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BRANSE & WILLIS, LLC

148 EASTERN BOULEVARD, SUITE 301
GLASTONBURY, CONNECTICUT 06033
TELEPHONE: (860) 659-3735
FAX: (860) 659-9368

MARK K. BRANSE
MATTHEW J. WILLIS*
CALEB F. HAMEL
ELIZABETH L. HEINS**

*ADMITTED IN MASSACHUSETTS
**ADMITTED IN NEW YORK

OF COUNSEL
RONALD F. OCHSNER

E-Mails:

mbranse@bransewillis.com
mwillis@bransewillis.com
chamel@bransewillis.com
eheins@bransewillis.com

rochsner@bransewillis.com

June 9, 2015

Via Email and U.S. Mail

Ms. Chris Costa, Zoning Enforcement Officer
Old Saybrook Zoning Commission
302 Main Street
Old Saybrook, CT 06475

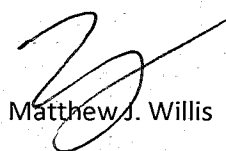
Dear Ms. Costa:

You have requested that I research the history of when the Town of Old Saybrook first adopted zoning regulations. This research required the review of old Town Meeting minutes, Town Reports and other records in the Town Clerk's vault. I've enclosed pertinent copies.

The Zoning Commission was created at a Special Town Meeting dated August 11, 1934. See copy of Old Saybrook Town Report of 1934, page 9-10. Apparently, for the first year of its existence, the zoning commission considered permits without regulations. The first zoning regulations were adopted June 22, 1935. See page 12 of the 1935 Town Report. The Zoning Regulations which were originally adopted were labeled draft of November 20, 1934, page 359 of the Town Meeting minutes. In 1948, substantial changes were made to the zoning regulations effective July 8, 1948. The zoning regulations from 1948 are currently on the Town website.

If you have any other questions, please do not hesitate to ask.

Very truly yours,



Matthew J. Willis

Enclosures

Be It Resolved—That the Board of Selectmen of the Town of Old Saybrook, be and they hereby are authorized, empowered and directed to make application to and negotiate with the Administrator, Federal Emergency Administration of Public Works, for the allocation by the United States of the sum of One Hundred Thousand Dollars, to be utilized by said town for the construction of anticipated State Aid roads in said town, and all in accordance with the provisions of Sections 202 and or 203, 206, 207, and 208 of the National Industrial Recovery Act passed by the Congress of the United States June 13, 1933, and approved by the President June 16, 1933.

Be It Further Resolved—That said Board of Selectmen be and they hereby are authorized, empowered and directed to enter into and execute in the name of the said Town of Old Saybrook, any and all contracts or agreements, and to execute any and all papers, documents or instruments of every nature whatsoever necessary, required or advisable in connection with the foregoing matters.

Be It Further Resolved—That: the said Board of Selectmen of said Town and or any other proper official of said Town be and they hereby are authorized, empowered and directed, in the name of and for and in behalf of said Town, to issue and execute any bonds, obligations or other evidences of indebtedness of said Town in an amount or amounts not exceeding said sum of One Hundred Thousand Dollars, as may be required for the allocation by the United States of said sum to said Town for the construction of said anticipated State Aid highways; provided, however, said bonds, obligations or evidences of indebtedness shall bear interest at a rate not exceeding 4% per annum, and said bonds, obligations or evidences of indebtedness shall be in serial form and shall mature not later than thirty years from the date of the issue thereof and shall be of such a nature as to conform to the requirements of any applicable statute of the State of Connecticut and to the requirements of said National Industrial Recovery Act.

It Was Voted—That State Aid road money shall first be applied on Plum Bank Road, so called, until its completion; and that Spencer Plain Road, so called, shall next be improved as a State Aid Road.

It was Voted to adjourn.

Attest: (Signed) Charles S. Gates, Town Clerk.

A Special Town Meeting was held in the Town Hall on July 21st, 1934, at 7:30 o'clock p. m., E. S. T., Levi P. Hickey, Chairman.

Call for the Meeting was read by the Clerk.

Mr. Frank S. Pratt, First Selectman, explained to the Meeting why the meeting was called, attention being called to a vote of the Board of Finance held on November 18th, 1933, appointing Dr. Irwin Granniss and himself a Committee to confer with the land owners on North Cove Road and endeavor to secure a satisfactory agreement between those land owners and the town relative to the ownership of said road between the North Cove Road and the North Cove, which vote

Mr. Drew was given the floor and with a map explained to the meeting his proposal to quit claim certain land to the town and that the town quit claim certain land to him.

After considerable discussion as to the merits of the case the following resolution was offered:

Resolved—That the proposal of Walter Drew attached hereto be and the same is accepted, and be it further

Resolved—That the Board of Selectmen be and they are hereby authorized and empowered to execute Quit Claim Deeds to carry out the purposes and the intentions of said proposal.

"I am to convey by Quit Claim Deed to the Village a parcel of land running from the road to the water, 75 feet in width, eastward from the present west line of my holding on the water front; the deed to contain restrictions against the erection of any building upon the land in question and against its use for any but the public purpose and against its sale or lease by the Village to any private parties."

This resolution, with attached proposal, when put to vote was lost by motion to "lay on table" till next Annual Town Meeting.

Mr. Harding asked that the question of his ownership and proposal be considered at the next Annual Town Meeting.

The following resolution was voted:

Resolved—That a Committee of five (5) members be appointed by the Board of Selectmen, and that John Werden Clark and Gilman C. Gates shall be two members of said Committee so appointed, to investigate the ownership of lands on the North Cove claimed by Walter Drew, Paul R. Opp and Harold M. Harding, and report its findings and recommendations to the next Annual Town Meeting.

It was voted to adjourn.

Attest: Charles S. Gates, Town Clerk.

A Special Town Meeting was held in the Town Hall on July 24th, 1934, at 7:30 o'clock p. m., E. S. T.,

Frederick S. Chapman, Moderator.

The call for the Meeting was read by the Clerk.

A resolution was offered by Mr. Frank Appleby, who took the floor and explained why the Meeting was called.

He questioned the contract for improvement of Ingham Hill Road.

Mr. Pratt, First Selectman, and Mr. Irving LaMay stated under what conditions this contract was made.

Remarks were made by Mr. Maynard, Mr. Knox and Mr. Harding.

The resolution above referred to was not acted upon.

It was voted to adjourn.

Attest: Charles S. Gates, Town Clerk.

A Special Town Meeting was held in the Town Hall on August 11th, 1934, at 7:30 o'clock p. m., E. S. T.

Calvin C. Fairbank, Chairman.

The following resolution was offered by Joseph F. Cosulich:

"Be it ordained by the voters of the Town of Old Saybrook in meeting assembled that under authority of Chapter Twenty-Nine of the General Statutes, Revision of 1930, the Town of Old Saybrook hereby appoints a Zoning Commission of five men who are to serve without pay.

"The members of this Zoning Commission are to be appointed by a vote of this meeting. One member shall serve until the Annual Town Election in 1935, one member until the Annual Town Election in 1936, one member until the Annual Town Election in 1937, one member until the Annual Town Election in 1938, and one member until the Annual Town Election in 1939.

"As their term of office expires, the vacancies are to be filled by popular vote at the Annual Town Election, the new members to be elected for a term of five years. If any vacancy is caused by death or resignation, the other members of the Zoning Commission shall appoint a new member to fill the vacancy until the next Town Election.

"The Zoning Commission is hereby appointed to make Zones and Zoning Regulations and to take other necessary action incidental thereto, and to enforce such regulations in the Town of Old Saybrook.

The Zoning Commission is to appoint a Board of Appeals as provided in Section 427 of the General Statutes, said Board of Appeals to serve without pay. The administration and enforcement of said Zoning Regulations is to be as authorized by and in accordance with Chapter Twenty-Nine of the General Statutes. This ordinance shall become operative and effective at its passage."

This resolution was voted.

The following resolution was offered by Joseph F. Cosulich:

"Whereas the town of Old Saybrook has appointed a Zoning Commission, and Whereas it will require several months for said Zoning Commission to complete a permanent Zoning Plan and Ordinances for the entire town, and Whereas during the time said Plan and Ordinances are being prepared, it is necessary for the town of Old Saybrook to control undesirable new construction in the town limits:

"Be it ordained by the voters of the town of Old Saybrook in meeting assembled that under the authority of Chapter Twenty-Four of the General Statutes, Revision of 1930, no building or structure shall be erected in the town of Old Saybrook without a written permit from the Zoning Commission. And that said new construction, if not authorized in writing by the Zoning Commission, shall be subject to the penalties of Section 430 of the General Statutes.

"This ordinance shall become operative and effective from the date of its passage."

This resolution was voted.

The following resolution was offered by Joseph F. Cosulich:

"Resolved that the sum of Two Thousand Dollars is hereby appropriated to be spent by the Zoning Commission in the preparation

of Zoning Surveys, maps, and ordinances by a competent Zoning engineer. Of this sum Two Hundred Dollars is payable during the present fiscal year, and Eighteen Hundred Dollars during the coming fiscal year."

This resolution was voted.

Members of Zoning Commission were elected as follows:

John L. Porter to October, 1935

J. Gresham Wilson to October, 1936

Henry I. Moore to October, 1937

Giles Blague to October, 1938

John Werden Clark to October, 1939

It was voted to adjourn.

Attest: Charles S. Gates, Town Clerk.

Old Saybrook, January 15th, 1934.

An adjourned meeting of the Board of Finance was held in the Selectmen's Room in the Town Hall on above date. Present:

Dr. Irwin Granniss, Chairman, pro tem.,

J. Gresham Wilson,

Arthur S. Knox,

Thomas P. Kirwin, and

Andrew C. Apel;

Mr. Frank S. Pratt, First Selectman, was also present.

Mr. Pratt gave the Board the unexpended balances of the various appropriations in the Budget of 1933-1934, and stated that, in his opinion, that none of those balances could be used to provide the \$750 required by the Board of Education.

J. Gresham Wilson offered the following resolution, which was voted:

Resolved—That the Board of Finance finds that there are no available funds in the Budget of 1933-1934 to apply on painting in the school house which might be financed, in part, by the C. W. A., and therefore request the Selectmen to call a Special Town Meeting for the purpose of appropriating a sum not to exceed \$750 for above purpose.

It was voted to adjourn.

Attest: Charles S. Gates, Clerk.

Old Saybrook, Conn., Aug. 15, 1934.

Hon. Charles S. Gates, Town Clerk, Old Saybrook, Conn.

Dear Sir:—

I hereby appoint John Worden Clark as my deputy registrar.

Yours truly,

CALVIN C. FAIRBANK,

Republican Registrar of Voters.

1935 Town Report

OLD SAYBROOK TOWN REPORT

On motion of Gordon B. Smith, First Selectman, the following resolution was VOTED: Resolved, That the Selectmen be and hereby are authorized and directed to sell Lot No. 205, Saybrook Manor Extension, the Trudel property, for a sum not less than the assessed value thereof, and to make and deliver a good and sufficient deed therefor.

It was the sense of the meeting, as expressed, that the 2 mills tax necessary to provide for above appropriations, be mentioned as an emergency tax when the tax rate is fixed for the current year.

IT WAS VOTED: To adjourn.

Attest:

Charles S. Gates, Town Clerk

Appropriated on October 1, 1934	\$103,481.25
Appropriated on Feb. 1, 1935	11,160.00

Total Budget	\$114,641.25
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Attest:

Charles S. Gates, Town Clerk

A Special Town Meeting was held in the Town Hall on June 22nd, 1935, at 6:30 o'clock P. M., E. S. T.

Calvin C. Fairbank was elected Chairman.

The call for the Meeting was read by the Clerk.

It was voted:

That the courtesies of the Meeting be extended to Mr. Woodruf, Zoning Engineer.

The resolution that the action of the Town Meeting held on August 11th, 1934, as recorded in Town Meeting Records, Vol. 3, at pages 299-301, both inclusive, authorizing and establishing a Zoning Commission, be and hereby is rescinded, was lost.

Resolution—To lay resolution approving Zoning Commission on the table, was lost.

Resolution—To table the question of Zoning until the Annual Town Meeting to be held next October, was lost—115-80.

The following Resolution was Voted:

That the Zoning Ordinances and the Zoning Maps prepared by the Zoning Commission be adopted and that the vote be taken by a rising vote, (Zoning Ordinances hereto attached).

It was voted—

To adjourn.

Attest:

Charles S. Gates, Clerk

A Special Town Meeting was held in the Town Hall on June 28th, 1935, at 7:00 o'clock P. M., E. S. T. Frederick S. Chapman was elected Chairman.

The call for the Meeting was read by the Clerk.

TENTATIVE DRAFT
of the
ZONING ORDINANCE
for the
TOWN OF OLD SAYBROOK, CONNECTICUT

Revised to November 20, 1934

Section 1. Purpose of this Ordinance and Kinds of Districts

For the purpose of promoting the health, comfort, safety, and general welfare of the community, including highway development and vehicular transportation; to regulate and restrict unsightly or detrimental developments, obstructions and constructions tending to depreciate the value of property and hinder progressive improvements; to lessen, eliminate and regulate distracting hazards to safe motor vehicle operation and general traffic upon the highways; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of land and avoid undue concentration of population; to facilitate adequate provision for transportation, water supply facilities, sewerage, schools, parks and other public requirements; to conserve the value of buildings and encourage the most appropriate use of land throughout the town; to regulate and restrict the location of trades and industries and the location of buildings designed for specified uses; to regulate and restrict the location, the height, number of stories and size of buildings and other structures, the percentage of the area of the lot which may be occupied, the size of yards, courts, and other open spaces, and the location and use of buildings, structures and land for trade, industry, residence or other purposes within the limits of such town, the Town of Old Saybrook is hereby divided into six districts, as follows:

1. "A" Residence Districts
2. "AA" Residence Districts
3. "B" Residence Districts
4. Business Districts
5. Industrial Districts
6. Non-residence Districts

as shown on the building zone map, entitled _____, which accompanies and which with any amendments and with all explanatory matter thereon is hereby declared to be part of this ordinance.

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Section 2. Definitions:

Certain words in this ordinance are defined for the purpose thereof as follows:

- (a) A "lot" is any lot or plot under one ownership occupied or intended to be occupied by one building or one unit group of buildings and its accessory buildings and uses, including such open spaces as are provided or as are required by this ordinance.
- (b) The "ground level" is the average level of that portion of the lot which is within ten feet of a wall of a building.
- (c) A "street line" is the dividing line between a street and a lot.
- (d) The "height" of a building or of a wall shall be measured above the ground level. The height of a building is the mean elevation above the ground level of the upper surface of the highest main roof.
- (e) An "attic" is the space between the top story and a pitched roof. A "ground" story or "first" story shall mean the lowest story entirely above the ground level.
- (f) A "rear lot line" is the lot line opposite to the street line or, in the case of a corner lot, the rear lot line may be elected by the owner, provided that it be indicated on the application for permit to build.
- (g) The "depth of a lot" is the mean distance from a street line of the lot to its opposite rear line, measured in the mean general direction of the side lines of the lot. The width of a lot is its mean width measured at right angles to its depth.
- (h) A "front yard" is a required open unoccupied space within and extending the full width of the lot, between the street line and the parts of the building nearest to such street line.
- (i) A "side yard" is a required open unoccupied space within the lot between a side lot line, not a street line, and the parts of the building nearest to such side lot line. Such a side yard may extend through for its required width from the street line or the front yard, to the rear yard or its equivalent or to another street.
- (j) A "rear yard" is a required open unoccupied space, the full width of the lot, between the rear wall of the building throughout its height and the rear line of the lot, or where the rear lot line borders on a public street or dedicated alley, to the center line of such street or alley. In the case of a triangular lot with only one side fronting on a street, the rear yard shall be the open unoccupied space between the rear wall of the building and a line half way between such rear wall and the point of intersection of the side lines of the lot.
- (k) The "minimum distance" and the "average distance" from a building to a lot line are always measured at right angles to such line.

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(1) The "length of a wall" of a building in relation to a lot or street line is the length of a wall which makes an angle of forty-five (45) degrees or less with such lot or street line.

(m) A "non-conforming building or use" is one that does not conform with the applicable regulations of the district in which it is situated.

Section 3. General

(a) EXISTING BUILDINGS:- No premises shall be used nor shall any building or structure be used, constructed, or altered, except in conformity with the provisions of this ordinance which apply to the district in which the premises, building or structure are located; provided, however, that this ordinance shall not apply to buildings or structures which existed prior to the date of its enactment, nor to the use of any building, structure or premises as it existed on said date; but this ordinance shall apply to any alteration of a building or structure to provide for its use for a purpose, or in a manner, substantially different from the use to which it was put before alteration.

(b) NON-CONFORMING USES:- No non-conforming use which shall have been discontinued for a period exceeding one year shall be resumed or replaced by any other non-conforming use. No non-conforming building structure or use, when once changed to conform to the requirements of the district in which it is located, shall ever be changed back so as to be non-conforming.

(c) RECONSTRUCTION AFTER DAMAGE:- Nothing in this ordinance shall prevent the reconstruction and resumption of use of any non-conforming building which may hereafter be accidentally or criminally damaged; provided the extent of damage be less than fifty (50) per cent of the then assessed value of such building, and provided that the reconstruction be effected within one year from the occurrence of said damage.

(d) UNSAFE BUILDINGS:- Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the enforcing officer.

(e) REDUCING LOT AREA:- No lot or plot shall be so reduced in area that any yard or other open space shall be smaller than is prescribed in this ordinance for the district in which it is located.

(f) ADJOINING DISTRICTS:- Along and within fifty (50) feet of any boundary line between two different kinds of districts, any side yard or rear yard required in the less restricted districts, shall be increased in minimum width and depth to equal the required minimum widths and depths for such yards in the more restricted districts.

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

(h) LOCATION OF AUTOMOBILE SERVICES:- No public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station; nor any of their appurtenances or accessory uses, shall

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hereafter be erected or placed within one hundred and twenty-five (125) feet of any residence district. No driveway or door to such premises shall be in any part within one hundred and twenty-five (125) feet of any residence district. No such public garage, automobile repair shop, greasing station, storage battery service station, nor gasoline filling station; nor any of their appurtenances or accessory uses, shall have at the street line, any entrance or exit for motor vehicles within a radius of 200 feet of any entrance or exit at the street line, of any public or private school, public library, church, playground or institution for the sick, dependent, or for children under sixteen years of age.

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

(j) CORNER VISIBILITY:- On a corner lot there shall be no building, structure, or planting such as to obstruct traffic visibility, within the triangular space bounded by the two intersecting street lines and a straight line connecting a point on one street line twenty-five (25) feet from the intersection with a point on the other street line twenty-five feet from the intersection.

(k) BUSINESS ADJACENT TO RESIDENCE:- In any Business District every building which is within 50 feet of a Residence District shall set back from the street line a distance equal to at least one half of that setback required for ground story parts of a principal building on the adjoining lot in the Residence District.

(l) PROJECTIONS AND ENCROACHMENTS IN YARDS:- Except as herein specified, yards required by this ordinance shall be open and unobstructed to the sky. Cornices, leaders, belt courses, sills and similar ornamental features may project six inches over any yard.

(m) ADVERTISING SIGNS:- No advertising sign painted or otherwise created nor any advertising device, poster or posterboard shall be created, erected or placed within any business or industrial district unless the person, firm, or corporation intending to erect, place or create such sign, poster or posterboard has obtained permission to do so from the zoning commission.

(n) FENCE:- A fence or structure deemed by the zoning commission to be designed primarily to cause annoyance or damage to an adjoining owner, shall in no case be permitted as an accessory use.

(o) ROOF COVERING:- Every roof hereafter placed on a building shall be covered with an approved roofing of brick, concrete, tile, slate, metal, asbestos, or built-up roofing finished with asphalt, slag, or gravel, or with other approved material. No roofing on an existing roof shall be renewed or repaired to a greater extent than one-tenth of the roof surface except in conformity with the requirements of this section.

(p) WORKMANSHIP:- Workmanship in the fabrication, preparation and installation of materials shall conform to generally accepted good practice. Specific provisions of this ordinance shall not be deemed to suspend any requirements of good practice, but shall be regarded as supplementing or emphasizing them, and shall be controlling. The zoning commission shall, as may be necessary, promulgate rules embodying the requirements of such

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generally accepted good practice, it being the intent of this requirement that the standards of federal or state bureaus, national technical organizations or fire underwriters, as the same may be amended from time to time, shall serve as a guide in fixing the minimum rules of practice.

(q) SUPPLEMENTARY REQUIREMENTS:- The Fifth Edition of the Building Code recommended by the National Board of Fire Underwriters shall be deemed to be the generally accepted good practice for fireproof, semi-fireproof and heavy timber constructions, light and ventilation, safeguards during construction, theatres and other special occupancies, elevators and all other matters not covered in the Ordinance.

Section 4. Residence "A" Districts

(a) USES:- Within any Residence "A" District, as indicated on the Building Zone Map, no building or premises shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry, trade, manufacturing or commercial purposes or for other than the following specified purposes:

1. A one-family detached house for one housekeeping unit only.
2. Tourist accommodations, including the renting of rooms and (or) the furnishing of table board and the selling of antiques and gifts in a dwelling occupied as a residence, provided there is no display visible from the street nor signboard used to advertise such use, except for a small announcement sign.
3. The office of a resident professional person, including a surgery, library, laboratory, drafting room or studio; subject to the restrictions herein prescribed for home occupation.
4. Customary home occupations, such as dressmaking, millinery, hair-dressing or manicuring, carried on by a resident occupant, with the assistance of not more than two employees regularly engaged; provided that for each resident family, not more than the equivalent of the floor area of one story is devoted to such uses, and provided that there is no display of products or service visible from the street. Such home occupations shall not be carried on in an accessory building.
5. Churches and other places of worship, including parish houses and Sunday school buildings.
6. Schools, colleges, public libraries, public museums.
7. Membership clubs, lodges, social, recreational and community center organizations, and grounds for games or sports, not including enterprises, a chief activity of which is carried on or is customarily carried on, primarily for gain.
8. Town recreational buildings, playgrounds, parks and reservations.
9. Dormitories, hospitals or sanitariums not primarily for contagious diseases nor for the care of epileptics or drug or liquor patients; charitable institutions which are not correctional institutions, or primarily for the care of the insane or feebleminded; and provided such buildings be located not less than 100 feet from any lot line; also isolation, drug and epileptic hospitals, correctional institutions, and asylums for the mentally diseased, provided they be in any part not less than 200 feet from any lot line.

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10. Cemeteries adjacent to or in extension of existing cemeteries.
 11. Town buildings and properties, such as fire and police stations and water supply plant.
 12. Railroad or other public transportation service and rights-of-way, and airports.
 13. Telephone exchanges, transmission towers and lines, and static transformer stations; provided there is no service or storage yard in conjunction therewith.
 14. Farms, truck gardens and greenhouses, provided that any greenhouse heating plant is distant at least 20 feet from any lot line. Buildings or shelters for the sale of farm products, provided such products were raised, prepared or made on the premises. Quarries.
 15. Real estate signs not over 12 square feet in area, advertising the sale, rental or lease of the premises on which they are maintained, and not referring to other premises.
 16. Small announcement or professional signs, not over two square feet in area, placed in or on the building, in connection with any public welfare or professional activity or home occupation herein permitted.
 17. Accessory uses and structures customarily incident to any use permitted herein, provided that such accessory uses shall not include any activity commonly conducted for gain, or any private way, drive or walk giving access to such activity; or any billboard or advertising sign, sign-board or poster, except for small announcement signs. Such accessory buildings may be erected on a then vacant lot, if so placed as not to interfere with the eventual practicable and conforming location of a principal building. Private garages, under limitations hereinafter contained, are permitted accessory structures.
 18. Private garages or stables, provided that no business service or industry connected directly or indirectly with motor vehicles is carried on and provided that they shall not contain space for more than one motor vehicle for each 2,500 square feet of lot area, nor for more than six horses, or six vehicles in any case, except that two vehicles or two horses shall be permitted in any case. Not more than two such vehicles shall be commercial vehicles and of not more than one and one-half tons weight each. These provisions shall not apply to farm vehicles and horses.
 19. Boat houses, landings, docks and structures accessory thereto which are not conducted for profit.
- (b) HEIGHT:- No building or structure shall be erected to a height in excess of two stories and an attic or in excess of forty-five (45) feet.
- (c) FRONT YARDS:- No story, enclosed porch or part of any building shall be erected nearer to the street line of any street on which it faces than the average alignment of the corresponding stories, enclosed porches or parts of existing buildings within 200 feet on each side of the lot on the same side of the street and within the same block and district. If there are no existing buildings on the same side of the street, the average setback alignment of corresponding stories within 200 feet on each side of and

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directly opposite the lot, shall govern.

Where the alignment of a building is not controlled by the preceding paragraph of Sec. 4 (c) no part of any building shall extend within 25 feet of the street line of any street on which the lot faces, except that open porches of the building may extend to within 15 feet of the street line.

On one side of a corner lot a building may extend to within 15 feet of the side street line, and its open porch may extend to within 10 feet of such street line. A second story unenclosed porch may project as far as a ground porch story.

Nothing in this ordinance shall require any building hereafter erected between two existing buildings on immediately adjacent lots to set back from the street line a greater distance than that one of such two existing buildings which is farthest from the street line. In no case need the setback distance as required in Section 4 (c) exceed 30 feet.

(d) REAR YARD:- There shall be a rear yard on every lot except as hereinafter specified. Except for accessory buildings, no rear yard shall be less than 15 feet in depth in any interior lot. No rear yard shall be less than 20 feet in depth of any corner lot, except that a ground story rear projection may extend to within 15 feet of the rear lot line.

(c) SIDE YARD:- There shall be a side yard along each side lot line. Except for accessory buildings, it shall not be less than ten (10) feet wide.

No part of any garage or stable shall extend within 15 feet of any street line nor within 10 feet of any lot line intersecting such street, which serves as a side lot line to any lot located in any Residence district.

Section 5. Residence "AA" Districts

Within any Residence "AA" District, as indicated on the Building Zone map, the regulations of Section 4 covering Residence "A" Districts shall apply with the exception that in no case shall a population density of more than one family per acre be permitted.

Section 6. Residence "B" Districts

(a) USE:- Within any Residence "B" District, as indicated on the Building Zone map, no building or premises shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any industry, trade, manufacture or commercial purpose or for other than one or more of the following specified purposes:

1. Any use specified above in Sec. 4 (a) and permitted in Residence "A" Districts.

2. A dwelling, detached, for one or two families, or a pair of semi-detached dwellings for two families, provided that both halves of such a pair of semi-detached buildings are erected at the same time, and provided that there shall be not more than one family in each half of such pair.

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3. Private garages or stables, provided that no business, service or industry connected directly or indirectly with motor vehicles is carried on therein and provided that they shall not contain space for more than one motor vehicle or one horse and one horse-drawn vehicle for each 1,250 square feet of lot area, nor for more than six vehicles in any case, except that three vehicles shall be permitted in any case. Not more than two such vehicles shall be commercial vehicles and of not more than one and one-half tons weight each. These provisions shall not apply to farm vehicles and horses.

4. Requirements of Sec. 4 (a) 17 shall apply to Residence B Districts.

(b) HEIGHT:- No building or structure shall be erected to a height in excess of two stories and an attic or in excess of forty-five (45) feet.

(c) FRONT YARDS:- No story, enclosed porch or part of any building shall be erected nearer to the street line of any street on which it faces than the average alignment of the corresponding stories, enclosed porches or parts of existing buildings within 200 feet on each side of the lot on the same side of the street and within the same block and district. If there are no existing buildings on the same side of the street, the average setback alignment of the corresponding stories within 200 feet on each side of and directly opposite the lot, shall govern.

Where the alignment of a building is not controlled by the preceding paragraph of Section 6 (c), no part of any building shall extend within 25 feet of the street line of any street on which the lot faces, except that open porches of the building may extend to within 15 feet of the street line.

On one side of a corner lot a building or its porch may extend to within 10 feet of the side street line.

Nothing in this Sec. 6 (c) shall require any building hereinafter erected between two specified buildings on immediately adjacent lots to set back from the street a greater distance than that one of such two existing buildings which is farthest from the street line. In no case need the setback distance required in this Sec. 6 (c) exceed 25 feet.

(d) REAR YARDS:- There shall be a rear yard on every lot except as hereinafter specified. No rear yard on an interior lot shall be less than 15 feet in depth. No rear yard on any corner lot shall be less than 20 feet in depth except that ground story rear projection may extend to within 15 feet of the rear lot line. No accessory building shall be less than 3 feet from any rear lot line.

(e) SIDE YARDS:- There shall be a side yard along each side lot line except as hereinafter specified. Each sideyard shall never be less than ten (10) feet wide except for accessory buildings. No part of any garage or stable situated within 65 feet of any street line shall extend within 10 feet of any lot line intersecting such street, which serves as a side lot line to any lot located in any Residence District, nor within 15 feet of any street line. No accessory building shall be less than 5 feet from any side lot line.

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Section 7. Business district

(a) USES:- In any Business District, no building structure or premises shall be used and no building or structure, or part of a building or structure, shall be erected which is intended or designed to be used in whole or in part for any fabrications, manufacturing, converting, altering, finishing or assembling where mechanical power exceeding ten rated horse-power is used except where such power is used in the printing industry; or where steam pressure in excess of 20 pounds gauge pressure is produced except in a vulcanizing operation where not more than 60 pounds shall be used, or where more than 15 mechanics or workers are habitually engaged on such work, except that in the following listed industries, the maximum number of workers engaged on such work shall be as specified below:

Carpet, rug or bag cleaning employing two workers.

Dry cleaning shop employing four workers.

Dyeing shop where not more than one dyer is employed.

Metal working shop, blacksmiths, tinsmith, plumbing, gas, steam or hotwater fitting shop employing five workers on the premises.

Poultry killing, dressing or live storage employing one worker.

Stone or monument works employing five workers.

No internal combustion engine shall be used unless objectionable vibration be eliminated and it be equipped and operated with an effective muffler or silencer so as to eliminate objectionable and unnecessary noise.

A public garage shall be permitted with no restriction as to the number of cars stored. No entrance driveway to such public garage shall have less than 20 feet of clear width at any point. No mechanical power exceeding 10 rated horse-power shall be used on the premises, except for charging batteries or for operating elevators. No automobile repair work, except emergency work, shall be done out of doors. There shall be no openings in the side, roof, or rear walls of such garage within 15 feet of any lot line, except the street lines, except windows or sky-light having metal frames and fixed metal sash, glazed with wire glass.

(b) HEIGHTS:- No building shall be erected to a height in excess of two and a half stories or forty-five feet.

(c) FRONT YARDS:- Except as otherwise specified, no part of any building shall be erected nearer to the center line of each street on which the lot faces than a distance equal to the height of such part above the curb level. Buildings used entirely for residence purposes shall conform to front yard requirements of Sec. 6 (c).

(d) SIDE YARDS:- No side yard is required except that single and two family residences when built in a Business zone shall conform to the requirements of Sec. 6 (e).

(e) REAR YARD:- There shall be a rear yard on every lot except that a ground story only where not used for residence purposes, may cover the whole area of the lot up to a height of 17 feet above the ground level and except that no rear yard shall be required within 50 feet of any street line behind any story and except that where the building runs through the block from street to street, no rear yard shall be required. A rear yard shall be

20 feet deep behind a two story building or rear projection therefrom and, where a building is used for residence purposes, ten feet deep behind a one story building or rear projection therefrom. Where a lot is less than 100 feet deep at the time of passage of this ordinance, one quarter of the diminution in depth of the lot below 100 feet may be subtracted from the prescribed depth of the rear yard, provided that no rear yard, any part of which is more than 60 feet from any street line, shall be less than 10 feet in depth and provided that on a lot of 60 feet or less in depth, no building shall exceed 50 feet in depth. No accessory building shall be used for residence purposes. Buildings used in whole or in part for residence purposes when built in a business zone shall conform to the rear yard requirements of Sec. 6 (d).

Section 8. Industrial Districts

(a) USES:- In any Industrial "A" District as indicated on the Building Zone Map, no building or premises shall be used and no building or part of building shall be erected which is intended or designed to be used, except accessorially and incidentally, for any of the following purposes:

- Abattoir.
- Acetylene gas manufacture.
- Ammonia, chlorine or bleaching powder manufacture.
- Animal black, lamp black or bone black manufacture.
- Asphalt manufacture or refining.
- Celluloid manufacture.
- Coal tar products manufacture, except as an accessory to gas manufacture.
- Creosote treatment or manufacture.
- Distillation of coal, wood, or bones, except in the manufacture of gas.
- Explosives or fireworks manufacture.
- Fat rendering.
- Fertilizer manufacture or potash refining.
- Glue or size manufacture or processes involving recovery from fish or animal offal.
- Gypsum, cement, plaster or plaster of paris manufacture.
- Incineration, reduction of or dumping of offal, garbage or refuse on a commercial basis, except where controlled by the town.
- Linoleum manufacture.
- Petroleum refining.
- Sewage disposal plant, except where controlled by the town.
- Sulphurous, sulphuric, nitric or hydrochloric acid manufacture.
- Tar roofing manufacture.

(b) HEIGHTS:- No building shall be erected to a height in excess of that prescribed by State law. No building to be used for residence purposes shall exceed two and a half stories or forty-five (45) feet in height.

(c) FRONT YARDS:- No part of any building shall be required to set back from any street line, except that buildings used entirely for residence purposes shall conform to front yard requirements in Sec. 6 (c).

(d) SIDE YARDS:- No side yard is required, except that single and two family residences when built in an Industrial zone shall conform to the side yard requirements in Sec. 6 (c).

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(e) REAR YARDS:- No rear yard is required, except that buildings used in whole or in part for residential purposes when built in any Industrial Zone shall conform to rear yard requirements in Sec. 6 (d).

Section 9. Non-Residence Districts

Within any non-residence district, as indicated on the Building Zone Map, no building shall be used and no building or structure shall be erected which is intended or designed to be used in whole or in part for any industry, trade, manufacturing, commercial or residential use.

Section 10. Enforcement

(a) This Ordinance shall be enforced by such officer as is designated by the Zoning Commission.

(b) No person, firm, or corporation shall commence to construct, reconstruct, move, alter or use any building or structure until such person, firm or corporation shall have been granted a permit so to do by the enforcing officer.

(c) The enforcing officer may require of the applicant for permit to build, such information as he may deem necessary to properly perform his duties.

(d) When this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger yards or other spaces than are imposed or required by any existing provisions of By-Laws or by any regulations or permits, or by any restrictions, assessments, covenants, or agreements, the provisions of this Ordinance shall control.

✓ (e) The enforcing officer shall refuse to grant any permit for any building, structure or use which in his opinion or which upon review by the Zoning Commission, shall fail to carry out any one or several of the purposes outlined in Section I.

Section 11. Pending Applications for Building Permits

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

Section 12. Certificate of Occupancy

(a) It shall be unlawful to use or permit the use of any building or premises or part thereof, hereafter created, erected or enlarged, or of any buildings or premises or part thereof hereafter changed or converted into a different use, until a certificate of occupancy shall have been issued to the owner by the enforcing officer. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Ordinance.

(b) A temporary certificate of occupancy for a part of a building may be issued by the enforcing officer.

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Section 13. Board of Appeals

(a) There shall be a Board of Appeals established in accordance with the 1930 Revision of the General Statutes of Connecticut, as amended.

(b) The Board of Appeals may vary the application of the ordinance in specific cases wherein its enforcement would involve practical difficulty or unnecessary hardship and wherein desirable relief may be granted ~~throughout~~ ^{with} substantially derogating from the intent and purpose thereof, but not otherwise.

(c) The Board of Appeals may adopt from time to time such rules of procedure as may be deemed necessary to carry into effect the provisions of section 3 of this ordinance.

Section 14. Validity

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

So much of any section of the Present Ordinances and former votes of the town as is inconsistent herewith is hereby repealed.

Section 15. In Effect

These regulations shall take effect from and after their promulgation.

Section 16. In Amendment

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

Section 17. Violations and Penalties

Whoever violates any provision of this ordinance or is accessory to such violation shall be punished according to Section 430 of the General Statutes as it exists or may be amended.