7.3 **Maximum Total Lot Coverage** 80%

### **33.8 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* permitted under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

### **33.9 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* in this Section, a Site Plan will be submitted to and approved by the Commission.

### **33.10 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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## SECTION 34

# Gateway Business B-4 District

### 34.0 PURPOSE

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

### 34.1 PERMITTED USES

Any *use* listed in Section 34.1 that occupies a *gross floor area* greater than twenty thousand square feet (20,000 s.f.) of total area will be a Special Exception.

34.1.1 Store or other *building or structure* where goods are sold or service is rendered primarily at retail

34.1.2 Business or professional office; bank or other financial institution; medical or dental clinic; newspaper or job printing

34.1.3 Cleaning business or retail or self-service cleaning business; laundry business or retail or self-service laundry business not using steam

34.1.4 [Reserved]

34.1.5 Indoor theater or assembly hall

34.1.6 Any one of the following uses when not conducted as a business or for profit: place of worship or parish hall; school, college or university; educational, religious, philanthropic or charitable institution; membership club, lodge or community house

34.1.7 Public utility substation or telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies

34.1.8 Water supply reservoir, wells, tower, treatment facility or pump station

34.1.9 *Building, use* or facility of the State of Connecticut or Federal Government

34.1.10 [Reserved]

34.1.11 Off-street parking facility when *accessory* to a permitted *use* or not

## **B-4 District**

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34.1.12 Hotel or motel, including conference facility; veterinary hospital; bowling alley

34.1.13 [Reserved]

34.1.14 [Reserved]

34.1.15 [Reserved]

34.1.16 Park, playground or open space land

34.1.17 *Signs*

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

### **34.2 SPECIAL EXCEPTION USES**

34.2.1 Motor vehicle service station; motor vehicle repair garage, including automobile, truck, trailer or farm equipment repairing, painting or upholstering; establishment for motor vehicle washing; establishment for the sale or rental of new or *used* automobiles, trucks, trailers or farm equipment

34.2.2 Indoor restaurant or other indoor food and beverage service establishment

34.2.3 Helipad

34.2.4 *Nursing home facility*

34.2.5 *Bed and breakfast transient lodging*

34.2.6 *Adult entertainment business*

34.2.7 [Reserved]

34.2.8 Family and group daycare home

34.2.9 Warehousing or wholesale business; *building* contractor, business or storage yard; lumber or *building* materials business; freight or materials trucking terminal or business; bus terminal; commercial storage, sale or distribution of fuel

34.2.10 Research laboratory; manufacture, processing or assembling of goods

34.2.11 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding or machine shop

34.3.12 Building, *use* or facility of the Town of Old Saybrook not listed as a permitted *use*

### **34.3 PROHIBITED USES**



34.3.1 *Dwelling*, hospital or sanitarium

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

##### **34.4.1 Minimum Lot Area**

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

##### **34.4.2 Minimum Dimension of Square**

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

|        |                         |         |
|--------|-------------------------|---------|
| 34.4.3 | <b>Minimum Frontage</b> | 50 feet |
|--------|-------------------------|---------|

#### **34.5 HEIGHT**

|        |                                  |            |
|--------|----------------------------------|------------|
| 34.5.1 | <b>Maximum Number of Stories</b> | 2½ stories |
|--------|----------------------------------|------------|

|        |                       |         |
|--------|-----------------------|---------|
| 34.5.2 | <b>Maximum Height</b> | 35 feet |
|--------|-----------------------|---------|

#### **34.6 SETBACKS**

|        |                         |         |
|--------|-------------------------|---------|
| 34.6.1 | <b>From Street Line</b> | 50 feet |
|--------|-------------------------|---------|

|        |                                |         |
|--------|--------------------------------|---------|
| 34.6.2 | <b>From Rear Property Line</b> | 20 feet |
|--------|--------------------------------|---------|

|        |                                 |         |
|--------|---------------------------------|---------|
| 34.6.3 | <b>From Other Property Line</b> | 20 feet |
|--------|---------------------------------|---------|

|        |  |         |
|--------|--|---------|
| 34.6.4 | <b>From Residence District Boundary Line</b> | 50 feet |
|--------|--|---------|

|        |                                      |        |
|--------|--------------------------------------|--------|
| 34.6.5 | <b>Projections into Setback Area</b> | 5 feet |
|--------|--------------------------------------|--------|

#### **34.7 BUILDING BULK AND COVERAGE**

|        |  |     |
|--------|--|-----|
| 34.7.1 | <b>Maximum Building/Structure Coverage</b> | 40% |
|--------|--|-----|

|        |                                 |     |
|--------|---------------------------------|-----|
| 34.7.2 | <b>Maximum Gross Floor Area</b> | 60% |
|--------|---------------------------------|-----|

- |    |   |                    |
|----|---|--------------------|
| A. | Maximum each for any <i>building</i><br>plus covered loading spaces | 85,000 square feet |
|----|---|--------------------|

|  |  |         |
|--|--|---------|
|  | Minimum <i>open space</i> between <i>buildings</i> | 20 feet |
|--|--|---------|

## **B-4 District**

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34.7.3 **Maximum Total Lot Coverage** 70%

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

### **34.8 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* in this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

### **34.9 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* in this Section, a Site Plan will be submitted to and approved by the Commission.

### **34.10 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted in this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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## SECTION 35

# Marine Commercial MC District

### 35.0 PURPOSE

*To provide for and encourage appropriate land uses, with emphasis on waterfront access and water-dependent uses as defined by the Connecticut Coastal Management Act, as codified at C.G.S. §22a-93, and water-related uses.*

### 35.1 PERMITTED USES

Any *use* listed in Section 35.1 that occupies a *gross floor area* greater than five thousand square feet (5,000 s.f.) of total area will be a Special Exception *use*.

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

35.1.2 School, park, playground or *open space* land of the Town of Old Saybrook

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

35.1.4 A fish market primarily handling local catches

35.1.5 Establishment for the sale, repair or servicing of *boats*, including the dispensing of fuel and lubricants at retail, but expressly excluding bulk storage of fuel

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

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

35.1.8 *Signs* as provided in Section 64

35.1.9 *Accessory uses* customary with and incidental to any previously mentioned permitted *use*

### 35.2 SPECIAL EXCEPTION USES

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

35.2.2 Marine research laboratories for the study of aquatic and marine environment, ecology or resources

- 35.2.3 *Building use* or facility of the Town of Old Saybrook other than *uses* specified in Paragraph 35.1.2
- 35.2.4 Public utility substation and telephone equipment *building* provided that there is no outside service yard or *outside storage* of supplies
- 35.2.5 Water supply reservoir, well, tower, treatment facility or pump station
- 35.2.6 *Building use* or facilities of the State of Connecticut or Federal Government
- 35.2.7 Railroad right-of-way or passenger station, including customary *accessory* services, excluding switching, storage siding, freight yard or freight terminal
- 35.2.8 Retail store or service establishment
- 35.2.9 *Restaurant* or other indoor food and beverage service establishment
- 35.2.10 Business or professional office
- 35.2.11 Swimming facility, commercially operated tennis court or private tennis club or similar facility for racquetball or paddle tennis
- 35.2.12 Base operation for fishery or shellfishery business, including as an *accessory use* of the business a store or market for the sale of fish, shellfish or other related food products, or the commercial *bulk* processing of fish and shellfish
- 35.2.13 *Accessory uses* customary with and incidental to any Special Exception *use*

### 35.3 LOT AREA, SHAPE, AND FRONTAGE

#### 35.3.1 Minimum Lot Area

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

#### 35.3.2 Minimum Dimension of Square

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

#### 35.3.3 Minimum Frontage 20 feet

**35.4 HEIGHT**

35.4.1 **Maximum Number of Stories** 2½ stories

35.4.2 **Maximum Height** 35 feet

**35.5 SETBACKS**

35.5.1 **From Street Line** 40 feet

35.5.2 **From Rear Property Line**

A. Abutting navigable water None.

B. Not abutting navigable water 20 feet

35.5.3 **From Other Property Line**

A. Abutting navigable water None.

B. Not abutting navigable water 20 feet

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

35.5.5 **Projections into Setback Area** 3 feet

**35.6 BUILDING BULK AND COVERAGE**

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

35.6.2 **Maximum Gross Floor Area** 80%

35.6.3 **Maximum Total Lot Coverage** 80%

**35.7 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* permitted under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

**35.8 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* permitted under this Section, a Site Plan will be submitted to and approved by the Commission.

### 35.9 SPECIAL EXCEPTION

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted by this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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SECTION 36  
**[Reserved]**





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## SECTION 37

# Saybrook Point SP Districts

### 37.0 PURPOSE

*To plan for the most appropriate use and development of this important area and to chart a course that ensures that protection of the significant heritage and scenic beauty of the Point. The Saybrook Point District delineates an area of the Town that is of local, State and National interest by reason of its:*

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

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

### 37.1 PERMITTED USES

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

- P** A use permitted in the District, as a matter-of-right
- S** A use permitted in the District, subject to the approval as a Special Exception
- X** A use prohibited in the District

**SP DISTRICTS**

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|         |   | <b><u>SP-1</u></b> | <b><u>SP-2</u></b> | <b><u>SP-3</u></b> |
|---------|---|--------------------|--------------------|--------------------|
| 37.1.1  | A single detached <i>dwelling</i> for one (1) <i>family</i> and not more than one (1) <i>dwelling</i> per <i>lot</i>  | <b>X</b>           | <b>X</b>           | <b>P</b>           |
| 37.1.2  | A <i>dwelling</i> containing two (2) <i>dwelling units</i> and not more than one (1) <i>dwelling</i> per <i>lot</i>   | <b>X</b>           | <b>X</b>           | <b>S</b>           |
| 37.1.3  | [Reserved]  |                    |                    |                    |
| 37.1.4  | A professional office in a <i>dwelling unit</i>   | <b>X</b>           | <b>X</b>           | <b>P</b>           |
| 37.1.5  | A <i>home occupation</i> in a <i>dwelling unit</i>  | <b>X</b>           | <b>X</b>           | <b>P</b>           |
| 37.1.6  | Signs   | <b>P</b>           | <b>P</b>           | <b>P</b>           |
| 37.1.7  | A dock, wharf, slip basin or similar landing facility for pleasure <i>boats</i> or excursion <i>boats</i> serving the public, expressly excluding vessels engaged in commercial fishery or shellfishery   | <b>S</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.8  | Establishment for the sale, repair or servicing of pleasure <i>boats</i> , including the dispensing of fuel or lubricants for <i>boats</i> at retail, but expressly excluding dry storage of <i>boats</i> or bulk storage of fuel   | <b>X</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.9  | A sail loft or ship chandlery, including the retail sale of marine equipment, engines or provisions for pleasure <i>boats</i>   | <b>X</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.10 | Public walkway, park or fishing pier  | <b>P</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.11 | Marine research laboratory for the study of aquatic and marine environment, ecology or resources  | <b>X</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.12 | Indoor <i>restaurant</i> or other food and beverage service establishment   | <b>X</b>           | <b>S</b>           | <b>X</b>           |
| 37.1.13 | <u>The following <i>uses</i> when related to and either <i>accessory</i> or subordinate to a <i>use</i> permitted under paragraphs 37.1.7, 37.1.8, 37.1.9 or 37.1.12 on the same <i>lot</i>: Business or professional office; Store or other <i>building</i> or <i>structure</i> where goods are sold and services are rendered primarily at retail; Hotel or motel, including conference facilities; swimming or other recreational facility</u> | <b>X</b>           | <b>S</b>           | <b>X</b>           |

## SP Districts

|  | <b><u>SP-1</u></b> | <b><u>SP-2</u></b> | <b><u>SP-3</u></b> |
|--|--------------------|--------------------|--------------------|
| 37.1.14 <i>Buildings, use</i> or facility of the Town  | <b>S</b>           | <b>S</b>           | <b>S</b>           |
| 37.1.15 <i>Building, use</i> or facility of the State of Connecticut or Federal government                             | <b>S</b>           | <b>S</b>           | <b>S</b>           |
| 37.1.16 Off-street parking <i>accessory</i> to a <i>use</i> permitted and located in the Saybrook Point District       | <b>S</b>           | <b>S</b>           | <b>S</b>           |
| 37.1.17 <i>Accessory uses</i> customary with and incidental to any permitted <i>use</i> located on the same <i>lot</i> | <b>P</b>           | <b>P</b>           | <b>P</b>           |
| <b>37.2 LOT AREA, SHAPE, AND FRONTAGE</b>  |                    |                    |                    |
| 37.2.1 <b>Minimum Lot Area</b> (s.f.)  | 20,000             | 20,000             | 69,700             |
| 37.2.2 <b>Minimum Dimension of Square</b>  | 100 feet           | 100 feet           | 100 feet           |
| 37.2.3 <b>Minimum Frontage</b>   | 50 feet            | 50 feet            | 50 feet            |
| <b>37.3 HEIGHT</b>   |                    |                    |                    |
| 37.3.1 <b>Maximum Number of Stories</b>  | 2½                 | 2½                 | 2½                 |
| 37.3.2 <b>Maximum Height</b>   | 35 feet            | 35 feet            | 35 feet            |
| <b>37.4 SETBACKS</b>   |                    |                    |                    |
| 37.4.1 <b>From Centerline of College St. Right-of-Way</b>  | 55 feet            | 70 feet            | 55 feet            |
| 37.4.2 <b>From Street line of Other Streets</b>  | 25 feet            | 25 feet            | 25 feet            |
| 37.4.3 <b>From Property Line</b>   |                    |                    |                    |
| A. Abutting navigable water  | None               | None               | None               |
| B. Not abutting navigable water  | 15 feet            | 15 feet            | 15 feet            |
| 37.4.4 <b>Projections Into Setback Area</b>  | 3 feet             | 3 feet             | 3 feet             |
| <b>37.5 BUILDING BULK AND COVERAGE</b>   |                    |                    |                    |
| 37.5.1 <b>Maximum Building/Structure Coverage</b>  | 10%                | 25%                | 20%                |
| 37.5.2 <b>Maximum Gross Floor Area</b>   | 10%                | 50%                | 40%                |
| 37.5.3 <b>Maximum Total Lot Coverage</b>   | 75%                | 75%                | 75%                |

**37.6 PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

**37.7 SITE PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

**37.8 SPECIAL EXCEPTION USES**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* permitted under this Section, an application for Special Exception *use*, including a Site Plan, will be submitted to and approved by the Commission.

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# ARTICLE IV

# INDUSTRIAL DISTRICTS

## SECTION 41 Industrial I District

- 41.0 **Purpose**
- 41.1 **Permitted Uses**
- 41.2 **Special Exception Uses**
- 41.3 **Lot Area, Shape, and Frontage**
- 41.4 **Height**
- 41.5 **Setbacks**
- 41.6 **Building Bulk and Coverage**
- 41.7 **Plot Plan**
- 41.8 **Site Plan**
- 41.9 **Special Exception**



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# SECTION 41

## Industrial I District

### 41.0 PURPOSE

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

### 41.1 PERMITTED USES

Any *use* listed in Section 41.1 that occupies a *gross floor area* greater than forty thousand square feet (40,000 s.f.) of total area will be a Special Exception *use*.

41.1.1 Research laboratory, manufacture, processing or assembling of goods

41.1.2 Business or professional establishment; bank or other financial institution; medical or dental clinic; health and physical fitness facility open to general public membership

41.1.3 Warehousing or wholesale business; *building* contractor business or storage yard; lumber or *building* materials business; freight or materials trucking terminal or business; bus terminal; commercial storage, sale or distribution of fuel

41.1.4 Printing or publishing establishment

41.1.5 Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding or machine shop

41.1.6 [Reserved]

41.1.7 Hotel or motel, including conference facility

41.1.8 [Reserved]

41.1.9 Store or other *building or structure* where goods are sold or service is rendered primarily at retail when *accessory* and subordinate to another permitted *use* on the same *lot*

41.1.10 [Reserved]

41.1.11 Public utility substation or telephone equipment *building*

41.1.12 Water supply reservoir, wells, tower, treatment facility or pump station

41.1.13 *Building, use* or facility of the State of Connecticut or Federal Government

## **I District**

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41.1.14 Railroad right-of-way or passenger station, including customary *accessory* service

41.1.15 [Reserved]

41.1.16 Park, playground or open space land

41.1.17 *Sign*

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

### **41.2 SPECIAL EXCEPTION USES**

41.2.1 Helipad

41.2.2 Indoor restaurant or other indoor food and establishment

41.2.3 *Nursing home facility*

41.2.4 Off-street parking facility when not accessory and subordinate to a permitted *use*

41.2.5 Motor vehicle *uses* when clearly accessory and subordinate to a permitted *use* on the same lot

41.2.6 Building, *use* or facility of the Town of Old Saybrook not listed as a permitted use

### **41.3 PROHIBITED USES**

41.3.1 *Dwelling*, hospital or sanitarium

41.3.2 Store or other *building or structure* where goods are sold or service is rendered primarily at retail, except as permitted under Paragraph 41.1.9; veterinary hospital; undertakers' establishment; bowling alley

41.3.3 [Reserved]

41.3.4 *Kennels*; livery and boarding stables and riding academics; roadside stand for the display and sale or rental of farm products; summer day camp

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

#### **41.4.1 Minimum Lot Area**

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

#### **41.4.2 Minimum Dimension of Square**



A. Served by public water Supply 150 feet

B. Not served by public water supply 150 feet

41.4.3 **Minimum Frontage** 50 feet

#### 41.5 **HEIGHT**

41.5.1 **Maximum Number of Stories** 3 stories

A. Within *Gateway Conservation Zone* 2½ stories

41.5.2 **Maximum Height** 50 feet

A. Within *Gateway Conservation Zone* 35 feet

#### 41.6 **SETBACKS**

41.6.1 **From Street Line** 50 feet

41.6.2 **From Rear Property Line** 20 feet

41.6.3 **From Other Property Line** 20 feet

41.6.4 **From Residence District Boundary Line** 50 feet

41.6.5 **Projections into Setback Area** 5 feet

#### 41.7 **BUILDING BULK AND COVERAGE**

41.7.1 **Maximum Building/Structure Coverage** 40%

A. Within *Gateway Conservation Zone* 25%

41.7.2 **Maximum Gross Floor Area** 80%

41.7.2 **Maximum Total Lot Coverage** 70%

#### 41.8 **PLOT PLAN**

Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Plot Plan will be submitted to and approved by the Enforcement Officer.

#### 41.9 **SITE PLAN**

## **I District**

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Prior to approval of any application for Certificate of Zoning Compliance for a permitted *use* under this Section, a Site Plan will be submitted to and approved by the Commission.

### **41.10 SPECIAL EXCEPTION**

Prior to the approval of any application for Certificate of Zoning Compliance for a Special Exception *use* under this Section, a Site Plan and Special Exception application will be submitted to and approved by the Commission.

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# ARTICLE V

## **SITE PLANS, SPECIAL EXCEPTIONS and SPECIAL ZONES**

### **SECTION 51 Site Plans**

- 51.0 **Purpose**
- 51.1 **Procedure**
- 51.2 **Activities for Which a Site Plan Is Required**
- 51.3 **Informal Discussion of Site Plans**
- 51.4 **Formal Application for Site Plan Approval**
- 51.5 **Site Plan Objectives**
- 51.6 **Contents of Site Plan Submission**
- 51.7 **Commission Action on Application for Site Plan Approval**
- 51.8 **Posting a Bond**
- 51.9 **Appeals**
- 51.10 **Filing the Plan**
- 51.11 **Commencement and Completion of Construction**
- 51.12 **Certificate of Occupancy**
- 51.13 **Amendments to an Approved Site Plan**

### **SECTION 52 Special Exception Uses**

- 52.0 **[Reserved]**
- 52.1 **General**
- 52.2 **Purpose**
- 52.3 **Application**
- 52.4 **Procedure**
- 52.5 **Approval**
- 52.6 **General Standards**

### **SECTION 53 Special Standards for Specific Uses**

- 53.0 **[Reserved]**
- 53.1 **Standards**

### **SECTION 54 [Reserved]**

### **SECTION 55 Planned Residential Development (PRD) Zone**

- 55.0 **[Reserved]**
- 55.1 **General**
- 55.2 **Definitions**
- 55.3 **Application**

- 55.4 **Procedure**
- 55.5 **Approval**
- 55.6 **Standards**

### **SECTION 56 Open Space (OS) Subdivisions**

- 56.0 **[Reserved]**
- 56.1 **General**
- 56.2 **Purpose**
- 56.3 **Application**
- 56.4 **Initial Procedure**
- 56.5 **Approval**
- 56.6 **Standards**

### **SECTION 57 Saybrook Aquifer Protection (AP) Zone**

### **SECTION 58 Gateway Conservation (GC) Zone**

- 58.0 **Purpose**
- 58.1 **General**
- 58.2 **Riparian Buffer Zone**
- 58.3 **Developed Areas**
- 58.4 **Permitted Uses & Activities**
- 58.5 **Special Exception Uses**
- 58.6 **Setback (Gateway Conservation Zone)**
- 58.7 **Height (Gateway Conservation Zone)**
- 58.8 **Considerations for Decision**

### **SECTION 59 Coastal Area Management Zone**

- 59.0 **[Reserved]**
- 59.1 **General**
- 59.2 **Exemptions**

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# SECTION 51

## Site Plans

### 51.0 PURPOSE

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

### 51.1 PROCEDURE

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

### 51.2 ACTIVITIES FOR WHICH A SITE PLAN IS REQUIRED

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

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

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

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

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

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

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

### 51.3 INFORMAL DISCUSSION OF SITE PLANS

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

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

## **51.4 FORMAL APPLICATION FOR SITE PLAN APPROVAL**

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

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

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

**51.4.3 Statutory Requirements.** The Commission will act upon applications for Site Plan approval, except those accompanying an application for a Special Exception, in accordance with the provisions of C.G.S. §8-7d(b). The Commission may hold a public hearing on any Site Plan. In the case of a site plan accompanying an application for Special Exception, the Commission considers site plans as part of the application for Special Exception and action on the plan will be taken in accordance with Section 52 and 53 of these regulations.

**51.4.4 Inland Wetlands Report and Permit Required.** If any part of the site is within the jurisdiction of the Inland Wetlands & Watercourses Commission under provisions of the Connecticut General Statutes, then the report of the Inland Wetlands & Watercourses Commission, together with any permit issued for regulated activities, will be submitted with the application for Site Plan approval. In accordance with State Statutes, the Commission will not act on an application for Site Plan approval until the report of Inland Wetlands & Watercourses Commission has been received and considered.

**51.4.5 Architectural Review Board Advisory Report Findings Required.** For all commercial, industrial, and multi-*family* applications for Site Plan approval required

## Site Plans

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pursuant to the Zoning Regulations, the Commission will transmit sufficient copies of site plans or elevation drawings to the Architectural Review Board for an advisory report of its findings. Within forty-five (45) days after receipt from the Land Use Department of a copy of the application form, plans, and documents, the Architectural Review Board will submit an advisory report of its recommendations to the Commission.

- 51.4.6 **Referrals.** The Commission may transmit copies of Site Plan materials to other officials and agencies for advisory reports and consultation or for approval as may be required by law. The referrals may include, but are not limited to, the following: Planning Commission, Architectural Review Board, Conservation Commission, Parks and Recreation Commission, Harbor Management Commission, Economic Development Commission, Board of Selectmen, Commission's attorney, Connecticut River Area Health District, Fire Marshal, Commission Engineer, Connecticut Department of Transportation (DOT), Connecticut River Estuary Regional Planning Agency (CRERPA), Connecticut River Gateway Commission, Connecticut River Coastal Conservation District, or any other regulatory or advisory body of local State or Federal government from which the Commission wishes to seek advice and counsel in reaching its decision.
- 51.4.7 **Procedure.** Upon receipt, the Land Use Department will transmit the application form and accompanying plans and documents to the Commission; will also transmit sufficient copies to the Architectural Review Board. A copy of any Site Plan and *Soil Erosion & Sediment Control Plan* may be transmitted by the Land Use Department to the Connecticut River Coastal Conservation District with a request for its technical review and advisory opinion, and for certification; a copy of any *Soil Erosion & Sediment Control Plan* pertaining to the *lot* in the *Gateway Conservation Zone* will also be transmitted to the District for the review and opinion. Within forty-five (45) days after the receipt of a copy of the application form, plans and documents, the Architectural Review Board may and the Planning Commission will submit advisory reports of their recommendations to the Commission.

## 51.5 SITE PLAN OBJECTIVES

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

- 51.5.1 **Complete Application.** That the application is complete and includes all material and information required by the Commission under these regulations to reach the findings contained herein.
- 51.5.2 **Conformance with Zoning Regulations.** That the application conforms to all relevant provisions of these regulations.



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

*structure.*

### 51.6 CONTENTS OF SITE PLAN SUBMISSION

Unless waived by the Commission, each application for Site Plan approval will include all information required below. Additional information and reports may be required.

51.6.1 **Number of Copies.** The applicant will submit copies of each application for Site Plan approval sufficient for review by the Commission and its staff. Additional copies of Site Plan materials, for review by other agencies or officials, will be provided by the Applicant upon request from the Commission or the Enforcement Officer.

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

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

51.6.4 The following information will be submitted as part of all applications for Site Plan approval:

A. **Statement of Use.** A written statement, signed by the Applicant, and by the owner if different from the Applicant, describing the nature and extent of the proposed *use* or occupancy in sufficient detail to determine compliance with the *use* provisions of these regulations. The written statement will include a declaration as to the nature and extent of the proposed *use* or occupancy; a description of provision for water supply, sewage disposal, solid and liquid waste, drainage and other utilities; the number of persons estimated to occupy or visit the premises on a daily basis; the basis for determining parking and loading requirements, and an estimate of the type of vehicular traffic and number of vehicles generated on a daily basis and at peak hour; and disclosure of any toxic or hazardous substances used, stored or processed in connection with the proposed *use* or occupancy.

B. **Maps.** All maps will be drawn on one or more sheets measuring 24" x 36". If more than one sheet is required, each sheet will be sequentially numbered, and an index of all supporting detail map sheets will be included on the first sheet. For more efficient presentation, any information required in Section 51.6.4(2) may be combined on plan sheets, if the information is presented in a clear and understandable manner. All prints of maps and plans will be clear, legible, and bound along the left side with required identifying data on each sheet. To the extent practical, north arrows will be consistent from one map to the other. Maps will be dated, and revision dates will be shown if plans are updated or revise during the review process.

1. **Location Map** – An accurate map at a scale of one inch equals one

thousand feet (1" = 1,000') will be submitted showing the subject property and all property and *streets* within one thousand feet (1000') of any part of the subject property, including all *lots* and *lot* lines, all zoning *district* boundaries and all existing *streets* and roads. The location map may be included on the Site Plan (the location map may be derived from the Town's base map.)

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

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

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

- a. **General Information**

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

- b. **The Property**

## Site Plans

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

### c. **Buildings and Uses**

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

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

- (1) Location, arrangement, and dimensions of all existing and proposed *paved areas*, including automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps;
- (2) Location, arrangement and dimensions of loading and unloading areas;
- (3) Location and dimensions of pedestrian walkways, entrances, exits and walks;
- (4) All off-street parking and loading, access and circulation will meet the requirements of these regulations.

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

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

f. **Signs and Lighting**

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

g. **Utilities and Drainage**

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

retention basins and other features.

h. **Sedimentation and Erosion Control Measures**

- (1) Location and design of all proposed sedimentation control measures;

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

- (1) Coastal Site Plan;
- (2) Special requirements for flood hazard areas;
- (3) Erosion and sedimentation control plan, when the *disturbed areas* of the development are cumulatively more than one-half (½) acre;
- (4) A *noncommercial tree cutting plan*, if the proposed development is located within the *Gateway Conservation Zone*.
- (5) Any permits required from any State or Federal agencies.
- (6) Riparian Access Plan for accessing the waterfront;
- (7) **Non-Commercial Tree Cutting Plan.** For any *lot* in the *Gateway Conservation Zone*, a plan showing the existing mix of tree species, their approximate *height*, age and density; a description of the cutting or removal activities to be undertaken; and any other information necessary and reasonably required.
- (8) Any other information the Commission deems necessary to determine conformity with the intent of these regulations.

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

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

appropriate:

1. **Water and Sewer Service.** The Applicant will submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply and method of sewage disposal for the proposed development. The engineer will certify that the proposed water supply and method of sewage disposal comply with all applicable sanitary codes, rules, and regulations. Before submission of the report to the Commission, the Applicant will secure the endorsement of the report by the Connecticut River Area Health District.
  - a. **Sewage Disposal** – The report will contain a review of results of any test pits and percolation tests dug on the site, and recommendations for design of on-site sewage disposal. When the site is to be served by public sewers, the Applicant will provide evidence from the Water Pollution Control Authority (WPCA) or its agent that the site can be adequately served by public sewers;
  - b. **Water Supply** – Where public water is available within two hundred feet (200') of the property line of a proposed development site, the Applicant will provide evidence from the Connecticut Water Company that the site can adequately be served by public water. Where public water is not available and cannot be provided, the Commission may require that the Applicant retain the services of a licensed water analyst who will perform the chemical, bacteriological or other analyses or tests as may be required by the Public Health Code of the State of Connecticut. Results of all tests will be submitted to the Connecticut River Area Health District for review and written approval;
2. **Fire Protection** – The Applicant will identify the source of water for fire protection, and will where necessary, after consultation with the fire marshal provide a fire well, fire pond, water tank or other source of adequate water for fire fighting purposes. The design, location, and construction of any water supply for fire fighting purposes must be approved by the Commission. The written report will include evidence that the comments of the Fire Marshal have been solicited and received.
3. **Traffic Generation** – For all new non-residential development, and for residential development proposals when required by the Commission, a written report on the estimated amount and type of vehicular traffic to be generated on a daily basis and at peak hours; the estimated number of persons to occupy or visit the premises on a daily basis, including parking and loading requirements for the

proposed *use* or *uses*. For site plans involving thirty (30) or more parking spaces, or for any *use* which, in the judgment of the Commission, may have a significant traffic impact, a traffic impact analysis, prepared by a recognized traffic engineer, will be submitted as part of the application. The traffic report will include a discussion of the plan's compliance with these regulations concerning on-site and off-site traffic impacts.

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



Applicant will identify on the plans the nature and location of the historic or archaeological resource and will indicate what measures are being taken to protect the resource.

#### **51.7 COMMISSION ACTION ON SITE PLAN APPLICATION**

The Commission makes its decision to approve, modify and approve or deny an application for Site Plan approval within the period specified by the Connecticut General Statutes. The Commission states its reason or reasons for its decision on the record. The Commission publishes a notice of its decision in accordance with the Connecticut General Statutes. If the Commission grants approval, then the applicant forwards one (1) mylar and four (4) copies of the approved plan (on which all modifications approved by the Commission as part of its approval are clearly indicated) to the Commission for its endorsement.

#### **51.8 POSTING A BOND**

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

#### **51.9 APPEALS**

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

#### **51.10 FILING THE PLAN**

Following completion of the appeal period or resolution of the appeal in favor of approval and upon receipt of one (1) mylar and four (4) print copies of the approved plan, including any required modifications, and upon receipt of any required bond, the Chairman or Secretary of the Commission will endorse the site plan, and a signed copy of the plan map will be filed with the Enforcement Officer. The Commission may also require the applicant to file a copy of the approved plan in the Office of the Town Clerk.

#### **51.11 COMMENCEMENT AND COMPLETION OF CONSTRUCTION**

Construction will commence on any site plan in accordance with the final plans within one (1) year of the date of the Commission approval. Any plan not commenced within one (1) year will be invalid, and no *building* permit will be issued until a new site plan is approved.

Any site not completed within five (5) years (or other time as may be authorized by the Connecticut General Statutes) of the date of the Commission approval will likewise become null and void, and no Certificate of Occupancy will be issued, except upon the approval of a new site plan. A notice of approval of a site plan will include a statement of the date on which the five-year period (or other authorized period) expires.

### 51.12 CERTIFICATE OF OCCUPANCY

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

### 51.13 AMENDMENTS TO AN APPROVED SITE PLAN

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

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

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## SECTION 52

# Special Exception

### 52.0 [RESERVED]

### 52.1 GENERAL

In accordance with the procedures, standards and conditions specified, the Commission may approve a Special Exception in a *district* where the *uses* are permitted. All requirements of this section are in addition to other requirements applicable in the *district* in which the Special Exception *use* is to be located.

### 52.2 PURPOSE

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

### 52.3 APPLICATION

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

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

52.3.2 **Site Plan.** Sufficient copies of a site plan;

52.3.3 **Architectural Plan.** Sufficient copies of architectural plans, which may be in preliminary form;

52.3.4 **Soil Erosion & Sediment Control Plan.** Sufficient copies of a *Soil Erosion & Sediment Control Plan*;

52.3.5 **Modification of Submission.** The Commission, upon written request by the Applicant, may by resolution:

## Special Exception (ZC)

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- A. Determine that the required submission of all or part of the information required under Paragraph 52.3.2 and 52.3.3 is not necessary to decide on the application and need not be submitted, or
- B. Determine that the information is deferred for submission and decision at a later date.

### 52.4 PROCEDURE

Upon receipt, the Land Use Department will transmit the application and accompanying plans and documents to the Commission; and will also transmit sufficient copies to each the Planning Commission and to the Architectural Review Board. A copy of any site plan and *Soil Erosion & Sediment Control Plan* may be transmitted by the Land Use Department to the Connecticut River Coastal Conservation District with a request for its technical review and advisory opinion, and for certification; a copy of any *Soil Erosion & Sediment Control Plan* pertaining to a *lot* in the *Gateway Conservation Zone* will be so transmitted to the District for the review and opinion. Within forty-five (45) days after the receipt of a copy of the application form, plans, and documents, the Planning Commission and the Architectural Review Board may submit advisory reports of its recommendations to the Commission. The Commission may request the Applicant to submit the additional information that it deems necessary to decide on the application. The Commission will hold a public hearing on the application, will decide, 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.

### 52.5 APPROVAL

After the public hearing, the Commission may approve a Special Exception if it finds that the proposed *use* and the proposed *buildings* and *structures* conform to the General Standards, in addition to any Special Standards for particular *uses*. Approval of an application constitutes approval conditioned upon completion of the proposed development in accordance with plans as approved, within a period of two (2) years after the date of approval of the Special Exception permit. The Commission may grant for good cause one extension of the period for an additional period not to exceed one (1) year. All Special Exceptions may be approved subject to appropriate conditions and safeguards necessary to conserve the public health, safety, convenience, welfare and property values in the neighborhood.

### 52.6 GENERAL STANDARDS

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

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

- 52.6.2 **Fire Protection.** The nature and location of *use, building or structure* will have adequate access to it for fire protection purposes.
- 52.6.3 **Access.** Provision will be made for vehicular access to the *lot* in such a manner as to avoid undue hazards to traffic or pedestrians and undue traffic congestion on any *street*. Provision will be made for appropriate continuation and improvement of *streets* terminating at the *lot* where the *use* is to be located.
- 52.6.4 **Lot Size.** The *lot* on which the *use* is to be established will be of sufficient size and adequate dimension to permit conduct of the *use* and provision of *buildings, other structures* and facilities in a manner that will not be detrimental to the neighborhood or adjacent property.
- 52.6.5 **Neighborhood.** The site plan and architectural plans will be of a character as to harmonize with the neighborhood, to accomplish a transition in character between areas of unlike character, to protect property values and to preserve and enhance the appearance and beauty of the community.
- 52.6.6 **Other.** The site plan and architectural plans will also conform to the applicable standards of Section 51.
- 52.6.7 **Restricted Business B-3 District.** In the Restricted Business B-3 District, a Special Exception *use* that is to be established by addition to, extension of or alteration of an existing *building* originally designed as a house will preserve the character of the existing *building* as a house.

## **Special Exception (ZC)**

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## SECTION 53

# Special Standards for Specific Uses

### 53.0 [RESERVED]

### 53.1 STANDARDS

The following special standards, conditions, and procedures are applicable to the establishment of these specific uses when permitted in a District.

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

- A. The accessory apartment will be located within, or in an addition to, the single detached *dwelling* and will be provided with a kitchen and complete bathroom, separate from the facilities of the remainder of the dwelling, as well as two (2) means of egress including a separate outside door. A garage *structure* attached to the *dwelling* and converted to contain an accessory apartment is considered to be within the dwelling.
- B. Either the single detached *dwelling* or the accessory apartment will be occupied by an owner of the premises, except that when the owner is a *non-profit corporation* organized for the purpose of providing housing for low and moderate income individuals and families, and the premises is not operated for profit, then both the single detached *dwelling* and the accessory apartment may be occupied by non-owners.
- C. The single detached *dwelling* to which the apartment is accessory will be located on a *lot* having at least the minimum area as required by these Regulations for the District where the *lot* is located and as specified when served or not served by public water supply. A single detached *dwelling*, located in a Planned Residential Development (PRD), as defined in these Regulations, is not eligible to contain an accessory apartment.
- D. The single detached *dwelling* will be provided with the number of off-street parking spaces required by these Regulations, and the accessory apartment will be provided with at least one (1) additional off-street parking space that is usable independently of the spaces required for the dwelling.
- E. The single detached *dwelling* will have no less than the minimum square feet of *gross floor area* specified in Paragraph 8.12.1, and the accessory apartment will have a minimum *floor area* of not less than five hundred (500) square feet. The *gross floor area* of the accessory apartment will not exceed one-third of the total habitable *gross floor area* of the *dwelling*, or seven hundred fifty (750) square feet, whichever is less. The

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accessory apartment is not eligible for use as a professional office, a *home occupation* in a *dwelling unit*, or for the renting of rooms.

- F. The single detached *dwelling* containing an accessory apartment will have a design that maintains the appearance of the premises as a single detached *dwelling* for one (1) family. The *dwelling* when constructed or converted to contain an accessory apartment will have only one (1) outside door along the front facade elevation unless two (2) doors existed at the time of a conversion. Stairways to an accessory apartment on floors above the ground floor of the *dwelling* will be located on the side or rear of the *dwelling* and will be fully enclosed.
- G. The application for Certificate of Zoning Compliance will be accompanied by the following:
  - 1. An affidavit of ownership signed by the owner of the premises and affirming the intent that either the accessory apartment or the remainder of the single detached *dwelling* is to be occupied by an owner of the premises as the principal place of residence;
  - 2. A certification from the Connecticut River Area Health District that the water supply and sewage disposal Systems serving the premises, either existing or any proposed construction or modification thereof, conform to current State Sanitary Code requirements and are adequate to serve both the accessory apartment and remainder of the dwelling;
  - 3. A plan of the premises as specified in Paragraph 72.2; and
  - 4. Competent floor plan drawings of the *dwelling* and apartment, and suitable sketches, architectural drawings or photographs sufficient to show the character and extent of exterior building and facade construction including any alterations.
- H. Upon receipt of a complete Application for Certificate of Zoning Compliance, the Enforcement Officer will make a report to the Commission at a meeting of the Commission, concerning conformity of the Application and accessory apartment proposal to these Regulations.
- I. Issuance of a Certificate of Zoning Compliance for an apartment *dwelling unit* that is accessory to a single detached *dwelling* for one (1) family is conditioned upon the following:
  - 1. In January of each year ending in the numeral five (5) or zero (0), the owner of the premises will file with the Enforcement Officer a new affidavit of ownership of the premises and certifying that either the accessory apartment or the remainder of the *dwelling* is occupied by an owner of the premises as required for the original application; and



2. The Certificate of Zoning Compliance automatically terminates when there is a change in ownership of the premises, provided however, that a new Certificate of Zoning Compliance may be issued upon receipt of the above affidavit from the new owner of the premises.

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

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

**Adult Entertainment Businesses.** The purpose of this section is to regulate *uses*, which, because of their nature, have potentially serious objectionable operational characteristics, particularly when concentrated, and under certain circumstances, having a deleterious effect upon surrounding areas. Special regulation of these *uses* is necessary to insure that these adverse effects will not result in the downgrading of the surrounding neighborhood. These regulations prevent clustering of these *uses* in any one location and protect health, safety, general welfare and property values in the Town of Old Saybrook. In addition to conforming to standards elsewhere in these regulations, any *adult entertainment business* will also conform to the following special standards:

- A. **Specific Concerns** – An *adult entertainment business*, as defined in Section 9, Definitions, may be approved as a Special Exception *use* in a Business B-4 District only, provided the following standards and criteria are met in addition to the standards, criteria, and conditions stated elsewhere in Section 52.7.15:
  1. No *lot* containing the *adult entertainment business* will be located within two hundred fifty feet (250') of a *district* which, pursuant to these regulations and the Zoning Map of the Town of Old Saybrook is classified AAA, AA-1, AA-2, AA-3, A, B, B-1, B-2, B-3, I, MC or SP Districts.
  2. No *lot* containing the *adult entertainment business* will be located within one thousand feet (1,000') of an adjacent municipality.
  3. No *lot* containing the *adult entertainment business* will be established within one thousand feet (1,000') of another business.

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

**Amusement Device.** No more than two (2) *amusement devices* are permitted for *use* by the public on a fee basis unless sponsored by a local charitable or benevolent organization

and located in a Business or Industrial District and then for a period not to exceed six (6) days; any establishment, including arcade, amusement center, store or shop, where more than two (2) amusement machines or devices are available for *use* by the public on a fee basis.

**Animals, Domestic.** The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted towards this limit.

See also **Farm; Kennel; Livery or Boarding Stable; Livestock or Poultry.**

**Automotive Use.** A motor vehicle service station, and the additional automotive *uses* specified in Paragraph 34.2.1 and 32.3.2, will conform to the following special standards:

- A. No *building* or *structure* used for a motor vehicle service station or other automotive *use*, and no land used for the purposes, will extend within one hundred feet (100') from a residential district boundary line. In addition, no motor vehicle service station or other automotive *uses* will have any entrance or exit for motor vehicles at the *street line* within a radius of five hundred feet (500') of any entrance or exit at the *street line* of any public or private school grounds, library, church or other place of worship, park, playground or institution for sick, dependent or children under sixteen (16) years of age.
- B. No pump or other fuel-filling devices for the retail sale of gasoline or other motor vehicle fuel on any *lot* will be located within less than twenty-five feet (25') of any *street line* or property line or within a radius of one thousand feet (1,000') of any pump or device on any other *lot*.
- C. There will be no repair work, except of a minor or emergency nature, performed out of doors.
- D. Except with respect to automotive *uses* specified under Paragraphs 32.3.1 and 32.3.2, in the Business B-2 District, and *outside storage* areas as set forth in Paragraph E. below, no more than five (5) undamaged motor vehicles awaiting repair will be stored or parked out of doors.
- E. More than five (5) vehicles, including damaged vehicles, may be stored or parked outdoors if located in an enclosed *outside storage* area. Said *outside storage* areas will be enclosed by *buildings* or *fences*, walls, embankments or evergreen shrubs or trees so as to screen the storage area from view from any other *lot* or from any *street*, but will be allowed necessary access drives.
- F. The requirements of this section 52.7.18 will be in addition to, not in lieu of, the requirements set forth in C.G.S. §14-54, §14-67i, and §14-321.

**Bed and Breakfast Transient Lodging.** A *bed and breakfast transient lodging use* consists of a room or rooms for overnight accommodation of visitors in a *dwelling*, including service of breakfast to the visitors, and the *use* is subject to the following special standards:

- A. The *dwelling* will be located on a *lot* in the Residence AA-2 or A Districts or the Central Business B-1, Shopping Center Business B-2, Restricted Business B-3 or Gateway Business B-4 Districts.
- B. The owner of the *dwelling* will reside on the premises, and the premises will be the principal place of residence of the owner.
- C. The *dwelling* will have a minimum *gross floor area* of two thousand square feet (2,000 s.f.) and will be found to be capable of accommodating rooms for transient visitors based on interior arrangement, size, structural condition and mechanical equipment. There will be no more than four (4) the rooms in the *dwelling* and each room will be limited to double occupancy. One (1) full bathroom will be provided for each two (2) rooms for transient visitors. Not less than seven hundred fifty square feet (750 s.f.) of the *dwelling* will be reserved and assigned as the *dwelling unit* for occupancy by the owner of the premises.
- D. The *use*, including any modification or additions to the *dwelling* will preserve the architectural style and integrity of the *building* as a *dwelling* and any stairways for access to floors above ground level will be located inside the *dwelling*. In the event that the *dwelling* is an historic *structure*, the *use*, including any modifications to the *dwelling* will not preclude the *structure's* continued designation as an historic *structure*.
- E. In addition to off-street parking spaces required for other *uses* on the *lot*, one (1) off-street parking space will be provided for each room for transient visitors, and in residence *districts*, no parking spaces will be located in the area required for *building setback* from a *street line* and in business *districts* the parking spaces will be located.
- F. The *dwelling* will be served by public water supply. The sewage disposal system, existing, or as proposed to be modified to serve the proposed *use*, will be approved by the Connecticut River Area Health District. The transient lodging occupancy will be approved by the Fire Marshal.
- G. Occupancy of rooms for transient lodging by any person will not exceed fourteen (14) consecutive days in the ninety-day (90) period commencing with the day of first occupancy. Meals for occupants of the rooms will be limited to breakfast only.
- H. In determining the appropriate number of rooms to be permitted on a *lot* in a Residence District the Commission will be guided by the following:
  - 1. A *dwelling* on a *lot* of at least twenty thousand square feet (20,000 s.f.) may contain no more than two (2) rooms or a *dwelling* on a *lot* of at least thirty thousand square feet (30,000 s.f.) may contain no more than three (3) rooms

or a *dwelling* on a *lot* of forty thousand square feet (40,000 s.f.) or more may contain no more than four (4) rooms.

2. The Commission may modify the above *lot area* standards to allow for more or fewer rooms based upon, but not limited to, factors such as the size and shape of the *lot*, the more distant or closer proximity of a *dwelling* on other *lots* and across the *street* and the provision for and layout of off-street parking in a manner supporting the residential character of the neighborhood, including screening. In any event, there will be no more than four (4) the rooms in the *dwelling*.
- I. No *bed and breakfast transient lodging use* is permitted in a *dwelling* where rooms are rented as provided in Paragraph 8.7.
- J. In the event of any change in ownership of the *lot* where an approved *bed and breakfast use* is located, the new owner, before continuation of the operation of the *use*, will submit an application for Certificate of Zoning Compliance and the application will be approved and Certificate issued by the Enforcement Officer when the Officer determines that the continued *use* will be in compliance with these regulations and the original Special Exception *use* requirements for the *lot*.

**Boarding House.** A building where lodging with or without meals for no more than three (3) persons are provided to long term (i.e.: non-transient) residents only, for compensation, utilizing one central kitchen facility. A boarding house will be confined to the principal building on the lot. No more than three (3) rooms will be rented per boarding house.

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

**Commercial Kennel or Stable.** A commercial *kennel*, livery or boarding stable, or riding academy will be located on a *lot* of not less than five (5) acres. Dogs will be kept in *buildings*, enclosures or runs located not less than one hundred fifty feet (150') from any property or *street line*. Any *building* in which livestock are kept will be located not less than one hundred feet (100') from any property or *street line*.

**Convalescent Home or Hospital.** A convalescent home, private hospital or sanitarium, licensed by the State of Connecticut, will conform to the following special standards:

- A. In the Residence AAA or AA-1 District, the *use* will be located on a *lot* having a minimum area of ten (10) acres and there will be no more than one (1) patient bed for each ten thousand square feet (10,000 s.f.) of *lot area*. In the Residence AA-2, A, B or Restricted Business B-3 Districts, the *use* will be located on a *lot* having a minimum area of five (5) acres, and there will be no more than one (1) patient bed

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for each five thousand square feet (5,000 s.f.) of *lot area*. In the Gateway Business B-4 District, the *use* will be located on a *lot* having a minimum area of ten (10) acres, and there will be no more than one (1) patient bed for each twenty-five hundred square feet (2,500 s.f.) of *lot area*. In the Industrial (I) District, the *use* will be located on a *lot* having a minimum area of fifteen (15) acres and there will be no more than one (1) patient bed for each five thousand square feet (5,000 s.f.) of *lot area*.

- B. No *building or structure* established in connection with the *use* will extend within less than one hundred feet (100') of any property or *street line*.
- C. The *use* will be served by public water supply.
- D. The *use* will comply in all respects to applicable laws and regulations of the State of Connecticut.
- E. The application will be accompanied by a report from the Connecticut River Area Health District attesting to the adequacy of the proposed location, site plan, *buildings*, and facilities for the intended *use*.
- F. The application will be accompanied by a report from the Fire Marshal attesting as to the safety of the proposed location, site plan, *buildings* and facilities.

**Conversion of Dwelling.** The *dwelling* to be converted to contain two (2) *families* will be a single-*family* detached *dwelling* for one (1) *family* and will conform to the following special standards:

- A. Such *dwelling* will have been in existence on January 1, 1944, will contain not less than two thousand square feet (2,000 s.f.) of enclosed floor space, and, upon conversion, neither of the two (2) *dwelling units* will contain less than eight hundred square feet (800 s.f.) of enclosed floor space.
- B. The *dwelling* will be located on a *lot* having a minimum area of twenty-five thousand square feet (25,000 s.f.) if served by public water supply or having a minimum of forty thousand square feet (40,000 s.f.) if not so served.
- C. In making changes to the exterior of the *dwelling*, the appearance and character of a single-*family* house will be preserved, and no structural changes will be made other than to provide the necessary means of egress for each *dwelling* unit.
- D. Stairways leading to the second and any higher floor will be located within the walls of the *dwelling*.
- E. Sewage disposal facilities will be designed and constructed in accordance with applicable State and Town codes and regulations.

**Daycare.** *Daycare* will conform to the following special standards:

- A. The use will be limited to daytime group care of six (6) or more unrelated children or adults outside their homes including the providers' relatives for compensation on a regular basis not exceeding twelve (12) hours in a twenty-four (24) hour period.
- B. In residence *districts*, the Special Exception *use* will be granted for a limited period not to exceed five (5) years.

**Drive-through Window for Financial Institutions & Pharmacies.** In the Business B-2 and B-4 Districts only, a financial institution or a pharmacy licensed by the State of Connecticut may include service to customers in motor vehicles at a *drive-through window* as an *accessory use* within a *building* of not less than two-thousand square feet (2,000 s.f.) by Special Exception use, and which conforms to the following additional standards and conditions:

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

**Domestic Animals.** The keeping of five (5) or fewer dogs or cats is permitted on any *lot* as of right and does not require a Certificate of Zoning Compliance. Dogs or cats under twelve (12) weeks of age will not be counted towards this limit.

**Dwelling for Elderly or Handicapped Persons.** A *dwelling* for elderly or handicapped persons will conform to the following special standards:

- A. The *dwelling* will be owned by a *non-profit corporation*, established under the laws of the State of Connecticut for the specific purpose of owning, constructing and operating the *dwelling*. A copy of the articles of incorporation, as well as a copy of a management plan, will be submitted with the application for a Special Exception *use*.
- B. The *dwelling* or *dwelling unit* will be designed and equipped specifically to meet the special needs of elderly or handicapped persons, and each *dwelling unit* will be occupied by at least one (1) person who is either sixty-two (62) years of age or older or is physically handicapped. The management plan will include a provision that a surviving spouse under the age of sixty-two (62) may be permitted to remain in the complex.
- C. The *dwelling* may:
  - 1. Contain not less than two (2) nor more than eight (8) *dwelling units* or
  - 2. Consist of one or more clusters of up to six (6) single detached *dwelling*s per cluster for one (1) *family*. No *dwelling unit* will contain more than two (2) *bedrooms*. Each one-*bedroom dwelling unit* will contain not less than four hundred square feet (400 s.f.) of enclosed floor space and each two-*bedroom dwelling unit* will contain not less than five hundred fifty square feet (550 s.f.) of enclosed floor space. No separate *dwelling unit* will be located above any other *dwelling unit* unless the upper unit has at-grade access (principal doorsill not more than twenty-four (24) inches above the grade of the adjoining land).
- D. The *dwelling* will be located on a *lot* having a minimum area of two (2) acres that have an average seepage rate of one (1) inch in ten (10) minutes or less. A *dwelling* will be located on suitable *building* land on the *lot*, and the total number of *dwelling units* will not exceed twelve (12) per acre of land having the above seepage rate. All the *dwelling*s will be served by public water supply.
- E. No *dwelling* or *accessory building* or *structure* will extend within less than twenty-five feet (25') of any *street line* or property line, and no parking spaces or access aisles in connection therewith will extend within twenty-five feet (25') of any *street line* or within fifteen feet (15') of any property line. No *dwelling* will extend within less than fifteen feet (15') of any other *dwelling* on the *lot*.



- F. The *use* may include *accessory* community rooms and facilities for the *use* of the occupants of the *dwelling*s, as well as utility and maintenance *buildings* and facilities necessary for support of the *dwelling*s on the *lot*.

**Farm.** A farm, including a truck garden, nursery, greenhouse, forestry or the keeping of livestock, will conform to all standards for animals listed in this section. A farm will not include a commercial piggery, and there will be no commercial slaughtering, fertilizer manufacturing, or any commercial reduction of animal matter.

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

**Home Occupation in a Dwelling Unit.** A *home occupation* in a *dwelling unit* located in a Residence District is an additional *use* or which a Certificate of Zoning Compliance is required. A *home occupation* consists of an activity conducted for gain and will conform to the following standards and conditions:

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

**Kennel.** A *kennel* will be permitted in commercial, residential and industrial District by Special Exception permit for a period not to exceed five (5) years, but may be renewed. A *kennel* will be located on a lot of not less than five (5) acres. Dogs and cats located at a *kennel* will be kept in *buildings*, enclosures or runs located not less than one hundred-and-fifty (150') feet from any property or *street line*. A pet store or animal shelter may be permitted as a

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Special Exception Use on a lot of less than five (5) acres.

**Livery and Boarding Stables.** Livery and boarding stables and riding academies will be located on a lot of not less than five (5) acres. Any *building* in which livestock are kept will be located not less than one hundred (100') feet from any property or *street line*.

**Livestock or Poultry.** No livestock will be kept on a *lot* of less than five (5) acres and any *building* in which livestock or poultry are kept will not extend within less than one hundred fifty feet (150') of any property or *street line*, except as follows:

- A. On a *lot* of not less than eighty thousand square feet (80,000 s.f.), one (1) animal unit, consisting of one (1) equine, bovine or llama or up to five (5) sheep or goats, an aggregate of not more than twenty (20) chickens, other poultry or rabbits may be permitted by Special Exception Permit provided that any *building* or shelter in which animals are kept is located not less than seventy feet (70') from any property or *street line*, and there may be one (1) additional animal unit for each forty thousand (40,000) square feet of *lot area* over eighty thousand square feet (80,000 s.f.), up to a maximum of three (3) animal units.
- B. The keeping of five (5) or fewer chickens, poultry or rabbits or combination is permitted on any *lot* if kept in a *building* or enclosure conforming to the setback requirements for *buildings* and other *structures* in the *district*.

**Marine Research Laboratory.** Any marine research laboratory for the study of aquatic and marine environment, ecology and resources, to be located in the MC District, will also conform to the following special standards:

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

**Motor Vehicle, Unregistered (Residence District).** No more than one (1) unregistered motor vehicle will be stored outdoors on any *lot* in a Residence District.

**Non-Commercial Communication Equipment.** *Antennas* and their support *structure* in residence *districts* intended for *non-commercial communication* purposes, including television *antenna*, HAM radio towers and satellite dishes, may be considered customary *accessory uses* subject to the following standards.

- A. *Antennas* and support *structure* for HAM radios will not exceed a *height* of sixty-five feet (65'), including the *height* of the *building* if *building* mounted. (Any inhabited

portion of the *building* will not exceed the *height* specified for the *district*.) *Antennas* and support *structure* located in the *Gateway Conservation Zone*, however, will not exceed thirty-five feet (35').

- B. Satellite and microwave dish *antennas* will not exceed a diameter of three feet (3') and will not extend more than eight feet (8') above the roofline of *building* served.
- C. A *setback* of one (1) foot for each one (1) foot of *height* of the *structure*. *Antenna* will be maintained from all property lines to provide an adequate fall zone. If mounted on a *building*, then the Commission measures the *height* from the point of attachment to the *building* for determining *setback*.
- D. No *structure* or antenna will be located in the front yard.

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

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

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

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

- A. **Principal Use.** A golf course of at least eighteen (18) holes, being at least six thousand two hundred cubic yards (6,200 yd<sup>3</sup>) in length measured from the furthest back tee areas and made in a manner customary for calculating golf course length by the United States Golf Association.

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- B. **Accessory Uses.** *Private country club* may only include, in addition to at least one (1) golf course as described above:
1. *Restaurant*, banquet and ballroom facilities, and snack bars with related kitchen and food preparation and storage facilities with or without the sale of alcoholic beverages;
  2. Retail shops with the sales of items associated with the recreational activities of the *Private country club*;
  3. Appropriate office space and meeting rooms for the management of the facility;
  4. No more than two (2) swimming pools, plus one (1) pool not greater than thirty-six inches (36") in depth at the deepest point for *use* by children;
  5. No more than eight (8) tennis courts and no more than four (4) other courts for outdoor paddle sports;
  6. Health facilities, for *use* only by *Private country club* patrons, that may include health, therapy programs, cardiovascular and strength training equipment, and sports conditioning equipment and appropriate locker room facilities;
  7. Golf practice facilities, including golf training facilities, practice ranges, putting greens and school facilities;
  8. Maintenance, operations and storage *buildings*, including secure containment areas for chemicals necessary to establish and maintain the golf course and storage and maintenance facilities for golf carts;
  9. One (1) apartment for a full-time employee:
    - (a) Must be located on the *Private country club lot* and must be part of clubhouse complex; and
    - (b) Must be set back a minimum of fifty feet (50') from any *street*;
  10. No more than four (4) guest cottages meeting the following criteria:
    - (a) Use is limited to the operator of the *Private country club*, *Private country club* members and their guests;
    - (b) Guest stays will not exceed one (1) week;
    - (c) Under no circumstances will the *use* of the guest cottages be offered to any members of the general public for a fee;
    - (d) Guest cottages will be located on the *Private country club lot* and be within one thousand feet (1,000') of the main *building*;

- (e) Guest cottages will not contain more than one thousand square feet (1,000 s.f.) nor more than two (2) *bedrooms*. The interior of the guest cottages may be arranged so that the *bedrooms* may be used independently;
- (f) Guest cottages will not have kitchen or housekeeping facilities, but may have a compact refrigerator or microwave oven for incidental *use*, and
- (g) Guest cottages are to be landscaped so as to be buffered from any single *family dwelling*,

11. Nightclub and cabaret *uses* are prohibited.

C. **Land Requirements.** The *Private country club* will comply with the following requirements:

- 1. The minimum contiguous acreage of a *Private country club* will be two hundred (200) acres. The acreage will be considered to be contiguous if separated by a *street*. *Accessory uses* will be located on the *Private country club lot*;
- 2. Clearing for a *Private country club*, including all golf course greens, fairways, tees, practice facilities, *driveway* and parking areas, will not exceed sixty-five percent (65%) of the total land area of the *Private country club lot*;
- 3. Total impervious surfaces will not exceed six percent (6%) of the total land area of the *Private country club lot*. Golf cart paths will be paved where the grade of the path exceeds five percent (5%) or where the land or slope conditions are such that the Commission determines that the cart path should be paved;
- 4. No *building* or *structure*, except open shelters for golfers or identification or directional signage, will be constructed within fifty feet (50') of a boundary of the *Private country club lot* or of a *street*. The Commission may reduce this requirement if the applicant demonstrates that no acceptable and workable alternate locations for a particular *building* or *structure* exists on the site;
- 5. A minimum buffer of one hundred feet (100') of undisturbed vegetation or planted area will be provided along all property lines where the adjacent property is zoned for residential *use* and where the *Private country club* developer does not own the adjacent property at the time of the approval of the *Private country club*, subject to the standards of Section C.7. unless the Commission determines that a buffer is not required or may be reduced. Such determinations will be made on a *lot by lot* basis;
- 6. A minimum buffer of fifty feet (50') of undisturbed vegetation or planted area will be provided along all other property boundary lines, all *streets*, and at the entrances to the main *building*, and

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7. Where the Commission deems the natural vegetation within any buffer area inadequate, a landscape area will be designed and planted as approved by the Commission. The Commission may determine that a buffer is not required. Such determinations will be made on a *lot-by-lot* basis. All boundary buffer areas are to be maintained by the *Private country club* owners.
- D. **Roadways and Parking Lots.** All roadways and parking *lots* within the *Private country club* are to meet the following standards:
1. All *driveways* and parking *lots* are to be owned by the *Private country club* and are to be maintained by the *Private country club*;
  2. All *driveways* and parking areas are to meet the standards of Section 62 Off-Street Parking and Loading, Access, and Circulation and Section 63 Landscaping, Screening and Buffer Areas; and
  3. The Commission will evaluate the number of parking spaces provided and will determine the number of spaces that need to be paved and the number of spaces that are to be left unpaved. The Commission will base its determination upon on a recommendation from its civil engineer or the Town Planner.
- E. **Lighting.** Lighting for all of the facilities of the *Private country club*, including roadways, *driveways* and all *buildings*, will be the minimum required for safety and access purposes as determined by the Commission. Tennis courts and other courts for outdoor paddle sports will be illuminated no later than 11:00 p.m. The golf course itself and the practice area will not be illuminated.
- F. **Hours of Operation.** Hours of operation will not exceed the following:
1. Golf course and practice area – 6:30 a.m. to 9:00 p.m.;
  2. Maintenance operations – 5:30 a.m. to 7:30 p.m. When the golf course abuts a residential *structure*, maintenance activities within five hundred feet (500') of the residential *structures* will not begin before 7:30 a.m.; and
  3. Tennis courts and other courts for outdoor paddle sports – no later than 11:00 p.m.
- G. **Site Plan and Application**
1. **Site Plan** – The Special Exception *use* will meet all the standards of these Zoning Regulations and will be accompanied by an Environmental Management Report (EMR) that will be submitted as part of the application and at the same time as the application. This report will address the *Private country club* property and surrounding property upon which the development will have an impact and the surrounding properties that will have an impact on the golf course property. This report will describe the planning and design process, construction methods, and future management of the *Private*

*country club* facilities. The EMR will be prepared, signed and sealed by both a Landscape Architect and a Civil Engineer licensed to practice in the State of Connecticut where appropriate. In the event, there may be any conflict between these provisions and the provisions of other sections of the Regulations, the provisions of this section will be deemed to control. The EMR will be in three (3) volumes: Volume 1 will contain a Site Assessment, Volume 2 will contain the Site Development Plan, and Volume 3 will contain a Site Management Plan;

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

## Special Standards

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- b. **Overall Development Master Plan** – at a scale of 1" = 40' that defines all phases and future intentions for expansion or new construction proposed for the *Private country club* property. This plan will show the proposed golf course development and specifically delineate where and how prominent features identified in the Unbuilt Environment Plan will be incorporated into the development or altered;
- c. **Phasing Plan** – which describes the various phasing of the development of the *Private country club*;
- d. **Construction Sequencing Plan** – that includes a timeline for the entire construction process;
- e. **Building Floor Plans and Elevations** – for all *structures* to be built on the site;
- f. **Manufacturers Specifications** – for illumination systems, maintenance/storage facilities, and all hazardous materials handling equipment. The Commission may require product literature or other explanatory materials to be submitted at or prior to the public hearing on the application;
- g. **Golf Course Construction Details** – for the construction of the golf course and other recreation facilities to be included as part of the *Private country club*;
- h. **Stormwater Management Plan** – for the entire *Private country club* development site;
- i. **Wastewater Disposal Plan** – for all permanent and temporary *buildings* and *structures* to be referred to the Water Pollution Control Authority (WPCA) for review and comment;
- j. **Integrated Turf Management Plan** – which includes an Integrated Pest Management Plan, for all golf course and grounds maintenance that emphasizes the minimum *use* of pesticides, herbicides, fungicides and fertilizers;
- k. **Water Use Plan** – for all golf course and facilities *uses*;
- l. **Soil Erosion and Sedimentation Control Plan** – for the entire *Private country club* property, including any phasing of controls, to properly manage the site during construction and site stabilization;
- m. **Revegetation/Landscaping Plan** – for the entire *Private country club* property, including the phasing of revegetation/landscaping,



necessary to properly manage the site during construction and site stabilization; and

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

**Professional Office in a Dwelling Unit.** A professional office in *dwelling unit* located in a Residence District is an additional *use* for which a Certificate of Zoning Compliance is required. The office will be used only for the office of person engaged in a recognized profession, such as physicians, dentists, lawyers, engineers, architects, land surveyors, teachers and clergymen, who through training and experience are qualified to perform services of a professional as distinguished from a business nature. The person conducting the office will reside in the *dwelling unit*, and there will be no more than two (2) nonresident persons employed in connection with the office. The *floor area* used for the office will not exceed one third ( $\frac{1}{3}$ ) of the *gross floor area* of the *dwelling unit*.

**Public Utility Substation.** A public utility substations or telephone equipment *building* located in the Residence B-3 District will conform to the following special standards:

## Special Standards

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- A. Any *building* in connection with the *use* will have a design that is in harmony with residential architecture in the neighborhood.
- B. Any equipment or utility facilities not located in a *building* will be enclosed on all sides by evergreen shrubs or trees, or by *buildings, fences, walls* or embankments so as to be screened from view from any other *lot* or from any *street*.

**Radio Tower.** A radio tower for a standard broadcasting radio station must be used in connection with a radio station located completely within the Town of Old Saybrook.

**Renting of Rooms.** The renting of no more than two (2) rooms in a *dwelling unit* located in a Residence District is an additional *use* for which a Certificate of Zoning Compliance is required. The person renting the rooms will reside in the *dwelling unit*. No *accessory building* will be used for renting of rooms, and there will be no provision for cooking facilities in or available to the rooms, except the principal cooking facilities of the *dwelling unit*.

### **Residential Life Care Facility.**

- A. The *residential life care facility* will consist of a *building* or *buildings* containing *assisted living units*. These will consist of studio, one (1) or two (2) *bedroom* units. These units will be designed and equipped specifically to meet the special needs of elderly persons. Each *assisted living unit* will be occupied by at least one (1) person who is either sixty (60) years of age or older. The management plan required under Paragraph 52.7.13f may include provision that a surviving spouse under the age of sixty (60) may be permitted to remain in the *assisted living unit*.
- B. The *residential life care facility* will provide the following facilities and services for *use* by or benefit of all residents of the facility and their guests:
  - 1. A medical facility which will be equipped to provide medical and other health-related services; common areas will contain a dining room, kitchen, lobby, library, gift shop, beauty salon/barber shop, craft/hobby shop, chapel and health club. An emergency generator system capable of providing emergency power to both the residential and the medical facility will be provided. A fully equipped physical therapy room available to both residents of the life care *building* and the medical facility will be provided on site. Common services will also include food service, housekeeping assistance, a full-time health counselor, a full-time social director, 24-hour on-site licensed nursing, a medical director or licensed physician on call 24 hours a day, transportation services, home health care or other medical services, a fully integrated 24-hour security system and fire alarm system with individual unit, as well as full facility alerting capability.
- C. The *residential life care facility* will be located on a *lot* having a minimum of seven (7) contiguous non-*wetland* acres. The *lot* will have a minimum *frontage* of three hundred feet (300') on a *street* and will be of a shape that a square with a minimum dimension of four hundred feet (400') will fit on the *lot*. The total number of *assisted living units*

will not exceed twelve (12) per acre, and the facility will be served by public water supply.

- D. The *residential life care facility building and structure* will not exceed the *height* limit of the district. *Assisted living units* may be located above other *assisted living units*. When located outside the *Gateway Conservation Zone*, the Gross Floor Area of all *buildings* and other *structures* on the *lot* may be increased to fifty percent (50%) of the *lot area* outside the *zone*.
- E. Each studio *assisted living unit* in the *residential life care facility* will not contain less than four hundred twenty square feet (420 s.f.) of enclosed floor space; each one (1) *bedroom assisted living unit* will not consist of less than five hundred twenty square feet (520 s.f.) of enclosed floor space; and each two (2) *bedroom assisted living unit* will contain not less than seven hundred fifty square feet (750 s.f.) of enclosed floor space. No more than twenty-two percent (22%) of *assisted living units* will be studios.
- F. A management plan specifying the occupancy, facilities, services and administration for the *residential life care facility* will be submitted with the application for Special Exception *use*.

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

**Restaurant, Outdoor Seating.** An indoor *restaurant* or other indoor food and beverage establishment will be permitted to have outdoor seating as an accessory use on the property in which the indoor *restaurant* is located. A *restaurant* will be permitted to locate additional exterior seating that totals no more than twenty-five percent (25%) of the approved number of indoor seats. Outdoor seating will be renewed by Certificate of Zoning Compliance on an annual basis by the Commission to insure that pedestrian ways are not obstructed and to ensure the exterior cleanliness of the establishment is maintained.

**Roadside Stand.** A *roadside stand* will be established only for the display and sale of farm products grown on the premises where the stand is located, will not exceed a maximum *building/structure coverage* of four hundred square feet (400 s.f.), will observe all *setbacks* required for *buildings* and other *structures*, and will be provided with at least one (1) off-street parking space for each fifty square feet (50 s.f.) of *building/structure coverage*.

**School.** No building or *structure* used for any public or private school grounds will be

## **Special Standards**

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located within a radius of five hundred feet (500') of any entrance or exit at the *street line* of a motor vehicle service station or other automotive use.

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SECTION 54  
**[Reserved]**



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## SECTION 55

# Planned Residential Development Zone

### 55.0 RESERVED

### 55.1 GENERAL

The *Planned Residential Development* (PRD) Zone is a class of *zone* in addition to and overlapping a portion or portions of the following *districts* as may be established and approved under 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; 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 Industrial I and Residence A Districts, Southwesterly by existing Marine Commercial MC District and North Cove; and
- C. That portion of the Saybrook Point 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.
- D. The Residence C Conservation District.

### 55.2 DEFINITIONS

#### **Planned Residential Development.**

- A. One (1) or more *dwelling*s, each containing not more than eight (8) *dwelling units*, or
- B. One or more clusters of single detached *dwelling*s for one *family*,
- C. Areas reserved for other *uses*, as may be allowed in the PRD together with the parking, recreation and *accessory uses* customary with and incidental to, 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 will be so designated on the subdivision maps and plans. *Open space* areas in the PRD *lot*, however, may be available for *use* by other than residents of the *dwelling units* in the PRD, if approved or required by the Commission.

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

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

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

### 55.3 APPLICATION

Application for a PRD will be submitted in writing to the Enforcement Officer, and, if made in connection with an Open Space subdivision, a copy of the application and accompanying documentation will also be submitted to the Planning Commission with the subdivision application. The following will accompany an application for a PRD:

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 feet (2') based on Mean Sea Level (National Geodetic Vertical Datum of 1929), the boundary of any *tidal wetlands* and *inland wetlands* and any *watercourses*.

55.3.2 **Site Plan.** Six (6) copies of a site plan.

55.3.3 **Architectural Plans.** Six (6) copies of architectural plans and narrative describing and illustrating the architectural elements, character and design standards applicable to the *dwelling*s for *buildings*, including single *family dwelling*s, landscaping plans and site improvement plans. All of the preceding plans, narrative and other documentation will, as a minimum, will be in accordance with the Special Exception *use* provisions of these regulations.

55.3.4 **Soil Erosion & Sediment Control Plan.** Six (6) copies of a *Soil Erosion & Sediment Control Plan*.

55.3.5 **Water and Sewage Disposal Plans.** A water & 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 complies with all applicable sanitary codes, rules and regulations.

Where connection to an on-site or off-site central sanitary sewer system is proposed, the system and the connection will meet all the technical and administrative requirements of the Water Pollution Control Authority (WPCA), the Connecticut River Area Health District, and the State of Connecticut. In addition, the applicant will provide evidence from the Water Pollution Control Authority (WPCA) 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 C.G.S. §7-245, a report from the Water Pollution Control Authority (WPCA) indicating that all requirements of C.G.S. §7-246f have been satisfied will be provided. In the event any portion of the community sewer system, or its facilities, are located off-site of the proposed PRD *lot*, the off-site area will be in the same zoning district as the PRD, and the *use* of the system or any of its facilities will be limited to the land, *lots* and *buildings* as will be specifically approved by the Commission. When individual sewage disposal systems are proposed, written evidence will be submitted that the subsurface sewage disposal system proposal is approved by the Connecticut River Area Health District.

The applicant will submit a written report, prepared and sealed by a professional engineer licensed in the State of Connecticut, describing the proposed water supply system for the PRD. The engineer will 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 will submit written evidence of agreement by the Water Company to provide a safe and adequate public water supply. Such water supply system and connection will meet all the technical and administrative requirements of the Connecticut River Area Health District and the State of Connecticut.

In accordance with C.G.S. §8-25a., any development providing water by means of a “water company”, as that term is defined in C.G.S. §16-262m (a) will 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 a water company will be deemed completed without the certificate, unless the applicant will provide a resolution of the Board of Selectmen waiving the 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 C.G.S. §8-2, every application for PRD will include an evaluation of the impact of the proposed development upon existing and potential public surface and ground drinking water supplies. Such evaluation will 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 the materials will 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 the waters, their classification as designated by the Connecticut Department of Environmental Protection Groundwater Classification System, the depth to any groundwater, the nature of the *soils* surrounding the 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 in determining that the waters will be protected from potential adverse impacts created or increased by the proposed development. Any evaluation will be prepared by a qualified hydrogeologist or other professional who provides qualifications satisfactory to the Commission. The Commission may refer the evaluations to any governmental agency for review and comment.

The information described in subsections D, E and F need only be provided when the information set forth in paragraphs A, B and C indicates the presence of materials or processes which have the potential to adversely impact groundwater.

55.3.7 **Management.** Each PRD will be established by means of a legal entity organized and existing under applicable sections of the State 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 these regulations. All legal documentation for the entity will be subject to review and approval by the Commission before the approval of any PRD.

## 55.4 PROCEDURE

Upon receipt, the Enforcement Officer will transmit the application and accompanying plans and documents to the Commission, as well as transmit a copy to the Planning Commission. Within forty-five (45) days after receipt of copy of the application form, plans, and documents, the Planning Commission will report its recommendations to the Commission, stating the reasons. The Commission may request the Applicant to submit:

- A. Sufficient additional copies of maps, plans and documents for review by other agencies; and

- B. Additional information that it deems necessary to decide on the application.

The Commission will hold a public hearing on the application will decide and will 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 will be filed with the Planning Commission until the PRD is approved by the Commission.

## **55.5 APPROVAL**

After the public hearing, the Commission may approve the PRD if it will find that the development will conform to the standards 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 PRD for approval by the Commission. Approval will become effective when the detailed plans and specifications have been approved.
- 55.5.2 **Timing and Staging.** Approval may be conditioned upon completion of the PRD, in accordance with plans as approved, within a period of five (5) years after the effective date of the approval of the PRD as specified by the Commission, provided that:
- A. Extensions of the period may be granted by the Commission for good cause.
  - B. The Commission may require certain infrastructure improvements to be completed prior to the occupancy of *dwelling units* served by the 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 PRDs 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 Commission will require the posting of a bond with sufficient surety in favor of the Town to ensure completion of any site work, including landscaping, approved under the PRD.

## **55.6 STANDARDS**

## PRD Zone

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The proposed PRD will conform to all of the requirements of these regulations and will conform to the General Standards of these regulations and to the following Special standards:

55.6.1 **Lot Area.** The PRD will be located on a *lot* having a minimum square footage, exclusive of tidal or *inland wetlands* and *watercourses* or land delineated as *Special Flood Hazard Area*, of:

- A. Sixty-nine thousand seven hundred square feet (69,700 s.f.) if located in that portion of the Saybrook Point SP-3 and Residence A Districts (excluding that area known as the “Cornfield Point Association”); or
- B. Two and one-half (2½) acres within the Residence A District if all the *dwellings* are within five hundred feet (500') of the Central Business B-1 District, except for *dwellings* located on a *lot* northwesterly of the Boston Post Road or on a *lot* within the proposed historic district, shown on the Zoning Map of the Town of Old Saybrook, adopted June 1970, revised to August 2002; or
- C. Five (5) acres within any other portion of the Residence A District; or
- D. Seven (7) acres within the designated portion of the Residence AA-2 District; or
- E. Fifteen (15) acres in the Residence Conservation C District.

For the purposes of this PRD regulation, the required minimum *lot* area 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 Saybrook Point SP-3 and Residence A Districts as designated in Paragraph 55.1 c) will not exceed forty-eight (48) *bedrooms* per each sixty-nine thousand seven hundred square feet (69,700 s.f.) of land area, and in the areas designated in sub-paragraphs a), exclusive of the area known as the “Cornfield Point Association”, and b) of Paragraph 55.1 will not exceed eight (8) per acre or fraction thereof, exclusive of tidal or *inland wetlands* and *watercourses* or land delineated as a *Special Flood Hazard Area*.

In the Residence C Conservation District, *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 eight (8) per acre or fraction thereof, of the *lot* area exclusive of tidal or *inland wetlands* and *watercourses* or land delineated as a *Special Flood Hazard Area*.

In an *age restricted development*, the Commission, in addition to the eight (8) *bedrooms* per acre permitted in a PRD may permit up to four (4) dens per acre or fraction thereof, of the *lot* area exclusive of tidal or *inland wetlands* and *watercourses* or land delineated as

a *Special Flood Hazard Area*. In an *age restricted development*, the following additional standards will apply:

- A. No *dwelling* unit will contain more than two (2) *bedrooms* and one (1) den.
- B. At least one of the *bedrooms* will be located on the first floor.
- C. In calculating the number of *dwelling units* that may be permitted in an *age restricted development*, the rooms permitted to be used as dens will not be considered to increase the number of *dwelling units* permitted per acre.

55.6.3 **Dwelling Unit Specifications.** In *dwelling*s with more than one *dwelling* unit, each one-*bedroom dwelling* unit will contain not less than eight hundred square feet (800 s.f.) of enclosed floor space, and each *dwelling* unit having two (2) or more *bedrooms* will contain not less than twelve hundred square feet (1,200 s.f.) of enclosed floor space. Each single detached *dwelling* for one (1) *family* will contain not less than nine hundred square feet (900 s.f.) of the enclosed floor space on the ground floor. No separate *dwelling* unit will be located above any other *dwelling* unit, except in a *building* on the *lot* on the effective date of this amendment where the Commission finds that the retention or conversion of the *building* into residential *dwelling units*, particularly a *building* of historic character, is consistent with the size, character and configuration of the *building*.

55.6.4 **Setbacks.** In any PRD, no *building* or *structure* will extend within less than seventy-five feet (75') of any existing *street line* or property line of property not owned by the applicant, except that:

- A. For an *age restricted development* within the Residence A District, a *dwelling* containing not more than two (2) *dwelling units*, may extend within not less than twenty five feet (25') of an existing *street line* and not less than fifteen feet (15') of any property line of property not owned by the applicant; and
- B. Where all the *dwelling*s in the PRD are located within five hundred feet of the Central Business B-1 District, a *dwelling* containing not more than four (4) *dwelling units*, may extend within not less than twenty-five feet (25') of an existing *street line* and not less than fifteen feet (15') of any property line of property not owned by the applicant.
- C. Residential *buildings* will 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 feet (25') of any existing *street line* or within less than fifteen feet (15') of any property line of property not owned by the applicant. No *dwelling* containing more than one (1) *dwelling* unit will extend within five hundred feet (500') of any other Town. *Setbacks* from other *streets* and property lines, and separation

distances between *dwelling*s and clusters of *dwelling*s may be required by the Commission to meet the Site Plan Objectives and the General Standards of these regulations.

- 55.6.5 **Coverage, Building or Structure – Gateway Conservation Zone.** If any portion of the property is in the *Gateway Conservation Zone*, that portion will be governed by the land coverage standard for residential districts, established by the Connecticut River Gateway Commission, in accordance with the provisions of C.G.S. §25-102D, or twenty percent (20%), whichever is less.
- 55.6.6 **Utilities.** All electric and telephone utility lines will be located underground. Each *dwelling* unit will be served by public water supply and by a sewage disposal system approved in accordance with these regulations.
- 55.6.7 **Paving and Sidewalks.** All *paved areas*, curbing and sidewalks will be installed in conformity with the standards of the Subdivision Regulations. The placement size, arrangement and use of access *driveways* to public or private *streets* will be adequate to serve residents of the *dwelling*s and will not hinder safety on existing or proposed *streets*. An access *driveway* serving more than two (2)+ *dwelling*s will be at least twenty feet (20') in width at the intersection with a public or private *street* and will remain as a private *driveway*. The Commission may require sidewalks along public or private *streets* in accordance with the standards of the Subdivision Regulations. In areas where the proposed *street* 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, the Commission may require the dedication or construction of separate pedestrian walkways or bikeways on public easements no less than fifteen feet (15') in width. Such walkways or bikeways may be in lieu of, or in addition to, sidewalks along *streets*. Bonding will be as specified in Paragraph 55.5.4.
- 55.6.8 **Method of Ownership.** *Dwelling units* may be for sale or rental in individual, public, cooperative or condominium ownership. Documentation as to management, organization, and incorporation of applicable ownership associations will be submitted to the Commission at the time of filing of the application. All *open space* and supporting facilities and systems will be in compliance with applicable law and provide for maintenance, liability, financing and rights of access and *use* by residents of the PRD acceptable to the Commission. Required *open spaces* will be dedicated in the manner and under the procedures provided for in the Subdivision Regulations.
- 55.6.9 **Open Space.**
- A. Not less than fifty percent (50%) of the PRD *lot* area will be set aside as *open space* permanently dedicated for preservation, the location and configuration of which will be subject to approval by the Commission. In calculating the area of the preservation *open space* land, areas of a PRD *lot* dedicated to or available for non-municipal active recreational *uses* will 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 will not be excluded from the calculation. When the PRD *lot* is proposed as a *lot* within an Open Space subdivision pursuant these regulations, such preservation *open space* contained within the PRD will be included in the *open space* calculations applicable to the subdivision.

- B. In Residence A, Residence AA-2 and Saybrook Point SP-3 Districts, the Commission may determine an appropriate set aside for *open space*, not to exceed fifty percent (50%) of the non-*wetlands* portion (*inland wetlands* or *tidal wetlands*) of the *parcel*. In lieu of *open space*, the Commission may accept a fee to be paid by the applicant calculated and administered in accordance with C.G.S. §8-25.

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

- A. 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 will not exceed fifteen hundred square feet (1,500'), and the aggregate *gross floor area* of all *uses* in any PRD development will not exceed forty-five hundred square feet (4,500'); or
- C. *Buildings* or facilities of the Town of Old Saybrook, which may include an *accessory* apartment of not less than seven hundred fifty (750 s.f.) nor more than nine hundred square feet (900 s.f.) of *gross floor area*. At least one occupant will be a person who is employed by or performs services on behalf of the Town of Old Saybrook.

**55.6.11 Bed and Breakfast Transient Lodging Use.** Where the size, location and design of the PRD make it desirable, the Commission may also permit a *bed and break fast transient lodging* use as part of a PRD, provided:

- A. The bed and breakfast transient lodging facility is located within five hundred feet (500') of the Central Business District, and;
- B. The *bed and breakfast transient lodging* facility meets the Special Standards of Section 53, except where the owner or operator of the bed and breakfast transient lodging will reside within the *bed and breakfast transient lodging* facility,

## **PRD Zone**

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and the bed and breakfast premises will be the principal place of residence of the owner or the operator.

A store where goods are sold or service is rendered primarily at retail may also be permitted as accessory to the bed and breakfast transient lodging facility provided that it is located within, attached to or within one hundred feet (100') of the bed and breakfast facility. The gross floor area of the store will not exceed six hundred square feet (600 s.f.) and will meet all parking and signage requirements applicable to retail stores.



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## SECTION 56

# Open Space Subdivisions

### 56.0 RESERVED

### 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, to permit or require the establishment of an Open Space Subdivision in the Residence AA-1 District and the Residence AAA District involving permanent reservation of land for *open space* purposes concurrent with reduction of *lot* area and shape requirements applicable to the District. In accordance with these regulations, no subdivision will 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 specified, and before granting a Special Exception, will find that the standards and conditions specified have been met and that the Special Exception *use* 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 or other natural resources.*

### 56.3 APPLICATION

Application for a Special Exception for an Open Space Subdivision Plan will be submitted in

writing to the Enforcement Officer and will also be accompanied by the following

56.3.1 **Conceptual Standard Plan.** A conceptual subdivision plan, showing *lots*, roadways and infrastructure improvements meeting the area, shape, *bulk* and other requirements under the Zoning or Subdivision Regulations and conforming to all of the regular provisions of those Regulations. The plan will be prepared by and 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 will contain the following detail:

- A. A Key Map as required by the Subdivision Regulations.
- B. A Boundary Survey Map as required by the Subdivision Regulations.
- C. A Layout Map at a scale of not greater than 1" = 100', which Layout Maps will 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 (5'), based on field or aerial survey, based on official Federal, State or local benchmarks.
  - 3. Existing significant features, including, but not limited to, *buildings*, *structures*, existing trails, stonewalls, *fences* and dams.
  - 4. Location of all known significant archeological, historic, and natural features. Existing *wetlands* and *watercourses* will be confirmed by *soil* tests and field survey.
  - 5. The areas subject to frequent, periodic or potential flooding; the boundaries of any *Special Flood Hazard Areas* and floodways and the base flood elevation data therefore; the location of the proposed development in relation to local basins and local watershed boundaries.
  - 6. Boundary and classification codes of *soil* types under the National Cooperative Soil Survey of the U.S.D.A. Soil Conservation Service.
  - 7. Perimeter boundary of the property, with dimensions consistent with the Boundary Survey Map, with the approximate location of existing property lines for a distance of two hundred feet (200') from the property.

8. Approximate *street* right of way lines of any *street* abutting or within two hundred feet (200') of the property.
9. The survey relationship of the property to nearby monumented town *streets* or state highways, where practical.
10. Street layout with road lengths and spot elevations to demonstrate compliance with road grade requirements.
11. Conceptual proposed *lots* and *lot* numbers, and the approximate square footage or acreage of each *lot* with dimensions and areas demonstrating the capacity to meet the *bulk* and area requirements under the zoning and Subdivision Regulations, including the MABL requirements of the Zoning or Subdivision Regulations, except as modified. Said demonstration may be based upon *soils* type analysis, slope analysis and potential site grading and filling, but will not require the detailed *soils* testing and *soils* characteristics for individual *lots* as provided for under these regulations and the 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 required materials will be submitted. The Commission may require additional copies of plan and materials.

56.3.3 **Preliminary Open Space Plan.** A preliminary Open Space subdivision plan, meeting the requirements of Section 56.3.1 A. through 56.3.1 N., showing the proposed development of the land under an Open Space Subdivision Plan; sufficient 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 to be accomplished;
- B. The proposed method of preservation, disposition, ownership and maintenance of the *open space* land; and
- C. The proposed method of providing water supply and sewage disposal.

## 56.4 INITIAL PROCEDURE

Upon receipt, the Enforcement Officer will transmit the application form and accompanying plans and documents to the Planning Commission, as well as transmit a copy 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 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 will 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 as a PRD, then the total lots will 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, decide, 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 it 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.

### 56.5 APPROVAL

Within one (1) year 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. An extension of the period for submission not to exceed one (1) year may be granted to the Commission for good cause. The final plans will conform to the preliminary approval granted under Paragraph 56.4 and will conform to the standards specified in Paragraph 56.6. The Planning Commission will act on the final plans in the same manner as required for action on subdivision applications under the Subdivision Regulations. No application for Certificate of Zoning Compliance in the Open Space Subdivision Plan area will be approved by the Enforcement Officer and no Certificate will be issued by him until the final plans have been approved by the Planning Commission and the final map has been recorded in the office of the Town Clerk.

### 56.6 STANDARDS

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

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

56.6.2 **Number of Lots.** The number of *lots* and *dwelling units* shown on the final subdivision map specified in Paragraph 56.5 will not exceed the total lots approved by the Planning Commission under Paragraph 56.4. Any *lot* that is proposed for PRD development will be so designated on the subdivision maps and plans and will specify the maximum number of *dwelling units* to be located.

56.6.3 **Lot Area, Shape, and Frontage.** Each single *family building lot* will meet the following requirements:

**Minimum Lot Area.**

- |    |                                   |                    |
|----|-----------------------------------|--------------------|
| A. | Served by public water supply     | 15,000 square feet |
| B. | Not served by public water supply | 20,000 square feet |

**Minimum Dimension of Square.**

- |    |                                   |          |
|----|-----------------------------------|----------|
| A. | Served by public water supply     | 75 feet  |
| B. | Not served by public water supply | 100 feet |

**Minimum Frontage.** 20 feet

**Minimum Width along Building Line.** 75 feet

**Height.**

- |    |                           |            |
|----|---------------------------|------------|
| A. | Maximum Number of Stories | 2½ stories |
| B. | Maximum Height            | 35 feet    |

**Setbacks.**

- |    |                           |         |
|----|---------------------------|---------|
| A. | From Street Line.         | 20 feet |
| B. | From Rear Property Line.  | 15 feet |
| C. | From Other Property Line. | 15 feet |

**Projection into Setback Area.** 3 feet

**Minor Accessory Building or Structure.**

- |    |  |         |
|----|--|---------|
| A. | From Longest Street Line of Corner lot | 35 feet |
| B. | From Rear Property Line                | 10 feet |

- C. From Other Property Line 10 feet

**Building Bulk and Coverage.**

- A. Maximum *Building/Storage Coverage*. 20%
- B. Within *Gateway Conservation Zone* 15%

- Maximum Gross Floor Area.** 40%

- 56.6.4 **Water Supply and Sewage Disposal Plans.** Each *lot* in the AA-1 District will be served by public water supply. Each *lot* in the Residence C Conservation District less than sixty thousand square feet (60,000 s.f.) in area or containing more than one *dwelling* unit as authorized by Section 55, PRD, will be served by a public water supply. *Lots* in the Residence AAA District are not required to be served by a public water supply, so long as they demonstrate adequate water service.

Where connection to an on-site or off-site central sanitary sewer system is proposed, the system and the connection will meet all the technical and administrative requirements of the Water Pollution Control Authority (WPCA), the Connecticut River Area Health District, and the State of Connecticut. In addition, the applicant will provide evidence from the Water Pollution Control Authority (WPCA) 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 C.G.S. §7-245, a report from the Water Pollution Control Authority (WPCA) indicating that all requirements of C.G.S. §7-246f have been satisfied will 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 Regulations and Section 5.2.1(f) of the Subdivision Regulations will be required. If individual sewage disposal systems are proposed, written evidence will be submitted that the subsurface sewage disposal system proposal is approved by the Connecticut River Area Health District, and compliance with Section 7.2.1e of the Zoning Regulations and Section 5.2.1(f) of the 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 will not be less than sixteen thousand square feet (16,000 s.f) 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 and Residence AAA Districts, the area of *open space* land shown on the final subdivision approval map will not be less than fifty percent (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* will be excluded. Such non-municipal active recreational *uses* include, but are not limited to, golf courses, tennis clubs, pool clubs, equestrian facilities, and similar facilities, plus all parking, *driveways*, and *accessory* facilities and areas

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

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

- G. In evaluating compliance with the intended purposes of the open space plan, the Planning 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 Planning 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 tree lines 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 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. Landscape 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 following *uses*:

- A. In District AAA, the *uses* listed in Paragraph 21.1.1, 21.1.2, 21.1.3, 21.1.4, 21.1.7 and 21.1.8;
- B. In District AA-1, the *uses* listed in Paragraph 22.1.1, 22.1.2, 22.1.3, 22.1.4, 22.1.7 and 22.1.8;
- C. 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
- D. In a PRD approved under Section 55, and no other, except as provided in Section 55.6.9 in a PRD.
- E. 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* or *structure* will be established in connection with the purposes unless approval of a Special Exception is secured from the Commission, in accordance with the provisions of Section 52, as consistent with and in support of the approved *open space* purpose.

56.6.8 **Phases.** The area covered by an Open Space Subdivision Plan may be submitted for final approval in phases, if any land to be reserved for *open space* is so reserved in the first phase.

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 will control.

## 56.7 AMENDMENTS

## **OS Subdivision (PC)**

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

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## SECTION 57

# Saybrook Aquifer Protection (AP) Zone

### 57.0 GENERAL

The Saybrook Aquifer Protection (AP) Zone is a class of *district* in addition to and overlapping one or more of the other *districts*. The boundaries of the AP Zone encompass all of the area drained by surface waters that cross the “primary recharge” and “secondary recharge” areas of stratified drift “*aquifers*” that exist or designated as potential and important sources of public water supply, based on data established by the US Geological Survey. The purpose of the AP Zone is to assure that the *use* of land, *buildings* and other *structures* and site development within the AP Zone are conducted in a manner that protects the public health and the usability of the groundwater supply resource and avoids degradation of the quality of the groundwater.

The Old Saybrook Zoning Map delineates the vicinity of Bokum Road and Middlesex Turnpike, encompasses an existing public water supply well field and is further identified on maps entitled “CRERPA Recharge Area Maps; Connecticut Areawide Waste Treatment Management Planning Board”, Sheet 99 - Essex Quadrangle, Oct. 1979 and Sheet 100 - Old Lyme Quadrangle, Oct. 1979.

### 57.1 [RESERVED]

### 57.2 PERMITTED USES

Within the AP Zone, land, *buildings*, and other *structures* may be used for one or more of the *uses* permitted in the underlying *district*, but the following *uses* are specifically prohibited:

57.2.1 Disposal of solid wastes to the ground in sanitary landfills or dumps.

57.2.2 Septage lagoons and the disposal or spreading of septage on the ground.

57.2.3 Disposal of toxic or hazardous materials to the ground, including surface and groundwater.

57.2.4 On the primary and *secondary recharge areas*, any community sewage disposal system that discharges to the ground.

57.2.5 On the primary and *secondary recharge areas*, any *use* which involves as a *principal activity* the manufacture, *use*, generation, storage, transportation or disposal of toxic or hazardous materials in quantities greater than for normal household *use* or for on-site heating or intermittent stationary power production.

### 57.3 ADDITIONAL REQUIREMENTS

The following are additional requirements pertaining to the *use* of land, *buildings*, *structures* and site development in the AP Zone:

- 57.3.1 **Salt.** Any road salt storage will be covered with a roof or otherwise covered so that rainwater does not leach the salt. The storage will also be located on an impervious surface from which runoff is collected in an evaporative detention basin or is discharged to a surface *watercourse* with sufficient year round flow to dilute the runoff.
- 57.3.2 **Change in Occupancy.** In addition to the requirements of these regulations concerning change in *use*, each change in nonresidential occupancy of a premises may be made only after a new Statement of Use has been submitted to the Enforcement Officer and a new Certificate of Zoning Compliance has been issued.
- 57.3.3 **Sewage Disposal.** Sanitary wastewater disposal to on-site septic systems on any *lot* will not average more than three hundred fifty (350) gallons per acre per day nor more than five thousand (5,000) gallons total discharge per day, provided however that any system which exceeds the amounts is permitted in accordance with the following:
- A. At least fifteen (15) days prior to approval or an application for Certificate of Zoning Compliance for a *use* equaling or exceeding the discharges, notice that application and proposed discharge are pending will be sent by Certified Mail by the Enforcement Officer to the owner of each *lot* abutting the *lot* where the discharge is to occur and to any public utility water supply company having surface or well water supply facilities in the AP Zone; and
  - B. The Connecticut Department of Environmental Protection will approve the system as consistent with maintenance of the quality of groundwater in the AP Zone.
- 57.3.4 **Fuel Storage.** For nonresidential *uses*, underground fuel storage tanks and piping will be designed in conformance with the rules and regulations of the State Fire Marshal, as authorized under C.G.S. §29-62 through §29-66. Provision will be made for containment and cleanup of spills at the point of delivery to and from storage. No storage will be backfilled until inspected by the *Building Inspector*.
- 57.3.5 **Runoff.** Any nonresidential *use* that is subject to submission and approval of a Site Plan or Special Exception *use* will conform to the following in addition to other requirements of these regulations:
- A. The site plan will identify all drains and drainage facilities and will demonstrate how oil, grease, cleaning materials, and other contaminants will be contained and not discharged to the *aquifer*.

- B. The *total lot coverage* by *buildings, structures, outside storage*, and paving on any *lot* will not exceed thirty percent (30%) of the area of the *lot*. Storm drainage will be discharged to vegetated surfaces unless measures and a maintenance program are provided for, control of contaminant runoff to the *aquifer* from parking and other *paved areas*.
- C. On the primary and *secondary recharge area*, excavation and regrading for site development will be designed either with a finished elevation at least five feet (5') above the water table or with no reduction in elevation if already less than five feet (5').



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## SECTION 58

# Gateway Conservation Zone

### 58.0 PURPOSE

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

### 58.1 GENERAL

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

### 58.2 RIPARIAN BUFFER AREA

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

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

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

in place until after completion of construction when the property owner installs permanent markers in the same manner.

- 58.2.1 No person will clear land within the *riparian buffer area* for development, including, but not limited to: surface re-grading, stormwater drainage *structures*, construction of retention walls, construction of principal or *accessory structures*, *driveway* construction, sewage disposal areas, lawns or gardens.
- 58.2.2 No person will create clear-cut openings, and owners of property will maintain a well-distributed stand of trees or other vegetation, including existing ground cover. Cleared openings legally in existence on the effective date of these regulations may be maintained but not enlarged; fields, which have reverted primarily to shrubs, trees or other woody vegetation, are regulated under the provisions of this section. No person will remove existing understory vegetation less than four feet (4') from the natural elevation of the ground nor disturb the treed canopy higher than twenty feet (20') from the natural elevation of the ground, except to provide for a footpath or other permitted *uses*.
- 58.2.3 There will be no tree cutting, except to remove safety hazards from diseased, storm-damaged, unsafe or dead trees without approval by the Enforcement Officer or Tree Warden or by a written report of a public or consulting forester stating an official determination as to the necessity to remove trees due to a deteriorated condition. Any resulting openings will be replanted with native tree species unless there exists natural "new tree" growth.
- 58.2.4 A footpath not to exceed five feet (5') in width is permitted so long as it does not create a cleared line-of-sight from the water through the *riparian buffer area*.
- 58.2.5 Stairs or similar *structures* may be allowed with a permit from the enforcement officer to provide shoreline access in areas of steep slopes or unstable *soils*, provided that the *structure* is limited to a maximum of five feet (5') in width and does not extend below or over the *high tide line* of the Connecticut River or its tributaries or the upland edge of a *wetlands*, and the applicant demonstrates that no reasonable access alternative exists on the property.

### 58.3 DEVELOPED AREAS

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

In the *developed areas*, property owners must maintain trees or shrubs immediately adjacent to the water to avoid *erosion* and to enhance the scenic quality of the river scene. An existing



lawn is not a *developed area*. The Commission considers every portion of the *riparian buffer area* on its own merits even within the confines of a single *lot* or *parcel*.

## 58.4 PERMITTED USES & ACTIVITIES

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

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

## 58.5 SPECIAL EXCEPTION USES

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

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

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

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

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

## 58.6 SETBACK (GATEWAY CONSERVATION ZONE)

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

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

- A. *Shoreline flood & erosion control structure*, if the Commission finds consistency with the policies and standards of the Connecticut Coastal Management Act.
- B. A dock, wharf, slip basin or similar landing facility for pleasure *boats* and excursion *boats* serving the public, expressly excluding vessels engaged in commercial fishery or shellfishery.
- C. A dock, wharf, slip basin or similar landing facility for fishery and shellfishery business, including as an *accessory use* of the business a store or market for the sale of fish, shellfish and other related food products or the commercial *bulk* processing of fish and shellfish.
- D. Establishment for the sale, repair or servicing of pleasure *boats*, including the dispensing of fuel and lubricants for *boats* at retail, but expressly excluding dry storage of *boats* and bulk storage of fuel.
- E. A sail loft or ship chandlery, including the retail sale of marine equipment, engines and provisions for *boats*.
- F. Public walkways, parks, and fishing piers.
- G. Storage of *boats* when *accessory* and subordinate to a permitted *use*.

### 58.7 HEIGHT (GATEWAY CONSERVATION ZONE)

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

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

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## 58.8 CONSIDERATIONS FOR DECISION

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

- 58.8.1 The proposed design preserves or enhances significant natural features and maintains or restores the natural and traditional character of the riverway scene.
- 58.8.2 Site development maintains the essential natural characteristics of the site, such as major landforms, natural vegetative or wildlife communities, hydrologic features, scenic qualities, or *open space*, that contribute to the sense of place along the Connecticut River, its tributaries or *wetlands*.
- 58.8.3 *Structures* adapt to the existing terrain rather than the earth altered to create a platformed development site.
- 58.8.4 Minimized disturbance to existing topographic forms and grading or excavation does not result in *soil erosion* or silting of lower slopes.
- 58.8.5 *Structures* facing the Connecticut River located below the crest of hillsides to maintain a clear sense of the hillside brow in its natural coordination as seen from the River.
- 58.8.6 Vertical elements of *structures* do not disrupt the natural silhouette of the hillside (e.g. sloped angle of a roof pitch at or below the angle of the natural hillside or manufactured slope).
- 58.8.7 Mass of *building* forms broken apart, varied or scaled to the actual environmental setting to avoid excessive forms that fail to enhance the hillside character (e.g. large roof areas broken up to approximate natural slopes).
- 58.8.8 Dark-colored roof treatments, which reduce visual impact of the *structure* on the landscape, and rooftop treatment designed to avoid monotony of materials, forms or colors.
- 58.8.9 Preservation of the existing natural vegetation where possible and new landscaping that is compatible with the existing natural vegetation to maintain or enhance the scenic character of the visual buffering between all development and the Connecticut River, its tributaries or *wetlands*.
- 58.8.10 Cut or fill slopes with curved configurations to reflect the forms or shapes of surrounding topography as closely as possible. Avoidance of abrupt angular intersections of manufactured and natural slopes faces.
- 58.8.11 *Shoreline flood & erosion control structures* minimized to the greatest extent possible.



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## SECTION 59

# Coastal Area Management Zone

### 59.0 [RESERVED]

### 59.1 GENERAL

In accordance with the provisions of C.G.S. §22a-105 through 22a-109, any application pertaining to a proposed *building*, other *structure*, *use*, site development, excavation or grading that is subject to these regulations and located fully or partially within the “Coastal Boundary” as defined by C.G.S. §22a-94 and as delineated on the Coastal Boundary map for the Town of Old Saybrook, will be accompanied by a Coastal Site Plan.

Information required by the Act concerning a Coastal Site Plan is in addition to and may be combined with the application submission requirements of these regulations. Coastal site plans will be drawn at a scale of not less than fifty feet (50') to the inch. The Act assigns to the Commission the responsibility to approve, modify and approve or deny the Coastal Site Plan under the criteria of the Act, provided however that the responsibility rests with the Planning Commission, as specified, for Special Exceptions for Open Space Subdivision.

The Act *assigns* to the Commission the responsibility to approve, modify and approve or deny the Coastal Site Plan under the criteria of the Act, provided however that the responsibility rests with the Planning Commission as specified for Special Exceptions for Open Space Subdivisions.

### 59.2 EXEMPTIONS

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

- Site plans submitted to the Commission in accordance with C.G.S. §22a-109.
- Applications for a Special Exception *use* submitted to the Planning Commission in accordance with C.G.S. §8-2 of these regulations.
- Applications for a variance submitted to the Zoning Board of Appeals in accordance with C.G.S. §8-6(3) and these regulations; except that a *use* variance will not be exempt from coastal site plan review.
- A referral of a proposed municipal project to the Planning Commission in accordance with C.G.S. §8-24.

The Commission exempts the following *uses* from coastal site plan review:

## CAM Zone

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- 59.2.1 Gardening, grazing and the harvesting of crops are exempt from Coastal Site Plan approval requirements under the authority of C.G.S. §22a-109(b);
- 59.2.2 Activities conducted for the specific purpose of conserving or preserving *soil*, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources;
- 59.2.3 Construction of a single detached *dwelling* for one (1) *family* when conforming in all respects to these regulations and when located one hundred feet (100') or more from *tidal wetlands*, coastal bluffs and escarpments and beaches and dunes;
- 59.2.4 On any *lot*, the construction of new or modification of existing *fences*, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, *signs* permitted in residence *districts* and the other minor *structures* as will not substantially alter the natural character of coastal resources or restrict access along the public beach;
- 59.2.5 Construction of new or modification of existing *structures* incidental to the enjoyment and maintenance of residential property, including, but not limited to, walks, terraces, *driveways*, swimming pools, tennis courts, docks and detached *accessory buildings*, and
- 59.2.6 Minor additions to or modifications of existing *buildings* or detached *accessory buildings*, such as garages and utility sheds;
- 59.2.7 Interior modifications to *buildings*, or
- 59.2.8 Minor changes in *use* of a *building*, *structure* or property, except those changes occurring on property adjacent to or abutting coastal waters.

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# ARTICLE VI

# TOWN-WIDE REQUIREMENTS

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- 61.3 **Noise**
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## **TOWN-WIDE REQUIREMENTS**

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- 67.5 **Certification**
- 67.6 **Conditions**
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# SECTION 61

## Performance Standards

### 61.0 RESERVED

### 61.1 GENERAL

The *use* of land, *buildings*, and other *structures*, wherever located, will be established and conducted to conform to the performance standards specified. The performance standards establish certain nuisance factors which if committed or exceeded in the *use* of land, *buildings* and other *structures* will be detrimental to the *use*, enjoyment and value of other land, *buildings* and *structures*, will be detrimental to the public health, safety and welfare and will be contrary to the comprehensive plan of zoning. The Enforcement Officer is authorized to make surveys and take measurements to determine compliance. The Enforcement Officer will not issue a Certificate of Zoning Compliance unless the proposed *use* of land, *building* and other *structures* will be established and conducted in accordance with the performance standards and with the standards stated in other relevant Town, State and Federal codes, ordinances or regulations, whichever is the more restrictive. The performance standards specified will be of continuing application.

### 61.2 SMOKE, GASES, AND FUMES

No dust, dirt, fly ash, smoke, gas or fumes will be emitted into the air from any *lot* so as to endanger the public health and safety, to impair safety on or the value and reasonable *use* of any other *lot*, or to constitute a critical source of air pollution. In addition, no smoke or particulate matter will be so emitted to have opacity greater than Ringleman #2 for more than five (5) minutes in any twelve-hour (12) period.

### 61.3 NOISE

With the exception of time signals and noise necessarily involved in the construction or demolition of *buildings* and other *structures*, no noise will be transmitted outside the *lot* where it originates when noise has a decibel level, octave band, intermittence or beat frequency which endangers the public health and safety or impairs safety on or the value and reasonable *use* of any other *lot*.

### 61.4 VIBRATION

With the exception of vibration necessarily involved in the construction or demolition of *buildings*, no vibration will be transmitted outside the *lot* where it originates.

### 61.5 ODORS

No offensive odors will be emitted into the air from any *lot* so as to impair the value and reasonable *use* of any other *lot*.

### 61.6 GLARE AND HEAT

No light will be transmitted outside the *lot* where it originates so as to endanger the public health or safety, including the public safety on any *street* or highway, or to impair the value and reasonable *use* of any other *lot*. In Residence Districts, the source of any lighting located out-of-doors on any *lot* will not be visible from any other *lot*; in other than Residence Districts, the source of any lighting located out-of-doors and within two hundred feet (200') of a Residence District boundary line will not be visible at the boundary line.

### 61.7 REFUSE AND POLLUTION

No refuse or other waste materials will be dumped on any *lot*, except with the approval of the Connecticut River Area Health District. No refuse or other waste materials and no liquids will be dumped on any *lot* or dumped or discharged into any river, stream, estuary, water course, storm drain, pond, lake, swamp or marsh so as to constitute a source of water pollution.

### 61.8 DANGER

No material which is dangerous due to explosion, extreme fire hazard or radioactivity will be used, stored, manufactured, processed or assembled, except in accordance with applicable codes, ordinances and regulations of the Town of Old Saybrook, State of Connecticut and Federal Government.

### 61.9 RADIO INTERFERENCE

No *use* on any *lot* will cause interference with radio and television reception on any other *lot*, and any *use* will conform to the regulations of the Federal Communications Commission concerning electromagnetic radiation and interference.

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## SECTION 62

# Off-street Parking & Loading, Access and Circulation

### 62.1 OBLIGATION

Off-street parking and loading will be provided for any *use* of land, *buildings* or other *structures* in accordance with the standards of the Section. Off-street parking and loading will be permanently maintained and kept available for occupancy in connection with and for the full duration of the *use* of land, *buildings* or other *structures* for which the spaces are required.

62.1.1 **Existing Uses.** A *use* existing at the time of the adoption of these regulations will be maintained in conformance with these parking standards to the extent that it conforms at the time of adoption of this section. If any existing *use* of land, *buildings*, *structure*, is changed to a *use* requiring additional off-street parking and loading under these regulations, additional required spaces would be provided for the new *use* in accordance with the standards herein. An existing *use* which does not conform to the standards of this section will not be changed to a *use* which would require additional off-street parking and loading spaces to conform, unless off-street parking and loading spaces are provided for the new *use* as required. Any extension or enlargement of a non-conforming *building* or *use* will require compliance with this section.

### 62.2 PARKING SPACE AND LOADING DIMENSIONS

62.2.1 **Parking Spaces.** Every parking space will have suitable access and slope to accommodate an automobile, and will have a minimum width of nine feet (9'), a minimum length of eighteen feet (18'), and a minimum vertical clearance of not less than seven feet six inches (7'6"), except as follows:

- A. Spaces reserved for *use* by physically handicapped persons will have a minimum width of fifteen feet (15') and a minimum length of eighteen feet (18'), except that the width may be reduced to twelve and one half feet (12.5') when the space is at the end of a row of spaces or is one of two (2) or more reserved spaces side by side in a row.
- B. Spaces located parallel to an access or circulation *driveway* will have a minimum width of eight feet (8') and a minimum length of twenty-two feet (22').

## Off-street Parking, Loading, Access & Circulation

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- C. **Compact Automobiles** – Where a *use* is under single proprietorship and the total number of off-street parking spaces required by the *use* is greater than one hundred (100), the Commission may authorize a portion of the required number of parking spaces not to exceed ten percent (10%), with a minimum width of eight feet (8') and a minimum length of fifteen feet (15'), to accommodate smaller automobiles.

62.2.2 **Loading Spaces.** Every loading space will have suitable access and slope to accommodate a truck forty feet (40') in length, and will have the shape as to contain a rectangle not less than twelve feet (12') in width and forty feet (40') in length, with a vertical clearance of not less than sixteen feet six inches (16'6"). The Commission may require a space of greater dimensions if necessary for the type of truck serving *uses* proposed under site plan submissions. Loading spaces will be designed in accordance with the standards of these regulations.

### 62.3 OFF-STREET PARKING REQUIREMENTS

The following off-street parking standards are minimum requirements. The Commission may require additional parking spaces where the nature of development, its location, or other unique features requires additional parking. In determining the appropriate parking standards to be applied to a specific *use*, the decision of the Commission will be final. For *lots* fronting on Main Street between Route One and Pennywise Lane, on-street parking spaces located directly in front of the *lot* may be credited toward the total number of parking spaces required for a particular *use*. Where fractional spaces result from calculation of parking space requirements, total parking spaces required will be the next highest whole number. These parking standards are in addition to space, which is required for storage of trucks or other vehicles used in connection with a commercial or industrial *use*.

#### 62.3.1 Residential uses.

- A. **One and two family dwellings** – Two (2) spaces for each *dwelling unit*; *driveways* may be included as required space.
- B. **Multi-family dwelling** – One and one-half (1½) spaces for each efficiency or one *bedroom* unit and two (2) spaces for each unit of two (2) *bedrooms* or more.
- C. **Elderly housing** – One (1) space for each efficiency or one (1) *bedroom* unit, and one and one-half (1½) spaces for each two-*bedroom* unit.
- D. **Professional offices and home occupations in a dwelling unit** – Two (2) spaces, in addition to spaces required for the *dwelling unit*.
- E. **Renting of rooms** – One (1) space per boarder, in addition to spaces required for the *dwelling unit*.

### 62.3.2 Non-Residential Uses.

- A. **Business offices** – One (1) space per two hundred square feet (200 s.f.) of *gross floor area* for *buildings* under ten thousand square feet (10,000 s.f.) in area, and one space per one hundred seventy-five square feet (175 s.f.) of *gross floor area* for *buildings* ten thousand square feet (10,000 s.f.) and over in area.
- B. **Personal Service-Establishments** – Generally, one (1) space per one hundred fifty square feet (150 s.f.) *gross floor area*, except for the *uses* listed below:
  - 1. **Undertakers establishments** – One (1) space per seventy-five square feet (75 s.f.) of parlor or chapel area, or one (1) space per each four (4) seats.
  - 2. **Medical and dental offices and clinics** – One (1) space per two hundred square feet (200 s.f.) of *gross floor area*.
  - 3. **Repair shops (excluding automotive repairs)** – One (1) space per two hundred square feet (200 s.f.) of *gross floor area*, with a minimum of three (3) spaces.
- C. **Financial Institutions** – One (1) space for every two hundred fifty square feet (250 s.f.) of *gross floor area* or four (4) spaces per teller window, whichever is greater, and two (2) additional spaces per automated teller machine.
- D. **Retail stores** – Generally, one (1) space for every one hundred seventy-five square feet (175 s.f.) of *gross floor area*, except for the *uses* listed below:
  - 1. **Supermarkets** – One (1) space for every two hundred square feet (200 s.f.) of *gross floor area*
  - 2. **Convenience Stores** – One (1) space per one hundred square feet (100 s.f.) of *gross floor area*, with a minimum of five (5) spaces
  - 3. **Furniture, appliance, carpet or hardware stores** – (requiring significant display areas for large merchandise items) - 1 space per four hundred square feet (400 s.f.) of *gross floor area*
  - 4. **Lumber and building materials** – one (1) space per five hundred square feet (500 s.f.) of *gross floor area* and outside display area
  - 5. **Bowling Alley** – Four (4) spaces for each lane

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6. **Shopping Centers** – For purposes of establishing off-street parking requirements, a *shopping center* is defined to be a group of no less than four (4) business establishments which may include retail stores, personal services, theaters, and *restaurant*, with a public vehicle parking area shared in common. A *shopping center lot* must contain no less than two (2) acres of land and have not less than twenty thousand square feet (20,000 s.f.) of *gross floor area*. Parking for *shopping centers* will be provided at a ratio of one parking space for each one hundred seventy-five square feet (175 s.f.) of *gross floor area* in the *shopping center*, with a minimum of one hundred twenty-five (125) spaces. This requirement is instead of other individual parking ratio requirements of the Regulations.

### E. **Motor Vehicle Services**

1. **Gasoline Station (no repair facilities)** – One (1) space per fuel nozzle plus one space per fifty square feet (50 s.f.) of useable *gross floor area*.
2. **Automotive Service Station (limited repairs)** – Two (2) spaces per service bay; in addition, space will be provided for an additional three (3) vehicles per bay stored on the premises for servicing. The vehicle storage space need not meet the dimensional. Requirements for aisles and storage parking space dimensions may be reduced to not less than eight feet (8') by fifteen feet (15'). Storage space must meet buffer requirements.
3. **Automotive Repair Shop** – Two (2) spaces per service bay; in addition, space will be provided on the *lot* for an additional four (4) vehicles per bay stored on the premises for servicing. The vehicle storage space need not meet the dimensional requirements for aisles, and storage parking space dimensions may be reduced to not less than eight feet (8') by fifteen feet (15'). Storage space must meet buffer requirements.
4. **Motor Vehicle Sales** – One (1) space per five hundred square feet (500 s.f.) of enclosed *gross floor area* and one (1) space per three thousand square feet (3,000 s.f.) of outdoor display area.

### F. **Restaurant** – One (1) space for every three (3) seats, with a minimum of ten (10) spaces for each *restaurant*, except for the *uses* listed below:

1. **Fast Food Restaurant** – One (1) space per fifty square feet (50 s.f.) of *gross floor areas*, with a minimum of ten (10) spaces.

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## Off-street Parking, Loading, Access & Circulation

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2. **Restaurant with Takeout Window** – In addition to *restaurant* parking that is otherwise required, ten (10) spaces for each take out window. If the window provides drive through service, the spaces will be arranged so as not to impede pedestrian or vehicular circulation of the site or on any abutting *street*.
3. **Nightclub, Bar, Pub** – One (1) space for every fifty square feet (50 s.f.) of area open to the public.

### G. Educational Institutions

1. **Elementary and Junior High Schools** – Two (2) spaces per classroom plus one (1) space for every four (4) seats in the auditorium, gymnasium or other place of public assembly
2. **High School** – Six (6) spaces per classroom plus one (1) space for every four (4) seats in the auditorium, gymnasium, cafeteria or other place of public assembly
3. **Day care centers and nursery schools** – One (1) space per every five (5) children of licensed capacity, plus one off-street passenger loading place for every six (6) children of licensed capacity

H. **Churches and Synagogues** – One (1) space per every three (3) seats in the main assembly hall, plus parking as required for any other related *uses*.

I. **Residential Life Care Facility** – One-third ( $\frac{1}{3}$ ) parking spaces will be provided for each *assisted living unit*. There will also be one (1) space for each peak hour employee. An additional twenty percent (20%) reserved parking area is also required.

J. **Convalescent Center or Nursing Home** – Two (2) spaces per every three (3) patients of maximum licensed capacity.

K. **Hospital** – One and one-half ( $1\frac{1}{2}$ ) spaces per bed, plus one (1) additional space for every one hundred fifty square feet (150 s.f.) of *gross floor area* dedicated to outpatient services.

L. **Theaters, auditoriums, and other places of assembly having fixed seats** – One (1) space for every four (4) seats, with a minimum of twenty (20) spaces.

M. **Other places of public assembly or public recreation, including libraries, museums and art galleries** – One (1) space for every four (4) legal occupants under the State Fire Safety Code.

N. **Marinas** – Three quarters ( $\frac{3}{4}$ ) of a space for each *boat* slip or rental *boat*, and three quarters ( $\frac{3}{4}$ ) of a space for each commercial mooring, with separate space provided for parking of *boat trailers* and storage of dinghies.

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- O. **Manufacturing and Industrial Plants** – One (1) space for each eight hundred square feet (800 s.f.).
- P. **Research and Development Facilities** – One (1) space per each three hundred square feet (300 s.f.) of *gross floor area*.
- Q. **Warehousing and Other Enclosed Storage Uses** – One (1) space for each one thousand two-hundred square feet (1,200 s.f.) of *gross floor area*.
- R. **Hotels, Motels, Boarding and Lodging Houses and Similar Buildings** – One and one-quarter (1¼) spaces for each room, plus spaces as required for other related *uses*, including *restaurant* and places of public assembly.

**Private Clubs, Country Clubs, Yacht Clubs and Commercial Recreation Facilities** – One (1) space per each two and one-half (2½) users who could be utilizing the premises at any one time, plus one (1) space for each seat provided for spectator observance. If a *restaurant* or a place for public assembly is included in the facility, additional parking will be provided in accordance with the requirements for the related *uses*.

**Private country clubs** – A minimum of four (4) parking spaces for each golf course hole. Additional parking spaces will be provided in accordance with the requirements for each related *accessory use* applied for in accordance with these regulations. The Commission may reduce the total number of parking spaces required if the applicant provides information that demonstrates that not all of the *uses* will be in operation during the same time periods. The Commission may permit the *use* of reserve parking spaces, although the property upon which the *private country club* is being developed is zoned for residential *uses*, as a means of reducing impervious surfaces. The Commission may increase the percentage of required parking spaces characterized as reserve parking spaces if it finds that environmental conditions warrant, such as an increase in the percentage of “reserved spaces.”

62.3.3 **Mixed Uses.** In *buildings* or *lots* containing mixed *uses* the Commission will apply the appropriate standard to each the *use*, and will aggregate the total parking spaces required.

62.3.4 **Parking Space Requirements.** *Uses* not specifically listed in this section will be determined by the Commission based on parking requirements for a listed *use* of similar characteristics, or upon reference to recent parking standards of the institute of Traffic Engineers or other recognized source.

62.3.5 **Parking Spaces for Physically Handicapped.** Spaces for physically handicapped persons will be provided in accordance with the provisions of Connecticut General Statutes and the Basic Building Code of the State of Connecticut. For the purposes of this section, required handicapped parking spaces will be considered part of the



number of parking spaces required under these regulations and not in addition thereto. Location and arrangement of parking spaces for the physically handicapped will be provided in accordance with the Basic *Building* Code of the State of Connecticut.

### 62.4 MODIFICATION OF STANDARDS

62.4.1 **Reserve Parking Alternative.** In commercial and industrial *districts*, where the *gross floor area* on a site exceeds twenty thousand square feet (20,000 s.f.), the Commission may approve the substitution of a reserve parking area in lieu of up to twenty percent (20%) of the required number of marked spaces. The reserve parking area must be suitable for parking development and will be designed as an integral part of the overall parking layout and designated as “reserve spaces” on the site plan. The reserve parking area will be reasonably flat and well drained, and suitable for overflow parking. The reserve area will be suitably grassed, landscaped, and maintained, will be kept free of obstructions, will be accessible from the marked parking area and have reasonable direct access to *building* entrances, and will be available for overflow parking during peak traffic periods. If the Enforcement Officer finds that the number of marked parking spaces is inadequate for the actual *use*, or if the condition of the reserve parking area creates a public nuisance, the Enforcement Officer will report the findings to the Commission. The Commission, at its discretion, may notify the owner of the property that the reserve area must be properly maintained, or may require full development of the reserve parking area within six (6) months of notification. Failure of the owner to comply with this requirement may be grounds for revocation of the Certificate of Zoning Compliance and render the property in violation of zoning regulations.

### 62.5 OFF-STREET LOADING REQUIREMENTS

In the case of industrial, commercial or other *uses* served by regular truck traffic, space will be provided for the loading and unloading of trucks at a rate of one space for each fifteen thousand square feet (15,000 s.f.) of *gross floor area* or fraction thereof. Truck loading areas will be located adjacent to the area or doors that will be used for the loading and unloading of goods and supplies. Truck loading areas will be located to minimize the visibility of trucks from the public *street*, and will be located to not interrupt the flow of vehicles on access drives or interior aisles. The foregoing loading requirement is a minimum, and the Commission may require additional loading spaces where the nature of the development, its location, and any unique feature of development or the surrounding area requires additional loading space.

### 62.6 LOCATION OF REQUIRED PARKING

Required parking facilities will be located on the same *lot* as the *building* or *use* for which they are required, except as noted below:

62.6.1 **Joint Use of Off-Street Parking Spaces.** The Commission may authorize a reduction in the number of spaces required when shared parking is approved by the

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Commission. The use of this provision is solely at the discretion of the Commission, subject to the requirements stated hereafter.

- A. Where, in a mixed-use development, there are two (2) or more *uses* that have differences in their principal operating hours, which allow the utilization of the same parking spaces.
- B. Where *uses* in a mixed-use development, although having similar operating hours, will provide for the same users, thus reducing the demand for parking spaces.
- C. Where a *use* is located near another *use*, such as a church or other place of assembly, which is not in operation during the same hours or days as the first *use*, and where the church or place of assembly is willing to make its parking available to the first *use* through written agreement.

62.6.2 **Combined Parking Lots.** The Commission may authorize abutting landowners to utilize one common parking area, provided that the common parking area will contain the minimum number of spaces required by these regulations for each *use* collectively, and provided that each property owner will sign cross-easements which will run with the land, binding present and future owners to permit common *use* of the parking area and requiring the owners to a portion of the costs of maintenance of the common parking areas.

62.6.3 **Off-site parking for municipal uses.** The Commission may permit off-street parking for any *use* of the Town of Old Saybrook located in the Business B-1 District and Residence A District at an alternate site in any other Zoning District on any Town or State-owned property or under license agreement to the Town from a private property owner (hereafter, "alternate parking lot") within one thousand (1,000') of the *lot* on which is located the permitted *principal use*. No more than fifty percent (50%) of the required parking will be located at the alternate parking lot and all handicapped parking must be located on the *lot* where the *use* is located. If any of the parking spaces required to support the *use* is more than one thousand feet (1,000') from the *use* then shuttle transportation will be required. In addition, the Town will demonstrate that there is a safe pedestrian travel route between the *lot* on which the municipal *use* is located and the parking on the alternate parking lot. The route will be safely passable in all weather for pedestrians, wheelchairs, strollers, and similar devices that are customarily used on public sidewalks.

The Commission may permit an alternate parking lot located more than one thousand feet (1000') away in any other Zoning District for special events on the condition that the Town arranges for shuttle transportation from the alternate parking lot to the *lot* on which the special event is to occur, and on the further condition that *use* of the alternate parking lot does not interfere with traffic flow or any other activities already occurring at the alternate parking lot. Temporary handicapped parking may be permitted on the alternate parking lot in accordance with State regulations to accommodate the special events.

The Town will apply for a one time site plan approval from the Commission for each alternate parking lot site, which site plan approval will be valid for one (1) year and then will be renewed for subsequent years unless denied as provided below. The Commission may by resolution delegate the renewals to the Enforcement Officer. The site plan must designate shuttle drop-off/pick-up areas located in areas that provide safe movement for pedestrian traffic. This site plan approval will allow for the utilization of the alternate parking lot site for any special event proposed in the future. The Town must provide a list of the events to the Commission on January 2<sup>nd</sup> of each year in addition to an approval letter from the Police Department and written consent from the owner or lessee in possession of the alternate parking lot site. Additional events may be added to this list if submitted thirty (30) days prior to the event. The thirty (30) day requirement may be waived by the Commission under extenuating circumstances. If it is found that the alternate parking lot arrangement is not operating in accordance with the provisions of this section, the Commission may deny the request for annual renewal.

### 62.7 Parking Design and Layout within the Site

All off-street parking areas will be provided with parking spaces of suitable angle, width, and length, and with access aisles of sufficient width and suitable alignment to the spaces to allow safe and convenient *use* of each required parking space. Provision will also be made for safe and convenient access into, circulation within, and exit from parking as follows:

62.7.1 **Circulation Driveways.** *Driveways* will be provided giving access to parking aisles and spaces. Wherever possible, traffic to and from parking areas and aisles will be directed toward perimeter *driveways*, away from the primary flow of pedestrian traffic between parking spaces and *building* entrances.

62.7.2 **Aisles.** Parking areas will include clear and visible travel ways between parking spaces. The access aisles will be not less than twenty-four feet (24') wide for two-way ninety-degree (90°) angle parking, but may be reduced to not less than sixteen feet (16') for one-way angled parking.

A. Parking spaces will be located to not obstruct the view of vehicles turning into and out of aisles.

62.7.3 **Designation of Employee Parking Areas.** For retail and service establishments, and for other *uses* with a frequent exchange of customers or patrons, employee parking will be designated in parking spaces remote from entrances so as to retain closer spaces for customers or clients.

62.7.4 **Stacking Space.** Where traffic lights, stop *signs*, intersections, pick up areas or drive-in windows may create conditions where motor vehicles will line up one behind another adequate stacking space will be provided. Stacking spaces will be designed so as not to impede pedestrian or vehicular circulation on the site or on any abutting *street*.

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62.7.5 **Pedestrian Safety.** Off-street parking will be separated from the *building* served in a way as to assure safe movement of pedestrian traffic to all major entrances of the *building*. A concrete walk or combination of walk and landscaping will be provided adjacent to the *building* and will be protected from vehicles by wheel stops or other suitable devices. In parking *lots* containing one hundred (100) spaces or more, parking is prohibited adjacent to the front of the *building* unless a minimum fifteen-foot (15') wide landscaped area is provided in addition to the concrete walk. All pedestrian walkways will be constructed of concrete and will be at least five feet (5') wide.

A. Where topographic and other conditions permit, provision will be made for pedestrian walkways to adjoining *lots* with similar existing or potential *uses*.

62.7.6 **Fire Lanes.** No parking will be permitted in areas designated as fire lanes on any site plans approved under these regulations or established by the Fire Marshal of the Town.

### 62.8 ACCESS TO AND FROM THE SITE

Provisions will be made for safe and convenient vehicular and pedestrian access to every developed *lot*.

62.8.1 All new parking and loading areas will be designed so that any vehicle entering from or exiting the parking area onto a public *street* will be traveling in a forward motion.

62.8.2 There will be no more than one *driveway* connection from any *lot* to any *street*, except that separate entrance and exit *driveways* may be provided where necessary to safeguard against hazards and to avoid congestion; additional *driveway* connections may be provided, particularly for but not limited to large tracts and *uses* of extensive scope if traffic flow in the *street* will be facilitated by the additional connection.

62.8.3 All *driveways* providing connection between any non-residential parking or loading area and any public *street* will have suitable alignment and grade not exceeding ten percent (10%), as well as transition grades and site distances for safe, convenient and efficient access and will meet the *street line* and travel way of the *street* in a manner as to conform to the established cross-section for the *street*, as may be specified by the Town or by the State of Connecticut. The *driveways* will be finished with bituminous concrete for a minimum distance of twenty feet (20') from the edge of *street* pavement.

62.8.4 All access *driveways* and curb cuts will be planned and located to provide as much sight distance as possible at intersections with the connecting public *street*. Visibility at the intersections will be sufficient to allow a stopped vehicle at the intersection to see and be seen from a vehicle approaching from either direction along the intersected roads at a distance of not less than two hundred feet (200'), or greater distance based on design speed of the intersecting road. A sight line demonstration plan may be required as part of a site plan.

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- 62.8.5 The entrances and exits to all parking areas will be clearly marked. Access drives will have a minimum width of fourteen feet (14') where one-way traffic is anticipated and a minimum width of twenty-four feet (24') where two-way traffic is anticipated. *Driveways* in commercial and industrial *districts* will not be more than thirty feet (30') wide at the right-of-way line and fifty-five feet (55') wide at the curb line. Greater widths may be permitted where, in the opinion of the Commission, the width is necessary to accommodate traffic volumes or traffic movements, public safety requirements, or larger vehicles.
- 62.8.6 Where a *lot* has *frontage* on two or more *streets*, the access to the *lot* will be provided across the *frontage* to the *street* where there is lesser potential for traffic congestion and for hazards to vehicular and pedestrian traffic.
- 62.8.7 The *street* giving access to the site will have a traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed *use*. Where the Commission determines that the condition of the existing public *street* is such that the approval of the site development plan could result in a potential safety hazard, the Commission may require that the Applicant make improvements to the existing *street* to assure safety of traffic to and from the site.
- A. Where necessary to safeguard against hazards to traffic and pedestrians or to avoid traffic congestion, provision will be made for turning lanes, traffic directional islands, frontage road, *driveways*, and traffic controls within the *street*.
- 62.8.8 A permit from the Connecticut State Department of Transportation (CONNDOT) to connect to a State road will not prohibit or preempt the Commission from imposing more restrictive requirements in accordance with this section.
- 62.8.9 Where topographic and other conditions permit, provisions will be made for circulation *driveway* connections to adjoining *lots* of similar existing or potential *uses* when the *driveway* connections will facilitate fire protection services or when the *driveways* will enable the public to travel between two *uses* open to the public without need to travel on a public *street*.
- 62.8.10 **Provision for Sidewalks.** The Commission may require the installation of sidewalks along public *streets* in places deemed proper by the Commission for public necessity and safety; or, in lieu of construction, the Commission may require that adequate space and grading be established for future sidewalks along public *streets*. When sidewalk construction is required as part of site plan approval, construction drawings for the sidewalks will be provided, and sidewalks will be designed and constructed to conform to the Design & Construction Specifications of the Town of Old Saybrook.

## 62.9 DRAINAGE

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Parking areas will be graded and drained to dispose of all surface water in accordance with all drainage standards established by these regulations or by any other Town code or regulation. No drainage will be allowed to cross any sidewalk areas. Proposed surfacing and drainage plans will be submitted to and approved by the Commission or Enforcement Officer, whichever has responsibility for site plan review.

62.9.1 The Commission may from time to time, by resolution, adopt technical standards for drainage design to reflect new technologies for controlling the rate, volume, and quality of stormwater runoff from *developed areas*.

### 62.10 LIGHTING

Adequate lighting will be provided for all parking areas of more than twenty (20) spaces, except where the Commission may determine that the parking areas are unlikely to ever be used at night. Required lighting will be arranged and installed to minimize glare on adjacent property and adjacent *streets*. The lighting will conform to all lighting standards established by these Zoning Regulations.

### 62.11 LANDSCAPING

Landscaping will be provided in accordance with these regulations.

### 62.12 CONSTRUCTION OF PARKING AND LOADING AREA

62.12.1 **Marking.** All required parking spaces and fire lanes, except those approved as part of a reserve parking area will be marked by painted lines maintained in good condition, or by curbs or other means to indicate individual spaces. *Signs* or markers painted or provided and maintained in good condition will also be used as necessary to insure efficient traffic flow within all parking *lots* and between any the *lot* and the public *street* serving the *lot*.

62.12.2 **Surface of Parking Areas.** Except for parking for single-family residential *dwelling*s and *accessory uses* thereto or as otherwise noted in these regulations, all off-street parking areas will be surfaced and maintained with durable and dustless all weather material approved by the Commission. Any parking *lot* that serves more than twenty (20) cars will be surfaced with bituminous concrete unless otherwise approved.

A. **Use of Pervious Surfaces** – On sites where little traffic is anticipated, the Commission may approve the *use* of pervious surface materials for all or part of a parking area when the paving is part of an overall drainage design that minimizes concentration of stormwater runoff.

62.12.3 **Curbing.** Appropriate provisions will be made to prevent vehicles from overhanging walkways and from damaging trees or other landscaping materials.

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## SECTION 63

# Landscaping, Screening and Buffer Areas

### 63.1 PURPOSE

*The landscaping provisions of these regulations preserve and enhance the character, appearance, and beauty of the community, to preserve property values, and to accomplish transition between areas of unlike character. Further, these standards are intended to reduce excessive heat, glare and accumulation of dust; to provide privacy from noise and visual intrusion; and to control erosion of the soil and excessive run-off of storm water, and avoid depletion and pollution of water resources.*

### 63.2 MINIMUM LANDSCAPE AREA REQUIREMENT (MLA)

For all non-residential *uses*, and for residential *uses* with more than three (3) *dwelling units* per *lot*, the area of the *lot* devoted to pervious landscaping will not be less than the following percentages of MLA in each District.

| DISTRICT                              | MLA |
|---------------------------------------|-----|
| All Residence Districts               | 50% |
| Central Business B-1 District         | 10% |
| Shopping Center Business B-2 District | 15% |
| Restricted Business B-3 District      | 15% |
| Gateway Business B-4 District         | 25% |
| Marine Commercial MC District         | 15% |
| Saybrook Point SP District            | 20% |
| Industrial I District                 | 25% |

For purposes of this section, pervious landscaping will consist of any of the following or combination: grass, groundcover, vines, shrubs, hedges and trees. With the approval of the Commission, existing natural vegetation, and unique site features, such as existing stone walls, large boulders or rock outcroppings, may be included in the area used to satisfy this requirement.

### 63.3 GENERAL REQUIREMENTS

The following requirements will apply to all *uses* for which a site development plan is required:

63.3.1 Any portion of a developed *lot* which is not used for the location of *buildings, structures, accessory uses, outside storage* areas, off-street parking and loading areas, sidewalks or other *paved areas*, will be landscaped in accordance with a landscaping plan. Any area of the *lot* that will not be disturbed by filling, grading, excavation or other construction activity may be left as natural terrain when having a location, size

## Landscaping, Screening & Buffer Areas

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and shape that supports the landscaping plan for the *lot* in a manner as to minimize storm water runoff, sedimentation and *erosion*.

- 63.3.2 Landscaping, trees and plants required by these regulations will be planted in a growing condition according to accepted horticultural practices and will be maintained in a healthy growing condition. Any landscaping, trees and plants in a condition that does not fulfill the intent of these regulations will be replaced by the property owner during the next planting season for the particular plant material.
- 63.3.3 Any screening *fence* or wall required by these regulations will be maintained by the property owner in good condition throughout the period of the *use* on the *lot*.
- 63.3.4 All landscaping, trees and planting material located adjacent to parking areas, loading areas, or *driveways* will be properly protected from damage by vehicles by barriers, curbs, or other means.
- 63.3.5 To the maximum extent possible, existing trees, vegetation, and unique site features, such as stone walls, large boulders or rock outcroppings, will be retained and protected. Existing healthy mature plant materials, especially trees, if properly located, will be fully credited against the requirements of these regulations.
- 63.3.6 For all new landscaping, an ample variety and quantity of ornamental plants will be provided, with a few dominant types chosen to create unity and subordinate types interspersed for accent. Variety should be achieved with respect to seasonal changes, species selected, texture, color, and size at maturity. The *use* of native plant species indigenous to the region is encouraged.
- 63.3.7 Landscaping will serve to integrate the proposed development to the site, with particular consideration for natural topography and existing vegetation. Where terrain is uneven, the Commission will consider and may approve parking areas at different levels. Preservation of existing landscape materials and landforms is desirable.
- 63.3.8 Landscape composition will be complimentary to the scale and style of existing and proposed *buildings*.

### 63.4 FRONT LANDSCAPED AREAS

Each *lot* will be provided with a landscaped area extending the length of the *street frontage* along the interior side of the front *lot* line, except where *driveway* exits and entrances are located. The width of the front landscaped area will be no less than ten feet (10') in the Central Business B-1 District, no less than fifteen feet (15') in the Saybrook Point SP-2 Districts and twenty-five feet (25') or more in other *districts*. The area of the front landscaped buffer may be included in calculations for the minimum landscaped area. The front landscaped area will be covered with grass or other ground cover and will include appropriate trees and shrubs. At a minimum, one *street* shade tree having a caliper of at least three inches (3") and a height of at least six feet (6') at time of planting will be planted for



each fifty feet (50') or fraction thereof of *lot frontage*. The purpose of the landscaping is to enhance the appearance of the *use* of the *lot*, but not to screen the *use* from view.

63.4.1 In cases where the edge of the pavement within a public right-of-way does not coincide with the front *lot* line, the property owner will landscape and maintain the area between the front *lot* line and the edge of the *street* pavement. A front sidewalk, where existing or where required, may be considered part of the landscaped area.

63.4.2 Where *lot* size and shape or existing *structures* make it infeasible to comply with the requirements for a front landscaped area or other requirements, the Commission may allow the substitution of planters, plant boxes or pots containing trees or flowers to comply with the intent of these regulations.

- A. For *lots* fronting on Main Street between Route 1 and Pennywise Lane, landscaping will be consistent with any comprehensive landscape design established by cooperative efforts of civic, business and governmental organizations and agencies, subject to approval of the Commission.

### 63.5 PERIMETER BUFFERS

The purpose of the buffer area is to provide privacy from noise, headlight glare, and visual intrusion onto other *lots*. A perimeter buffer will be provided along all *lot* lines other than the front *lot* line, except where *driveways* or pedestrian walkways connect to abutting properties. A buffer is required for each *lot*, notwithstanding any buffers on adjacent property. Except for single-*family* residential *uses*, the perimeter buffer will not be used for parking. The area of the perimeter buffer may be included in calculations for the minimum landscaped area.

63.5.1 **Buffer Width.** The minimum width of perimeter buffers will be as follows:

- A. For residential *uses*, the side and rear yard *setback* areas will be considered perimeter buffers.
- B. For non-residential *uses* abutting property within a District that allows residential *uses*, unless the line is also the *lot* line of a PRD, in which event, 63.5.1c will apply. 20 feet
- C. For *uses* within commercial *districts* 10 feet
- D. For *uses* within industrial *districts* 20 feet
- E. Where *lot* size and shape or existing *structures* make it infeasible to comply with the minimum widths required above, the Commission may modify the width requirements provided the perimeter buffer area meets the intent of these regulations.

## Landscaping, Screening & Buffer Areas

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63.5.2 **Required Landscaping for Buffers.** For single-*family* residential *uses*, there is no specific requirement for landscaping the buffer area. For multi-*family* and non-residential *uses*, the buffer area will be maintained with lawn, shrubs and trees, including evergreen planting of the type, height, spacing and arrangement as, in the judgment of the Commission, will effectively screen the activity on the *lot* from the neighboring residential area. At a minimum, the planting will consist of evergreen trees six feet (6') in height planted at intervals of ten feet (10') on center, unless otherwise approved by the Commission. Non-evergreen planting may be included to supplement evergreen planting, but not to take its place.

- A. An earthen berm, wall or *fence* of location, height, design and materials approved by the Commission may be substituted for any portion of the required planting or buffer area strip; the substituted berm, wall or *fence* will not be used to meet the minimum required landscape area.
- B. Where the existing topography or landscaping provides adequate screening, the Commission may modify the planting or buffer area requirements.

### 63.6 INTERIOR PARKING LOT LANDSCAPING

In addition, to front landscaped area and buffer area requirements, parking areas will comply with the following minimum standards.

63.6.1 All *uses* required to provide twenty (20) or more off-street parking spaces will have at least twenty square feet (20 s.f.) of interior landscaping within the paved portion of the parking area for each parking space. Islands will be provided to indicate and assure safe and efficient channelization of both pedestrian and vehicular traffic and to separate major access ways through the parking area from parking aisles. Each separate landscaped area will contain a minimum of one hundred square feet (100 s.f.), will have a minimum dimension of at least eight feet (8'), will be planted with grass or shrubs, and will include at least one (1) deciduous tree of not less than three inch (3") caliper, at least six feet (6') in height. Interior landscaping will be positioned to enhance the visual qualities of the site and to break up large expanses of parking. A standard of one (1) island for every ten (10) parking spaces should be used for design purposes. No more than fifteen (15) spaces in a row or four rows across will be permitted without an intervening interior landscape area.

63.6.2 A landscaped area will be provided along the perimeter of any parking area, except where the parking area is functionally integrated with an adjoining parking area on an abutting *lot*. The landscaped area will have a minimum dimension of five feet (5'), will be planted with grass or shrubs, and will include at least one (1) deciduous tree of not less than three inch (3") caliper, at least six feet (6') in height for every fifty feet (50') along the perimeter of the parking area. Where appropriately located, the required front landscaped areas and perimeter buffers may be used to satisfy this requirement.

### 63.7 VISUAL CLEARANCE

No landscape materials will be located to create a visual hazard for vehicular and pedestrian traffic either within a site or at the intersection of the site access with the public *street*.

### 63.8 SUBMISSION OF A LANDSCAPE PLAN

As part of or in conjunction with a required site plan, the following formation will be provided concerning site landscaping:

- A. Location and description of existing vegetation on site and any proposals to protect and preserve existing vegetation during and after construction.
- B. Location and description of existing natural features, including large boulders, rock outcroppings and water features to be incorporated into proposed site design.
- C. Location and spacing of proposed new plant materials, including types of materials identified by botanical and common names.
- D. A list of plant materials to be used, including size in diameter and height at installation and at maturity; a planting schedule for all plant materials.
- E. Proposed treatment of ground surfaces.
- F. Methods of protecting landscaping from vehicles.

### 63.9 REQUIREMENT FOR SURETY

The Commission may require a separate bond or other surety against completion of the requirements of this section.



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# SECTION 64

## Signs

### 64.0 RESERVED

### 64.1 GENERAL

Unless otherwise provided in this section, no *sign* will be established, constructed, reconstructed, enlarged, extended, moved or structurally altered until an application for Certificate of Zoning Compliance has been approved by the Enforcement Officer. It is the purpose and intent of this section to accommodate the establishment of *signs* necessary for identification; direction and reasonable commercial promotion while avoiding *signs* of a character, as well as a proliferation and extension of *signs*, that would be detrimental to the public health and safety, property values and the appearance and beauty of the community. All *signs* will conform to the provisions specified and to any additional conditions or limitations that may be imposed by the Commission concerning the approval of a Site Plan or Special Exception.

### 64.2 DEFINITIONS

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

### 64.3 STANDARDS

*Signs* in all *districts* will conform to the following standards:

64.3.1 **Purpose.** All *signs*, except as provided, will advertise, identify or give publicity or notice only with respect to a *use* of land, *buildings* or other *structures* actually being on the *lot* where the *sign* is located. When the *use* will have been discontinued for a continuous period of six (6) months, all *signs* pertaining thereto will be removed or otherwise eliminated.

- A. **Exception** – Notwithstanding the provisions of Paragraph 64.3.1, an existing, commercial enterprise may establish two (2) directional *signs* on another *lot* or *lots*, provided that the directional *signs* are no longer than forty-

## Signs

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eight inches (48") nor wider than eight inches (8"), are painted white with the name only of the enterprise painted in black, are located in a Business or Industrial District and are not located within the right-of-way of any *street*.

- 64.3.2 **Location.** No *sign* will be located within or hang over the right-of-way of any *street*, except that a *sign* attached to the wall of a *building* may project fifteen inches (15") into the right-of-way.
- 64.3.3 **Projecting and Hanging Signs.** No *sign* will project over or hang over any sidewalk, *driveway*, walkway, roadway or access way, except that *signs* attached to the wall of a *building* may project not more than fifteen inches (15"), provided that the projection does not occur within ten feet (10') vertical clearance of the ground.
- 64.3.4 **Obstructions.** No *sign* will be located or maintained so as to be a hazard to traffic or pedestrians, to obstruct any door, window, ventilation system or fire escape or exit, or to cause any other hazard to the public health or safety.
- 64.3.5 **Light and Motion.** No flashing *signs* and no revolving, waving or other moving *signs* are permitted.
- 64.3.6 **Post Height.** No sign post will exceed eight feet (8') in height.
- 64.3.7 **Lighting.** That glare from outdoor lighting and illuminated *signs* is properly shielded from the view of adjacent property and public *streets* and that intensity of lighting is in keeping with the character of the surrounding area. Internally illuminated signs must be set on a timer to shut off no later than one (1) hour after the closing of the business as stated in the statement of use. Illuminated signs must be evenly illuminated. Signs constructed by attaching multiple pieces of materials with illumination located behind them will not show connection lines between materials to create the sign face.

## 64.4 RESIDENCE DISTRICTS

In addition to the standards specified in Paragraph 64.3, all *signs* in residence *districts* will conform to the following standards:

- 64.4.1 **Purpose.** The following *signs* are permitted, and no other:
- A. On any *lot*, one (1) identification *sign* not exceeding three square feet (3 s.f.) in area, giving only the name of the premises or of the occupant, or announcing a *home occupation* or professional office on the premises; to permit for non-profit *use* only. On property owned by the Town of Old Saybrook, one additional non-illuminated *sign*, not to exceed ten square feet (10 s.f.), is permitted and may contain interchangeable letters for events taking place on the *lot*. Any other *signs* with interchangeable letters are prohibited in all residential *districts*.

- B. On a *lot* where the premises are for sale or for rent, one (1) real estate *sign* not exceeding twelve square feet (12 s.f.) in area and not referring to any other premises;
- C. On a tract of land for which a subdivision map has been approved by the Planning Commission, one (1) real estate *sign* not exceeding thirty-two square feet (32 s.f.) in area for a period of one (1) year, subject to annual renewal for the development tract.
- D. *Building* contractors' and designers' *signs* pertaining to *buildings* under construction. The total area of the *signs* will not exceed thirty-two square feet (32 s.f.), and the *sign* will be removed within thirty (30) days after completion of the project;
- E. On any *lot* containing a farm or related activity or a Special Exception *use*, one (1) *sign* not exceeding sixteen square feet (16 s.f.) in area;
- F. Private warning and traffic *signs*, with no advertising, each not exceeding two square feet (2 s.f.) in area;

No application for Certificate of Zoning Compliance is required for *signs* permitted under Subparagraphs 64.4.1 A., 64.4.1 B., and 64.4.1 F.

- 2. **Location and Height.** *Signs* permitted under Paragraph 64.4.1 C., 64.4.1 D. and 64-4.1 E. will not extend within less than ten feet (10') of any property line or *street line*; other *signs* may extend to the property line or *street line*. No *sign* will be located on any roof, and no *sign* attached to a *building* will project above the top of the wall of the *building*. *Signs* attached to *buildings* may project into the area required for *setback* if the *sign* does not project more than fifteen inches (15") from the wall of the *building*. No *sign* attached to the ground will exceed a *height* of eight feet (8').

## 64.5 STANDARDS - OTHER DISTRICTS

*Signs* permitted under Paragraph 64.4 are permitted in all other *districts*. In addition to the standards specified in Paragraph 64.3, all other *signs* in business, marine commercial, and industrial *districts* will conform to the following standards:

- 64.5.1 **Setbacks.** Except as provided, *signs* will observe all *setbacks* required for *buildings* and other *structures*, but *signs* attached to *buildings* may project into the area required for *setbacks* provided that the *sign* does not project more than fifteen inches (15") inches from the wall of the *building*.

### 64.5.2 Central Business B-1 District.

- A. On any *lot*, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed twelve square feet (12 s.f.) in area nor a *height* of ten feet (10') but may extend to the *street line*,

- B. *Signs* attached to *buildings* will not extend above the top of the wall of the *building* and will not project more than fifteen inches (15") from the wall of the *building*, except that *signs* not exceeding twelve square feet (12 s.f.) in area may project up to four feet (4') from the wall provided that there be a clearance of not less than ten feet (10') from the ground level to the *sign*.
- C. One *sign*, including a projecting *sign* may be attached to one (1) wall of a *building*, including projecting *signs*, may have a total area of as much as twenty percent (20%) of the area of the wall measured to a *height* of twelve feet (12') above ground level. One (1) *sign* may be attached to any a second wall of a *building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of twelve feet (12') above ground level or forty square feet (40 s.f.), whichever is less. There will be no more than one (1) *sign* mounted to one (1) wall of a *building* for use by the same tenant/occupant and will give only the name of the enterprise or occupant of the premises. No occupant or tenant will mount *signs* to more than two (2) walls of a *building*.

In the event a *building* has more than one tenant/occupant multiple *signs* will be allowed with a maximum of one (1) *sign* per wall, per tenant/occupant with a maximum of two (2) *signs* (not on the same wall) per tenant/occupant. Only (2) sides of any *building* will be permitted to have signage. Any additional walls will remain vacant. This will be determined on a first come, first serve basis. Property owners will be encouraged to provide *sign* plans for properties proposing multiple tenants during the application process for any Special Exception use or Site Plan approval by the Commission.

- D. No *sign* will be painted on the wall of the *building*

### 64.5.3 Shopping Center Business B-2 and Gateway Business B-4 Districts.

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed fifty square feet (50 s.f.) in area nor a *height* of eight feet (8'), but may extend to within ten feet (10') of a *street* line;
- B. *Signs* attached to buildings will not extend above the top of the wall of the building but way, in the case of buildings having a pitched roof, extend not more than three feet (3') above the top of the wall;
- C. *Signs* attached to buildings will not project more than fifteen inches (15") from the wall of the building, except that *signs* not exceeding twenty-four square feet (24 s.f.) in area may project up to eight feet (8') from the wall provided that there be a clearance of not less than ten feet (10') from the ground level to the sign; and
- D. One *sign*, including a projecting *sign* may be attached to one (1) wall of a building, including projecting *signs*, may have a total area of as much as twenty percent (20%) of the area of the wall measured to a *height* of twelve feet (12') above ground level.



One *sign* may be attached to any a second wall of a *building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of twelve feet (12') above ground level or forty square feet (40 s.f.), whichever is less. There shall be no more than one sign mounted to one wall of a building for use by the same tenant/occupant and will give only the name of the enterprise or occupant of the premises. No occupant or tenant shall mount signs to more than two (2) walls of a *building*.

In the event a building has more than one tenant/occupant multiple signs will be allowed with a maximum of one (1) sign per wall, per tenant/occupant with a maximum of two (2) signs (not on the same wall) per tenant/occupant. Only (2) sides of any building shall be permitted to have signage. Any additional walls shall remain vacant. This will be determined on a first come, first serve basis. Property owners will be encouraged to provide sign plans for properties proposing multiple tenants during the application process for any Special Exception or Site Plan review by the Zoning Commission.

- E. No *sign* will be painted on the wall of the building.

**64.5.4 Restricted Business B-3 District.**

- A. On any lot, one (1) *sign* attached to the ground is permitted, and the *sign* will not exceed twelve (12) square feet in area nor a *height* of eight feet (8'), but may extend to within ten feet (10') of the *street* line;
- B. *Signs* attached to *buildings* will not extend above the top of the wall of the *building* and will not project more than fifteen inches (15") from the wall of the *building*, except that *signs* not exceeding twelve square feet (12 s.f.) in area may project up to four feet (4') from the wall provided that there is a clearance of not less than ten feet (10') from the ground level to the *sign*;
- C. *Signs* will be attached to only one (1) wall of a *building*, and the total area of *signs*, including projecting *signs*, will not exceed five percent (5%) of the area of the wall measured to a *height* of twelve feet (12') above ground level; and
- D. No *sign* will be painted on the wall of a *building* and all lighting of *signs* will be indirect with the source of illumination not visible from any *street* or from any *lot* other than the *lot* on which the *sign* is located.

**64.5.5 Marine Commercial MC District.**

- A. On any *lot*, one (1) *sign* attached to the ground is permitted, and the *sign* area will not exceed one (1) square foot per linear foot of actual *building frontage* or fifty square feet (50 s.f.), whichever is less, nor a *height* of eight feet (8'), but may extend to within ten feet (10') of a *street line*.

- B. *Signs* attached to *buildings* will not extend above the top of the wall of the *building* and will not project more than fifteen inches (15") from the wall of the *building*, except that *signs* not exceeding twelve square feet (12 s.f.) in area may project up to four feet (4') from the wall provided that there be a clearance of not less than ten feet (10') from the ground level to the *sign*,
- C. One *sign* may be attached to one (1) wall of a *building*, including projecting *signs*, may have a total area of as much as ten percent (10%) of the area of the wall measured to a *height* of twelve feet (12') above ground level. One *sign* may be attached to a second wall of a *building* and will not exceed either five percent (5%) of the area of the other wall measured to a *height* of twelve feet (12') above ground level or forty square feet (40 s.f.), whichever is less and will give only the name of the enterprise or occupant of the premises. There will be no more than one *sign* mounted to one wall of a *building* for the *use* by the same tenant/occupant. No occupant or tenant will mount *signs* to more than two (2) walls of a *building* and no *sign* will face any *street* unless the premises have direct vehicular access from the *street*.

In the event a *building* has more than one tenant/occupant multiple *signs* will be allowed with a maximum of one (1) *sign* per wall, per tenant/occupant with a maximum of two *signs* (not on the same wall) per tenant/occupant. Only two (2) sides of any *building* will be permitted to have signage. Any additional walls will remain vacant. This will be determined at a first come, first serve basis. Property owners will be encouraged to provide *sign* plans for properties proposing multiple tenants during the application process for any Special Exception or Site Plan Review by the Commission.

- D. No *sign* will be painted on the wall of the *building*.

### 64.5.6 Saybrook Point SP District

- A. *Signs* in Saybrook Point SP-1 and SP-3 Districts will conform to the requirements for *signs* in Residence Districts.
- B. *Signs* in the Saybrook Point SP-2 District will conform to the requirements for *signs* in the Marine Commercial District.
- C. Illumination of *signs* in the Saybrook Point SP-2 District will be limited to either floodlighted *signs* or floodlighted background silhouette *signs* with opaque letters.

### 64.5.7 Industrial I District

- A. On any *lot*, one (1) *sign* attached to the ground is permitted; the *sign* will not exceed one hundred square feet (100 s.f.) in area nor a *height* of eight feet (8');

- B. *Signs* attached to *buildings* will not extend above the top of the wall of the *building* but may, in the case of *buildings* having a pitched roof, extend not more than three feet (3') above the top of the wall;
- C. *Signs* attached to *buildings* will not project more than fifteen inches (15") from the wall of the *building*, except that *signs* not exceeding twelve square feet (12 s.f.) in area may project up to four feet (4') from the wall provided that there be a clearance of not less than ten feet (10') from the ground level to the *sign*, and
- D. *Signs* will be attached to only one (1) wall of a *building*, and the total area of *signs*, including projecting *signs*, will not exceed ten percent (10%) of the area of the wall measured to a *height* of twelve feet (12') above ground level.

#### 64.6 **MEASUREMENTS**

Any *sign* may be double faced, and when a *sign* is attached to the ground, only one face will be counted in determining conformity to *sign* area limitations. All dimensions for *signs* will be based on measurements to the outside edge of the *sign*, excluding any *structure* necessary to support the *sign*. The area of any *sign* will be the entire area encompassed by the perimeter of the *sign*, which perimeter will be the polygon formed by connecting all the outermost edges or points of the *sign*.

#### 64.7 **SPECIAL EVENTS**

Notwithstanding the provisions of this section, the Commission may, upon written application made to it and by resolution, authorize the establishment of temporary *signs* for periods not exceeding fifteen (15) consecutive days, and totaling more than forty-five (45) days in any calendar year, for the purpose of announcing special events. In a Residence District, any the *sign* will pertain only to a *use* permitted in the district.



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## SECTION 65

# Excavation and Grading

### 65.0 RESERVED

### 65.1 GENERAL

No earth, including loam, sand, gravel, clay, peat or quarry stone, will be excavated and removed from any *lot*, or graded or dumped on any *lot*, except as authorized under Paragraph 65.2 or as authorized under an application for a Temporary Special Exception *use* granted by the Commission under the provisions of this section.

### 65.2 EXEMPTIONS

The provisions of this section and the requirements to obtain a Temporary Special Exception will not apply to the following cases:

- 65.2.1 Necessary excavation, removal, grading or dumping of earth in connection with activities on any *lot* solely for farming or landscaping purposes, such as the construction of ponds, improvements of *watercourses*, burying of stones or refuse, regrading of difficult contours or the excavation of earth for *use* on the *lot* and not for sale. The Property owner will submit written notice to the Enforcement Officer and, if applicable, a certified *Soil Erosion & Sediment Control Plan* in advance of commencement of the operation. In the *Gateway Conservation Zone*, no more than three hundred cubic yards (300 yd<sup>3</sup>) of material may be removed from any *lot*;
- 65.2.2 Excavation, removal, grading or dumping of less than one hundred cubic yards (100 yd<sup>3</sup>) of earth on any *lot* in any calendar year and, if applicable, a certified *Soil Erosion & Sediment Control Plan* in advance of commencement of the operation. In the *Gateway Conservation Zone*, no material may be removed from a *lot*; and
- 65.2.3 Excavation and removal, or grading or dumping of less than one hundred cubic yards (100 yd<sup>3</sup>) of material on any *lot* in any calendar year and, if applicable, a certified *Soil Erosion & Sediment Control Plan* is in effect, except that no material may be removed from a *lot* in the *Gateway Conservation Zone*;
- 65.2.4 Provided that the excavation and removal, or grading or dumping, a) authorized under Paragraph 65.2.2 and 65.2.3 will not occur in *tidal wetlands* and b) authorized under Paragraph 65.2.1 and 65.2.2 will be deemed to permit the excavation and removal, or grading or dumping of only the quantity of material which is necessary to make the *lot* more suitable for the proposed *use*, and provided further that excavation, grading or removal authorized under further that excavation, grading or removal authorized under Paragraph 65.2.1 and 65.2.2 in connection with a project for which an application for a Certificate of Zoning Compliance has been approved will be contingent upon completion of the project within two (2) years after

## Excavation & Grading

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commencement, and in the event of failure to complete the project, as evidenced by failure to obtain a Certificate of Zoning Compliance for the project, then the excavation and removal, or grading or dumping will be deemed a violation of these regulations unless a Temporary Special Exception *use* has been secured from the Commission in accordance with this section.

### 65.3 APPLICATION

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

65.3.1 **Statement.** A written statement specifying the hours and days of the week when the operation is to be conducted and estimating the number and kind of trucks and other equipment to be used:

65.3.2 **Maps and Plans.** Four (4) copies of maps and plan prepared by a professional engineer or land surveyor licensed to practice in the State of Connecticut, showing all of the following information as applicable to the particular application:

- A. Property lines and *streets* adjoining the *lot* and the names of owners of property adjoining the *lot*;
- B. The location and exterior limits of the area to be excavated, graded or filled;
- C. Existing contour lines on the *lot*, drawn to a scale of not less than one hundred feet (100') to the inch and with a contour interval not exceeding five feet (5');
- D. Proposed contour lines within the area to be excavated, graded or filled, drawn to a scale of not less than one hundred feet (100') to the inch and with a contour interval not exceeding five feet (5');
- E. Existing and proposed drainage on the *lot* and existing rivers, streams, water courses, ponds, swamps and *tidal wetlands* on or within two hundred feet (200') of the *lot*;
- F. Proposed vehicular access to the *lot* and any proposed work roadways;
- G. The location on the *lot* of any wooded areas, rock outcrops and existing and proposed *buildings, structures* and processing equipment;
- H. An estimate of the number of cubic yards of material to be excavated, graded or dumped; and
- I. Provisions for *soil erosion* and *sediment* control, unless a separate *Soil Erosion & Sediment Control Plan* is submitted.

65.3.3 **Other.** The Commission may request the submission of the additional information that it deems necessary to decide on the application.

65.3.4 **Application Fee.**

## **65.4 PROCEDURE**

Upon receipt, the Enforcement Officer will transmit the application and accompanying maps, plans and documents to the Commission, as well as a copy to the Planning Commission. Within sixty-five (65) days after receipt of a completed application for Temporary Special Exception, meeting the requirements of Paragraph 65.3, the Commission will hold a public hearing on the application. Notice of the public hearing will be published in a newspaper having a substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) nor less than ten (10) days, and the last not less than two (2) days before the public hearing. After the public hearing, the Commission will approve, modify and approve, or deny the application for Temporary Special Exception. The Applicant may consent in writing to any extension of the time of public hearing and action on the application. The grounds for disapproval of an application will be stated in the records of the Commission under Paragraph 65-3.3, within the period for action on the application, will be grounds for disapproval of the application.

## **65.5 PLANNING COMMISSION**

Within thirty (30) days after receipt of a copy of the application form, maps, plan and documents, the Planning Commission will report its recommendations to the Commission, stating the reasons therefore.

## **65.6 APPROVAL**

After the public hearing, the Commission may grant a Temporary Special Exception to permit the excavation and removal, or grading or dumping if it will find that the following standards and conditions will be met:

65.6.1 The excavation, grading or removal will be carried out in accordance with the maps and plan as approved by the Commission and within the exterior limits shown;

65.6.2 The excavation, grading or removal will not result in sharp declivities, pits or depressions or *soil erosion*, drainage or sewerage problems or conditions which would impair the reasonable reuse and development of the *lot* for purposes permitted under these regulations in the District where the *lot* is located;

65.6.3 At all stages of the work, proper drainage will be provided to avoid stagnant water, *soil erosion* problems, excessive run-off, silting of streams and damage to public property, *streets* or drainage facilities;

## Excavation & Grading

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- 65.6.4 Truck access to the *lot* and the work area will be so arranged as to minimize traffic hazards in *streets* and to avoid nuisance to residents of the neighborhood;
- 65.6.5 No excavation and removal or grading, which is below the elevation of any abutting *street* or property line will occur within one hundred feet (100') of the line, except that excavation and removal or grading within the distance and below the elevation of an abutting property line may be permitted if written approval from the adjoining owner is received by the Commission;
- 65.6.6 There will be no processing of material, such as screening, sifting, washing or crushing, except in the Industrial I-1 District;
- 65.6.7 No *building or structure* will be erected on the *lot*, except as may be otherwise permitted in the District or, as approved by the Commission, as a temporary shelter for equipment and field office;
- 65.6.8 The work will be limited to the hours from 7:00 A.M. to 6:00 P.M. and on regular working days, or to the lesser hours and days specified by the Commission;
- 65.6.9 Proper measures will be taken to minimize nuisance from noise, dust, vibration and flying debris, and suitable *fences* or other barricades will be provided around the excavation to protect pedestrian and vehicles to the satisfaction of the Commission.
- 65.6.10 Upon completion of the work authorized, the area of excavated or otherwise disturbed ground will be prepared or restored as follows:
  - A. Such area will be evenly graded to slopes not exceeding one foot (1') of rise for each three feet (3') of horizontal distance or to the lesser slope necessary for *soil* stability, safety and reasonable reuse and development of the *lot*; in addition, the area will be evenly graded with sufficient slopes to assure adequate drainage of the area, so that stagnant pools of water will be avoided;
  - B. Adequate drain ways of gradual slope will be provided to assure drainage;
  - C. There will be no excavation, grading or removal below an elevation of six feet (6') above any ledge;
  - D. All debris and all loose boulders will be buried or removed from the *lot*; and
  - E. The top layer of any arable *soil*, to a depth of not less than six inches (6"), will be retained in the *lot* and spread over the entire *disturbed area* with any large stones removed, and the area will then be seeded with a perennial grass and maintained until the ground will be completely stabilized with a dense cover of grass and there exists no danger of *erosion*, but this provision will not apply to the area of ponds nor to exposed areas of ledge existing prior to the work.
- 65.6.11 The Applicant will file with the Commission a cash, saving account or surety bond, in a form acceptable to the Commission, in the amount as the Commission deems



sufficient to insure the faithful performance of the work in accordance with the provisions of this section; and

65.6.12 The Commission and Enforcement Officer, or their authorized agents, will at all times, have reasonable access to the *lot* for the purpose of *inspection* and determination of compliance with this section; the Commission may require the Applicant to submit periodic reports, prepared and bearing the seal of a land surveyor or engineer, showing the status and progress of the work.

65.6.13 The *lot* for which a Temporary Special Exception is granted will not be located in the *Gateway Conservation Zone*.

### 65.7 TIME LIMIT

Each Temporary Special Exception granted under this section will be valid for a period of one year or for the shorter period as may be requested by the Applicant or fixed by the Commission; the Commission may by resolution renew the Temporary Special Exception annually when the Applicant presents copies of the approved maps and plans, prepared by and bearing the seal of a professional engineer or land surveyor, showing that the excavation and removal, or grading or dumping of earth is progressing as approved.

### 65.8 INSPECTION FEE

At the time of issuance of a Certificate of Zoning Compliance authorized by a Temporary Special Exception granted under this section, the Applicant will pay an *inspection* fee.

### 65.9 EXISTING OPERATIONS

Any lawful existing operation, involving the excavation and removal, or grading or dumping of earth, authorized under the Zoning Regulations in effect prior to the effective date of this , may be continued under the terms and conditions of the authorization.

### 65.10 RETURN OF BOND

Upon completion of the operation in accordance with the terms of a Temporary Special Exception and after any area of the *lot* required to be seeded has grown in a second growing season a dense cover of grass as required under this section, the Applicant may request the Commission to return the bond filed as provided in this section, and if the Commission is satisfied that the work has been completed as required, the bond will be returned to the Applicant, otherwise the bond will remain in full force and effect.



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# SECTION 66

## Trailers

### 66.0 RESERVED

### 66.1 PURPOSE

*The provision of these regulations is to allow for the use of trailers and boats and of storage, construction office and commercial trailers while addressing problems typically associated with their storage and use. Unless otherwise provided in this section, no trailer and for boat, storage, construction office or commercial trailer will be placed on any lot until an application for Certificate of Zoning Compliance has been approved by the Enforcement Officer or a Site Plan has been approved by the Commission.*

### 66.2 DEFINITIONS

No trailers and boats, storage and construction/office trailers or commercial trailers will be permitted on any lot, except in accordance with the standards and provisions of this section.

66.2.1 **Trailers and boats.** The term parking and storage of *trailers and boats*, including camping and recreational equipment, boats with or without hauling trailers, *utility trailers* and mobile homes, is defined as follows:

- A. **Travel trailer.** Any camper, camp trailer, furnished van or any of trailer, designed for human habitation.
- B. **Pick-up coach or pick-up camper.** A *structure* designed primarily to be mounted on a pick-up or truck chassis and with equipment to render it suitable for *use* as a temporary *dwelling* for travel camping, recreational and vacation uses only, and which will be eligible to be licensed/registered and insured for highway use.
- C. **Motorized camper.** A portable *dwelling* designed and constructed as an integral part of a self-propelled vehicle to be used as a temporary *dwelling* for travel, camping, recreational and vacation *use* and which will be eligible to be licensed/registered and insured for highway use.
- D. **Mobile home.** A movable or portable *dwelling* built on a chassis, and which is, has been, or may be, mounted or moved on wheels, connected to utilities, and designed without a permanent foundation for year-round occupancy.
- E. **Tent trailer.** A canvas, folding *structure*, mounted on wheels to be used as a temporary *dwelling* for travel, camping, recreational and vacation uses, and which is eligible to be licensed/registered and insured for highway use.

## Trailers

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- F. **Boat with or without hauling trailer.** Any vessel more than 15 feet with or without a hauling trailer.
- G. **Utility trailer.** A small box, horse or similar flat trailer designed to be towed by a vehicle using a ball and socket connection in excess of 15 feet in length.
- H. **Mobile home and mobile manufactured home.** These terms are used interchangeably to refer to a "*mobile manufactured home*", defined in Section 21-64 of the Connecticut General Statutes, as follows:
- I. **Mobile manufactured home.** A detached residential unit having three dimensional components which are intrinsically mobile with or without a wheeled chassis or a detached residential unit built on or after June 15, 1976, in accordance with Federal manufactured home construction and safety standards, and, in either case, containing sleeping accommodations, a flush toilet, tub or shower bath, kitchen facilities and plumbing and electrical connections for attachment to outside systems, and designed for long-term occupancy and to be placed on rigid supports at the site where it is to be occupied as a residence, complete and ready for occupancy, except for minor and incidental unpacking and assembly operations and connection to utilities systems;

Any *mobile manufactured home* having as its narrowest dimension twenty-two feet (22') or more will be subject to the same standards and conditions as any other single family detached *dwelling unit*. Any *mobile manufactured home* pre-existing the adoption of the Old Saybrook Zoning Regulations on July 8, 1948, which does not meet these standards and conditions, is a legal pre-existing non-conformity.

66.2.2 **Storage, construction/office and commercial trailers.** The terms "*storage trailer*", "*construction/office trailer*" and "*commercial trailer*" used for construction and business-related purposes are defined as follows:

- A. **Storage trailer** - the trailer portion of a tractor-trailer vehicle, storage container or box, portable warehouse or similar moveable roofed enclosures placed on a *lot* for the purpose of storing equipment or other goods and having a *total lot coverage* exceeding fifty (50) square feet.
- B. **Construction/office trailer** - a trailer or trailers used for equipment or supply storage or as a construction office concerning a bonafide construction project for which appropriate building permits have been acquired.
- C. **Commercial trailer** - a trailer or trailers used in conjunction with permitted commercial and industrial establishments the as trucking terminals, building contractor's businesses and storage yards, warehousing and wholesale businesses, manufacturing, processing and assembling of goods and marine transportation.

### 66.3 STANDARDS

No *trailers and boats, storage and construction/office trailers* or *commercial trailers* will be permitted on any *lot* except in accordance with the standards and provisions of this Section.

66.3.1 **Trailers and Boats.** The parking and storage of "*trailers and boats*" will comply the following special standards:

- A. No more than one trailer or one *boat* will be stored at any time on a *lot* in a Residential District or on any *lot* containing a legal, pre-existing *nonconforming* residence;
- B. Any *trailer and boat* that is not parked or stored within a garage, *structure*, will meet all *setback* and *building/structure coverage* requirements for *buildings* or other *structures* for the *district* within which the *trailer and boat* is parked or stored and will be located no closer than ten feet (10') to any *building* or other *structure*.
- C. A *trailer and boat* that is not parked or stored within a garage, *structure*, will be located to the rear of a principal *building* or other major *building* or *structure* in a neat and orderly manner or in the most inconspicuous location practicable. The parked or stored *trailer and boat* will be screened with fencing, landscaping or other measures to satisfaction of the Enforcement Officer so as to be generally not visible from any *street* or adjacent property.
- D. In the event that a trailer and *boat* is parked or stored on a vacant *lot*, the *trailer and boat* will be located in the most inconspicuous location practicable and will be screened with fencing, landscaping or other measures to satisfaction of the Enforcement Officer so as to be generally not visible from any *street* or adjacent property.
- E. At no time will the parked or stored *trailer and boat* be occupied or used for living, sleeping or housekeeping purposes. There will be no connections to any utility service, including electric, heat, water and sewerage disposal service.
- F. In event of non-compliance, the Enforcement Officer will require the removal, relocation or screening of the parked or stored trailer and *boat*.

66.3.2 **Placement of storage and construction/office trailers.** The parking, storage, and use of *storage and construction/office trailers* will comply with the following special standards:

- A. **Construction office trailer or trailers** – will be located on the same *lot* as, and in connection with, a bonafide construction project for a duration of no more than six (6) months unless extended at the discretion of the Enforcement Officer to coincide with an additional period when the

## Trailers

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construction project is in progress. The trailer or trailers will not be placed at the construction site before two (2) weeks before start of construction and will be removed within two (2) weeks of final completion of the project.

- B. **Storage and construction office trailers** – will meet all *setback* requirements for *buildings* or other *structures* for the *district* within which the trailer or trailers are parked or stored and will be located no closer than ten feet (10') to any *buildings* or other *structures*.
- C. **Trailers parked or stored** – for the purpose of storage in connection with an approved business or industrial *use* will be located so as not to occupy or obstruct parking or loading spaces required for other *uses* on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.
- D. **Storage, construction office and commercial trailers** – will be required to be screened from view from a *street* or any adjacent property with *fences*, landscaping or other measures to the satisfaction of the Commission or their designated agent.
- E. In event of non-compliance, the Commission or their designated agent will require the removal, relocation or screening or the parked or stored storage and *construction office trailer* or trailers.

66.3.3 **Placement of commercial trailers.** The parking of *commercial trailers* will comply with the following special standards:

- A. *Commercial trailers* are permitted on a *lot* concerning an approved business if the *commercial trailers* are used only for the purposes of transportation. At no time will the trailer or trailers be used for storage, except in conformance with these regulations.
- B. *Commercial trailers* will conform to all *setback* requirements for *buildings* and other *structures* for the *district* within which they are located and will be located so as not to occupy or obstruct parking or loading spaces required for other *uses* on the site nor any areas or lanes used for the purpose of emergency access or other essential circulation patterns.

## 66.4 AUTHORIZED USE OF TRAILERS AND BOATS

No *trailer and boat* will be used for any purpose on any *lot* without the approval of the Commission and the approval will be limited to a period of six (6) months, extendible for an additional period or periods of six (6) months. The approval may be granted only in cases of extenuating circumstances, such as a request to live in a mobile home while the residence is being repaired or rebuilt after a fire or other casualty. In the case of Special Events approved by the Commission, *trailers and boats* that are customarily used for temporary living purposes may be occupied for the duration of the approved Special Event only. Said

vehicles will be parked so as to meet all applicable parking regulations and standards. Where *trailers and boats* are to be occupied, sanitary facilities will have written approval of the Connecticut River Area Health District at the time of the approval by the Commission, and it may be occupied by only one (1) *family*, at least one member of which will be either the owner of the *lot* or related by blood, marriage or legal adoption, to the owner of the *lot*. No trailer and *boat* will be located in a Flood Plain Zone, and additional restrictions may be made a part of the conditions of approval by the Commission.

### 66.5 SALES AND RENTALS

Where authorized as a permitted *use* in a District, the parking and storage of *trailers and boats* for sales and rental will conform to the requirements for *outside storage* areas.

### 66.6 PLOT PLAN

Prior to approval of any application for Certificate of Zoning Compliance for a trailer and *boat* is a permitted *use*, a Plot Plan will be submitted to and approved by the Enforcement Officer.

### 66.7 SITE PLAN

Prior to approval of any application for Certificate of Zoning Compliance for a storage and *construction office trailer*, a Site Plan will be submitted to and approved by the Commission.





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## SECTION 67

# Soil Erosion & Sediment Control

### 67.1 GENERAL

When any *use, building or structure* or site development that is subject to these regulations involves a *disturbed area* of one-half (½) acre or more, or otherwise when provision for *soil erosion* and *sediment* control is required by these regulations, a certified *Soil Erosion & Sediment Control Plan* (“control plan”) in connection therewith will be in effect prior to, during and upon completion of construction. The control plan may be integrated with plot plans, Site Plans, other maps and plans and Statements of *use* required by these regulations and will cover all construction, clearing, grading and site development locations that constitute a *disturbed area*. A control plan certified by the Planning Commission in connection with approval of a subdivision under the Subdivision Regulations and in effect for the *lot* where the *disturbed area* is located, may constitute the control plan required by these regulations.

### 67.2 SPECIAL DEFINITIONS

Certain words used in this Section are defined as follows:

67.2.1 **Disturbed Area.** An area where the cover is destroyed or removed leaving the land subject to accelerated *erosion*.

67.2.2 **Erosion.** The detachment and movement of *soil* or rock fragments by water, wind, ice and gravity.

67.2.3 **Inspection.** The periodic review of *sediment* and *erosion* control measures shown on the certified Control Plan.

67.2.4 **Soil Erosion & Sediment Control Plan.** A plan for minimizing *soil erosion* and sedimentation, consisting of no less than a map and narrative as follows:

- A. A narrative describing the project, the schedule of conservation practices, design criteria, construction details and the maintenance program for any *erosion* and *sediment* control facilities that are installed; and
- B. A map showing topography, cleared areas and graded areas, proposed area alterations and the location of and detailed information concerning *erosion* and *sediment* measures and facilities.

67.2.5 **Sediment.** Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by *erosion*.

67.2.6 **Soil.** Any unconsolidated mineral and organic material of any origin.

### 67.3 CONTROL PLAN

To be eligible for certification, a *Soil Erosion & Sediment Control Plan* will contain proper provision adequate to control accelerated *erosion* and sedimentation and reduce the danger from storm water runoff on the *lot* based on the best available technology. The principles, methods and practices necessary for certification are found in the most recent version of the Connecticut Guidelines for Soil Erosion & Sediment Control, published by The Connecticut Council on Soil & Water Conservation. Alternative principles, methods, and practices may be used with prior approval of the Enforcement Officer. The control plan will contain the following to the extent applicable to the particular *use, building, structure*, and site development.

67.3.1 **Narrative.** A narrative, describing elements, such as the following:

- A. The *use, building, structure*, and site development;
- B. The schedule for grading and construction activities, including:
  - 1. Start and completion dates;
  - 2. Sequence of grading and construction activities;
  - 3. Sequence for installation or application of *soil erosion* and *sediment* control measures; and
  - 4. Sequence for final stabilization of the project site;
- C. The design criteria for proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- D. The construction details for proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- E. The installation or application procedures for proposed *soil erosion* and *sediment* control measures and storm water management facilities; and
- F. The operations and maintenance program for proposed *soil erosion* and *sediment* control measures and storm water management facilities.

67.3.2 **Map.** A site plan map at a sufficient scale to show the following:

- A. The location of the proposed *use, building, structure*, and site development and adjacent properties;
- B. The existing and proposed topography including *soil* types, *wetlands*, *watercourses* and water bodies;
- C. The existing *structures* on the *lot*, if any;

- D. The proposed area alterations, including cleared, excavated, filled or graded areas, and proposed *buildings, structures*, utilities, roads and, if applicable, new property lines;
- E. The location of and design details for all proposed *soil erosion* and *sediment* control measures and storm water management facilities;
- F. The sequence of grading and construction activities;
- G. The sequence for installation or application of *soil erosion* and *sediment* control measures;
- H. The sequence for final stabilization of the development site, and
- I. The name address and telephone number of the person designated by Applicant for the *use, building, other structure* or site development to be responsible for supervision of installation and completion of the control plan. Any other information deemed necessary and appropriate by the Applicant or requested by the Enforcement Officer may be made part of the control plan.

### 67.4 MINIMUM STANDARDS

The following are minimum standards applicable to *Soil Erosion & Sediment Control Plans* required by these regulations, and the preparer of the control plan will certify that the Plan complies with the minimum standards:

- 67.4.1 Plans for *soil erosion* and *sediment* control will be developed using the principles as outlined in the most recent version of the Connecticut Guidelines for Soil Erosion & Sediment Control. The *Soil Erosion & Sediment Control Plan* will result in a development that minimizes *erosion* and sedimentation during construction, is stabilized and protected from *erosion* when completed, and does not cause off-site *erosion* or sedimentation.
- 67.4.2 The minimum standards for individual measures will be those in the most recent version of the Connecticut Guidelines for Soil Erosion & Sediment Control. The Enforcement Officer or the Connecticut River Coastal Conservation District may approve alternate standards if the Applicant presents technically sound reasons.
- 67.4.3 The appropriate method from the most recent version of the Connecticut Guidelines for Soil Erosion & Sediment Control will be used in determining peak flow rates and volumes of runoff unless the Enforcement Officer approves an alternative method.

### 67.5 CERTIFICATION

## Soil Erosion & Sediment Control

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The *Soil Erosion & Sediment Control Plan* will in effect when certified as follows:

- 67.5.1 The Enforcement Officer or the Connecticut River Coastal Conservation District, if so requested, will certify that the *Soil Erosion & Sediment Control Plan*, as filed, complies with the requirements and criteria of this section or will deny certification when the control plan does not comply. Certification may be incorporated in the approval of a Site Plan, Special Exception or other action by the Commission, Planning Commission or Board of Appeals and otherwise will be incorporated in the approval of an application for Certificate of Zoning Compliance by the Enforcement Officer.
- 67.5.2 The Enforcement Officer will coordinate certification of the control plan with related actions of other agencies, such as the Board of Selectmen, Planning Commission or the Inland Wetlands & Watercourses Commission.

### 67.6 CONDITIONS

The *Soil Erosion & Sediment Control Plan* will be certified, subject to the following:

- 67.6.1 The estimated cost of measures and facilities to control *erosion* and sedimentation will be guaranteed by a cash or savings account bond in form acceptable to and in amount deemed sufficient by the Commission, Planning Commission or Board of Appeals in connection with their actions under these regulations or otherwise acceptable to and deemed sufficient by the Enforcement Officer. It is not intended, however, that the bond duplicate similar bonds required by other agencies.
- 67.6.2 No site development will commence unless the *Soil Erosion & Sediment Control Plan* is certified, the bond has been posted, and the control measures in the Plan, scheduled for installation prior to site work, have been installed and are functional.
- 67.6.3 Planned *soil erosion* and *sediment* control measures and facilities will be installed as scheduled according to the certified control plan.
- 67.6.4 All control measures and facilities will be maintained in effective condition to ensure compliance with the certified control plan.

### 67.7 INSPECTION AND ORDERS

Soil *erosion* and sediment control measures of the certified control plan are subject to *inspection*. The Enforcement Officer may require the Applicant under these regulations to verify through progress reports that *soil erosion* and *sediment* control measures and facilities have been performed or installed in accordance with the certified control plan and are being operated and maintained.

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# ARTICLE VII

# **ADMINISTRATION and ENFORCEMENT**

## **SECTION 71 - BOARD OF APPEALS**

- 71.1 **Authority**
- 71.2 **Powers and Duties**
- 71.3 **Flood Plain FP Zone**

## **SECTION 72 - ADMINISTRATION**

- 72.1 **Enforcement Officer**
- 72.2 **Applications**
- 72.3 **Additional Application Requirements**
- 72.4 **Fees**
- 72.5 **Staking**
- 72.6 **Referral**
- 72.7 **Approval and Issuance**
- 72.8 **Inspections**
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## **SECTION 73 - PENALTIES AND REMEDIES**

- 73.1 **Penalties**
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## **SECTION 74 - AMENDMENTS**

- 74.1 **Petition**
- 74.2 **Administrative Policies**

## **SECTION 75 - VALIDITY**

- 75.1 **Use**
- 75.2 **Building, Structure or Lot**

## **SECTION 76 - EFFECTIVE DATE AND REPEAL**

- 76.1 **Effective Date**
- 76.2 **Repeal**

## **ADMINISTRATION & ENFORCEMENT**

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### **POLICIES**

No. 1 **Petitions**

No. 2 **Fees**

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# SECTION 71

## Zoning Board of Appeals

### 71.0 RESERVED

### 71.1 AUTHORITY

The Zoning Board of Appeals has all of the powers and duties prescribed by these regulations and the General Statutes of the State of Connecticut, and the Board may adopt rules and procedures necessary to exercise its authority.

### 71.2 POWERS AND DUTIES

The powers and duties of the Zoning Board of Appeals include the following:

- 71.2.1 To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Enforcement Officer;
- 71.2.2 To hear and decide all matters upon which it is required to pass by the specific terms of these regulations or of the General Statutes of the State of Connecticut; and
- 71.2.3 To determine and vary the application of these regulations in harmony with their general purpose and intent and with due consideration for conserving the public health, safety, convenience, welfare, and property values, solely with respect to a *parcel* of land where, owing to conditions especially affecting the *parcel*, but not affecting generally the *district* in which it is situated, a literal enforcement of these regulations would result in exceptional difficulty or unusual hardship, so that substantial justice will be done and the public safety and welfare secured.

### 71.3 FLOOD PLAIN ZONE

These Regulations impose special requirements applicable in the Flood Plain Zone and under Section 54, incorporate requirements of the “Flood Plain Management Ordinance, Town of Old Saybrook, Connecticut”. The Zoning Board of Appeals will hear and decide appeals and requests for variances from the Flood Plain Zone requirements and the Town code. The Board will have the following duties:

- 71.3.1 To hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Town Engineer in the enforcement and administration of the Ordinance;
  - A. To issue variances from the standards of Section 54 and the Ordinance, under the general considerations set forth in Paragraph 5.2 and the conditions for variance specified in Paragraph 5.3 of the Ordinance.

## **Zoning Board of Appeals**

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- B. To issue variances for the reconstruction, rehabilitation or restoration of *structures* listed on the National Register of Historic Places and the Connecticut State Inventory of Historic Places without regard to the consideration and condition of Paragraphs 5.2 and 5.3 of the Ordinance.
- C. Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals acting under this Paragraph 71.3, or any person owning land which abuts or is within a radius of one hundred feet (100') of any portion of the land involved in any decision of the Board, or any Officer, board or commission of the Town of Old Saybrook, having jurisdiction or responsibility over flood hazards in the Town, may take an appeal to the Superior Court of the county or judicial *district* in which the municipality is located in the same manner as provided under the provisions of §8-8 of the General Statutes of the State of Connecticut.



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# SECTION 72

## Administration

### 72.0 [RESERVED]

#### 7.2.1 ENFORCEMENT OFFICER

The Commission will appoint an Enforcement Officer who will have the responsibility and authority to enforce the provisions of these regulations. The Commission may appoint deputy Officers to assist and act for the Enforcement Officer.

#### 72.2 APPLICATIONS

All applications for Certificate of Zoning Compliance will be submitted to the Enforcement Officer and will be accompanied by three (3) copies of a Plot Plan, and showing the following:

- 72.2.1 Area of the *lot*, and the dimensions and angles or bearing of all *lot* lines;
- 72.2.2 The *height*, dimensions, *use*, *gross floor area*, *building/structure coverage*, and location of all *buildings* and other *structures*, whether existing or proposed;
- 72.2.3 The location, area and dimensions of off-street parking and loading spaces, any construction required in connection therewith and the means of access to the spaces;
- 72.2.4 The location of any existing or proposed wells and private sewage disposal system;
- 72.2.5 The location, area and dimensions of any *signs*, *outside storage* areas, site development and landscaping that are subject to the provisions of these regulations;
- 72.2.6 In the Flood Plain Zone, flood plain boundary and elevation data as specified in Paragraph 54.2.3;
- 72.2.7 Within one hundred feet (100') of any *wetlands*, water body or related embayments and in all other cases that involve a *disturbed area* of one half (½) acre or more, all construction, including *dwelling*s, will make provision for *soil erosion* and *sediment* control in accordance with Section 66, unless a separate *Soil Erosion & Sediment Control Plan* is submitted.
- 72.2.8 Such additional information as may be necessary to determine compliance with the provisions of these regulations. In addition, other plans, drawings, data, and statements necessary to determine compliance with the provisions of these regulations will accompany the application. For proposed construction involving only interior alterations, or exterior alterations with no enlargement or extension of the *building* or *structure*, the Enforcement Officer may waive the required submission

of a plan drawing. A land surveyor or engineer, licensed to practice in the State of Connecticut, will prepare and certify applications that pertain to *nonconforming buildings* or *structures* or a *nonconforming lot*.

### 72.3 ADDITIONAL APPLICATION REQUIREMENTS

The application for Certificate of Zoning Compliance will also be accompanied by the following when applicable:

72.3.1 **Article V and Section 65.** When required by the provisions of Article V and Section 65 of these regulations, the application will be accompanied by additional applications and related statements of *use*, site plans, architectural plans, and other plans and drawings specified. The plans and drawings if incorporating all of the information required for a plan drawing under Paragraph 72.2, may be substituted for the plan drawing.

### 72.4 FEES

Each application for Certificate of Zoning Compliance, and related additional applications, requests for certification and provision for *inspection* under these regulations will be accompanied by fees as set forth in the Town code.

### 72.5 STAKING

The Applicant will not commence any new construction until stakes or markers have been accurately placed on the *lot* indicating the location of proposed construction and the *lot* lines. The Enforcement Officer may require the placement of stakes or markers, certified by either a land surveyor or engineer licensed to practice in the State of Connecticut.

### 72.6 REFERRAL

The following referrals, made by the Enforcement Officer, are applicable to particular applications for Certificate of Zoning Compliance:

72.6.1 An application may be approved only after approval of a Site Plan, approval of a Special Exception *use* or other action by the Commission, Planning Commission or Board of Appeals as specified in these regulations, the application will be referred to the Commission or Board upon receipt.

72.6.2 A copy of any site plan or plot plan, received in connection with an application for Certificate of Zoning Compliance, a Site Plan or a Special Exception and pertaining to a *lot* in the *Gateway Conservation Zone*, will upon receipt be transmitted to the Connecticut River Coastal Conservation District with a request for its technical review and advisory opinion.

- 72.6.3 A copy of any *Soil Erosion & Sediment Control Plan* may be referred to the Middlesex County Soil and Water Conservation District for its technical review and advisory opinion and for certification in accordance with Section 67.

## **72.7 APPROVAL AND ISSUANCE**

The Enforcement Officer issue a Certificate of Zoning Compliance when all of the requirements of these regulations have been met. No application will be considered approved and no Certificate will be considered issued unless signed by the Enforcement Officer or Deputy. Within ten (10) days after notification by the Applicant that the premises are ready for occupancy, or within ten (10) days after receipt of the certified measurements if required, the Enforcement Officer will issue or deny a Certificate. One (1) copy of the plan drawing or drawings will be returned by the Enforcement Officer to the Applicant. The following additional requirements will apply to the approval of applications and issuance of Certificates.

- 72.7.1 **Sanitation.** Where a proposed *use* or a proposed *building or structure* involves the installation, extension, relocation or reconstruction of a private sewage disposal or water supply system, no application for Certificate of Zoning Compliance will be approved until plans for the system have been approved by the Connecticut River Area Health District; no Certificate of Zoning Compliance will be issued until the system has been completed and approved by the Connecticut River Area Health District or until the *use* or *building or structure* has been provided with connections to a public sanitary sewer or public water supply system.
- 72.7.2 **Conditions.** Any maps, plans, documents, statements, and stipulations submitted to and approved by the Commission, Planning Commission or Board of Appeals in connection with any action of the Commission or Board, and any conditions of approval attached by the Commission or Board, will be conditions for approval of an application for Certificate of Zoning Compliance by the Enforcement Officer.
- 72.7.3 **Temporary Certificate.** Upon certification by the Applicant that the public health and safety will not be impaired and that there will be compliance with all other laws pertaining to health and safety, the Enforcement Officer may issue a Temporary Certificate of Zoning Compliance having a duration of not more than six (6) months and renewable only for one additional six (6) month period, for the temporary *use* of land, *buildings* and other *structures* in the process of improvement and completion in accordance with an approved application.
- 72.7.4 **Other Permits.** Approval of an application or issuance of a Certificate will not be construed to constitute compliance with any other regulation, ordinance or law or to relieve the Applicant from responsibility to obtain any other necessary permits. The Enforcement Officer may use discretion in withholding an approval of an application or issuance of Certificate until any the permit has been approved and obtained by the Applicant.

- 72.7.5 **Soil Erosion and Sediment Control.** When a proposed *use, building or structure* or site development involves a *disturbed area* of one half (½) acre or more, or otherwise when provision for *soil erosion* and *sediment* control is required by these regulations, no application for Certificate of Zoning Compliance will be approved until a *Soil Erosion & Sediment Control Plan* in connection therewith has been certified in accordance with Section 67 and no Certificate of Zoning Compliance will be issued until the *soil erosion* and *sediment* control measures have been completed in accordance with the certified plan.
- 72.7.6 **Measurements and Certifications.** Prior to issuance of a Certificate of Zoning Compliance, the Applicant will furnish to the Enforcement Officer a plot plan, or a Site Development Plan if applicable, certified by a land surveyor licensed to practice in the State of Connecticut, allowing the location and *setback* distances for *buildings* and *structures* on the *lot* as built. While the certified plan is not required for subsequent minor additions, alterations and outbuildings, the Enforcement Officer, if deemed necessary to determine compliance with these regulations, may require the Applicant to furnish measurements of any construction features that are subject to these regulations, which measurements will be prepared and certified by a land surveyor licensed to practice in the State of Connecticut.
- 72.7.7 **Special Flood Hazard Areas.** Where a proposed *building/structure* involves activity within a FEMA designated A, A1-A30 or V1-V30 *zone* on the Flood Insurance Rate Map for the Town of Old Saybrook published from time to time by the Federal Emergency Management Agency (FEMA), no application for Certificate of Zoning Compliance will be approved until plans for the *building/structure* have been approved by the designated Town Flood Engineer or a designated agent for compliance with Flood Plain Management Ordinance of the Town of Old Saybrook Connecticut effective at the date of application; and no Certificate of Zoning Compliance will be issued until the *building/structure* has been completed and approved by the designated Town Flood Engineer or an authorized agent for compliance with the Town code. The Enforcement Officer can approve applications for Certificates of Zoning Compliance or Certificates of Zoning Compliance for *buildings/structures* that are listed as exempt in the Flood Plain Management Ordinance, effective at the date of application.

## 72.8 INSPECTIONS

The Enforcement Officer is authorized to inspect or cause to be inspected any land, *building* or *structure* to determine compliance with these regulations. No Certificate of Zoning Compliance will be issued until the Enforcement Officer has inspected the land, *building* or *structure* involved to determine that the *use* or the *building* or other *structure* conforms to these regulations.

## 72.9 ORDERS

The Enforcement Officer is authorized to use judgment in issuing an Order to Stop Work if the *use* of land, *buildings* and other *structures* or the construction, reconstruction, enlargement,

extension, moving or *structural alteration* of a *building* or *structure* are not being carried out in compliance with these regulations; the Enforcement Officer will withdraw the Order upon the determination that there is compliance with these regulations. The Enforcement Officer is authorized to Order in writing the remedying of any condition found to be in violation of these regulations.



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## SECTION 73

# Penalties and Remedies

### 73.0 [RESERVED]

### 73.1 PENALTIES

Any person, firm or corporation that violates any provision of these regulations will be subject to penalties in accordance with the General Statutes of the State of Connecticut pertaining to zoning.

### 73.2 REMEDIES

The proper authorities of the Town of Old Saybrook, or any person, firm or corporation, may institute any appropriate action or proceedings to enforce the provisions of these regulations or to prevent, restrain, enjoin, correct or abate any violation of these regulations, as may be authorized by law.

## **Penalties & Remedies**

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## SECTION 74

# Amendments

### 74.0 **RESERVED**

### 74.1 **PETITIONS TO AMEND**

The Commission may adopt any amendment to these regulations, including the Zoning Map, which is a part hereof, by the Commission on its own initiative or when initiated by a written Petition only after due notice and public hearing, as prescribed by the General Statutes of the State of Connecticut. Any Petition for amendment will be prepared and submitted in accordance with any rules for submission of Petitions adopted by resolution of the Commission.

See Appendix: Amendments.

### 74.2 **POLICIES**

Administrative Policy No. 1 sets forth the procedures for Petitioning amendments of the Zoning Regulations or Zoning Map.

See Appendix: Policy No. 1.



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## SECTION 75

# Validity

### 75.0 RESERVED

### 75.1 USE

If any provision of these regulations is adjudged by a court of competent jurisdiction to be invalid, the effect of the decision will be limited to the provision expressly stated in the decision to be invalid, and all other provisions of these regulations will continue to be valid and fully effective.

### 75.2 BUILDING, STRUCTURE OR LOT

If any provision of these regulations is adjudged by a court of competent jurisdiction to be invalid as the provision applies to a particular *building*, other *structure* or *lot*, the affect of the decision will be limited to the particular *building*, other *structure* or *lot*, and the general application of the provision to other *buildings*, *structures* or *lots* will not be affected.



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## SECTION 76

# Repeal and Effective Date

### 76.0 **RESERVED**

### 76.1 **REPEAL**

The Zoning Regulations of the Town of Old Saybrook, Connecticut, previously adopted, and all amendments thereto, are repealed coincident with the effective date of these regulations. The repeal of the above Regulations, and all amendments thereto, will not affect or impair any act done, offense committed or right accruing, accrued or acquired or any liability, penalty, forfeiture or punishment incurred prior to the time the repeal took effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the repeal had not been affected.

### 76.2 **EFFECTIVE DATE**

These Regulations, and any amendment or change hereto, will be in full force and effect from the date established by the Commission in accordance with the Connecticut General Statutes.

## **Repeal & Effective Date**

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# ADMINISTRATIVE POLICIES

## No. 1

### A. GENERAL

Any Petition for amendment of the Zoning Regulations or Map will include the following:

1. **Petition.** The Petitioner will submit three (3) sufficient copies of a Petition, signed by the Petitioner or an authorized agent, that includes a statement setting forth the specific proposal requested to be granted a public hearing under the provisions of the Connecticut General Statutes and that may include a statement of the Petitioner's interest in the land for which the change is proposed and an identification of reasons for the change and the specific *use* anticipated.
2. **Text.** For Petitions concerning the Zoning Regulations, the Petitioner will submit three (3) sufficient copies of the precise wording of both the existing and the proposed text of the Zoning Regulation.
3. **Map.** For Petitions concerning the Zoning Map, the Petitioner will submit copies of:
  - a. A map, drawn to a scale not less than one inch equal to two hundred feet (1" = 200') covering the area of the proposed change and all area in the town of Old Saybrook within five hundred feet (500') of the proposed change, and showing for the area the existing and proposed zoning boundary lines, the existing property lines, and an outline sketch of all *buildings* within the properties abutting the proposed District change. The map will show contours based on Town datum, at contour intervals not less than ten feet (10'), and a north point whenever the proposed change includes an elevation variance of fifty feet (50') or more; and
  - b. A metes and bounds description of the area proposed to be changed.
4. **Fee.** The Petitioner will submit a minimum fee of two hundred dollars (\$200).
5. **Adjacent Property Owners.** The Petitioner will submit a list of names and current mailing addresses of property owners as indicated in the Old Saybrook Assessor's records, within five hundred feet (500') of the proposed *district* boundary change.

### B. ADDITIONAL INFORMATION

The Commission will schedule for public hearing Petitions submitted in accordance with these rules as required by law. The Commission may require additional information as it deems necessary, to be submitted by the Petitioner, before or at the public hearing, as the Commission may determine.

## **No. 2**

The Commission may require additional technical assistance in evaluating an application if the Commission finds that the nature and intensity of the development may have a significant impact on the site and its surrounding areas, and the Commission's staff will not be able to complete a technical review of an application in the time period prescribed by State statute.

The Commission will estimate the expense of the additional technical assistance based on a preliminary estimate prepared by a qualified party or expert. The Applicant will pay the estimated cost of reviewing the application times one hundred-fifty percent (150%), and the Applicant will deposit the fee with the Commission or its designated agent before review of the application or submission.

Upon completion of the technical review and final action by the Commission on the application, the Commission will determine the costs incurred for the review and refund the excess moneys to the Applicant. Applicants will not be responsible for costs incurred for technical assistance that exceeds one hundred-fifty percent (150%) of the estimate.



**NOTE:** This Appendix to Section 74 Amendments is made available as a courtesy reference guide to amendments made by the Commission to the Zoning Regulations or Zoning Map over the years. The Appendix is indexed chronologically, and its brief description is intended to partially describe significant portions of the referenced text or map amendment without any claim as to representing the full content of the adopted amendments. For further information, the Land Use Department makes available for inspection or copy, the files containing the final adoption of any petitions to amend the regulations.

## ADOPTION

### 1973

| EFFECTIVE DATE    | SECTION        | DESCRIPTION                                   |
|-------------------|----------------|---|
| October 15, 1973  | Administrative | ADD: Rules for Submission for Policy #1       |
| EFFECTIVE DATE    | DISTRICT       | LOCATION                                      |
| April 23, 1973    |                | Zoning Map of the Town of Old Saybrook, Conn. |
| April 23, 1973    | Route 1        | Supplementary Map No. 1                       |
| September 4, 1973 | Route 1        | Supplementary Map No. 1                       |
|                   | Riverfront     | Supplementary Map No. 4                       |

## AMENDMENTS

### 1974

| EFFECTIVE DATE    | SECTION   | DESCRIPTION   |
|-------------------|-----------|---|
| December 16, 1974 | 32.2.2    | ADD: auto <i>uses</i> in Shopping Center B-2 District |
|                   | 32.3.2    | ADD: auto <i>uses</i> in Shopping Center B-2 District |
|                   | 53.6.2    | ADD: auto <i>uses</i> in Shopping Center B-2 District |
|                   | 53.6.2 d. | ADD: auto <i>uses</i> in Shopping Center B-2 District |
| EFFECTIVE DATE    | DISTRICT  | LOCATION  |
| February 25, 1974 | MCL → A   | Map 49 / Lot 4  |
| December 2, 1974  | B-3 → B-2 | Map 57 / Lot 32-1                                     |

### 1975

| EFFECTIVE DATE   | SECTION   | DESCRIPTION  |
|------------------|-----------|--|
| January 31, 1975 | 51.9      | ADD: subsurface sewage disposal systems                    |
| June 26, 1975    | 4.3       | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 6.1.4     | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 7.3       | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 7.4.9     | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 7.5.2     | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 8.2       | Connecticut River <i>Gateway Conservation Zone</i>         |
|                  | 9         | DEFINE: Connecticut River <i>Gateway Conservation Zone</i> |
|                  | 22.6.3 a. | Connecticut River <i>Gateway Conservation Zone</i>         |

## Amendments

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|           |  |
|-----------|--|
| 23.6.2 a. | Connecticut River <i>Gateway Conservation Zone</i> |
| 24.6.2 a. | Connecticut River <i>Gateway Conservation Zone</i> |
| 25.6.2 a. | Connecticut River <i>Gateway Conservation Zone</i> |
| 41.4      | Connecticut River <i>Gateway Conservation Zone</i> |
| 41.6.2 a. | Connecticut River <i>Gateway Conservation Zone</i> |
| 51.3      | Connecticut River <i>Gateway Conservation Zone</i> |
| 51.16     | Connecticut River <i>Gateway Conservation Zone</i> |
| 52.4      | Connecticut River <i>Gateway Conservation Zone</i> |
| 52.7.8    | Connecticut River <i>Gateway Conservation Zone</i> |
| 53.4      | Connecticut River <i>Gateway Conservation Zone</i> |
| 65.2      | Connecticut River <i>Gateway Conservation Zone</i> |
| 65.6.13   | Connecticut River <i>Gateway Conservation Zone</i> |

| EFFECTIVE DATE | DISTRICT  | LOCATION                    |
|----------------|-----------|-----------------------------|
| June 26, 1975  | B-3 → AAA | Middlesex Turnpike at Rt. 9 |

## 1976

| EFFECTIVE DATE | SECTION         | DESCRIPTION   |
|----------------|-----------------|---|
| March 1, 1976  | 72.4            | AMEND   |
|                | 72.4.1 – 72.4.5 | DELETE  |
|                | 64.8            | AMEND: <i>inspection fee</i>                            |
| May 1, 1976    | 55.2            | REVISE: <i>Definitions</i>                              |
|                | 55.6.2 – 55.6.4 | AMEND: <i>Definitions</i>                               |
| June 15, 1976  | 8.2.1           | AMEND: <i>Definitions</i>                               |
|                | 8.12            | ADD: minimum <i>building size</i>                       |
|                | 34.1.4          | DELETE: indoor <i>restaurant</i>                        |
|                | 34.2.2          | ADD: indoor <i>restaurant</i> & food svc. establishment |
|                | 51.2.5          | ADD: Modification of Submission                         |
|                | 55.5 b.         | AMEND   |

| EFFECTIVE DATE     | DISTRICT | LOCATION   |
|--------------------|----------|--|
| September 23, 1976 | I-1 → A  | Map 28 / Lots 28<br>Map 28 / Lots 29<br>Map 28 / Lots 30 |

## 1977

| EFFECTIVE DATE | SECTION         | DESCRIPTION                                       |
|----------------|-----------------|---|
| June 15, 1977  | 7.4.8           | DELETE  |
|                | 8.13            | AMEND   |
|                | 10.6.2          | DELETE  |
|                | 31.1.14         | DELETE  |
|                | 32.3.1          | ADD: convalescent homes, hospitals, and sanatoria |
|                | 51.2.2 – 51.2.3 | AMEND: number of copies of plans required         |

|           |  |
|-----------|--|
| 52.3.2    | ADD: Section 51  |
| 51.12.3   | AMEND: conforming to requirements of Section 62                |
| 55.5      | AMEND: condominium development                                 |
| 53.6.2 d. | DELETE: including damaged vehicles                             |
| 55.6.3    | AMEND: <i>dwelling unit</i> specifications                     |
| 55.6.4    | ADD: <i>setbacks</i>   |
| 55.6.6    | ADD: bonding   |
| 62.7.4    | ADD: parking <i>setbacks</i>                                   |
| 63.5.3 e. | ADD: no <i>sign</i> painted on the wall of the <i>building</i> |
| 72.4.6    | DELETE   |
| 74.2      | ADD: Administrative Policy No. 1                               |

**EFFECTIVE DATE    DISTRICT**

August 9, 1977    B-4 → A

**LOCATION**

## 1978

**EFFECTIVE DATE    SECTION**

**DESCRIPTION**

|               |             |  |
|---------------|-------------|--|
| June 15, 1978 | 6.1.5       | ADD: <i>Gateway Consvr. Zone</i> & comm'l tree removal |
|               | 7.4.10      | ADD: special <i>setbacks</i> from <i>wetlands</i>      |
|               | 8.6         | ADD: home application and application for permit       |
|               | 8.12        | ADD: minimum <i>building</i> size                      |
|               | 9           | ADD: <i>lot area and shape</i>                         |
|               | 9.33        | ADD  |
|               | 32.2.3      | ADD: heliports   |
|               | 34.2.3      | ADD: heliports   |
|               | 35.2.8      | ADD & RENUMBER: special exception <i>uses</i>          |
|               | 41.2        | ADD: special exception <i>uses</i>                     |
|               | 42.2        | ADD: special exception <i>uses</i>                     |
|               | 51.10       | ADD: <i>wetlands</i>                                   |
|               | 52.7.9      | ADD: heliports   |
|               | 62.7.4      | ADD: parking <i>setbacks</i>                           |
|               | 63.7.1      | AMEND: periods of time for special events              |
| June 29, 1978 | 4.2 – 4.2.2 | ADD: Flood Plain Management                            |
|               | 8.2.1       | AMEND: site plan                                       |
|               | 8.11        | AMEND: minimum floor elevation                         |
|               | 54          | ADD: flood plain management                            |
|               | 65.4        | ADD: flood plain mgmt. and mobile home location        |
|               | 71.3        | ADD: flood plain mgmt. and the Board of Appeals        |
|               | 72.2.6      | ADD: Flood Plain Zone                                  |

## 1979

**EFFECTIVE DATE    SECTION**

**DESCRIPTION**

|               |     |                               |
|---------------|-----|-------------------------------|
| July 10, 1979 | 8.3 | ADD: indoor <i>restaurant</i> |
|---------------|-----|-------------------------------|

## Amendments

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|                       |                 |  |
|-----------------------|-----------------|--|
|                       | 31.1.4          | DELETE   |
|                       | 31.2            | ADD: special exception <i>uses</i>                           |
|                       | 31.2.1          | ADD: indoor <i>restaurant</i> /special exception <i>uses</i> |
|                       | 31.3 – 31.8     | RENUMBER   |
|                       | 32.1.4          | DELETE   |
|                       | 32.2.4          | ADD: indoor <i>restaurant</i> , food/bvge. estab.            |
|                       | 34.1.4          | DELETE   |
|                       | 34.2.2          | AMEND: indoor <i>restaurant</i> , food/bvge. estab.          |
|                       | 41.1.6          | DELETE   |
|                       | 41.2.2          | ADD: indoor <i>restaurant</i>                                |
| September 18, 1979    | 8.12.1          | AMEND: <i>dwelling</i> s for elderly, handicapped persons    |
|                       | 24.2.5          | AMEND: <i>dwelling</i> s for elderly, handicapped persons    |
|                       | 62.3.1          | AMEND: <i>dwelling</i> s for elderly, handicapped persons    |
|                       | 52.7.10         | ADD: <i>dwelling</i> s for elderly, handicapped persons      |
| October 2, 1979       | 8.2.1           | AMEND: site plan   |
|                       | 51.16           | AMEND: Soil Erosion & Sediment Control                       |
|                       | 55.2.2          | ADD: condominium <i>district</i>                             |
|                       | 55.3.1          | AMEND: number of Class-A survey map                          |
|                       | 55.3.2          | AMEND: number of site plans                                  |
|                       | 55.3.3          | AMEND: architectural plans                                   |
|                       | 55.4            | AMEND: procedure   |
|                       | 55.5            | AMEND: approval  |
|                       | 55.6.1 – 55.6.4 | AMEND: <i>open space</i>                                     |
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b> | <b>LOCATION</b>  |
| June 12, 1979         | I-1 → AA-1      | Map 35 / Lot 8   |
| August 14, 1979       | A → B-2         | Map 29 / Lot 17  |
|                       |                 | Map 29 / Lot 35  |

## 1980

|                       |                  |  |
|-----------------------|------------------|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b>   | <b>DESCRIPTION</b>                                     |
| January 29, 1980      | 35.2.3           | ADD: marine research laboratories                      |
|                       | 35.2.4 – 35.2.10 | RENUMBER   |
|                       | 36.2.2           | ADD: marine research laboratories                      |
|                       | 36.2.3.1         | RENUMBER   |
|                       | 36.2.4 – 36.2.8  | RENUMBER   |
|                       | 52.7.11          | ADD: marine research laboratories                      |
| February 22, 1980     | 7.4.10           | ADD: special <i>setbacks</i> from <i>wetlands</i>      |
|                       | 24.3             | AMEND: minimum <i>lot</i> area                         |
|                       | 35.1.8           | AMEND: <i>signs</i> as provided in Section 63          |
|                       | 36.1.7           | AMEND: repair/servicing of <i>boats</i>                |
|                       | 51.2.4           | AMEND: <i>Soil Erosion &amp; Sediment Control Plan</i> |
|                       | 52.3.4           | AMEND: modification of submission                      |
|                       | 72.3             | AMEND: Coastal Harbor Management Act                   |
|                       | 72.3.2           | ADD: Coastal Harbor Management Act                     |

|                |         |  |
|----------------|---------|--|
| March 12, 1980 | 72.2.6  | ADD: Flood Plain Zone                                |
|                | 72.2.7  | RENUMBER   |
|                | 7.3     | AMEND: <i>Gateway Conservation Zone</i>              |
|                | 10.6.2  | AMEND: change in <i>nonconforming use</i>            |
|                | 21.2.14 | ADD: towers for standard broadcasting radio stations |
|                | 21.2.15 | RENUMBER   |
|                | 57.2.12 | ADD: radio towers                                    |

## 1981

| EFFECTIVE DATE     | SECTION | DESCRIPTION                          |
|--------------------|---------|--------------------------------------|
| September 30, 1981 | 6.1.3   | AMEND: amusement machines or devices |

## 1982

| EFFECTIVE DATE   | DISTRICT       | LOCATION                |
|------------------|----------------|-------------------------|
| October 15, 1982 | Saybrook Point | Supplementary Map No. 2 |

## 1983

| EFFECTIVE DATE     | SECTION  | DESCRIPTION   |
|--------------------|----------|---|
| January 29, 1983   | 4.1      | AMEND: Saybrook Point                                       |
|                    | 4.4      | ADD: Saybrook Point <i>district</i>                         |
|                    | 5.1      | AMEND: Supplementary Maps                                   |
|                    | 7.49     | AMEND: section (b) <i>uses</i> permitted add'l sections     |
|                    | 37       | ADD: Saybrook Point District                                |
|                    | 51.13    | AMEND: section i. SP-2 25%                                  |
|                    | 51.18    | ADD: Saybrook Point District                                |
|                    | 63.5.6   | ADD: Saybrook Point District                                |
|                    | 63.5.7   | RENUMBER  |
|                    | 5.1      | AMEND: Supplementary Maps                                   |
| September 21, 1983 | 35       | AMEND: Purpose of Marine Commercial MC District             |
|                    | 51.5.2   | AMEND: circulation  |
|                    | 51.8     | AMEND: drainage   |
|                    | 51.9. A. | ADD: Hazardous Materials and Waste                          |
|                    | 51.13    | AMEND: <i>outside storage</i> areas identified on site plan |
|                    | 51.16    | AMEND: soil erosion & sediment control on site plan         |
|                    | 51.18    | ADD: Marine Commercial District                             |
|                    | 62.3.11  | AMEND: other <i>uses</i>                                    |
|                    | 62.3.12  | AMEND: Marinas  |
|                    | 62.3.13  | RENUMBER  |
|                    | 63.5.5   | AMEND: MC District <i>sign</i> regulations                  |
|                    | 72.2.7   | ADD: 100' distance from <i>wetlands</i>                     |
|                    | 72.2.8   | AMEND & RENUMBER  |

## Amendments

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72.3.2

AMEND: Applications for special exception

| EFFECTIVE DATE     | DISTRICT    | LOCATION  |
|--------------------|-------------|---|
| January 29, 1983   | ➔ SP-1      | Map 24 / Lot 41 (Supplementary Map No. 2)<br>Map 24 / Lot 48 (Supplementary Map No. 2)<br>Map 24 / 54 (Supplementary Map No. 2)<br>Map 24 / 55 pt. (Supplementary Map No. 2)<br>Map 24 / 56 (Supplementary Map No. 2)<br>Map 24 / Lot 42-1 (Supplementary Map No. 2)<br>Map 24 / Lot 42 (Supplementary Map No. 2)<br>Map 24 / Lot 43 (Supplementary Map No. 2)<br>Map 24 / Lot 44 (Supplementary Map No. 2)<br>Map 24 / Lot 45 (Supplementary Map No. 2)<br>Map 24 / Lot 46 (Supplementary Map No. 2)<br>Map 24 / Lot 47 (Supplementary Map No. 2)<br>Map 32 / Lot 42-2 (Supplementary Map No. 2) |
| April 18, 1983     | North Cove  | Supplementary Map No. 3   |
|                    | Ferry Point | Supplementary Map No. 5   |
| May 13, 1983       | North Cove  | Supplementary Map Nos. 3  |
|                    | Riverfront  | Supplementary Map Nos. 4  |
|                    | Ferry Point | Supplementary Map Nos. 5  |
| May 27, 1983       | North Cove  | Supplementary Map Nos. 3  |
|                    | Riverfront  | Supplementary Map Nos. 4  |
|                    | Ferry Point | Supplementary Map Nos. 5  |
| September 21, 1983 | MCL ➔ MC    |   |
|                    | MCL ➔ A     |   |
|                    | A ➔ MC      |   |
|                    | A ➔ MC-2    |   |
| October 12, 1983   | B-1 ➔ A     | Map 37 / Lot 56<br>Map 37 / Lot 60<br>Map 40 / Lot 61 pt.   |

## 1984

| EFFECTIVE DATE     | SECTION     | DESCRIPTION   |
|--------------------|-------------|---|
| June 16, 1984      | 26          | ADD: AA-3 District at Otter Cove & Watrous Point                              |
| EFFECTIVE DATE     | DISTRICT    | LOCATION  |
| February 6, 1984   | B-2 ➔ A     | Map 59 / Lot 67   |
| February 15, 1984  | A ➔ B-3     | Map 28 / Lot 15<br>Map 28 / Lot 15-1  |
| 6/16/84 or 6/20/84 | AA-1 ➔ AA-3 | Map 63 / Lot 65-3<br>Map 63 / Lot 65-4<br>Map 63 / Lot 65-5<br>Map 69 / Lot 1 |

November 5, 1984      B-2 ➔ AA-2      Map 58 / Lot 17 pt.

## 1985

| EFFECTIVE DATE   | SECTION         | DESCRIPTION                                 |
|------------------|-----------------|---|
| March 18, 1985   | 8.14            | ADD: <i>accessory</i> apartments            |
|                  | 21.1.5          | ADD: an apartment <i>dwelling unit</i>      |
|                  | 21.1.6 – 21.1.8 | RENUMBER                                    |
|                  | 22.1.5          | ADD: an apartment <i>dwelling unit</i>      |
|                  | 22.1.6 – 21.1.8 | RENUMBER                                    |
|                  | 23.1.4          | ADD: an apartment <i>dwelling unit</i>      |
|                  | 23.1.5 – 23.1.8 | RENUMBER                                    |
| April 25, 1985   | 72.4.6          | ADD: measurement and certification          |
|                  | 34.2.4          | ADD: convalescent homes                     |
|                  | 34.3.1          | AMEND: hospitals and sanatoria              |
|                  | 52.7.3          | ADD: conditions for hospitals and sanatoria |
| July 1, 1985     | 37              | ADD: <i>Aquifer</i> Protection              |
|                  | 66              | ADD: Soil Erosion and Sediment Control      |
|                  | 37.8.1          | AMEND: <i>dry storage</i>                   |
| October 28, 1985 | 41.2.3          | ADD: Convalescent Homes                     |
|                  |                 | AMEND: Convalescent Homes                   |
|                  | 52.7.3a         | AMEND: AAA/AA-1 Convalesc. Homes/Hospitals  |

| EFFECTIVE DATE | DISTRICT           | LOCATION                |
|----------------|--------------------|-------------------------|
| July 1, 1985   | Aquifer Protection | Supplementary Map No. 6 |

## 1986

| EFFECTIVE DATE | SECTION | DESCRIPTION                                       |
|----------------|---------|---|
| July 1, 1986   | 8.2.1r  | ADD: required information on site plans           |
|                | 9       | AMEND: <i>Story ½</i>                             |
|                | 10.6.2  | AMEND: conversion of seasonal residences          |
|                | 51.15   | AMEND: enclosure                                  |
|                | 55.5    | AMEND: public hearing                             |
|                | 72.7    | AMEND: approval and issuance of CZC               |
|                | 51.16   | AMEND: landscaping to be provided                 |
|                | 51.2.1  | AMEND: additional Statement of Use requirements   |
|                | 51.2.5  | ADD: Traffic Impact Report                        |
|                | 51.6    | ADD: Access and Circulation                       |
|                | 51.7    | ADD: Plan of Development                          |
|                | 62.3.8  | AMEND: hospitals (as separate <i>use</i> )        |
|                | 62.3.9  | ADD: hotels and motels (as separate <i>uses</i> ) |
|                | 62.7.3  | ADD: additional landscaping requirements          |
|                | 62.7.4  | ADD: parking <i>setbacks</i>                      |
|                | 66.4    | AMEND: minimum SE&SC standards                    |

## Amendments

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|                       |                 |                                    |
|-----------------------|-----------------|------------------------------------|
|                       | 72.9            | AMEND: additional CZC requirements |
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b> | <b>LOCATION</b>                    |
| July 1, 1986          | I-1 → A         | Map 53                             |

## 1987

|                       |                |  |
|-----------------------|----------------|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b> | <b>DESCRIPTION</b>   |
| April 7, 1987         | 51.14.3        | ADD: landscaping SP-1, SP-3, MC and I Districts  |
|                       | 62.7.4         | ADD: parking <i>setbacks</i> in SP-1, -2 and -3 Districts  |
| November 23, 1987     | 8.8.2a         | AMEND: farms and property area   |
| December 28, 1987     | 9              | DELETE: paragraph numbers; ADD: <i>Coverage, Building/Structure; Coverage, Total</i> ; AMEND: <i>Total ground coverage</i> |

## 1988

|                       |                |   |
|-----------------------|----------------|---|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b> | <b>DESCRIPTION</b>                              |
| March 28, 1988        | 55.1           | AMEND: portion of AA- (Ragged Rock) standards   |
|                       | 55.6.1         | AMEND: portion of AA- (Ragged Rock) standards   |
| April 25, 1988        | 8.3            | ADD: additional standards                       |
|                       | 33.2.3         | AMEND: food service customers in motor vehicles |
| August 24, 1988       | 7.4.10         | DELETE: <i>setback</i> from <i>wetlands</i>     |

|                       |                 |  |
|-----------------------|-----------------|--|
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b> | <b>LOCATION</b>  |
| February 15, 1988     | I-1 → A         | Map 49 / Lot 12  |
| March 28, 1988        | AA-2 → PRD      |  |
| June 24, 1988         | A → B-2         | Map 29 / Lot 12 pt.<br>Map 29 / Lot 13<br>Map 29 / Lot 14<br>Map 29 / Lot 15<br>Map 29 / Lot 16<br>Map 29 / Lot 36 pt. |

## 1989

|                       |                |  |
|-----------------------|----------------|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b> | <b>DESCRIPTION</b>   |
| January 30, 1989      | 24.2.6         | RENUMBER   |
|                       | 24.2.6         | ADD: <i>Residential life care facility</i>                       |
|                       | 52.7.1         | ADD: Special Standards   |
|                       | 62.3.1         | AMEND: required number of parking spaces                         |
| April 27, 1989        | 8.3            | AMEND: Take-out window as SPECEX                                 |
|                       | 33.2.3         | AMEND: permit Take-Out Window                                    |
| October 2, 1989       | 24.6.2a        | AMEND: "on <i>lots</i> in the <i>Gateway Conservation Zone</i> – |



|                       |                 |  |
|-----------------------|-----------------|--|
| December 4, 1989      | 9               | 15%”<br>AMEND: <i>Lot Area, Shape, Cvrgr. Buildings/Structures</i> |
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b> | <b>LOCATION</b>  |
| May 30, 1989          | A → B-2         | Map 29 / Lot 37  |

## 1990

|                       |                 |  |
|-----------------------|-----------------|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b>  | <b>DESCRIPTION</b>   |
| August 21, 1990       | 26.3            | Min. <i>Lot Area</i> amended from 80,000 to 87,120 s.f.  |
| October 1, 1990       | 8.14.2<br>9     | AMEND: non-profit corp. as non-res. <i>dwelling</i> owner<br>DEFINE: <i>Non-profit corporation</i> |
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b> | <b>LOCATION</b>  |
| December 12, 1990     | B-4 → A         | Map 17 / Lot 5 pt.   |

## 1991

|                       |   |  |
|-----------------------|---|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b>                                      | <b>DESCRIPTION</b>   |
| October 1, 1991       | 64.8<br>72.4<br>72.4.1 – 72.4.9<br>Admin. Policy #1 | AMEND: <i>Inspection Fee</i> amended<br>AMEND: fees<br>DELETE<br>AMEND: fees |

## 1993

|                       |  |   |
|-----------------------|--|---|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b>                               | <b>DESCRIPTION</b>  |
| November 10, 1993     | 9.1<br>23.2.1<br>24.2.1<br>32.2.5<br>52.7.13 | DEFINE: <i>Bed &amp; breakfast transient lodging</i><br>ADD: Special Exception <i>Uses – Bed and breakfast</i><br>ADD: Special Exception <i>Uses – Bed &amp; breakfast</i><br>ADD: Special Exception <i>Uses – Bed &amp; breakfast</i><br>ADD: special standards for <i>Bed &amp; breakfast</i> |
| <b>EFFECTIVE DATE</b> | <b>DISTRICT</b>                              | <b>LOCATION</b>   |
| May 28, 1993          | B-4 → B-3                                    | Map 42 / Lots 30<br>Map 42 / Lot 30-1   |

## 1995

|                       |                |  |
|-----------------------|----------------|--|
| <b>EFFECTIVE DATE</b> | <b>SECTION</b> | <b>DESCRIPTION</b>   |
| January 1, 1995       | 62<br>63       | ADD: criteria for parking, loading, access, circulation<br>ADD: req. for landscaping, screening, buffer area |

## Amendments

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|                |            |  |
|----------------|------------|--|
| April 13, 1995 | 63         | DEFINE: <i>gross floor area</i> in regard to parking calc.   |
|                | 7.21       | ADD: MABL on each <i>building lot</i> created  |
|                | 8.2.1      | AMEND: requirements for Plot Plan submissions  |
|                | 31.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 32.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 33.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 34.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 35.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 37.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 41.1       | ADD: Floor area thresholds for Special Exceptions  |
|                | 51         | AMEND: requirements for Site Plan submissions  |
|                | 51.2.1 A-F | RENUMBER and RELOCATE: to Section 8  |
|                | 52.2.1     | ADD: Waiver of Site Plan Info. req.  |
|                | 52.2.2     | ADD: Partial Waiver of Site Plan Info. req.  |
| May 16, 1995   | 9          | DEFINE: <i>Partially nude utility; Principal activity; Adult personal service business; Adult novelty business; Adult motion picture theatre; Adult mini-motion picture theatre; Adult bookstore; Adult cabaret; Adult entertainment business; Principal activity; Trailer, commercial; Construction/office, trailer; Storage, trailer; Tent, trailer; Travel, trailer; Utility, trailer</i> |
|                | 34.2       | AMEND: <i>Adult entertainment business</i> by SPECEX   |
|                | 52.7.15    | ADD: Special Exception, establishing standards for <i>adult entertainment businesses</i> , including procedural and informational requirements   |
|                |            |  |
| May 30, 1995   | 9          | AMEND: <i>Boat with or without hauling trailer; Mobile manufacturing home; Motorized camper; Pick-up coach or pick-up camper</i>   |
|                | 66         | AMEND: standards and procedures for trailers   |

## 1996

| EFFECTIVE DATE   | SECTION          | DESCRIPTION                   |
|------------------|------------------|-------------------------------|
| October 7, 1996  | Admin. Policy #2 | Fees for technical assistance |
| EFFECTIVE DATE   | DISTRICT         | LOCATION                      |
| February 26 1996 | B-2 ➔ AA-1       | Map 58 / Lot 38               |

## 1997

| EFFECTIVE DATE    | SECTION | DESCRIPTION   |
|-------------------|---------|---|
| December 10, 1997 | 7       | ADD: Telecommunication Facilities and Non-Commercial Airway Communication equipment |
|                   | 8       | ADD: Telecommunication Facilities and Non-Commercial Airway Communication equipment |

|    |   |
|----|---|
| 9  | ADD: Telecommunication Facilities and Non-Commercial Airway Communication equipment |
| 67 | ADD: Telecommunication Facilities and Non-Commercial Airway Communication equipment |

## 1998

| EFFECTIVE DATE    | SECTION | DESCRIPTION  |
|-------------------|---------|--|
| June 15, 1998     | 51      | AMEND: ARB prior to formal application to the ZC                         |
| June 30, 1998     | 52      | ADD: referral of Special Exceptions to ARB                               |
| November 16, 1998 | 64.4.1  | ADD: Municipal events signage  |
| December 30, 1998 | 9       | DEFINE: <i>Assisted living unit &amp; Residential life care facility</i> |
|                   | 52.7.13 | AMEND: <i>Residential life care facility</i>                             |
|                   | 62.3.21 | AMEND: Non-Resid'l Uses: Resid'l life care facility                      |

## 1999

| EFFECTIVE DATE  | SECTION      | DESCRIPTION  |
|-----------------|--------------|--|
| August 16, 1999 | 9            | DEFINE: <i>Attic; Floor area; Height; Story, One-half (1/2); Story</i> |
| August 23, 1999 | 55.1         | PROHIBIT: PRDs in Cornfield Point                                      |
| EFFECTIVE DATE  | DISTRICT     | LOCATION   |
| August 23, 1999 | PRD → part A | Cornfield Point  |

## 2000

| EFFECTIVE DATE    | SECTION          | DESCRIPTION   |
|-------------------|------------------|---|
| January 3, 2000   | Resolution 99-01 | Interpretation of Definitions regarding <i>coverage</i>                                       |
| February 18, 2000 | 9                | DEFINE: <i>Private country club</i>   |
|                   | 21               | AMEND: permit <i>Private country club</i>   |
|                   | 22               | AMEND: permit <i>Private country club</i>   |
|                   | 26               | AMEND: permit <i>Private country club</i>   |
|                   | 52               | AMEND: special standards for <i>Private country club</i>                                      |
|                   | 62.3.2 S.        | AMEND: Off-street Parking and Loading, Access and Circulation for <i>Private country club</i> |
| March 10, 2000    | 4                | AMEND: substitute PRD for condominium   |
|                   | 37               | AMEND: substitute PRD for condominium   |
|                   | 55               | AMEND: substitute PRD for condominium   |
| July 14, 2000     | 7.2.1            | ADD: set forth requirements MABL  |
| EFFECTIVE DATE    | DISTRICT         | LOCATION  |
| August 23, 1999   | A → SP-3         | Saybrook Point  |

## Amendments

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### 2001

| EFFECTIVE DATE | SECTION | DESCRIPTION                 |
|----------------|---------|-----------------------------|
| June 14, 2001  | 11      | PROHIBIT: <i>Billboards</i> |

| EFFECTIVE DATE | DISTRICT  | LOCATION  |
|----------------|-----------|---|
| May 1, 2001    | I-1 → B-3 | Map 44 / Lot 17<br>Map 44 / Lot 18<br>Map 44 / Lot 19<br>Map 44 / Lot 20<br>Map 44 / Lot 21-1<br>Map 44 / Lot 21-2<br>Map 44 / Lot 21-3<br>Map 44 / Lot 22<br>Map 44 / Lot 23<br>Map 44 / Lot 24<br>Map 44 / Lot 24-1 |

### 2002

| EFFECTIVE DATE | SECTION | DESCRIPTION   |
|----------------|---------|---|
| July 26, 2002  | 9       | DEFINE: <i>Accessory building or structure; Building/Structure Coverage; Bulk; Deck; District; Floor area; Gross; Floor area ratio; Inland wetland; Tidal wetland; Total lot coverage; Water-dependent uses; Zone</i> AMEND: <i>Accessory use; Building; Driveway; Gross floor area; Lot; Lot coverage; Parcel; Paved area; Principal use; Setback from street; Setback from other property line; Street; Structure; Wetland;</i> |

|                |      |   |
|----------------|------|---|
| August 1, 2002 | 31.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 32.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 33.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 34.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 35.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 36.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 37.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 38.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |
|                | 41.0 | ADD/AMEND: Purpose of non-residential <i>district</i> |

| EFFECTIVE DATE   | DISTRICT | LOCATION       |
|------------------|----------|----------------|
| November 4, 2002 | A → PRD  | Map 25 / Lot 1 |

# 2003

| EFFECTIVE DATE     | SECTION  | DESCRIPTION   |
|--------------------|----------|---|
| July 7, 2003       | 41.1.2   | ADD: health/physical fitness facilities   |
| September 15, 2003 | 4.1      | ADD: Residence Conservation C District  |
|                    | 27       | ADD: Residence Conservation C District  |
|                    | 55.1     | ADD/AMEND: PRD is a <i>zone</i>   |
|                    | 55.2     | DEFINE/AMEND: PRD   |
|                    | 55.3     | ADD/AMEND: Application for PRD  |
|                    | 55.3.1   | DELETE: seepage test holes/deep test pits location                                |
|                    | 55.3.3   | ADD/AMEND: architectural plans  |
|                    | 55.3.5   | RENUMBER "Management" to 55.3.7   |
|                    | 55.3.6   | ADD: Protection of Surface and Ground Water                                       |
|                    | 55.4     | ADD: Procedure  |
|                    | 55.5     | DELETE: Approval  |
|                    | 55.5.2   | ADD/AMEND: Timing and Staging   |
|                    | 55.5.4   | ADD: Bond to include PRD  |
|                    | 55.6     | ADD: Standards  |
|                    | 55.6.1   | ADD: <i>Lot Area</i>  |
|                    | 55.3.2   | ADD: <i>Dwelling units</i>  |
|                    | 55.6.4   | ADD: <i>Setbacks</i>  |
|                    | 55.6.5   | ADD: Utilities  |
|                    | 55.6.6   | ADD/AMEND: Paving and Sidewalks   |
|                    | 55.6.7   | ADD: Method of Ownership  |
|                    | 55.6.8   | ADD: <i>Open space</i>  |
|                    | 55.6.9   | ADD/AMEND: Supporting Services  |
|                    | 56.1     | ADD: General  |
|                    | 56.2     | ADD: Purpose  |
|                    | 56.3.1   | ADD/AMEND: Conceptual Plan  |
|                    | 56.3.2   | ADD: Efficient presentation   |
|                    | 56.3.3   | ADD/AMEND: Preliminary open space plan  |
|                    | 56.3.4   | ADD: Letter C, sewage disposal  |
|                    | 56.4     | ADD: Initial procedure  |
|                    | 56.6.2   | ADD/AMEND: Number of <i>lots</i>  |
|                    | 56.6.3   | ADD/AMEND: <i>Lot</i> area, shape and frontage; <i>Building bulk and coverage</i> |
|                    | 56.6.4   | ADD/AMEND: Water supply/sewage disposal plans                                     |
|                    | 56.6.5   | ADD: <i>Open space</i> for AA-1 Open Space Subdivisions                           |
|                    | 56.6.6   | ADD: <i>Open space</i> land   |
|                    | 56.6.7   | ADD: Permitted <i>uses</i>  |
|                    | 56.6.9   | ADD: Conflicting Provisions   |
| EFFECTIVE DATE     | DISTRICT | LOCATION  |
| October 7, 2003    | A ➔ PRD  | Map 22 / Lot 22-1   |

## Amendments

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### 2004

| EFFECTIVE DATE    | SECTION   | DESCRIPTION  |
|-------------------|-----------|--|
| April 30, 2004    | 55.2      | AMEND: <i>Age restricted</i>   |
|                   | 55.6.2    | AMEND: age restriction, change <i>bedrooms</i> per acre  |
|                   | 55.6.3    | ADD: <i>setbacks</i> in <i>age restricted development</i>  |
|                   | 55.6.4    | ADD: <i>open space</i> in Res. A, AA-2 and SP-3 Districts  |
| May 17, 2004      | 56.6.3a/b | AMEND: reduce <i>lot</i> area, reduce min. dim. of square  |
|                   | 56.6.3    | AMEND: reduce width along <i>building</i>  |
| July 7, 2004      | 7.4.8     | AMEND: reduce side and rear <i>setbacks</i> for <i>accessory structures</i> >120 s.f. by ½ on non-conforming <i>lots</i> |
|                   | 7.4.10    | PROHIBIT: activities within 50' of <i>tidal wetlands</i>   |
|                   | 9         | DEFINE: <i>Structure</i> to exempt <i>decks</i> > 6" from existing grade and to exclude handicapped ramps                |
|                   | 10.11     | DEFINE: <i>Special Flood Hazard Area</i>   |
|                   | 21.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 22.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 23.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 24.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 25.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 26.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 27.5.5d   | ADD: <i>height</i> of <i>accessory structure</i>   |
|                   | 64.5.2c   | AMEND: maintain uniformity; one <i>sign</i> /tenant/wall   |
|                   | 64.5.2d   | AMEND: maintain uniformity; one <i>sign</i> /tenant/wall   |
|                   | 64.5.5    | AMEND: maintain uniformity; one <i>sign</i> /tenant/wall   |
|                   | 72.7.5    | ADD: mandatory <i>Special Flood Hazard Area</i> review   |
| September 7, 2004 | 52.7.2    | DELETE: 5-yr renewal day nursery in bus. <i>districts</i>  |

| EFFECTIVE DATE    | DISTRICT      | LOCATION                        |
|-------------------|---------------|---------------------------------|
| April 30, 2004    | A ➔ PRD       | Map 45 / Lot 15                 |
|                   | A ➔ PRD       | Map 55 / Lots 56 & 61           |
|                   | AAA & A-1 ➔ C | Map XX / Lots 6, 13, 15, 17, 18 |
| November 1, 2004  | A ➔ PRD       | Map 49 / Lot 12                 |
|                   | A ➔ PRD       | Map 49/Lot 12-2                 |
| November 15, 2004 | B-2 ➔ B-1     | Map 40 / Lot 1                  |

### 2005

| EFFECTIVE DATE | SECTION | DESCRIPTION   |
|----------------|---------|---|
| April 18, 2005 | 8.22    | ADD: drive-through pharmacies/banks in B-2 & B-4                      |
|                | 9       | DEFINE: <i>Drive-through window</i> ; <i>Drive-through substation</i> |
|                | 62.6.3  | AMEND: permit off site parking for municipal <i>uses</i>              |
| August 1, 2005 | 56.5    | AMEND: 6 mos. period to 1-yr. with 1-yr. extension                    |

|                  |        |   |
|------------------|--------|---|
| November 1, 2005 | 63.5.1 | AMEND: buffer widths for PRDs   |
| November 4, 2005 | 55.6.1 | AMEND: permit PRDs of 2.5 ac. w/n 500' of B-1                                   |
|                  | 55.6.3 | AMEND: 2 <sup>nd</sup> -flr. <i>dwelling units</i> in existing <i>structure</i> |
|                  | 55.6.4 | AMEND: PRD <i>dwelling units/ setbacks</i> for B-1                              |
|                  | 31.6.4 | AMEND: Residence boundary line <i>setback</i> for PRDs                          |

## 2006

| EFFECTIVE DATE   | SECTION | DESCRIPTION  |
|------------------|---------|--|
| April 10, 2006   | 56.1    | ADD: permit Open Space Subdivisions in AAA   |
|                  | 56.6.3  | AMEND: wells in AAA Open Space Subdivisions  |
|                  | 56.6.4  | ADD: permit Open Space Subdivisions in AAA   |
|                  | 56.6.7  | ADD: <i>uses</i> within AAA Open Space Subdivisions  |
|                  | 8.23    | ADD: reduced <i>setbacks</i> in <i>pedestrian nodes</i>  |
|                  | 9.1     | DEFINE: <i>Pedestrian node</i>   |
|                  | 31.2.3  | AMEND: non-resid'l <i>structure</i> in <i>pedestrian node</i>  |
|                  | 32.3.6  | AMEND: non-resid'l <i>structure</i> in <i>pedestrian node</i>  |
|                  | 33.2.17 | AMEND: non-resid'l <i>structure</i> in <i>pedestrian node</i>  |
|                  | 34.2.7  | AMEND: non-resid'l <i>structure</i> in <i>pedestrian node</i>  |
| April 20, 2006   | 53      | DELETE: Section and transfer ZBA SPEX to ZC  |
|                  | 52.1    | DELETE: ZBA SPEX review; ADD: conversions of <i>dwelling</i> s to two- <i>family</i>   |
|                  | 52.7.18 | ADD: automotive <i>uses</i>  |
| August 28, 2006  | 4.2     | AMEND: FP, PRD, and AP; ADD: GC, CAM   |
|                  | 4.3     | DELETE   |
|                  | 4.4     | RELOCATE: to new Section 59 CAM  |
|                  | 6.1.4   | RELOCATE: to new Section 58 GC   |
|                  | 6.1.5   | RELOCATE: to new Section 58 GC   |
|                  | 7.3     | DELETE   |
|                  | 7.4.9   | DELETE   |
|                  | 7.5.2   | DELETE   |
|                  | 8.2.3   | DELETE   |
|                  | 8.21    | DELETE   |
|                  | 9.1     | DEFINE: <i>Cupola; Developed area (Gateway Conservation Zone); High tide line; Height (Gateway Conservation Zone); Riparian; Riparian area; Riparian buffer area; Shoreline flood &amp; erosion control</i> ; AMEND: <i>Connecticut River Gateway Zone; Commercial tree cutting; Height; Non-commercial communications equipment</i> |
| December 4, 2006 | 9.1     | AMEND: <i>Special Flood Hazard Area</i>  |

## 2008

| EFFECTIVE DATE    | SECTION | DESCRIPTION                |
|-------------------|---------|----------------------------|
| February 19, 2008 | 4.2.3   | AMEND: change Zone to Area |

## Amendments

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|                |        |   |
|----------------|--------|---|
| March 17, 2008 | 5.1.6  | DELETE: Supplementary Map Number 6 (Aquifer Protection Zone)  |
|                | 9      | DEFINE: <i>Aquifer protection area</i> ; DELETE: <i>Primary recharge area, Secondary recharge area</i>  |
|                | 57     | DELETE: Section 57 Aquifer Protection Zone  |
|                | 4.2    | AMEND: re-format list of special zones  |
|                | 6.1    | AMEND/REMOVE: Amusement Device to Sect. 53  |
|                | 6.2    | DELETE: Performance Standards   |
|                | 6.3    | DELETE: Parking and Loading   |
|                | 6.4    | DELETE: Landscaping, Screening and Buffer Areas   |
|                | 8      | REMOVE: (to Section 53) 8.3 <i>Restaurant</i> , Indoor; 8.4 Accessory Uses; 8.5 Professional Office in a Dwelling Unit; 8.6 Home Occupation in a Dwelling Unit; 8.7 Renting of Rooms; 8.8 Farm; 8.14 Accessory Apartment; 8.18 Outside Storage; 8.22 Drive Through Window for Financial Institutions & Pharmacies; DELETE: 8.13 Liquor Establishment  |
|                | 9.1    | DEFINE: <i>Amusement Device; Kennel</i>   |
|                | 10.5   | AMEND: Casualty   |
|                | 10.11  | AMEND: Flood Plain Compliance   |
|                | 11.2   | ADD: prohibition of A-frame signs   |
|                | 52.5   | AMEND: correct as expiration of Special Exception   |
|                | 52.6.7 | ADD: requirement to preserve character of house   |
|                | 52.7   | REMOVE: (to Section 53) 52.7.1 <i>Roadside stand</i> ; 52.7.2 Day Nursery; 52.7.3 Convalescent Home & Hospital; 52.7.4 Club; 52.7.5 – Commercial Kennel and Stable; 52.7.6 Public Utility Station; 52.7.9 Heliport; 52.7.10 Dwelling for Elderly or Handicapped Persons; 52.7.11 Marine Research Laboratory; 52.7.12 Radio Tower; 52.7.13 Residential Life Care Facility; 52.7.14 Bed & Breakfast Transient Lodging; 52.7.15 Adult Entertainment Business; 52.7.16 Private Country Club; 52.7.18 Automotive Use   |
|                | 53     | ADD: Accessory Apartment; Accessory Use; Adult Entertainment Business; Animal; Automotive Use; Bed & Breakfast Transient Lodging; Club; Commercial Kennel and Stable; Convalescent Home & Hospital; Day Nursery; Drive-through Window for Financial Institution & Pharmacy; Domestic Animal; Dwelling for Elderly or Handicapped Persons; Farm; Heliport; Home Occupation in a Dwelling Unit; Kennel; Livery and Boarding Stable; Livestock or poultry; Marine Research Laboratory; Outside Storage; Private Country Club; Professional Office in a Dwelling Unit; Public Utility Station; Radio Tower; Renting of Rooms; Residential Life Care Facility; <i>Roadside stand</i> ; ADD: Schools; <i>Restaurant</i> , Outdoor Seating |



|                   |        |   |
|-------------------|--------|---|
| September 8, 2008 | 54     | DELETE: Section 54 Floor Plain Requirements   |
|                   | 58     | AMEND: replace Total Floor Area with Gross Floor Area   |
|                   | 54.2.5 | ADD: elevation of first finished floor in SFHA  |
|                   | 64.3.  | ADD: limit to height of sign posts; AMEND: require timers for illuminated signs   |
|                   | 64.5   | AMEND: reduce size of ground signs; reduce height of ground signs   |
|                   | 68     | DELETE: Section 68 Telecommunications Facilities  |
|                   | 72.5   | AMEND: correct for staking of work by applicant   |
|                   | 7.4    | AMEND: shoreline flood & erosion control structure; ADD: exemptions from tidal wetland setback  |
|                   | 9      | DEFINE: <i>Daycare; Deck; Restaurant, Fast Food; Restaurant, Full-service; Restaurant, Take-out; Roadside stand; Structure</i>                            |
|                   | 21.1   | AMEND: clarify list of Permitted Uses; ADD: <i>Roadside stand</i> , Keeping of livestock or poultry   |
|                   | 21.2   | AMEND: clarify list of Special Exception Uses; RELOCATE: <i>Roadside stand</i> to 21.1.7; ADD: Agricultural nursery or greenhouse; Open Space Subdivision |
|                   | 21.7   | AMEND: clarify Requirement for Plot Plan  |
|                   | 21.8   | AMEND: clarify Requirement for Site Plan  |
|                   | 21.9   | AMEND: clarify Requirement for Special Exception  |
|                   | 22.1   | AMEND: clarify list of Permitted Uses; ADD: Keeping of livestock or poultry; <i>Roadside stand</i>  |
|                   | 22.2   | AMEND: clarify list of Special Exception Uses; RELOCATE: <i>Roadside stand</i> to 22.1.7; ADD: Agricultural nursery or greenhouse; Open Space Subdivision |
|                   | 22.7   | RELOCATE: Open Space Subdivision to 22.2.17; RENUMBER & AMEND: clarify Requirement for Plot Plan  |
|                   | 22.8   | RENUMBER & AMEND: clarify Requirement for Site Plan   |
|                   | 22.9   | RENUMBER & AMEND: clarify Requirement for Special Exception   |
|                   | 23.1   | AMEND: clarify list of Permitted Uses; ADD: <i>Roadside stand</i> , Keeping of livestock or poultry   |
|                   | 23.2   | AMEND: clarify list of Special Exception Uses; ADD: Agricultural nursery or greenhouse  |
|                   | 23.7   | AMEND: clarify Requirement for Plot Plan  |
|                   | 23.8   | AMEND: clarify Requirement for Site Plan  |
|                   | 23.9   | AMEND: clarify Requirement for Special Exception  |
|                   | 24.1   | AMEND: clarify list of Permitted Uses; ADD: <i>Roadside stand</i> , Keeping of livestock or poultry   |
|                   | 24.2   | AMEND: clarify list of Special Exception Uses; RELOCATE: <i>Roadside stand</i> to 24.1.7; ADD:  |

## Amendments

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|                  |         |   |
|------------------|---------|---|
|                  |         | Agricultural nursery or greenhouse  |
|                  | 24.7    | AMEND: clarify Requirement for Plot Plan  |
|                  | 24.8    | AMEND: clarify Requirement for Site Plan  |
|                  | 24.9    | AMEND: clarify Requirement for Special Exception  |
|                  | 25.1    | AMEND: clarify list of Permitted Uses; ADD:<br>Keeping of livestock or poultry  |
|                  | 25.2    | AMEND: clarify list of Special Exception Uses; ADD:<br>Agricultural nursery or greenhouse   |
|                  | 25.7    | AMEND: clarify Requirement for Plot Plan  |
|                  | 25.8    | AMEND: clarify Requirement for Site Plan  |
|                  | 25.9    | AMEND: clarify Requirement for Special Exception  |
|                  | 26.1    | AMEND: clarify list of Permitted Uses   |
|                  | 26.1.5  | ADD: <i>Roadside stand</i>  |
|                  | 26.1.8  | ADD: Keeping of livestock or poultry  |
|                  | 26.1.9  | ADD: Boarding house or the renting of rooms   |
|                  | 26.1.10 | ADD: Accessory apartment  |
|                  | 26.2    | AMEND: clarify list of Special Exception Uses   |
|                  | 26.2.5  | Conversion of dwelling to contain 2 dwelling units  |
|                  | 26.2.6  | Building, use or facility of the Town of Old Saybrook   |
|                  | 26.2.7  | ADD: Agricultural nursery or greenhouse   |
|                  | 26.2.8  | ADD: <i>Daycare</i>   |
|                  | 26.7    | AMEND: clarify Requirement for Plot Plan  |
|                  | 26.8    | AMEND: clarify Requirement for Site Plan  |
|                  | 26.9    | AMEND: clarify Requirement for Special Exception  |
|                  | 27.1    | AMEND: clarify list of Permitted Uses; DELETE:<br>Family daycare home; ADD: <i>Roadside stand</i> ,Keeping<br>of livestock or poultry   |
|                  | 27.2    | AMEND: clarify list of Special Exception Uses; ADD:<br><i>Daycare</i> ; Agricultural nursery or greenhouse; Open<br>Space Subdivision   |
|                  | 27.7    | AMEND: clarify Requirement for Plot Plan  |
|                  | 27.8    | AMEND: clarify Requirement for Site Plan  |
|                  | 27.9    | AMEND: clarify Requirement for Special Exception  |
|                  | 53      | ADD: <i>Boarding house</i> ; <i>Daycare</i> ; <i>Renting of Rooms</i> ;<br>DELETE: Day nursery  |
| October 20, 2008 | 31.1    | ADD: Non-residential use within pedestrian node<br>provision from 31.2; RENUMBER & AMEND:<br>clarify list of Permitted Uses; RELOCATE: Place of<br>worship or parish hall; school, college or university;<br>educational, religious, philanthropic or charitable<br>institution; membership club, lodge or community<br>house to 31.2.6; DELETE: day nursery; water supply<br>reservoir, well, tower, treatment facility or pump<br>station; Railroad right-of-way or passenger station;<br>off-street parking facility |
|                  | 31.2    | AMEND: clarify list of Special Exception Uses;<br>RELOCATE: Non-residential use within pedestrian<br>node provision to 31.1; ADD: <i>Daycare</i> ; Off-street   |

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|        | parking; Place of worship or parish hall; School, college or university; Educational, religious, philanthropic or charitable institution; Membership club, lodge or community house; Building, use or facility of the Town of Old Saybrook  |
| 31.3   | AMEND: clarify list of Prohibited Uses; ADD: Conference facility  |
| 31.6.5 | ADD: Projection into setback  |
| 31.7   | AMEND: clarify Requirement for Plot Plan  |
| 31.8   | AMEND: clarify Requirement for Site Plan  |
| 31.9   | AMEND: clarify Requirement for Special Exception  |
| 32.1   | AMEND: clarify list of Permitted Uses; RELOCATE: Place of worship or parish hall; school, college or university; educational, religious, philanthropic or charitable institution; membership club, lodge or community house; well, tower, treatment facility or pump station Building, use or facility of the Town to 32.2; ADD: conference center; Park, playground or open space land of the Town; DELETE: Undertaker's establishment; water supply reservoir, Railroad right-of-way or passenger station; off-street parking facility; |
| 32.2   | AMEND: clarify list of Special Exception Uses; RELOCATE: Well, tower; treatment facility of pump station; Building, use or facility of the Town of Old Saybrook; ADD: Place of worship or parish hall; School, college or university; Educational, religious, philanthropic or charitable institution; Membership club, lodge or community house; Well, tower, treatment facility or pump station; Building, use or facility of the Town to 32.2DELETE: Heliport;   |
| 32.3   | AMEND: clarify list of Prohibited Uses; ADD: Conference facility  |
| 32.7   | AMEND: clarify Prohibited Uses  |
| 32.8   | AMEND: clarify Requirement for Plot Plan  |
| 32.9   | AMEND: clarify Requirement for Site Plan  |
| 32.10  | AMEND: clarify Requirement for Special Exception  |
| 33.1   | AMEND: clarify list of Permitted Uses; RELOCATE: Agricultural nursery or greenhouse to 33.2; ADD: keeping of livestock or poultry; DELETE: School   |
| 33.2   | AMEND: clarify list of Special Exception Uses; RELOCATE: Well, tower; treatment facility of pump station; Building, use or facility of the Town of Old Saybrook; DELETE: Undertaker's establishment; Conversion to two-family dwelling; Railroad right-of-way or passenger station  |
| 33.3   | AMEND: clarify list of Prohibited Uses; ADD: Conference facility; Kennel  |
| 33.8   | AMEND: clarify Requirement for Plot Plan  |

## Amendments

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| 33.9  | AMEND: clarify Requirement for Site Plan   |
| 33.10 | AMEND: clarify Requirement for Special Exception   |
| 34.1  | AMEND: clarify list of Permitted Uses; RELOCATE: Nursing home facility; Warehousing or wholesale business; building contractor, business or storage yard; lumber or building materials business; freight or materials trucking terminal or business; bus terminal; commercial storage, sale or distribution of fuel; Research laboratory; manufacture, processing or assembling of goods; painting plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding or machine shop; Building, use or facility of the Town to 34.2; ADD: Conference facility; DELETE: Undertaker's establishment; railroad right-of-way or passenger station |
| 34.2  | AMEND: clarify list of Special Exception Uses; ADD: Nursing home facility; Family and group daycare home; Warehousing or wholesale business; building contractor, business or storage yard; lumber or building materials business; freight or materials trucking terminal or business; bus terminal; commercial storage, sale or distribution of fuel; Research laboratory; manufacture, processing or assembling of goods; Painting, plumbing, electrical, sheet metal, carpentry, woodworking, blacksmith, welding or machine shop; Building, use or facility of the Town to 34.2  |
| 34.8  | AMEND: clarify Requirement for Plot Plan   |
| 34.9  | AMEND: clarify Requirement for Site Plan   |
| 34.10 | AMEND: clarify Requirement for Special Exception   |
| 37.1  | AMEND: clarify lists of Permitted, Special Exception and Prohibited Uses; ADD: Signs; DELETE: Planned Residential Development; Park, playground, museum, educational facility or open space land of the Town; Transient lodging  |
| 37.8  | AMEND: clarify Requirement for Plot Plan   |
| 37.9  | AMEND: clarify Requirement for Site Plan   |
| 37.10 | AMEND: clarify Requirement for Special Exception   |
| 41.1  | AMEND: clarify list of Permitted Uses; ADD: Conference Facility; Park, playground or open space land; DELETE: Newspaper or job printing; Place of worship or parish hall; School, college or university; Educational, religious, philanthropic or charitable institution; Membership club, lodge or community house; Indoor theater or assembly hall; RELOCATE: Motor vehicle use; Off-street parking facility; building, use or facility of the Town to 41.2  |
| 41.2  | AMEND: clarify list of Special Exception Uses; ADD:  |

## Amendments

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|                   |         | Motor vehicle use; Off-street parking facility; building, use or facility of the Town  |
|                   | 41.3    | AMEND: Clarify list of Prohibited uses; DELETE: Motor vehicle uses   |
|                   | 41.8    | AMEND: clarify Requirement for Plot Plan   |
|                   | 41.9    | AMEND: clarify Requirement for Site Plan   |
|                   | 41.10   | AMEND: clarify Requirement for Special Exception   |
| November 17, 2008 | 55.6.11 | ADD: allow bed and breakfast transient lodging and accessory retail store at PRD proximate to <i>bed and breakfast transient use</i> |