



## SECTION 56

# Open Space (OS) Subdivisions

### 56.0 [RESERVED]

#### 56.1 GENERAL

The Planning Commission may grant a Special Exception, or may require an application for 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*. 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 archaeological, 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 C., 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.** 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 Land Use Department 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 three (3) years 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 more than a total of two (2) additional years may be granted to the *Commission* for good cause. The said three (3) year filing deadline for submission of the final plans for the *Open Space* Subdivision shall be tolled until the termination of all appeals of any applications for permits from any local state or federal agency having jurisdiction over the activities required for the implementation of the preliminary *Open Space* Subdivision Plan approved by the Planning Commission. Specifically included are appeals of any decision of the Old Saybrook *Inland Wetlands and Watercourses* Commission seeking approval of regulated activities required under the preliminary approval of the *Open Space* Subdivision Plan. In no event, however, shall the deadline for submission of the final plans for the *Open Space* Subdivision be extended, by tolling or otherwise, beyond ten (10) years from the preliminary approval of the application by the Planning Commission under Paragraph 56.4.

### 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 |

<b>Minimum Frontage</b>	20 feet
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<b>Minimum Width along Building Line</b>	75 feet
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### Height

- |    |                                  |               |
|----|----------------------------------|---------------|
| A. | Maximum Number of <i>Stories</i> | 2 1/2 stories |
| B. | Maximum <i>Height</i>            | 35 feet       |

### Setbacks

- |    |                                |         |
|----|--------------------------------|---------|
| A. | From <i>Street Line</i>        | 20 feet |
| B. | From Rear <i>Property Line</i> | 15 feet |
| C. | From Other Property Line       | 15 feet |

### Projection into Setback Area

3 feet

### Minor Accessory Building or Structure

- |    |                                |         |
|----|--------------------------------|---------|
| A. | From <i>Street Line</i>        | 35 feet |
| B. | From Rear <i>Property Line</i> | 10 feet |
| C. | From Other Property Line       | 10 feet |

### Building Bulk and Coverage

- |    |  |     |
|----|--|-----|
| A. | Maximum <i>Building/Storage Coverage</i> | 20% |
| B. | Within <i>Gateway Conservation Zone</i>  | 15% |

### Maximum Gross Floor Area

40%

56.6.4 **Water Supply and Sewage Disposal Plans.** Each *lot* in the AA-1 and AAA Districts will be served by public water supply in accordance with section 51.5.6.A.1. *Lots* in the AA-1 and AAA are not required to be served by a public water supply so long as the *Commission* finds that the *lot* can comply with the Public Health Code without the use of any waivers, and the applicant has demonstrated that it is not feasible or cost effective to extend from an existing public water utility or create a community water system as defined in Connecticut General Statutes section 16-262m. Evidence that it is not feasible or cost effective must include, but is not limited to

1. the cost of extending a water line from the nearest public water utility having the capacity to serve the proposed development, and

2. existing or proposed development in the area that could provide additional users for any public water utility line extension or community water system. 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 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 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, 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.
- F. 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, archaeological or cultural value, and their environs, insofar as needed to safeguard the qualities of the feature, including stone walls, spring houses, barn foundations, cellar holes, earthworks and burial grounds.

10. Protects rural roadsides 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. [Reserved]
- 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.** 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.